



# MOVIES, MARKETS AND MASS SURVEILLANCE: HUMAN RIGHTS IN NORTH KOREA AFTER A DECADE OF CHANGE

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COMPLETE REPORT

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# CONTENTS

Introduction	3
Methodology	3
Section One: Has the situation inside North Korea changed since 2007?	4
Changes in economic modes of survival	4
Changes in information flows	9
Changes in defection patterns	15
Freedom of expression and criticism of the state	17
Changes in human rights in law and practice	20
Section Two: Changes in the international community	28
Limitations and challenges	28
The UN Commission of Inquiry	28
The North Korean Human Rights Act	30
Have the recommendations been met?	31
Section Three: Where do we go from here?	32
Case study: Transitional Justice Working Group	32
Areas of future work and focus	33
Conclusion	34



# INTRODUCTION

In 2007 Christian Solidarity Worldwide (CSW) published a groundbreaking report setting out the case for urgent action to address serious, widespread and ongoing human rights violations in the Democratic People's Republic of Korea (DPRK, commonly known as North Korea). Entitled *North Korea: A Case to Answer, A Call to Act*, the report argued that these violations amounted to crimes under international law, entailing not only state responsibility and individual criminal liability, but also obligations for international actors. The report called on the United Nations to establish a commission of inquiry (COI) to 'investigate the nature and scale of serious violations of international human rights and international crimes committed in North Korea, and to propose steps to halt ongoing violations.'<sup>1</sup>

Six years later, a COI was established and went on to produce in 2014 what is generally considered to be the most comprehensive report into human rights violations in North Korea. The COI report concluded that the 'gravity, scale and nature' of the violations of human rights in North Korea 'reveal a State that does not have any parallel in the contemporary world.' The 400-page report detailed crimes against humanity including 'extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.'<sup>2</sup> The report made a number of key recommendations, many of which overlapped with those put forward by CSW and other human rights organisations. Following the report, the UN Human Rights Council passed a strong resolution on the human rights situation in North Korea which included a request for the UN Security Council to take action on North Korea's human rights situation. In November 2014 the UN General Assembly's human rights committee also approved a resolution that acknowledged the COI findings, and in December that year the Security Council formally added the human rights situation in the DPRK to its agenda.

Ten years on from CSW's 2007 call for a COI, this report looks at what has changed in the last decade, both inside and outside the country. This report is not designed to replace *A Case to Answer, A Call to Act*, which remains a comprehensive and relevant source of information about human rights violations in North Korea. Nor does this report aim to describe in detail the nature of the violations still taking place, which have been well-documented in the COI report, previous CSW briefings, and reports by other human rights organisations. Instead, the present report provides an update to the 2007 publication, and aims to answer the following questions:

- Has the situation inside North Korea changed since 2007?
- Has the attitude and approach of the international community changed since 2007?
- Where do we go from here?

The last question is perhaps the most fundamental and the most challenging. It is hoped that this report will generate further discussion, exchange of information, and innovative thinking by relevant stakeholders on how to address human rights violations in North Korea, post-COI.

## METHODOLOGY

This report is based on information directly provided to CSW by over 100 respondents, including North Koreans now living in South Korea or Europe; the UN office in Seoul, South Korea; organisations run by North Korean escapees; South Korean officials and experts; academics; international journalists; and South Korean international human rights organisations and faith-based organisations. Many of the professional respondents have more than ten years' experience documenting and advocating for human rights in North Korea. In addition, over 91% of survey respondents left North Korea after 2007, and just under two-thirds had left within the last three years.

CSW conducted nine in-depth interviews with escapees who left between 2012 and 2017, the majority of whom have regular contact with family members still in the country. The sample size is a limitation; however, when comparing quantitative data from the surveys with the qualitative data from the in-depth interviews and experts, and examining this data alongside reports, books and media articles, overall trends emerge. From these trends we can draw conclusions about the changes that have taken place over the past decade.

CSW is greatly indebted to all of the people interviewed for this report, and to the South Korean activist who facilitated many of these meetings. We are also especially grateful to the faculty and students at Handong International Law

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1 Christian Solidarity Worldwide (2007), *North Korea: A Case to Answer, A Call to Act* [www.csw.org.uk/2007/06/20/report/35/article.htm](http://www.csw.org.uk/2007/06/20/report/35/article.htm)

2 United Nations Office of the High Commissioner for Human Rights, Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea, p.14 paragraph 76 [www.ohchr.org/Documents/HRBodies/HRCouncil/ColDPRK/Report/A.HRC.25.63.doc](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColDPRK/Report/A.HRC.25.63.doc)

School (HILS), whose excellent research made an invaluable contribution to this report. Research papers from HILS students are included alongside this report.

## TERMS USED IN THIS REPORT

**Survey respondent:** An individual originally from North Korea who completed the survey circulated by CSW in 2017. This survey largely consisted of multiple-choice questions, but for some questions respondents were asked to provide further information.

**In-depth interviewee:** An individual originally from North Korea who was interviewed in person by CSW in 2017. Interview questions mirrored the questions asked in the survey, but mainly used open-ended questions rather than multiple-choice. In this report their names have been changed for security reasons. Quotes are provided in order of relevance to the topic being discussed, not order of interview date.

**Expert interviewee:** An individual who was interviewed in person by CSW in 2016-2017. These included academics, UN officials, NGO staff, journalists, authors, researchers, and individuals working with faith-based organisations; and came from a range of countries including North Korea, South Korea, European countries and the US. Where CSW has obtained permission from the interviewee, quotes are attributed. Unless otherwise stated, quotes from organisations and experts come from private interviews with CSW 2016-2017.

This report uses the translations and romanisation patterns used in the Korean-English Glossary of North Korean Human Rights Terms by the National Human Rights Commission of Korea.<sup>3</sup>

## SECTION 1: HAS THE SITUATION INSIDE NORTH KOREA CHANGED SINCE 2007?

This section looks at five key areas of change inside North Korea, which have both direct and indirect implications for the human rights situation. The findings combine information from escapees and from experts as well as from media reports and publications; and challenge the perception that North Korea is somehow socially and economically static. In fact, the significant and complex changes occurring in the country have been well documented. This section brings together these reports, together with CSW's own research, to consider specifically if and how these changes have impacted the human rights situation in North Korea.

### CHANGES IN ECONOMIC MODES OF SURVIVAL

One of the most striking changes in the life of many North Koreans has been the shift from dependence on the state-run public distribution system, to widespread reliance on private trading in semi-tolerated grey markets.<sup>4</sup> These economic changes predate CSW's 2007 report: most experts point to the end of the Cold War and the disastrous famine of the 1990s as the beginning of significant and far-reaching economic changes. These changes were driven not by the state, but by ordinary people who realised that to depend on the government for food and other basic necessities meant starvation. As James Pearson and Daniel Tudor state in their 2015 book *North Korea Confidential*: 'The government had failed the people, and crucially, everyone had to fend for themselves.'<sup>5</sup> Illegal market trading, including smuggling across the border with China, has become a lifeline for many and a source of relative prosperity for some; for others, however, the economic situation remains dire. As this section discusses, the most significant economic change may be the increasingly visible gap between rich and poor.

Respondents who participated in the in-depth interviews were asked what they would describe as the major changes between 2007 and 2017. The majority of answers related to economic changes, and the most common answer was the currency reform. In 2009 the government redenominated the North Korean won (KPW), reducing the face value by a factor of 100.

Interviewee A, 50, North Hamgyong Province, went on to describe the impact of the currency reform on people's attitude towards the state: "Through this people learned a lesson: that they should not follow the government. There was less trust in the government from then on. It was a sign of the collapse of the government. People's action changed as a result. They received no salary from their jobs so they disregarded the government. On sunny days,

3 Human Rights Education Center [www.humanrights.go.kr/common/download.jsp?fn=2017020318.pdf](http://www.humanrights.go.kr/common/download.jsp?fn=2017020318.pdf)

4 For more on this topic, see James Pearson and Daniel Tudor (2015), *North Korea Confidential*, and Sokeel Park of LINK, *Social Change in North Korea: Current trends and future perspectives*, both excellent resources on economic changes and their wider implications.

5 Pearson and Tudor, 2015:19



everyone went out to collect herbs to sell. In winter people collected other herbs and mushrooms. They took care of their own survival.”

Interviewee C, 41, North Hamgyong Province, agreed: “Currency reform was the biggest change: it caused a lot of chaos. People consider this to be the second stage of hardship. It was survival of the fittest. The price of goods jumped 10 or 20 times higher. There were many people who could not survive. During the 1990s, in the great famine, everyone was dependent on food rations and people didn’t know how to survive. Now, the people who learned to cope without the government were the ones who are able to survive.”

The change from state dependency to ‘survival of the fittest’ and ‘taking care of oneself’ has no doubt had an impact on the psychological as well as the practical relationship between the state and its citizens. Risk-taking and rule-breaking have been rewarded in a way which has significantly undermined the soft power of the regime inside the country, and at the same time has created a society where “money is king”, as one interviewee put it. Interviewee G, 53, RyanggangProvince, believes that “70% of people are involved with the jangmadang [markets]; 30% are privileged. Without the jangmadang, an ordinary person cannot survive [a] single day.” For the vast majority of people, the grey market is far more vivid, real and important than the official economic situation.

Experts interviewed by CSW also emphasised the importance of personal wealth alongside the social classification system, or songbun, consisting of three main categories and more than 40 sub-categories.

*Songbun is not everything but a good songbun means you can make money, so money and songbun are connected.*  
- PSCORE

*Songbun is still important for trade. You need good connections, especially with the bowiwon [intelligence or state security officer]. They are very proud, and usually despise people with bad songbun.* - NKDB

According to the Database Center for North Korea Human rights (NKDB), it is now also possible to sell one’s labour at unofficial labour markets, often in front of train stations: ‘For example, if you wanted to renovate your house, this is where you would go to hire people to do that. This can be interpreted as a sign of development: if you can sell your labour, you have a certain degree of liberty. Through these actions, people establish private connections.’

Nevertheless, we should be careful not to jump to the conclusion that the markets are a straightforward threat to the survival of the regime. Sokeel Park<sup>6</sup> and Pearson and Tudor point out that government officials, even at the highest levels, are often engaged in private trade projects and also benefit from lower level entrepreneurship through bribes and kickbacks.<sup>7</sup>

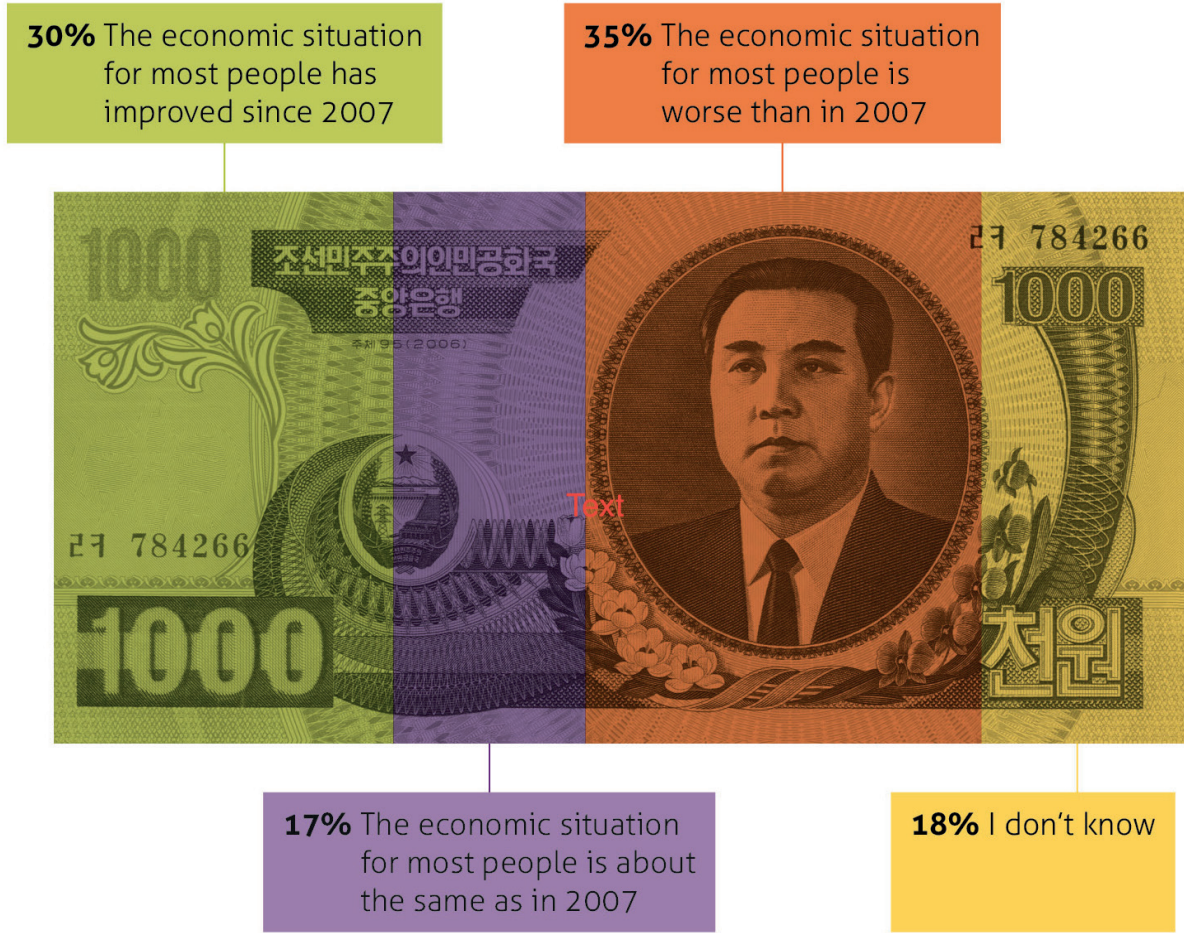
When asked whether the economic situation had improved, in-depth interviewees were divided. Some emphatically stated that the situation was worse, while others thought it had improved, citing the role of the markets and the increase in mobile phone use. However, respondents also reported that the gap between rich and poor had increased dramatically, particularly following the currency reform. Even those who felt the situation had improved acknowledged that the treatment and overall situation of poor people was very different from that of rich people, not only in terms of their economic wellbeing but also in application of the law and access to education:

*For students, North Korean education is supposed to be free and mandatory. But since we [teachers] don’t receive a salary from the government, we rely on contributions from parents. This means that many children drop out of school because their parents don’t have money to pay the contributions. This has increased massively over the past ten years.*  
- Interviewee G, 53, RyanggangProvince

6 LINK, Park report page 3

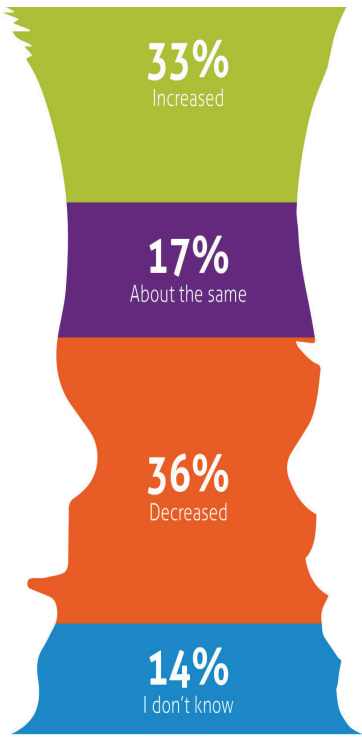
7 Pearson and Tudor, 2015:37

How do you think the economic situation has changed in North Korea 2007-2017? The 'economic situation' refers to whether people have a consistent and adequate income to cover their basic needs.



