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North Korea: Human rights concerns

In light of increased attention on North Korea (Democratic People's Republic of Korea, or DPRK) following its nuclear test on 9 October, this is a summary of Amnesty International's concerns in the country.

Restricted access to human rights information

Information and access to the country continues to remain tightly restricted, hampering investigation of the human rights situation.

Despite repeated requests, the government continued to deny access to the UN Special Rapporteur on the Human Rights Situation in North Korea and the UN Special Rapporteur on the Right to Food as well as to Amnesty International and other independent human rights monitors. However, over the past five years it has given access to UN bodies including the Committee on the Rights of the Child.

Reports from these bodies, from North Koreans who are now settled in many countries (including South Korea and Japan), human rights NGOs, and journalist contacts suggest a serious pattern of human rights violations, including executions, torture, detention of political prisoners and inhumane prison conditions.

On 17 November, the Third Committee of the UN General Assembly adopted its second resolution condemning North Korea's record on human rights with a vote of 91 in favour of the resolution, 21 against and 60 abstentions. The resolution contains tougher language than the earlier resolution adopted in November 2005. It also requests the UN Secretary General (the SG designate is Ban Ki-moon, former South Korean Foreign Minister) to submit a comprehensive report on the human rights situation in North Korea.

Worsening food crisis

"12 per cent of the population in the Democratic People's Republic of Korea suffered from severe hunger": Jean Ziegler, Special Rapporteur on Right to Food (October 2006).

The persistent food crisis in North Korea seems to be due to factors including North Korea's isolation and its geography (more than 70 per cent of the country is mountainous and difficult to cultivate). Other important factors include misconceived policies by the North Korea government and continued government restrictions on freedom of movement and information, lack of transparency and hampering of independent monitoring, which has meant that food aid may not always reach those most in need.

The World Food Programme (WFP) ended ten years of emergency assistance to North Korea in December 2005 after the North Korean government declared it would in future only accept assistance that addressed medium and long-term needs. The government cited better harvests and domestic concerns about the emergence of a dependency culture and the "intrusiveness" of the WFP's monitoring. This

decision led to a reduction in the number of international staff from a peak of 46 to just ten and a sharp reduction in the number of monitoring visits. In February 2006 the WFP approved a two-year plan valued at \$102 million including the supply of 150,000 metric tons of commodities to 1.9 million North Koreans and funding domestic production of vitamin and mineral-enriched food for women and children. Implementation of this plan, which started in June 2006, has been hampered by funding gaps; the WFP had only received ten per cent of the \$102 million required as of October 2006.

The UN's Food and Agriculture Organisation projected the cereal deficit for the current marketing year (November 2005-October 2006) at 900,000 tons, less than 20 per cent of the minimum required. This projection was made before severe flooding hit the country in July and August 2006.

Following the floods, the North Korean government reported hundreds of people dead or missing and said tens of thousands had been made homeless. Preliminary estimates indicate the loss to this year's harvest due to the floods to be in the range of 90,000 tons of cereals. Severe and widespread damage to infrastructure, including roads, bridges and rail networks, was also reported.

After North Korea conducted missile tests in July 2006, South Korea – one of the biggest aid donors – sharply reduced food donations, on which North Korea depended to make up a shortfall of more than 1 million tons of rice. South Korea relented when North Korea pleaded for help after severe flooding in August. But it sent only half of the 100,000 tons it had said it would send in "emergency" aid – compared with 500,000 tons last year. Following North Korea's nuclear test in October South Korea suspended food aid and China is also believed to have cut its aid by about 60 per cent.

There was some government distribution activity in late 2005, but many did not receive rations at all. In Pyongyang, according to recent reports, people did not have enough to eat in spring of 2006. The government had to set up offices to distribute survival-sized rations to those on the verge of starvation. The re-imposition of the public distribution system in late 2005, combined with the curtailment of international humanitarian relief efforts and the summer floods, could result in a tragic return to famine and a new exodus to China.

In July 2005 the UN Committee for the Elimination of All Forms of Violence against Women expressed concern that the famine and natural disasters that have affected the country in the past decade could make women vulnerable to trafficking and other forms of exploitation, such as prostitution. It raised particular concern about women from rural areas, on women who are the main providers of the household and on young girls.

Child malnutrition

There have been some improvements in child malnutrition following continued international aid. Malnutrition rates among children in North Korea declined in the period of 2002-2004 but remain relatively high, according to a survey conducted in October 2004. Announcing the findings in March 2005, UN agencies said that substantial, well-targeted international assistance must be sustained to build on the gains.

A 2004 survey on child and maternal nutrition by North Korean government departments in collaboration with UNICEF and the World Food Programme in October 2004 found that:

the proportion of young children chronically malnourished, or stunted (height-for-age), has fallen from 42 percent (in 2002 when the last survey was held) to 37 percent; acute malnutrition, or wasting (weight-for-height), has declined from 9 percent (in 2002) to 7 percent; the proportion of children under six found to be underweight (weight-for-age) increased from 21 percent to 23 percent; the rate among 1-2 year olds - the most nutritionally vulnerable group - fell from 25 percent to 21 percent.

approximately one third of North Korean mothers are malnourished and anaemic.

Childhood malnutrition rates varied significantly by region, with the highest levels recorded in the more food-insecure Northern provinces and the lowest in the relatively fertile and better-off south, especially Pyongyang.