Just under one third of respondents thought the economic situation had improved, while just over one third thought it was worse now than in 2007.

How has the number of *kkotjebi* (children living on the streets without a parent or guardian) changed over the past ten years?

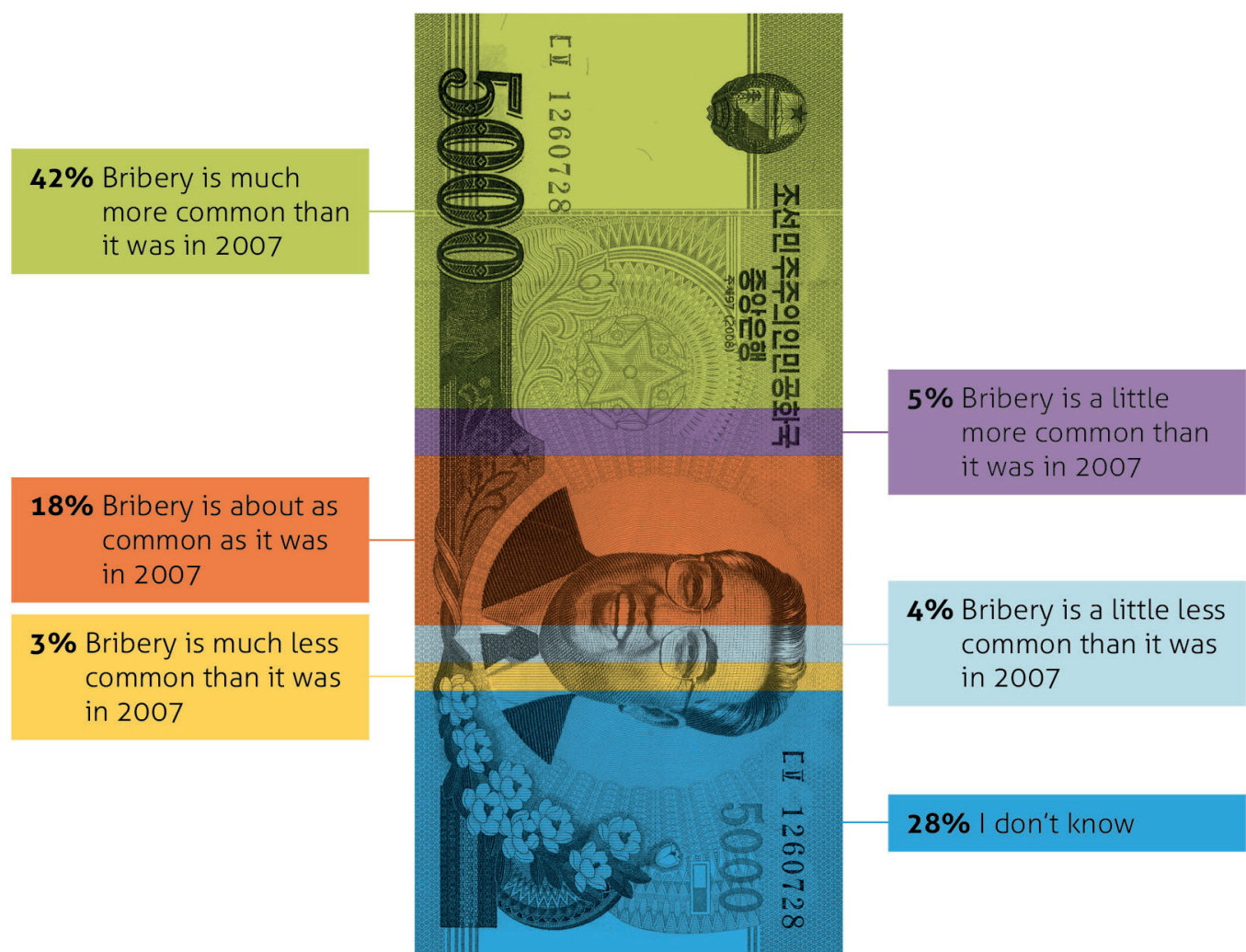


When asked about the number of *kkotjebi* (homeless children), the answers reflected the previous question: one third thought the number had increased while just over one third thought the number had decreased. There may be a number of reasons for this difference in perspective, such as age and location of the respondent. We can hypothesise that older respondents who remember the famine of the 1990s will have a different perspective from those too young to remember this period; in addition, there will likely be some differences across regions and even within provinces.

It has not been possible to identify key determining factors in this research. However, the surveys and interviewees did reveal two overarching trends:

- 1. **Widening gap between the rich and the poor.** This goes some way to explaining why respondents were evenly divided between those who thought the economic situation had improved and those who thought it was worse: the reality is that for some it has improved (sometimes considerably) while for others life is much worse than ten years ago.
- 2. **Significant increase in corruption.**

How has corruption (especially bribery) changed over the past ten years?



Almost half the respondents thought that bribery had increased, and the most common view was that bribery is much more common now than it was in 2007 (only 7% thought it had decreased).



Interviewees agreed and expanded on this issue:

*Corruption has become worse. Law enforcement officers also need to survive. Before they could rely on the rations system, but now they cannot, so they have to find ways to survive. For example, they find rich people...rich people are bound to be involved in crime.*

Interviewee C, 41, North Hamgyong Province

*Things are getting much worse than in 2007. For example, in the past a bribe might be one packet of cigarettes. That would be enough. But now we have to give them ten packets of cigarettes, or a whole carton! And they prefer cash these days.*

Interviewee A, 50, North Hamgyong Province

Some observers have hypothesised that corruption is undermining the regime: it is certainly true that it is undermining law enforcement, since all but the most serious charges can disappear with the right bribe to the right person, as explained by Interviewee A:

*You can bribe your way out of prison but you need to know the right person to bribe. If you bribe the wrong person, you will still be in trouble and you will have lost all your money!*

## IMPACT ON HUMAN RIGHTS

The impact of corruption on human rights is complex, however. On the one hand, bribes can be used to avoid a prison sentence and other penalties which in some instances constitute or entail human rights abuses, including arbitrary detention, torture and forced labour. Bribery is vital to smuggling operations that bring foreign films and dramas into North Korea. Although watching foreign media is illegal, people who are caught are sometimes able to bribe their way out of a sentence. Brokers who facilitate phone calls between North Koreans and their family outside the country also use bribes to avoid penalties for possessing and using an unregistered Chinese mobile phone. In this way, corruption is facilitating access to information inside the country.

At the same time, however, bribery is creating a society of extremes where the exercise of human rights, and access to education and medical care, is dependent on one's wealth and social position. While this is true to some extent in other societies, North Korea presents one of the most extreme cases. The examples below show the impact of bribery on access to education, freedom of movement, military conscription, and arbitrary detention and punishment.

*In school, teachers take bribes. Everyone does – it is very common in society. The very poorest cannot pay bribes so their children are completely disregarded.*

Interviewee C, 41, North Hamgyong Province

*Bribery is getting worse. As life gets harder, corruption gets worse. An example is the harassment people receive when travelling short distances. Before, you could travel a short distance with just your citizens' card. This was enough. Now, they make travel very difficult, and you need money. You need a travel pass, and if it is too old or for a slightly different destination, you have to pay a bribe to get through.*

Interviewee F, 85, Ryanggang Province

*My elder brother went to the army but he defected because he was so hungry. Guys from poor families, living in poverty, are badly beaten if they are caught defecting. But it is different if you have rich parents who can pay bribes for you.*

Interviewee H, 27, Ryanggang Province

*Now the police officers' main goal of interrogations is to extract some benefit for themselves. This means the process is very different for rich people and for poor people. Two guys can be accused of exactly the same crime, but if one is rich, he will be released, and if the other is poor, he will be punished.*

Interviewee A, 50, North Hamgyong Province

Perhaps the situation is best summed up by 27-year-old Interviewee H, when asked if he had heard of human rights when he was in North Korea:

*Yes, but human rights are only for the privileged, not ordinary people.*

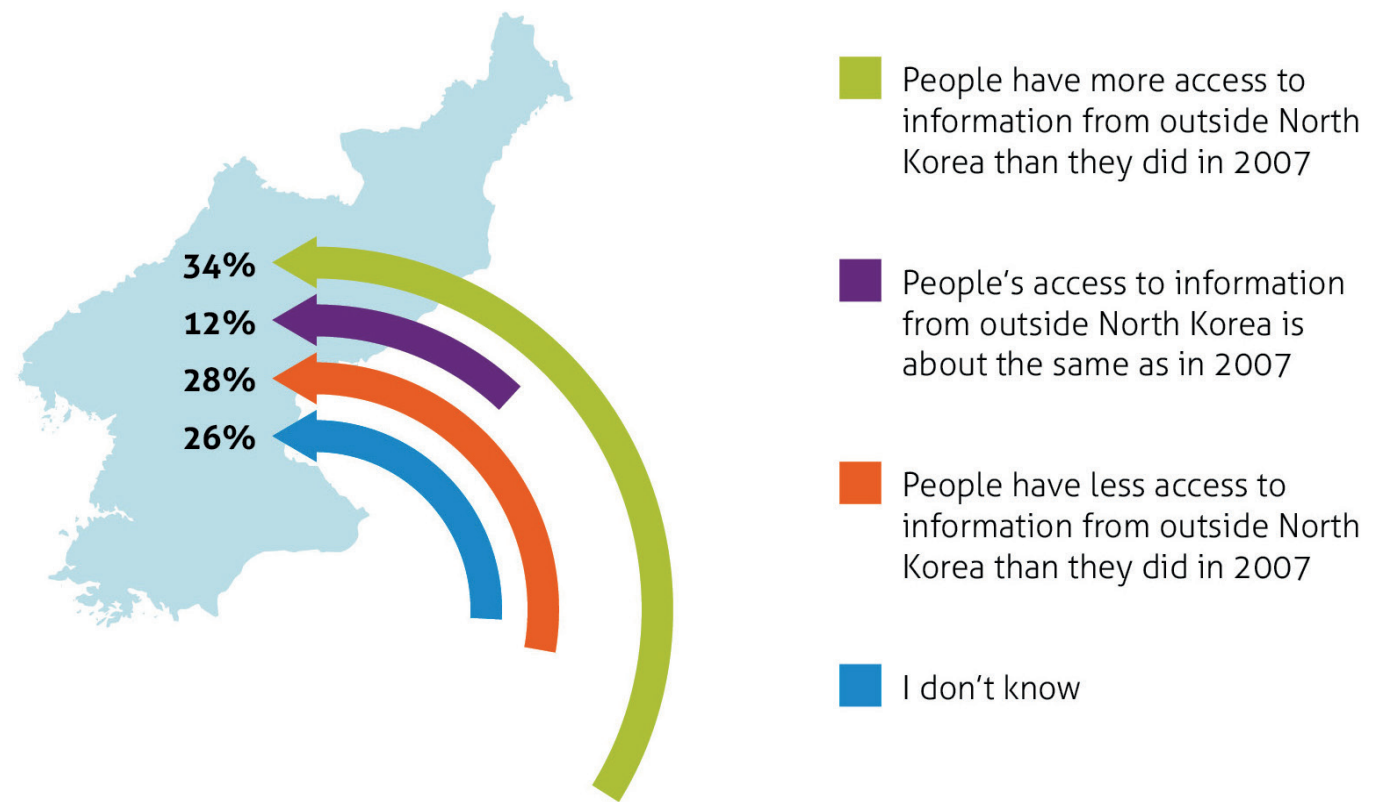
Finally, it should be noted that even where economic changes have improved the situation for ordinary people, these developments have not resulted from a change in policy or action by the government. On the contrary, despite the regime’s stated aim of pursuing the development of nuclear weapons in parallel with economic prosperity (the byungjin line), the government continues to prioritise military spending over the needs of its people. Where the government has tolerated private trading and made some limited policy changes which have contributed to economic growth, these appear to have been in response to changes which had already occurred. In other words, this is change from the bottom up, pushed forward by necessity and the agency of ordinary North Koreans.

It is important to stress once again that while these changes have brought about an improvement in living conditions for some people, the economic situation is still extremely fragile, and poverty, malnutrition and related diseases continue to be major problems, particularly during periods of flooding and bad weather. Any positive changes described above should be seen in this context.

CHANGES IN INFORMATION FLOWS

In human rights and international media reporting, much emphasis has been placed on the closed nature of the regime and the absolute prohibition on the flow of uncontrolled foreign information into the 'Hermit Kingdom'. While it remains true that the government places strict control on access to information from outside, more and more people at all levels of society are nevertheless being exposed to such information. More than this, North Koreans are actively choosing to access foreign media at increasing personal risk.

How do you think access to information from outside North Korea has changed?



Survey respondents were divided in their view of how access to information from outside North Korea had changed since 2007, with just 6% difference between those who thought it has increased (34%) and those who thought it had decreased (28%). Part of the reason for this may be the difference in conditions and access to information between different regions of the country: in general, those from the provinces bordering China have much greater access to

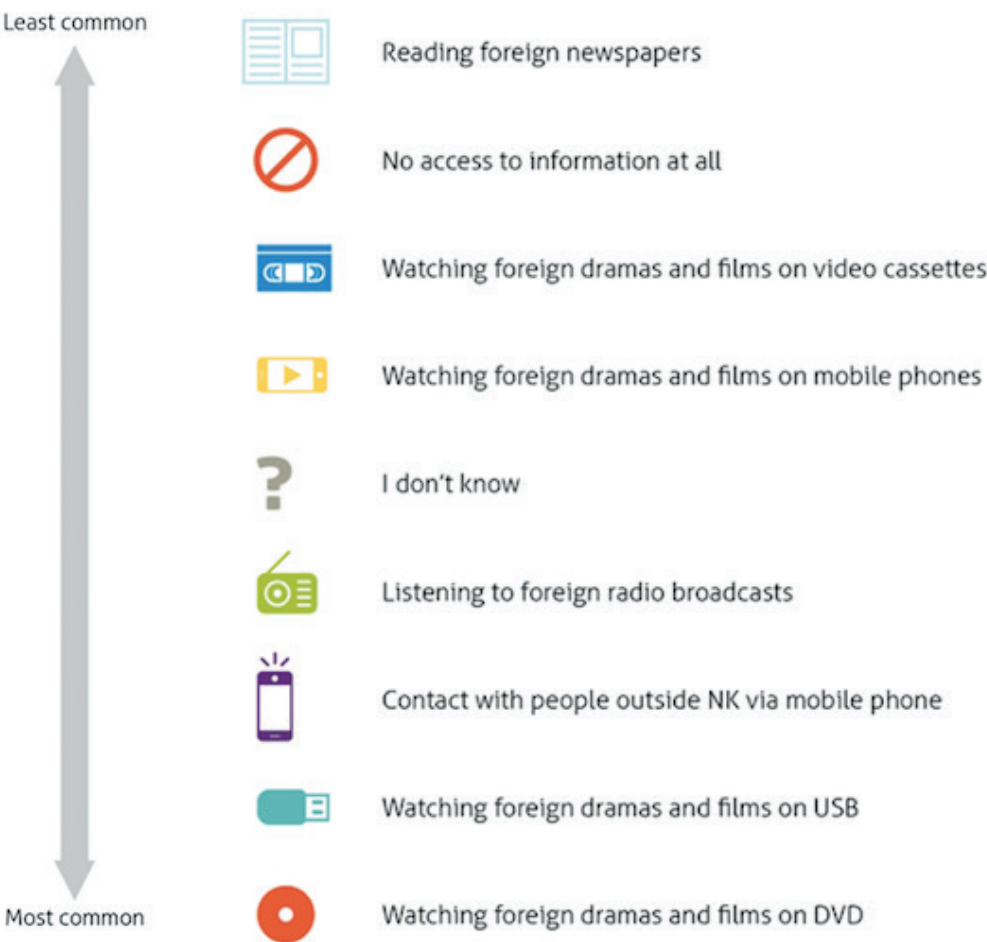
foreign media than those in other parts of the country, with the exception of the Pyongyang elite. Unfortunately, the number of survey respondents from southern provinces was too small to be able to draw firm conclusions on this subject.

Another possible factor is age. North Korean escapees who were young children in 2007 may not be able to accurately compare access to information at that time with access to information now. It is telling that for the youngest participants in the in-depth interviews, the practice of watching foreign media was so common that for them it was normal to watch with close friends and even share media with their peers via USB if they felt it was funny or interesting.

As Interviewee H explained:

*We are not like the older generation. We watch dramas and movies on USB. The older generation are very cautious about watching, but we watch with our friends.*

**If people do have access to information from outside North Korea, what form does this take?**



Survey respondents were also asked how people access foreign information; respondents were asked to select as many forms as apply. 'Reading foreign news on the internet' was also offered as an option; however, it has not been included on the infographic above as no respondents selected this option. The most common forms of information from outside North Korea were considered to be foreign dramas and films on USB and foreign dramas and films on DVD. As discussed below, USB has some important safety related advantages over DVD because it can be used in a media device (see paragraph below on the 'netel'). Contact with people outside North Korea, via mobile phone, accounted for slightly more than listening to foreign radio broadcasts.

Only a small percentage felt there was no access at all to information from outside, demonstrating the widespread availability of foreign information in some form or other, despite strict government controls. This is consistent with reports from think tanks, NGOs and other groups monitoring access to information in North Korea. Despite the divided view among survey respondents concerning the change in access to information, outside experts note a rapid increase in the speed at which information is entering the country and in its quantity and variety.



To give an example, North Koreans who left the country several years ago report that when they were in North Korea, they watched South Korean dramas and films several years after their release in South Korea. Now, according to a researcher at LINK, North Koreans can watch these dramas just days after they are aired in the South. Some sources say that even music, drama and sports shows produced inside North Korea (by state-run media) appear to have been influenced by South Korean shows, and report that some young North Koreans try to emulate the 'sophisticated' Seoul accent. As mobile phone ownership increases, people are also using their phones to watch foreign media smuggled into the country; although, given the tight controls over North Korean-registered phones, it may be assumed this activity is limited to those with Chinese devices.

### Korean dramas and films popular in North Korea



*Winter Sonata*, 2002, credited with launching the Korean Wave (*Hallyu*) in Asia, was reportedly popular in North Korea as well; *Descendants of the Sun*, 2016, is a more recent favourite.



According to the highest ranking North Korean living in South Korea, Thae Yong Ho, historical programmes like *Jeong Do Jeon* are popular with educated and older North Koreans.<sup>8</sup>

Experts generally agreed that this has occurred despite the increase under Kim Jong Un of the state's attempt to control the flow of information into the country:

*The flow of information has also changed things; there is more control over this under Kim Jong Un, especially of information about the outside world.*

PSCORE

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8 Noon in Korea, 'South Korea's "soft power" flexes its muscle', 2016 <http://nooninkorea.com/2016/12/tae2/>

In-depth interviewees agreed:

*There has been a big crackdown on information from outside. Before it was common to watch dramas and movies on CD, but now people use USB.*

Interviewee C, 41, North Hamgyong Province

*There has been a crackdown on people watching foreign dramas and movies. The inspection teams don't even knock on the door, they just jump over the gate and barge right in. Sometimes you can bribe your way out of it.*

Interviewee A, 50, North Hamgyong Province

Even as state control has tightened, enterprising traders have found innovative ways to circumvent restrictions. Internet access is restricted to a tiny group of high-ranking elites, and all devices produced inside North Korea or officially imported into the country have fixed operating systems that control what the user can play. However, in 2015 Reuters reported the widespread use of a USD50 portable media player called a 'notel', which can be used to watch media stored on DVDs or USBs.<sup>9</sup> The Reuters report said that notels became legal in North Korea as of 2014, but must be registered with the authorities. North Koreans can buy legally imported notels from official shops or black market notels smuggled into the country: both types are made in China.

According to the article, and information from experts, the notel has several important features which make it especially useful: it is small and therefore easy to hide and transport; it is low voltage, and can be charged with a car battery; and thirdly, and perhaps most importantly, it includes a USB slot as well as a DVD player. This is important because during inspections the authorities cut the local power supply, which traps the DVD inside the device but does not prevent a USB stick from being removed. In the event of an inspection, users can quickly extract the USB containing foreign media, and claim they were watching a state-produced DVD.

**How have North Korean people's attitudes towards the rest of the world changed since 2007?**



<sup>9</sup> Reuters, 'The \$50 device that symbolizes a shift in North Korea', 27 March 2015 <http://uk.reuters.com/article/us-northkorea-change-insight-idUKKBNOMM2UZ20150327>

Survey respondents were more than twice as likely to believe that North Koreans' view of South Korea and the US has become more favourable (44%), as opposed to less (19%). When asked why this was, respondents answered that it was because "North Korean people hear about stories of South Korea and the US through North Korean defectors' families", or through foreign media.

The in-depth interviewees were in no doubt about the impact of foreign information on people's views and opinions, particularly their view of South Korea:

*Having information about the outside world has changed people's views inside North Korea. For example, before if a person had relatives in South Korea, it would be very bad for them and cause a lot of trouble. But now police officers even ask them why they don't leave and go and live in South Korea, because even the police know that China and South Korea are richer than North Korea.*

Interviewee A, 50, North Hamgyong Province

*There is greater awareness now. Many people watch South Korean dramas. North Korean propaganda shows a negative picture of South Korea but many people know the truth. They get information from their family members in South Korea and China, so the level of awareness is going up.*

Interviewee D, 25, North Hamgyong Province

For some, particularly younger North Koreans, sharing foreign media or watching together is a bonding exercise which demonstrates and increases trust between friends:

*People often exchange USBs with friends. Of course you have to nunchi bwa [be aware, be smart about it], and only talk to people you trust. In North Korea, almost everyone watches South Korean dramas, even the police officers! But you can only talk about it with close friends. You can watch Korean or American or British movies too. Usually we watch using USB.*

Interviewee D, 25, North Hamgyong Province

Among escapees, foreign media prompted curiosity about the outside world and a desire for a different or better life, which eventually contributed to their decision to leave:

*We were young guys, full of curiosity about the outside world. We watched TV dramas and shows; even the poor people watched. So we really wanted to go out and explore. One thing we all wanted was to go on a plane.*

Interviewee H, 27, Ryanggang Province

Many interviewees also drew a connection between accessing foreign media and negative feelings towards the system and the authorities:

*[The number of people watching foreign media] has had a big impact. It is bound to raise complaints. For example, US movies show people standing up to the government. South Korean shows are romantic. We know it is fictional but we see the freedom that they are enjoying. So it has a serious impact. We are the most pitiful country in the world with no freedom at all...When we watched dramas with friends, at first we envied the people in South Korea, and then we wished we could go outside. Then we might complain: why were we born here? It is a social complaint.*

Interviewee H, 27, Ryanggang Province

*I think more and more people think the future in North Korea is hopeless. Because there is more information about the outside world, and people often believe that Kim Jong Il received assistance from other countries, but Kim Jong Un does not. He does not have good connections, so people feel hopeless.*

Interviewee C, 41, North Hamgyong Province

Interviewees said that people also learned about the outside world from North Koreans who had worked overseas and returned to the country, as well as North Koreans now permanently settled in South Korea. This last group is increasingly important, because it most often involves family members with a high level of trust between them. Whereas North Koreans accessing foreign media may suspect (sometimes correctly) that the portrayal of life in other



countries is exaggerated or inaccurate, they are more likely to believe information from relatives actually living there.

Unsurprisingly, South Korea-based North Koreans are very careful about their communication with relatives still inside the country, which usually takes the form of a brief phone call using a Chinese phone, often belonging to a financial broker or trader. However, over time, North Koreans build up an understanding:

*Contact between relatives in South Korea and North Korea has a very big impact: if people hear from relatives in South Korea, they share the information with close family members. Word spreads...*

Interviewee E, 42, North Hamgyong Province

*There is more information about South Korea available. We know about South Korea and we want freedom and a better life. We are motivated by freedom. For me, I often speak to my family in North Korea. We never call each other by name in case the line is tapped. But I say things like, 'It is like Heaven here, don't worry about me'. In this way, information about South Korea is getting in.*

Interviewee H, 27, Ryanggang Province

Experts and organisations monitoring these developments agree that access to foreign media is having an impact on North Koreans' understanding of the outside world, and, consequently, their view of their own country. An Intermedia report by Nat Kretchun and Jane Kim based on extensive research found a strong relationship between exposure to foreign media and positive perceptions of the world, perceptions which may call into question the regime's propaganda.<sup>10</sup>

The effect is not immediate, however. Author Jieun Baek describes the effect of foreign media as a mental tug of war for North Koreans. One North Korean she cites believes it takes six months of exposure to foreign media and critical thinking to come to the realisation that the regime is "based on lies".<sup>11</sup> Nevertheless, Ms Baek believes the flow of information into North Korea is crucial: 'knowledge about the outside world is undoubtedly a necessary component that North Koreans need if they want to create change for themselves in the future'. Ms Baek goes on to describe the process of measuring new knowledge from outside against actual experience, and eventually coming to distrust the regime. She concludes, 'Only after one distrusts the government can one take action against it.'<sup>12</sup>

Experts also believed that contact between North Koreans in South Korea and their family members had a significant impact on their view of South Korea. Nam Bada of PSCORE added that relatives in the South often send back money, with the result that North Koreans see South Korea as a rich country.

On the other hand, one expert suggested that South Korea-based escapees sometimes tell their North-based relatives that life in South Korea is far from perfect. It is widely reported that North Koreans in South Korea face many problems, including discrimination and unemployment, sometimes leading to depression and even suicide. As such, North Koreans who hear about these problems may be less likely to try to escape, according to the expert.

However, overall interviewees and experts felt that information about South Korea was a push factor in escapees' decision to leave.

The freedom to seek, receive and impart information and ideas is a human right guaranteed under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Access to information has increased in North Korea over the past ten years; and although much of this information has taken the form of entertainment rather than factual reports, it has nevertheless had a dramatic impact on North Koreans' view of the world, and has prompted some degree of critical analysis of the state's propaganda and the reality of life inside and outside the country.

This increase in access to information has come about in spite of increased restrictions: in other words, any improvement is due to people's own agency and external actors and circumstances, rather than the will of the state. On the contrary, the government is more determined than ever to prevent foreign information reaching ordinary North Koreans, and likewise, to prevent information about human rights conditions inside the country from getting out.

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<sup>10</sup> Intermedia (2012), *A Quiet Opening: North Koreans in a Changing Media Environment*, p.2 [www.intermedia.org/wp-content/uploads/2013/05/A\\_Quiet\\_Opening\\_FINAL\\_InterMedia.pdf](http://www.intermedia.org/wp-content/uploads/2013/05/A_Quiet_Opening_FINAL_InterMedia.pdf)

<sup>11</sup> Yale University Press (2016), Jieun Baek, *North Korea's Hidden Revolution: How the Information Underground is Transforming a Closed Society* pp.79-80

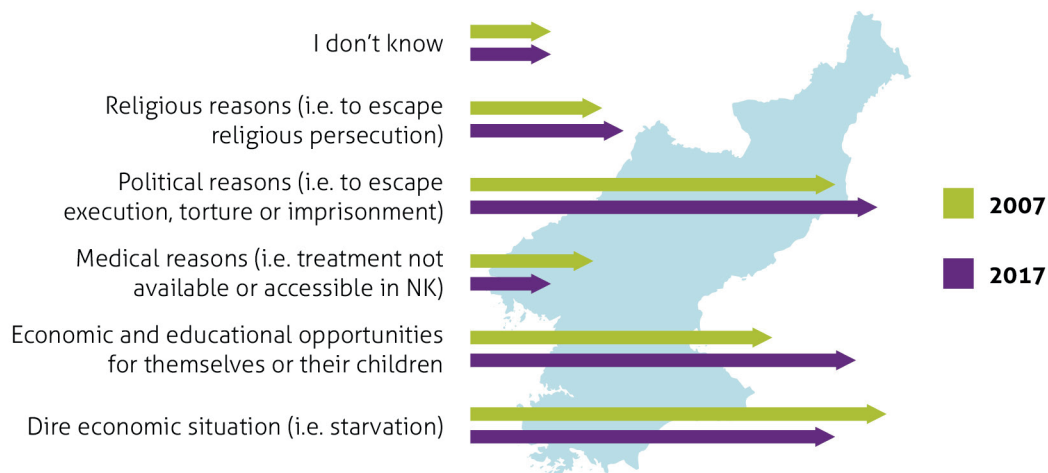
<sup>12</sup> *ibid.*, p.219

## CHANGES IN DEFECTION PATTERNS

Closely related to the subject of information flows is the issue of how and why people leave the country. The act of leaving North Korea is often referred to as 'defection' and people who have left the country are known as 'defectors'. This report prefers the term 'escapees', since 'defector' presupposes a political motivation for leaving. This is by no means the case for everyone who chooses to leave, as the findings below demonstrate. In addition, there are also cases of 'accidental defection', where individuals have left the country planning to return after a short period, but have found they are unable to do so.

Research suggests that there have been changes over the past ten years in the reasons for leaving North Korea, which are closely related to changes in the demographic of escapees. Though people's motives for leaving are often complex and very personal, information provided by survey respondents and interviewees provides some insights into what drives people to take the life-changing decision, and immense risk, of attempting to leave North Korea.

What were most people's reasons for leaving North Korea in 2007, compared to now?



The survey answers reveal changes in the motivation for leaving which are consistent with answers provided by interviewees and experts. Survey respondents believe that in 2007 the top three reasons for leaving were starvation, political reasons, and economic and educational opportunities for themselves or their children. In 2017 the same three reasons made up the three most common answers, but the order was different. Respondents reported that fewer people were leaving because of dire economic hardship; the biggest increase was seen in the number of people leaving to pursue economic and educational opportunities; and there was also an increase in the number of people leaving because of political reasons, such as to escape execution, torture or imprisonment.

These results are consistent with the answers provided in the in-depth interviews. For example, Interviewee G, 53, Ryanggang Province, says:

*In the beginning, people defected because they were starving. They went to China to find food. But it is different now. For example, I was doing OK in North Korea, I could live. But more and more people want freedom, opportunities, and hope... For me, only last year I concluded that there was no hope in North Korea and decided to leave.*

Interviewees emphasised that although the number of people leaving for South Korea has decreased, the number of people with the desire to go has not changed, despite improvements in the economic situation for some:

*[In terms of the impact of economic growth on defection patterns] this makes no difference because even if someone is not in a desperate situation financially, if they have family in South Korea they will still want to come.*

Interviewee A, 50, North Hamgyong Province

Interviewees attributed the decrease in the number of people leaving to harsher border control under Kim Jong Un:

*The number of people going to South Korea has decreased, because of increased border security. In the past, there was a high number of defections and a lot of people were reported, too. I heard the situation of defection is so grave that Pyongyang set up a special agency to strengthen the security situation to reduce defections.*

Interviewee E, 42, North Hamgyong Province

Tightened border security has pushed up the price of illegally exiting the country. Experts and interviewees estimated the cost as being up to USD15,000 per person, an increase from around USD2,000 five years ago. One interviewee (D) claimed that the only people who could afford this were those with family in South Korea.

A research paper by Ji Hae Oh and Soo Hyang Kim of Handong University supports these findings. The paper finds that the number of people leaving has decreased primarily due to increased surveillance and security, and a corresponding increase in the severity of punishment for defection. As the results above suggest, Oh and Kim also find that the motivation for leaving has changed, with more people motivated by perceived opportunities rather than survival: 'The motivation for defection is changing from a desire just to live, to a desire of "true life" and "freedom."'.<sup>13</sup>

Experts interviewed by CSW agreed:

*People who come out of North Korea now are doing so not only because of food shortages (although people still do) but because of the challenge of surviving in a rapidly changing economic environment.*

HHK\_Catacombs

*Up to 2000, the main reason for defecting was because of hunger. 70-80% of defectors left for this reason. From 2000, it was because of dramas and movies from South Korea. They had a fantasy of living well in South Korea. They were worried about their future in North Korea, about their children. Even high ranking officers worry about that.*

Myeong Chul Ahn, NK Watch

In connection with this trend there has been a change in demographics, with an increase in the number of families leaving together, particularly those with money.

*There has been an increase in the number of families crossing over, including couples with children. They cross because they have no hope in North Korea and want a better future for their children. They have enough information now to judge between North Korea and the outside world.*

NKDB

In short, whereas before many escapees were single and starving, families with funds are now leaving too. Those reaching South Korea are still mostly young (20-39 years old) and female, a trend which has continued since the mid-2000s, with females consistently making up 70% of escapees annually,<sup>14</sup> but it appears that the type of North Korean escaping to South Korea is becoming more diverse, to include families, overseas workers, and 'elite defectors'.

Kim and Oh note that the number of overseas workers (North Koreans posted in other countries for work operations) choosing to escape to South Korea has also increased, which could distort the overall picture of the number of people leaving: the authors cite Yoon Yeo Sang of the North Korea Human Rights Information Center, who points out that 'the number of escapes from North Korea has not increased. The number of defectors has increased because workers who have already dispatched abroad have escaped from their workplace and have entered Korea.'<sup>15</sup> The authors are pointing out that the number of people illegally crossing the North Korea-China border has not changed; the apparent increase in the number of North Koreans leaving the country is due to overseas workers, who are already outside the country, escaping from their work units.

The authors also note that under Kim Jong Un, the number of escapees who are high level officials, so-called 'elite defectors', has risen from 32 between 1991 and 2010, to 46 in the space of just two years, 2013-2015. They describe these defection patterns as 'family-based, asset-based, and future-oriented'. The escapees' concern is for their children's future, and they have private funds to support their defection.

Kim and Oh support the survey findings on the increase in border security. In their paper they describe the installation of electrified borders and devices to detect mobile phone use. Under Kim Jong Un, the penalty for border crossing has become more severe: until 2012 or 2013, a first-time border crosser who was repatriated would typically receive a sentence of no more than six months in a labour training camp. Now, all repatriated North Koreans, including first time

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<sup>13</sup> Oh, Ji Jae and Kim, Soo Hyang (2017), *Changes in Defection Patterns Due to the Policies of the Kim, Jung Eun Regime*, ed. Anna Dorothea Colby, p.25

<sup>14</sup> *ibid.*, p.3

<sup>15</sup> *ibid.*, p.7



offenders, are sent directly to long-term re-education camps.<sup>16</sup> Myeong Chul Ahn of NK Watch<sup>17</sup> supported this finding, observing that whereas escapees used to be sent to labour training camps for a few months and then released, under Kim Jong Un they are sent to concentration camps instead.

The Chinese authorities have cracked down on escapees and the people who try to help them. According to Oh and Kim, dozens of South Korean Christian missionaries who helped North Koreans in China have been deported.

In conclusion, the state’s policy towards leaving the country has not changed: citizens’ freedom of movement both within the country and across borders is still extremely limited and tightly controlled. Increased security on both sides of the Sino-North Korean border has resulted in a decrease in the number of border crossers and an enormous increase in the cost of brokers’ fees. The desire for escape remains strong, however.

FREEDOM OF EXPRESSION AND CRITICISM OF THE STATE

As mentioned above, changes in economic modes of survival, coupled with the increased exposure to information from outside, have significantly altered the relationship between the North Korean population and the state. After the famines of the 1990s, those who survived and thrived were the people who distanced themselves from the state and actively disobeyed the regime by engaging in market activities. An entire generation has grown up seeing independence, disobedience and illegality rewarded, while the regime has failed to provide for the vast majority of ordinary people, at least in part because of the deliberate prioritisation of military spending.

It would be a mistake to conclude that economic independence from the state means that rebellion is just around the corner. At the same time, however, escapees tend to believe the dissatisfaction with the regime is widespread; and although both private and public complaints are still rare, in some settings direct or indirect criticism of the regime appears to have increased – albeit from an extremely low starting point.

How much did people criticise the regime in 2007, compared to now?



16 2016 North Korea Human Rights White Paper, cited by Oh and Kim, 2017

17 Interview translated by Sooh Lee of NK Watch

The survey results demonstrate a perceived increase in private criticism of the North Korean leadership. Interestingly, 18% of respondents believed that in 2007 no one ever criticised the leadership in public or in private, but only 7% believed this was true in 2017, although the percentage of those who believed that people often criticise the leadership in public and in private remained very small: only 5% in 2017, a slight increase from 3% in 2007. We should be careful not to read too much into these results: unsurprisingly, a relatively large proportion of respondents answered 'I don't know': 27% for 2007, and 33% for 2017. However, the data appear to indicate that, in broad terms, private criticism of the leadership has increased over the past ten years, but public criticism is still far from common.

The information provided in the in-depth interviews sheds more light on the topic. Interviewee H, aged 27 at the time of interview, described how the act of watching foreign media with friends had spurred indirect criticism of the regime:

*When we watched dramas with friends, at first we envied the people in South Korea, and then we wished we could go outside. Then we might complain: why were we born here? It is a social complaint. Surveillance is such that we cannot be straightforward about it but we would talk in hypotheticals [sic]. This has increased a lot over the last ten years.*

Interviewee H believed that the number of people watching foreign media has had a big impact on people's view of the regime and their own lives. "It [foreign media] is bound to raise complaints. For example, US movies show people standing up to the government. South Korean shows are romantic. We know it is fictional but we see the freedom that they are enjoying. So it has a serious impact. We are the most pitiful country in the world with no freedom at all."

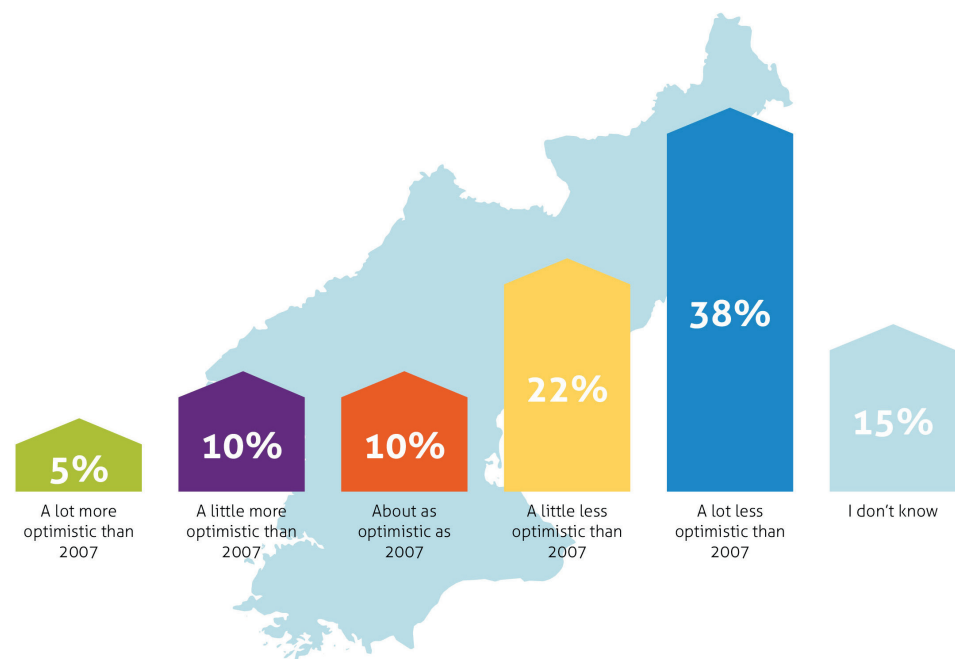
Interviewee I, 59, Ryanggang Province, believed that in general people have more complaints under Kim Jong Un than Kim Jong Il and Kim Il Sung, because whereas Kim Il Sung "liberated North Korea from the Japanese and fought many battles", and Kim Jong Il "inherited the leadership but was also involved in anti-Japanese warfare", Kim Jong Un "has no heroic past". As a result, she said, criticism of the leadership had increased.

Interviewee A, 50, North Hamgyong Province, agreed that people are more critical now than in 2007, and that people are generally more critical of Kim Jong Un than they were of Kim Jong Il, though she believed the reason was that people were hoping for a change under Kim Jong Un which has not happened. However, Interviewee A cautioned that people "only complain among very close friends, though. For example when Jang Song Taek was executed, people complained about that. People may very cautiously criticise the regime, and only in private."

17% of survey respondents also reported that most ordinary people believe Kim Jong Il was a more able leader than Kim Jong Un, compared to just 11% who thought the reverse, but 45% believed people mostly respected or disrespected the two leaders equally, while 27% did not know. This suggests that, while criticism of the regime has increased, this may be as much due to dissatisfaction with the overall conditions as it is to specific complaints about Kim Jong Un.

On people's feelings about the future, respondents were more decided in their views. When asked how people feel about the future inside North Korea, almost two thirds of respondents felt that people inside the country were generally less optimistic about the future of the country than they were ten years ago. Only 5% believed people were a lot more optimistic.

How do people feel about the future inside North Korea in general?



Again, the interview answers provide further context.

*I think more and more people think the future in North Korea is hopeless. Because there is more information about the outside world, and people often believe that Kim Jong Il received assistance from other countries, but Kim Jong Un does not. He does not have good connections, so people feel hopeless.*

Interviewee C, 41, North Hamgyong Province

*From Kim Il Sung to Kim Jong Un, we have had three generations of the same family. People feel hopeless because they think that as long as this one family continues, there won't be any change.*

Interviewee E, 42, North Hamgyong Province

Hope was a theme that came up regularly in the interviews, and was a powerful motivation for leaving North Korea, even for those not in dire circumstances:

*In the beginning, people defected because they were starving. They went to China to find food. But it is different now. For example, I was doing OK in North Korea, I could live. But more and more people want freedom, opportunities, and hope... Even though people don't talk, you can feel that they have many complaints. For me, only last year I concluded that there was no hope in North Korea and decided to leave.*

Interviewee G, 53, Ryanggang Province

The increase in the level of private criticism of the regime and of general dissatisfaction should not be confused with a loosening of state control over dissent. Interviewee B, 26, North Hamgyong Province, recounted:

*I know that under Kim Jong Il, someone said just a very small thing and was killed. While he was drunk, he said that Kim Jong Il was not the right person to govern, and then he disappeared.*

She explained:

*North Korea is like this: everyone is watching everyone else. It is a society of total surveillance. People are divided into units; everyone is watching everyone else all the time...If anyone makes a remark with political implications, it will be picked up.*

Despite increased exposure to the world outside and a dissatisfaction with life inside the country, interviewees did not believe that private criticism would evolve into an uprising against the state any time soon.

*North Korea is not a society of equality. It is ruled by the privileged Party members. The central and provincial and district level Party people are much better off than the ordinary people. But any crackdown is so enormously strong and oppressive that people cannot rise up. They [the government] know that people are unhappy but they will not tolerate any complaint. People have to pretend they believe in the government in order to be safe, even though this is not the way they really feel.*

Interviewee F, 85, Ryanggang Province

*[People] hear the propaganda from the day of their birth; loyalty to the state is taught [to us]; [we are taught] to sacrifice everything. So even though conditions are very bad, it is unlikely that people will rise up.*

Interviewee G, 53, Ryanggang Province

However, an important paper on social change in North Korea by Liberty in North Korea (LINK) points out that while there is no sign yet of 'organised, planned overt disobedience against the government', small-scale acts of disorganised resistance are possible and indeed are increasing. 'The spread and normalization of everyday disobedience and the emergence of human networks could...be crucial in...eventually enabling more significant collective push-back against the system or aspects of it.'<sup>18</sup> Similarly, Tudor and Pearson emphasise that North Koreans who disobey the state face the threat of 'what is probably the most brutal penal system in the world today', but at the same time stress that 'owing to the complete breakdown of the DPRK's social contract in the wake of the famine, North Koreans are increasingly likely to disregard the government's rules of economic and social behaviour.'<sup>19</sup>

<sup>18</sup> Park, Sokeel, 'Social Change in North Korea: current trends and future prospects', LINK, p.7

<sup>19</sup> Pearson and Tudor, 2015:177

In conclusion, any slight increase in the space for freedom of thought and expression must be seen in context. Firstly, it should be emphasised that in the past the space for dissent was absolutely zero: the very small improvements over the past decade (or before) probably still only bring North Korea up to the same level as the next most restrictive country. In addition, any improvement in the area of freedom of expression has come about because of the failure of the state, not because the regime has allowed it. People's tolerance for state control may be being tested, but the regime's complete distaste for dissent of any kind has not changed.

## CHANGES IN HUMAN RIGHTS IN LAW AND PRACTICE

### THE INTRODUCTION OF RIGHTS-RELATED LEGISLATION

So far this report has looked at the key social and economic changes that have taken place, and the human rights implications of those changes. This section will look specifically at the place of human rights in law and policy, and whether any changes in legislation have had an impact on some of the most serious human rights abuses in the country.

A paper by Mi Jung Kim and Young Sun Song entitled *Examining North Korean Law and Government Directives in regards to Changes in Human Rights Policies*<sup>20</sup> begins by recalling that the constitution, which does include limited protection for basic rights, is not the highest law of the land, and ranks lower than the Supreme Leader's words or instructions and Party policies. When the constitution was amended in 1972, basic rights were brought under the principle of collectivism, and in the 1990s North Korea began using the term 'our own style of human rights' to undermine the concept of universality of human rights. Since human rights in this context are 'collective' and 'North Korean', the regime has used this to justify protecting North Korea's existence and way of life from perceived threats within and without; even though in the process the rights of political prisoners, for example, are systematically violated.

In 2009 'human rights' were included in the constitution for the first time. This change came at the end of a decade of new rights-related legislation, including the Disabled People Protection Act (2003), the Elderly Care Protection Act (2007), the Social Security Act (2008), the Children's Rights Act (2010), and the Women's Rights Act (2010). Kim and Song note that, during the same decade, the government passed other legislation indirectly related to social welfare or human rights, including the Red Cross Law (2007), the Labour Measurement Law (2009), the Labour Protection Law (2010), the Common Education Law (2010), and the Higher Education Law (2010).

Much of this legislation falls short of international standards: the Common Education Law, for example, places a strong emphasis on political education, which could be said to undermine other provisions in the law. In addition, gaps in the law leave citizens vulnerable to human rights abuses: for example, domestic labour law does not apply to overseas workers, whose working conditions are reportedly extremely poor and who have little or no access to medical care. Above all, the authors note that there is a broad divide between law and reality – this is borne out by the testimonies of North Koreans settled overseas.

A research paper by Sunwoo Lee and Jihong Kim<sup>21</sup> that examined North Korean law with regards to children's rights found that although the government had adopted a practice of 'selectively accepting international human rights norms in order to avoid international isolation', the reality did not match up to the legal provisions. In fact, the protections granted by legislation on children's rights were undermined by the state's practice of using education as a tool for infusing political ideology, and basing a child's worth on his or her value to the nation and society.

The authors cite research by Seok-Hyang Kim in *Korea University's Journal of Asiatic Studies* which found that North Korean interviewees frequently referred to 'person price' and categorised people as 'low', 'high' or 'without worth', classifications which appeared to be based on their gender, class (songbun) and whether or not they had a physical disability. Therefore, although progress has been made in legislative protection of children's rights and provision for their welfare, this is undermined by discriminatory social attitudes that are reinforced by the state's view of the child as a political subject.

Nevertheless, Kim and Song note, the introduction of a relatively large number of rights-related laws between 2003 and 2010 seems to be 'the result of North Korea's awareness of denunciations and demands for improvements by international forums such as UN organizations'. It may be assumed that this legislation was not passed in response to pressure from civic groups inside the country; nor is it likely to have been brought about by a sudden commitment to

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20 Mi Jung Kim and Young Sun Song, 'Examining North Korean Law and Government Directives in regards to Changes in Human Rights Policies', ed. Anna Dorothea Colby, Handong University, 2017

21 Sunwoo Lee and Jihong Kim, 'Examining NK law and examining NK government directives for changes in regard to children's human rights', ed. Mary-Elizabeth Hinton, Handong University



human rights on the part of the regime. International pressure, therefore, seems to have been a deciding factor, even if the state’s commitment to implementation is still very much in question.

The authors go on to say that ‘while North Korea’s recent legislation shows its effort to at least attempt to comply with international standards, its criminal law deviates from this trend’. With few exceptions, recent changes to criminal law have been regressive in terms of human rights protection. This includes broader application of the death penalty (2007), harsher penalties for defection (2009), and increased sentences for possession of foreign or ‘decadent’ materials (2015). The authors conclude that North Korea has ‘given up on appearing to respect human rights with its criminal law. The survival of the regime seems to take precedent [sic] over North Korea’s reputation in the international community.’

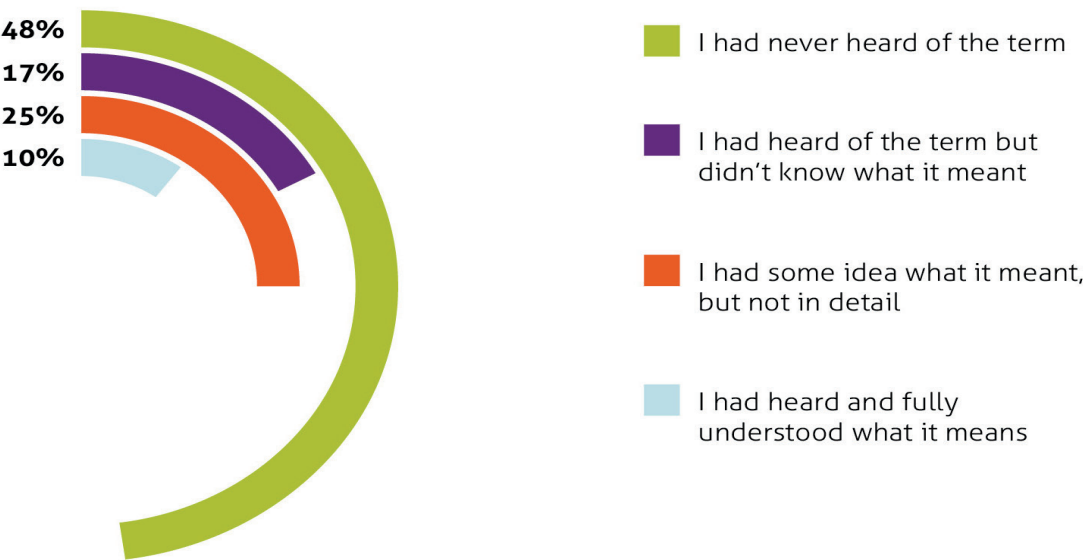
In support, a 2017 report by the Committee for Human Rights in North Korea entitled *The Parallel Gulag* notes that the 2012 criminal code is ‘replete with provisions that criminalize acts commonly regarded as fundamental freedoms of thought, expression, assembly, association, and movement. Some of these provisions clearly and explicitly contradict fundamental freedoms stipulated in the International Covenant on Civil and Political Rights, which North Korea acceded to in 1981.’ They go on to observe: ‘A glance at the North Korean legal code makes it clear how easy it is for the leadership and its police organs to use the penal system to compel obedience from the citizenry.’<sup>22</sup>

**THE HUMAN RIGHTS SITUATION FROM THE POINT OF VIEW OF NORTH KOREANS**

Survey respondents and interviewees were asked a number of questions about their understanding and view of human rights while in North Korea, and about arbitrary detention and public executions in 2007 and 2017. Based on this data and other information from human rights experts, this section looks at whether there is any evidence of change in the human rights situation. Much of the information related cannot be verified and concerns personal examples and observations. Furthermore, it is almost impossible to draw firm conclusions about the setting for the most dire human rights violations, the political prison camps.

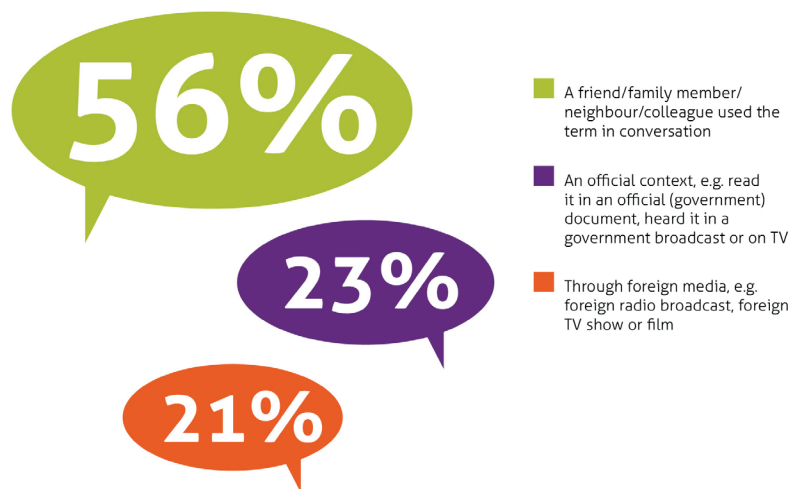
Therefore, although this section includes some examples that indicate small, positive changes which have impacted interviewees at a personal level, the authors of this report are in no way implying a universal or significant improvement in human rights. On the contrary, CSW remains extremely concerned about the ongoing, grave and widespread violations of human rights across the country and in particular for political and religious prisoners.

**When you were living in North Korea, what did you know about human rights?**



22 Committee for Human Rights in North Korea (2017), *The Parallel Gulag: North Korea’s ‘An-jeon-bu’ Prison Camps* [www.hrnk.org/uploads/pdfs/Hawk\\_The\\_Parallel\\_Gulag\\_Web.pdf](http://www.hrnk.org/uploads/pdfs/Hawk_The_Parallel_Gulag_Web.pdf)

## If you heard the term 'human rights' in North Korea, what was the context?



Just over half of survey respondents had heard the term 'human rights' while in North Korea, but only 10% said they fully understood the term. The data did not show a strong correlation between age and response to this question, but those who left more recently, in 2014 or after, were more likely to have heard the term. Just over half had heard the term from a friend, family member, neighbour or colleague in conversation; 23% had heard it from government sources, and 21% had heard it from foreign media.

In-depth interviewees were also asked if they had heard the term human rights inside North Korea, and if so, when and how they had heard it. Interviewee A, 50, North Hamgyong Province, reported hearing the term used in around 2007-8 by an uncle in law enforcement, who had heard that the international community was saying that North Korea had the worst human rights situation in the whole world. The interviewee also said that government reports and broadcasts also made some mention of human rights: "For example, on TV, there might be an interview where someone rejects the South Korean government's criticism of human rights abuses in North Korea." Perhaps most surprisingly, Interviewee A reported using the term herself when her family members were accused of trying to escape the country when they travelled to a different region for a wedding.

*I protested to the chief of police, telling him that everyone had the correct passes. I told them, 'You can only arrest us if you find us actually at the border.' I told them they were acting against human rights.*

Interviewee C, 41, North Hamgyong Province, had also heard that there were complaints from the international community about North Korea's human rights record:

*I knew that South Korea was protesting against human rights abuses in North Korea. I heard about it from Rodong Shinmun [the state newspaper]. I heard the government propaganda which said that there were no such problems in North Korea, but I still didn't understand.*

In some cases, interviewees had heard state representatives use the term human rights in the context of criticising South Korea:

*I do remember hearing about human rights but with reference to South Korea. The North Korean government criticised the human rights situation in South Korea and said it was a country where human rights were not honoured. [But] at that time, I really believed North Korea was paradise.*

Interviewee I, 59, Ryanggang Province

*In official propaganda, they say there are human rights problems in South Korea but it is never explained.*

Interviewee D, 25, North Hamgyong Province

Even more extraordinary is a case recounted by Interviewee G, 53, Ryanggang Province:

*Yes, I heard about human rights in North Korea...I was caught and sent to a labour re-education camp, where I was treated very badly. There I heard about human rights violations. For example, at the labour camp, if guards saw two prisoners fighting, the guards accused them of violating each others' human rights! This is very ironic! They treat prisoners very harshly, but if one or two people fight the police say they are violating human rights!*

Nevertheless, an account provided by Interviewee E, 42, North Hamgyong Province, perhaps gives some reason to hope:

*I was repatriated to North Korea three times. The first two times, I was beaten very severely. The last time, I was not beaten at all. I was told that it was because the international community had complained about human rights. I was told there were instructions from the central government saying not to beat people. I heard this from the other prisoners. It was common knowledge. I heard that the entire international community and the UN had serious complaints about human rights in North Korea. The prisoners talked about it. This was in the re-education labour camp. This was around 2014. I think this has made an enormous difference. The beatings were very severe before, but now it seems that beatings have been prohibited. But I never heard human rights mentioned by the government.*

This report is supported by other accounts, still very few in number, of detainees being informed by cellmates that they were 'lucky' to arrive at the time they did because an order had just been received at the detention centre not to beat inmates, as a result of a 'human rights directive' or inspection. This information is anecdotal and impossible to verify: however, CSW has come across several such cases in the course of this research, including the testimony above; though it should be noted that none of these cases are from political prison camps (*kwanliso* or *gwanliso*):

*A North Korean woman was being interrogated when another interrogator came into the room. The woman was bleeding [because she had been beaten]. The interrogator who came in moved to one side of the room to whisper something to her interrogator. The woman was watching and listening closely and heard them mention that a 'human rights inspection team' was coming [using the same word for human rights used in South Korea].*

a South Korean human rights activist

*I met a North Korean who had been in prison. When he arrived at the prison, the other prisoners said he was very lucky to have arrived at that time, because the guards didn't beat them as badly as before, and this was because two weeks before there was a new 'human rights instruction' at the prison. This was in the last five years.*

a South Korean human rights activist

*Two interrogators were given a 15-year prison sentence and a 20-year sentence for committing human rights violations after someone they were interrogating died during the interrogation. - a South Korean human rights activist*  
*For example, a prisoner who was beaten severely in around 2008 said the guards told him not to talk about it to anyone because the international community were talking about human rights.*

Myeong Chul Ahn, NK Watch

*In 2008, at Camp 12, a prison guard was fired [forced to retire] because of his treatment of detainees. This was the first time a guard was punished in this way. He was punished for human rights violations.*

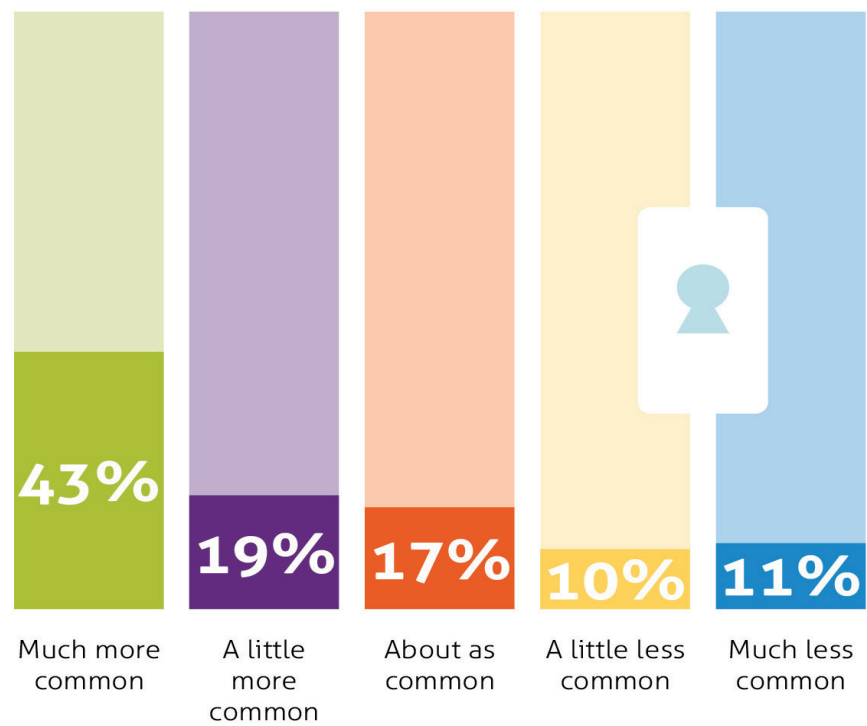
Myeong Chul Ahn, NK Watch

In his September 2017, the Special Rapporteur on the situation of human rights in the DPRK also noted that he had received "unconfirmed reports indicating that the authorities may have taken some measures to improve detention conditions", specifically mentioning two directives by the Ministry of People's Security which may have been issued in 2010 and 2015 to address the issue of human rights violations in detention.<sup>23</sup>

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23 United Nations, Situation of human rights in the Democratic People's Republic of Korea, 18 September 2017, paragraph 18 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/290/81/PDF/N1729081.pdf?OpenElement>

How has the use of arbitrary detention without trial changed since 2007?



How has the number of people being sent to a prison camp changed between 2007 and now, as far as you know?



How has the number of public executions changed over the past ten years?





Survey respondents and interviewees were asked about changes in the use of arbitrary detention, prison camps and public execution between 2007 and 2017. As one would expect, a relatively high number of respondents answered 'I don't know' in response to questions on public executions (33%) and prison camps (37%). 41% thought the number of people being sent to prison camps had increased, but this is only slightly higher than the number of people who did not know. Just over a third thought public executions had increased, but 19% felt the figure had decreased, and 14% said it was about the same. The view on arbitrary detention was somewhat clearer: 62% felt arbitrary detention was a little or much more common than in 2017; 17% thought there was no change, and only 21% felt it was a little or much less common.

When asked the same questions, in-depth interviewees' answers were also mixed. Interviewee A, 50, North Hamgyong Province, reported that there had been an increase in the number of both elite and ordinary people being sent to political prison camps, including border crossers. However, Interviewee C, 41, North Hamgyong Province, believed there had been a decrease in cases of neighbours disappearing in the night and being taken to political prison camps, although "the exception is in the border areas. There, night time disappearances still happen." Although these answers appear to contradict one another, they show that the regressive changes to the criminal code concerning defection, as cited in Kim and Song's research paper, are being implemented in border areas.

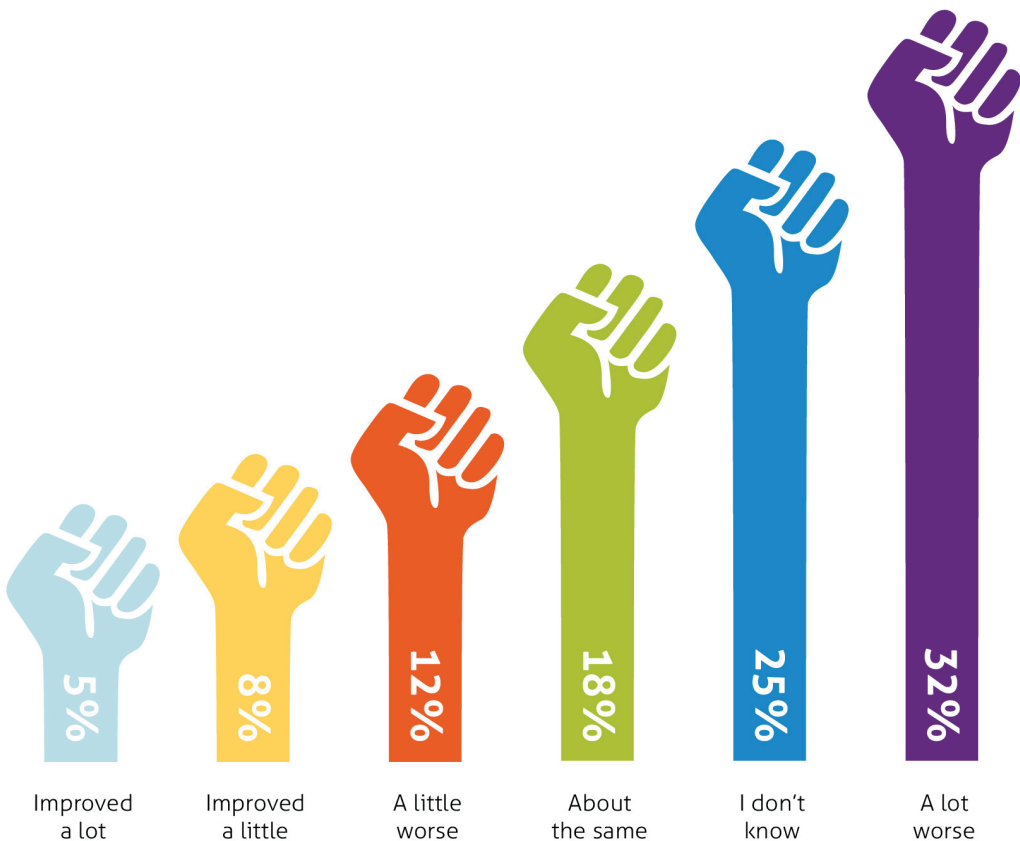
Interviewees tended to agree that the number of public executions had decreased: interviewees A, E and B had not heard of any public executions in recent years. Interviewees E and A believed this was due to "complaints from outside" and "the international outcry". Additional information provided by a survey respondent supports this theory:

"After...its public executions were exposed through satellite surveillance, public executions are not carried out, but people are taken away secretly."

Another respondent said he had not seen any executions after 2007, while a third agreed that instead of being executed in public, people were being 'taken away'.

There is a note of warning in this information: while public executions may have decreased, at least in some parts of the country, this does not mean that the overall number of executions has decreased. Rather, executions are happening in secret.

**Thinking about the human rights situation in general, how have things changed in North Korea over the past ten years?**



When asked about the overall human rights situation, survey respondents' and interviewees' answers were also mixed. Only 13% of survey respondents saw an improvement over the past ten years; the most common response was that the situation had become a lot worse, although a quarter did not know. Where people felt the situation had become worse, they most often attributed this to the change of leadership; those who thought there has been an improvement believed it was because of the international community's criticism of North Korea's human rights record. Interviewee E, 42, North Hamgyong Province, agreed:

*Yes, there has been some improvement [in human rights]. I heard about the UN noise and fuss. Without this, no one would know about human rights at all.*

Interviewee A, 50, North Hamgyong Province, also believed that accountability had improved as a result of greater human rights awareness:

*The awareness of human rights has increased. If someone is badly treated [by state agents], and they appeal, then the violator will be punished. There is more accountability. So in this way things are slightly better.*

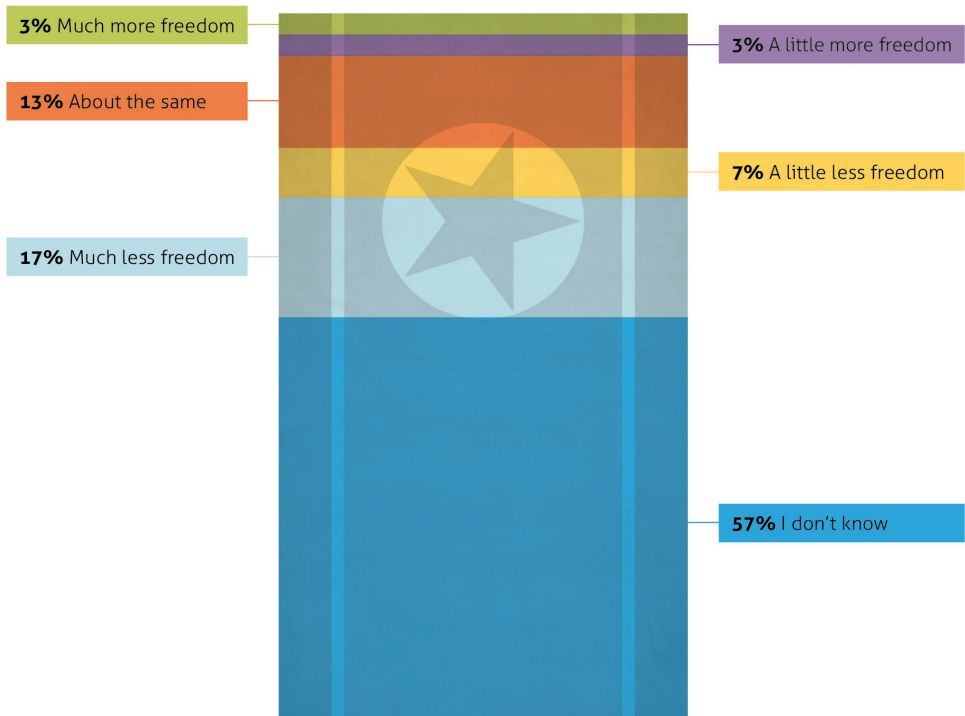
Although limited and impossible to verify, we should also not be too quick to dismiss anecdotal evidence or perceptions that there may have been some, albeit very small, positive changes. Interviewee E's rights were violated when she was arbitrarily detained for crossing the border: this was the same each time she was forcibly repatriated. Nevertheless, the fact that she was not beaten at all the third time, having been beaten severely before, significantly changed her experience in detention. In the face of overwhelmingly serious and widespread human rights abuses, we should not dismiss the significance of even a small improvement such as this for the individual.

At the same time, however, we should be careful in drawing general conclusions. It is certainly true that there is a significant gap between rights-related legislation and the reality of human rights protection. As in any country, the introduction of human rights law does not automatically solve human rights problems. In addition, we should be careful not to assume that a change in one aspect of human rights indicates an overall improvement: as the respondents suggest, a decrease in public executions may not mean a decrease in the application of the death penalty, but rather a reluctance to carry out executions in public. It would therefore be dangerous and inaccurate to suggest there has been any significant improvement in human rights protection, and in particular concerning the gravest violations found in the 2007 report.

**SPECIAL TOPIC: RELIGION**

In the areas of economy, information, criticism, and human rights awareness, respondents' answers provided a general suggestion of change of some kind, to a greater or less degree, over the past ten years. A notable exception to this trend was on the subject of religion. Interviewees consistently reported that there was no religious freedom, and only 6% of survey respondents felt that there was much or a little more freedom for religious believers in 2017 compared to 2007. This was also the question that had the highest rate of the response 'I don't know' (57%).

**How do you think the situation for religious believers has changed since 2007?**



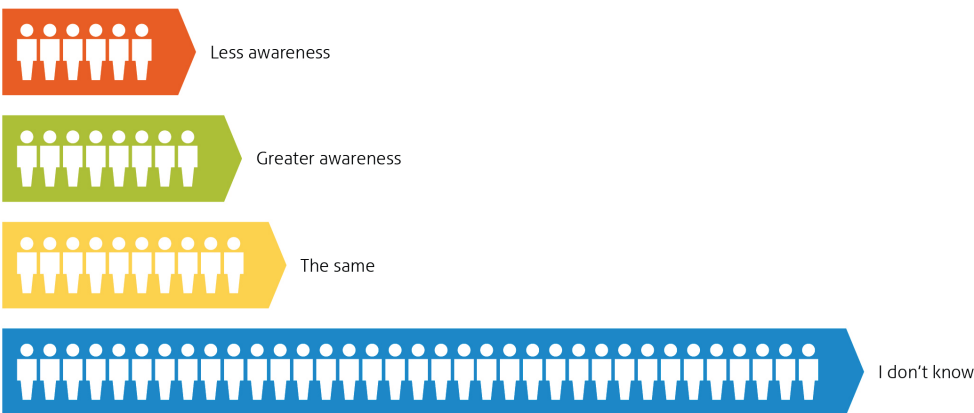
Of those who provided an answer, the largest number believed there was less freedom than in 2007. One respondent said there was no religion in North Korea, while another added:

*When it comes to religion, North Korean people just shudder because punishment is very severe.*

Interviewee A (50, North Hamgyong Province) also reported:

*There has been no change. Religious activity was unconditionally punished and it is the same now. There has been no change at all.*

**How has people’s awareness of religion (e.g. the different types of religion and what followers believe) changed over the past ten years?**



Respondents were also unsure whether awareness of religion had changed since 2007: more than half said they did not know, and the numbers of people answering that awareness had increased, decreased or remained the same were relatively close (14%, 10% and 17% respectively).

Two in-depth interviewees had encountered a Buddhist temple. One said:

*I had never heard about God in North Korea. I saw a Buddha in a temple once, but I never met any Christians. If someone was found to be a Christian, they would be immediately shot.*

Interviewee D, 25, North Hamgyong Province

*I visited a temple once, a Buddhist temple. There were 150 monks. I observed them closely. But it was not a real Buddhist temple – it was there to show the outside world that North Korea has religious freedom, but it was 100% fake!...There is no awareness of religion at all; not in 2007 and not now. There is no religious freedom at all.*

Interviewee F, 85, RyanggangProvince

None of the interviewees had personally encountered Christianity in North Korea, although one survey respondent believed that awareness of religion had increased because North Koreans who met Christians in China sometimes returned to preach the gospel. However, it is not clear whether the respondent heard about this when he was inside North Korea or only after leaving. One respondent also reported that although people do not have an understanding of Christianity and Buddhism, they do tend to believe in “superstitions and “spirits”, and “if they feel distressed, they would go see a fortune-teller.”

Overall, it appears there is no tolerance at all for genuine religious belief or practice, and only very limited awareness of religion in general. It may therefore be concluded that with the possible exceptions of ancestor veneration and fortune telling, which still reportedly occur, there is no freedom of religion or belief.<sup>24</sup>

<sup>24</sup> Fortune telling is officially prohibited but appears to be tolerated to a greater degree than other practices relating to religion or belief.

## SECTION TWO: CHANGES IN THE INTERNATIONAL COMMUNITY

CSW's 2007 report ended with a quote from Kim Sung-Min, a former captain in the North Korean army:

"The word 'justice' is insufficient to describe what North Koreans are crying out for. Defectors testify of unspeakable abuses and vast numbers of people have died of hunger. We weep as we speak of these things, but not many people are listening. We need the outside world to know what is happening and to act. Countless numbers of North Koreans and defectors desire international action and justice. It will be a difficult and complicated process, but it must be done soon."<sup>25</sup>

The sections above demonstrate that while in some areas some changes have taken place and continue to take place, in other areas change has not occurred in the direction or at the speed needed. As a result of increased access to foreign information that enables the viewer to glimpse the wider world, North Koreans' awareness of the injustices and limitations inside the country is increasing. Compared to the 1990s, fewer people are dying of hunger as described in the above quote; but humanitarian agencies continue to report significant needs in the areas of food security, nutrition and health,<sup>26</sup> and poverty and malnutrition continue to affect millions of people. 'Unspeakable abuses' of human rights have not stopped, and despite some evidence of limited improvements in some areas of the penal system, we should remember that it is still almost impossible to get a comprehensive picture of the situation inside the most severe and secretive forms of detention, where serious abuses are most likely to occur.

What has changed outside North Korea during this time? Are more people listening than before, and are they willing and able to act? How far have we progressed in this 'difficult and complicated process'?

### LIMITATIONS AND CHALLENGES

Several aspects of the situation have not changed, including the tendency to focus almost entirely on the security threat, relegating human rights and humanitarian concerns to second place. At the time of writing, North Korea has fired over 20 missiles over the past year. One instance involved the country's first test of an intercontinental ballistic missile (ICBM) on 4 July 2017, while on 29 August 2017 North Korea launched a missile over northern Japan. The tests have prompted condemnation from the UN Security Council, a new round of sanctions, and a war of words between the US and North Korea.

In general, security concerns and subsequent frayed relations between the key nations involved have eclipsed human rights and humanitarian concerns in the mainstream media. However, while the bulk of the headlines are given over to the nuclear threat, the increase in media attention to and public interest in North Korea has resulted in more space for articles and posts on other topics, including economic analysis, human interest stories, and human rights reporting. This is discussed further below.

Another aspect of the situation that has not changed is the difficulties faced by the international community in challenging human rights abuses in North Korea. Human rights NGOs continue to struggle with the challenge of verifying information about a country they cannot access, at least in their capacity as NGOs; while the impossibility of any kind of local, grassroots civil society organisation forming inside North Korea means that international NGOs do not have the in-country partnerships which are so crucial to combating abuses. UN and humanitarian agencies also have difficulty in getting access to all parts of the country and travelling independently without government minders. In addition, the government continues to deny reports of human rights abuses by escapees and human rights organisations.

### THE UN COMMISSION OF INQUIRY

The challenges are daunting, but there have been positive steps forward over the past ten years. The most notable development in terms of human rights reporting was the UN Commission of Inquiry, which published its report in February 2014.

As has already been mentioned, the establishment of a COI was one of the key recommendations of CSW's 2007 report. To this end, CSW initiated and co-founded in 2011 the International Coalition to Stop Crimes Against Humanity in North Korea (ICNK),<sup>27</sup> a network of over 40 human rights organisations from around the world, campaigning for the establishment of a COI. In order to achieve this, the ICNK worked to raise public understanding and awareness of the

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25 Christian Solidarity Worldwide, 2007:95

26 A 2017 report by the Humanitarian Country Team and partners estimates that 18 million people, in a population of 24.9 million, are suffering from food insecurity and undernutrition. p.6

27 International Coalition to Stop Crimes Against Humanity in North Korea <http://stopnkcrcrimes.org/>



human rights situation by facilitating the holding of hearings of escapees and victims of crimes against humanity, in various UN member states. The ICNK also organised international campaigns in each member country to send letters or petitions to the UN urging the establishment of a Commission of Inquiry.

In January 2013 the UN High Commissioner for Human Rights, Navanethem Pillay, called for an international inquiry into serious human rights violations in North Korea, stressing that concerns about the country's nuclear programme must not be allowed to overshadow the "deplorable" human rights situation of its people.<sup>28</sup>

The Commission of Inquiry, established by the UN Human Rights Council in March 2013 and chaired by Australian Justice Michael Kirby, concluded that 'the gravity, scale and nature' of the violations of human rights in North Korea 'reveal a State that does not have any parallel in the contemporary world'. The 400-page report details crimes against humanity including 'extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation'.<sup>29</sup>

These findings echo reports by South Korean and international human rights organisations, including CSW, and the testimonies of thousands of escapees. However, the COI report was significant and powerful both because of its scope and because it carried the weight of a UN Commission report. In this sense, the COI is the most comprehensive, detailed and authoritative documentation to date of North Korea's appalling human rights violations, and marked a turning point for awareness.

In addition to documenting human rights abuses, the COI also made recommendations and both directly and indirectly led to a range of developments and activities. In November 2014 the UN General Assembly's human rights committee approved a resolution that acknowledged the COI findings and encouraged the Security Council to consider taking appropriate action to ensure accountability for these crimes, including through referral to the International Criminal Court.<sup>30</sup>

In June 2015 UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein opened a new UN Human Rights Office in Seoul, fulfilling a recommendation made by the COI.<sup>31</sup> In March 2017 a Group of Independent Experts on Accountability, appointed by the High Commissioner for Human Rights at the request of the Human Rights Council in 2016, issued a report calling for 'measures to ensure the right of victims to reparations, the right of victims and society to know the truth about violations, and guarantees of non-recurrence of violations'.<sup>32</sup>

Outside the UN, the COI report, standing on the shoulders of decades of human rights reporting by escapee-led South Korean and international groups, gave new impetus to human rights-related projects and activities on North Korea. In 2016 the BBC announced its plan to provide a Korean language service on the Korean Peninsula, following years of campaigning by the UK All-Party Parliamentary Group (APPG) on North Korea as well as by CSW and other organisations.

It could also be argued that the report may have indirectly contributed to an increase in funding for projects looking at human rights in North Korea, by garnering interest and support from international funders including government agencies. One of these projects is described below.

In South Korea the COI report may be said to have encouraged further attention to the North Korean human rights issue. One South Korean NGO told CSW that before the COI, the "shocking stories" told by individual escapees were largely treated as one-offs. After the COI, there was a greater understanding of the situation. The COI also helped to foster a better understanding of the role of transitional justice in future scenarios. Beforehand, the handling of any kind of post-regime future had been considered solely a Korean issue; whereas now there is a growing recognition that, in terms of human rights violations, this is a matter of international concern.

However, this subject is still heavily politicised in South Korea, as illustrated by the challenges in passing the North Korea Human Rights Act (NKHRA).

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28 Christian Solidarity Worldwide, 'North Korea: CSW welcomes support for inquiry', 15 January 2013 [www.csw.org.uk/2013/01/15/press/1480/article.htm](http://www.csw.org.uk/2013/01/15/press/1480/article.htm)

29 Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea, p. 14, paragraph 76

30 Christian Solidarity Worldwide, 'CSW welcomes UN General Assembly vote', 19 November 2014 [www.csw.org.uk/2014/11/19/news/2373/article.htm](http://www.csw.org.uk/2014/11/19/news/2373/article.htm)

31 Christian Solidarity Worldwide, 'CSW welcomes new UN human rights office in Seoul', 22 June 2015 [www.csw.org.uk/2015/06/22/news/2638/article.htm](http://www.csw.org.uk/2015/06/22/news/2638/article.htm)

32 United Nations Human Rights Council, Report of the group of independent experts on accountability, 13 February 2017 <http://undocs.org/A/HRC/34/66/Add.1>

## THE NORTH KOREAN HUMAN RIGHTS ACT

On 25 September 2017 the US House of Representatives passed the North Korean Human Rights Reauthorization Act, which renews a 2004 law authorising programmes supported by federal grants to promote human rights, democracy and freedom of information in North Korea. Prior to the vote, House Foreign Affairs Committee Chairman Ed Royce emphasised the connection between security and the aims of the Act, saying that it would “help ensure that our investments stand the best chance of paying dividends in freedom for North Korea, and greater security for the rest of the world.”<sup>33</sup>

The original North Korean Human Rights Act was signed into law in October 2004; the year before, South Korea’s National Assembly had passed a resolution calling for the improvement of North Korean human rights. It would be more than a decade, however, before South Korea finally passed its own North Korea Human Rights Act (NKHRA) in 2016. A paper by Susanna Kim and Youngyu Lee of Handong University examines the passage and content of the Act. The authors note that Article 1 of the Republic of Korea’s (ROK) constitution considers the whole of the Korean peninsula to be ROK territory, and therefore North Koreans are entitled to the same rights as South Koreans: they conclude that the NKHRA is necessary to fulfil South Korea’s constitutional obligations.

The process of passing the Act was far from smooth, however, and revealed the impact of South Korean political divisions on the handling of matters concerning the North. The final text states that the purpose of the Act is ‘to contribute to the protection and improvement of human rights of North Koreans by pursuing the right to liberty and right to life prescribed in the Universal Declaration of Human Rights and other international conventions on human rights’ (Article 1). According to Kim and Lee:

‘In the Republic of Korea, the so-called conservative camp views the right to liberty as a more important concept of human rights, while the progressive camp views the right to survival as a more important human right. The contrast in views between the two parties was reflected in the process of enactment of the North Korean Human Rights Act. In other words, the two parties insisted that their position was the most important concept for human rights.’<sup>34</sup> As a result, the Act includes provisions for humanitarian assistance and inter-Korean dialogue, as well as human rights documentation and international cooperation on human rights.

The NKHRA specifically established several bodies and roles, including the position of Ambassador for North Korean Human Rights Issues, a North Korean Human Rights Foundation, and a Centre for North Korean Human Rights Records. However, Kim and Lee contend that the ‘acute difference’ between the conservative and the progressive groups was “so serious that each of them opposed the establishment of organizations proposed by the opposite party”, resulting in significant delays in the establishment of the Foundation, for example.<sup>35</sup>

Among both politicians and the public, there were objections to the Act on the grounds that it constituted interference in the internal affairs of North Korea and could further damage the relationship between North and South; whereas those who supported the Act claimed it was irresponsible for South Koreans to ignore human rights violations in North Korea. However, the opening of the field office of the United Nations for Human Rights in North Korea in Seoul in June 2015 ‘changed the atmosphere of the international society’, and on 2 March 2016 the North Korean Human Rights Act was passed by a vote of 212 in favour, 0 against and 24 abstaining.<sup>36</sup>

Kim and Lee conclude that if the provisions of the NKHRA are used properly it will be beneficial, but if used in an improper way ‘the Act becomes a simple political tool and has the danger of becoming a bad law that will aggravate disputes.’ For the moment, however, they believe the Act already has symbolic value, by recognising North Koreans as compatriots of South Koreans, taking an interest in their human rights, attempting to address human rights concerns, and seeking cooperation from the international community.<sup>37</sup>

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33 Foreign Affairs Committee, ‘House Votes to Promote Information, Human Rights in North Korea’, 25 September 2017 <https://foreignaffairs.house.gov/press-release/house-votes-promote-information-human-rights-north-korea/>

34 Susanna Kim and Youngyu Lee (2017), *North Korean Human Rights Act*, ed. Mary-Elizabeth Hinton, pp.11-12

35 *ibid.*, p.19

36 *ibid.*, p.31

37 *ibid.*, p.40

## PUBLIC OPINION IN SOUTH KOREA

As previously mentioned, there has been an increase in media attention on human rights stories about North Korea, in addition to security issues. North Koreans who have left the country have played an increasingly important role in raising awareness of the situation inside and the challenges faced by ordinary North Koreans. In South Korea in particular, young and engaging *jangmadang*-generation escapees have drawn attention to these issues by appearing on TV shows, writing books and giving media interviews and presentations. These North Korean millennials are putting a human face to reports by NGOs and UN agencies.



South Korean TV programme 'Now On My Way to Meet You' features North Korean escapees discussing life inside North Korea. Several experts interviewed by CSW cited the programme as an example of increased public interest in North Korea. According to one expert, who is himself North Korean, this programme has 'woken people up' in South Korea, and given them a better understanding about North Korea and the situation inside the country.

The increase in attention is generally welcomed by activists and experts if it also draws attention to human rights issues, and helps to foster understanding and break down barriers between South Koreans and North Koreans living in the South. However, the increase in media attention is not without its problems. Media and entertainment outlets tend to portray North Korean leaders as humorously eccentric; while these articles do not deny the existence of grave human rights abuses, they distract from these concerns.

Furthermore, the authors of North Korea Confidential claim that 'International media representation of North Koreans tends to strip them of agency. The DPRK citizen is shown either as a blind follower of state propaganda, or as a helpless victims [sic] of it.'<sup>38</sup> Entertainment shows also tend to focus on young, female escapees and encourage them to tell harrowing stories of their lives in North Korea to sorrowful background music, zooming in on the women wiping tears from their eyes. These television programmes run the risk of presenting North Koreans as helpless, passive victims who need looking after rather than three-dimensional human beings and agents of change.

## HAVE THE RECOMMENDATIONS BEEN MET?

The recommendations from CSW's 2007 report<sup>39</sup> have been partially met, but there remains a very long way to go.

Recommendations to the UN Security Council, UN Secretary-General and the UN Human Rights Council included the establishment of a Commission of Inquiry (COI). As discussed above, the COI was established in 2013. The Special Rapporteur was one of the three COI commissioners, and the High Commissioner for Human Rights also provided support for the COI, which produced the most comprehensive briefing on human rights in North Korea to date. In April 2014, following the publication of the COI's report, the Security Council convened a special session on human rights in North Korea. In December that year the Security Council formally added the human rights situation in the DPRK to its agenda.

The report called for the mandate of the UN Special Rapporteur to continue, and for the mandate holder to call for support for and engage in processes aimed at holding perpetrators to account and ensuring justice for victims. Since the report, the mandate of the Special Rapporteur has continued, and the Special Rapporteur was one of the three COI commissioners and mandate holders to have produced numerous reports on the grave human rights situation. However, the mandate is undermined by a lack of cooperation by North Korea, which means the Special Rapporteur

38 Pearson and Tudor, 2015:142

39 These recommendations are paraphrased from the 2007 report, pp.92-95.

has to date been unable to access the country. Similarly, the Special Rapporteur has noted that although the Universal Periodic Review (UPR) mechanism is potentially a meaningful platform for human rights analysis, “endorsing recommendations, however, means nothing without consistent implementation”.<sup>40</sup>

In a notable development, in May 2017 the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar, became the first UN independent expert to be allowed to visit North Korea. The visit was covered by the North Korean state media, and followed the country’s ratification of the Convention on the Rights of Persons with Disabilities in December 2016.

Human rights activists have rightly pointed out that ratification does not automatically signal a change in the situation for people with disabilities. Furthermore, disability rights are likely to be seen as less threatening to the government than, for example, rights relating to freedom of expression and freedom of assembly. Nevertheless, the government’s at least partial willingness to work with UN mechanisms and officials on this one issue could present an opening for engagement. Those who support this view also point out that there has already been long-term engagement with international organisations on this issue, of a kind which is impossible for NGOs working on other rights issues – although civil society organisations inside North Korea are invariably connected with, or run by, the government.

The 2007 report also recommended that UN member states and regional bodies support UN action, take in refugees, support victims of international crimes, and raise awareness of human rights issues.

Several states were publicly supportive of the COI and its findings, and have subsequently supported resolutions and other actions. Other states, including most notably China, have actively opposed attempts to place North Korean human rights issues on the UN agenda. The People’s Republic of China also refused to cooperate with the COI.

Furthermore, China continues to treat escapees as economic migrants, and routinely deports them back to North Korea where they are at high risk of human rights abuses including arbitrary detention, ill-treatment and torture. In November 2017, ten North Korean escapees, including a four-year-old child, were forcibly repatriated from China to North Korea.<sup>41</sup> Other UN member states have accepted asylum seekers, while others have played a role in ensuring their passage to South Korea, where they are allowed to settle. However, more could be done to support escapees settled in South Korea and other countries, particularly in terms of education and non-discrimination (see below).

Finally, the 2007 report recommended that civil society prioritise North Korea as a human rights concern; advocate for the rights of victims of international crimes in North Korea and urge states to take steps to end violations; and provide assistance, treatment and rehabilitation for survivors.

There has been a marked increase over the past ten years both in the number of mainstream human rights organisations working on North Korea and the number of North Korea-specific organisations, projects and initiatives. In some cases, new projects and group formations have been possible because of new funding streams indirectly linked to the COI (see below). There has also been a welcome increase in the number of initiatives led by escapees settled in South Korea or elsewhere.

## SECTION 3: WHERE DO WE GO FROM HERE?

### CASE STUDY: TRANSITIONAL JUSTICE WORKING GROUP

The Seoul-based Transitional Justice Working Group (TJWG) is an example of a new and innovative initiative formed after the establishment of the COI. According to a recent TJWG report, the Group is ‘the first Korea-based NGO focussed on transitional justice mechanisms in the world’s most oppressive regimes, including North Korea’, and aims to ‘develop practical methods for addressing massive human rights violations and advocating justice for victims and societies that are transitioning from a situation of conflict or oppressive government’. In its first two years, the TJWG developed a mapping project to document and visualise evidence of crimes against humanity in North Korea by collecting information on alleged mass burial and killing sites, locations of national security offices, local police, military units and administrative units where documentary evidence may be stored.

<sup>40</sup> Situation of human rights in the Democratic People’s Republic of Korea, 18 September 2017, paragraph 18 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/290/81/PDF/N1729081.pdf?OpenElement>

<sup>41</sup> Christian Solidarity Worldwide, ‘North Korean defectors forcibly repatriated’, 30 November 2017 [www.csw.org.uk/2017/11/30/news/3786/article.htm](http://www.csw.org.uk/2017/11/30/news/3786/article.htm)



The Group believes such work is essential for ensuring future accountability. In the same vein, it is also working with escapees to 'explore the localisation of transitional justice mechanisms to the Korean context.'<sup>42</sup>

The TJWG believes that there is a growing awareness and understanding in South Korea that international law is binding in the case of North Korea:

'It is slowly becoming understood that the matter of justice for North Korea leaders is not one to be decided by South Korea alone – it is of concern to all humanity.'

The TJWG's work is future-oriented, and focuses on providing a basis for future accountability in a post-regime reality. Following the establishment of the COI, there is a new level of awareness of human rights abuses in North Korea, so that despite the regime's best efforts, the human rights situation is no longer shrouded in secrecy.

Civil society therefore needs to move on from focusing on documentation only for the sake of raising awareness. To be sure, documentation is still essential, but the aim now should be supporting future accountability mechanisms.

## **AREAS OF FUTURE WORK AND FOCUS**

"Before the COI, the aim was to prove that these things were happening. Now that's been achieved. Now – how to solve the problem? We must have the correct analysis." – a South Korean human rights activist

### **Foster an understanding of the current reality**

This is crucial for generating new ideas about how to promote change and also for predicting the complex impact of existing measures, including sanctions. Those seeking to halt North Korea's nuclear development, and/or bring about regime change, see sanctions as a way to put pressure on the state and therein a system which perpetrates human rights abuses; yet sanctions, if they are not very carefully targeted, could also cut off a trade supply which is undermining obedience to the regime by allowing an independent source of income. This would also cut off information about and connections with the outside world. Whether sanctions, dialogue or a combination of the two are pursued in the future, a solid understanding of the current situation is essential for the governments involved.

### **Look for ways to support North Koreans outside the country**

This could include scholarships, exchange opportunities and leadership training. Governments and civil society organisations should not see North Koreans ('defectors' or escapees) as 'resources' included in meetings and events solely to 'tell their story', but as some of the people best placed to provide ideas about the way forward. The international community should also invest in future community and civil society leaders by providing training and support for North Koreans with skills and interests in relevant areas.

### **Look for ways to support and provide information to North Koreans inside the country**

There are already several projects focusing on sending information into the country through radio broadcasts, USB and other means. This information needs to be accessible both practically and psychologically. For example, young people are generally more likely to take the risk of accessing foreign media through USBs and materials smuggled in from China, and are also more likely to share it with others: a significant portion of foreign media should therefore target younger people, using content most likely to appeal to this audience.

Again, recent North Korean escapees are best placed to tailor programming. CSW welcomes the BBC's new service on the Korean peninsula, and recommends that the BBC ensure that this service includes broadcasts into North Korea with input and leadership from escapees.

### **Make human rights a priority in all actions and discussions concerning North Korea**

UN member states, UN institutions, civil society and other relevant actors should ensure that the human rights situation is not eclipsed by security concerns, and should emphasise the connections between security, human rights and humanitarian needs. In addition, the international community and all relevant actors in South Korea should actively seek ways to separate North Korean human rights and humanitarian concerns from South Korean politics.

### **Remain open to opportunities for engagement**

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<sup>42</sup> Transitional Justice Working Group (2017), *Mapping Crimes Against Humanity in North Korea: Mass Graves, Killing Sites and Documentary Evidence* [https://en.tjwg.org/TJWG\\_Report-Mapping\\_Crimes\\_Against\\_Humanity\\_in\\_North\\_Korea\(July2017\)-Eng\\_Final.pdf](https://en.tjwg.org/TJWG_Report-Mapping_Crimes_Against_Humanity_in_North_Korea(July2017)-Eng_Final.pdf)

Partly as an outcome of the COI, North Korea has been making some efforts to engage with UN human rights mechanisms. Most experts interviewed by CSW believe that this is because the DPRK government is worried that officials and leaders may, in the future, be held accountable for human rights abuses. North Korea has made some steps to accept and work with what it considers to be the less politicised or 'biased' frameworks, such as the Universal Periodic Review process, but do not accept country mandates or the COI. These limited developments, however, may provide new opportunities for engagement on human rights issues.

## CONCLUSION

At the time of writing, North Korea's nuclear tests and threats continue to dominate the headlines. Photographs and video from state media show row upon row of marching soldiers and patriotic citizens, glorying in their country's military might. It would be easy to conclude that these citizens are simply brainwashed servants of the regime. Yet behind these carefully choreographed scenes North Korea is changing, and the change-makers are the people themselves.

This report shows that even changes brought about in part by external factors, such as information flows, would not have happened if there had been no motivation and action on the part of people inside the country. Rather than being passive recipients, viewers are themselves choosing to access foreign media at their own risk. North Koreans, especially young people, are shaping their own destiny, and gradually pushing the boundaries in everything from fashion and dating to enterprise and trade.

Initiatives aimed at improving human rights in North Korea should therefore focus on what we can do to support these change-makers. In the words of one expert, himself a North Korean:

*The international community is not the future for North Korea: North Koreans have to lead. But we need support from the international community. This could include leadership training, and education on foreign affairs, economics etc. The best way is for North Koreans to tackle these issues themselves, with support from the international community.*

It is hoped that this report and others like it will encourage a discussion among researchers, policy-makers, implementers and funders with a view to designing future policies and projects which support North Koreans, South Koreans and others to address human rights violations in North Korea, and to build a future of justice and freedom for all Korean people.

## LIST OF ABBREVIATIONS

DPRK	Democratic People's Republic of Korea, also known as North Korea
UN	United Nations
NGO	Non-Governmental Organisation
ICCPR	International Covenant on Civil and Political Rights
UPR	Universal Periodic Review.
<i>jangmadang</i>	market
<i>songbun</i>	social classification system

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