The UN Committee on the Rights of the Child (CRC) expressed concern in June 2004 about persistently high rates of infant and child mortality, high rates of malnourishment and stunting in children, and relatively high maternal mortality rates. It also expressed serious concern about lack of access to clean drinking water and poor sanitation.

Executions

Executions are by hanging or firing-squad. In March 2003 the government announced that it would refrain from executing criminals in public. There were renewed reports in 2005 of executions of political opponents in political prisons, and of executions of people charged with economic crimes, such as stealing food:

Son Jong-nam (48) was reportedly sentenced to be executed on charges of 'betraying' his country, sharing information with South Korea and receiving financial assistance from his brother who is a North Korean settled in South Korea since 2002. As of April 2006, he was reportedly imprisoned in the basement of the National Security Agency in Pyongyang and was 'practically dead from horrible torture', according to UN sources. Son Jong-nam had left North Korea in 1997 with his wife, son and brother and had become a Christian – deemed to be a serious crime in North Korea. He was forcibly returned by Chinese authorities to North Korea in April 2001 and imprisoned for three years in the Hamgyung-buk do prison camp. He was released in May 2004 and met his brother in China before returning to North Korea; but authorities were tipped off that he had met his brother and he was arrested in January 2006. He had apparently talked about his family and what North Koreans thought of Kim Jong-il to his brother.

There were unconfirmed reports of public executions of some 70 North Koreans in January 2005 after they were forcibly returned from China. Those accused of proselytising or practising in underground churches have also been reportedly executed.

Video footage emerged showing two people being shot in a public execution. The execution reportedly took place on 1 March in Hoeryang, a north-eastern city, after a public trial of 11 people charged with trafficking in people and aiding unauthorized visits to China. The footage also showed an execution which reportedly took place on 2 March in the nearby city of Yuson.

Freedom of expression

Opposition of any kind is not tolerated. According to reports, any person who expresses an opinion contrary to the position of the ruling Korean Workers' Party faces severe punishment and so do their families in many cases.

In October 2006, the fifth annual Reporters Sans Frontiers Worldwide Press Freedom Index listed North Korea as the worst violator of press freedom. The domestic news media is strictly censored and access to international media broadcasts is restricted. According to reports, at least 40 journalists since the mid-1990s have been "re-educated" for errors such as misspelling a senior official's name. The entire North Korean press is under the direct control of Kim Jong-il, particularly the Rodong Shinmun (The Worker's Newspaper), the Korean Central News Agency, and the national television JoongAng Bang Song. Each journalist is reportedly indoctrinated so as to be able to render, without mistakes, the grandeur of the late president Kim Il-sung and of his son Kim Jong-il. The press is also responsible for demonstrating the superiority of North Korean socialism over bourgeois and imperialist corruption. A typing error can be very expensive: dozens of North Korean journalists are sent to "revolutionary" camps for a simple spelling mistake, according to Reporters Sans Frontiers. Despite police campaigns to check radios (every radio, once sealed up, can only be tuned to official radio frequencies) a growing number of radios do enter by the Chinese border, allowing some people to listen to broadcasts from South Korean radio. Those who listened to foreign radio stations risked being punished.

Any unauthorized assembly or association is regarded as a "collective disturbance", liable to punishment. Religious freedom, although guaranteed by the constitution, is in practice sharply curtailed. There are reports of severe repression of people involved in public and private religious activities, through imprisonment, torture and executions. Many Christians are reportedly being held in labour camps, where conditions were reported to be extremely harsh.

Torture, ill-treatment and prison conditions

Despite some changes in the law, the political and sometimes arbitrary use of imprisonment, torture and capital punishment continues. Punishments reportedly tend to depend on the age, gender and experiences of repatriated North Koreans. Women and children have received sentences as light as two weeks in a detention centre, but longer sentences of several months in labour camps are also common. The consequences of repatriation are reportedly most severe for pregnant women, who suffer forced abortions under poor medical conditions, and those who confess to meeting with South Koreans or missionaries. Summary executions and long sentences of hard labour are still enforced, though authorities are apparently wary of prisoners falling ill and dying on their watch. Those who seem close to death are released, often only to die the next week.

Unconfirmed reports suggest that torture and ill-treatment are widespread in detention centres, prisons and labour camps. Conditions are apparently very harsh. North Koreans forcibly repatriated from China were detained and interrogated in detention centres or police stations operated by the National Security Agency or the People's Safety Agency.

Beatings are reportedly common during interrogation. If prisoners are caught communicating, they are beaten with wooden sticks or iron bars. After the beating, cold water is reportedly poured over the prisoners' bodies, even in the middle of winter. Some prisoners are reportedly subjected to "water torture", where they are tied up and forced to drink large quantities of water.

Long-term food shortages have been a significant factor in the worsening conditions in overcrowded detention centres and prisons. According to testimonies collected by Amnesty International, the main problem in detention centres is the lack of food, which is attributed to the famine or food crisis. According to these testimonies, people have died of hunger while in detention. Food shortages also resulted in deaths from malnutrition in political penal labour colonies or "control and management places" (*kwalliso*).

In June 2004, the UN Committee on the Rights of the Child (CRC) expressed concern at reports of institutional violence against juveniles, especially in detention and in social institutions.

Refugees

North Korea's economic collapse and famine in the 1990s and subsequent food shortages have prompted tens of thousands to seek refuge in China and beyond. Recent estimates by the International Crisis Group suggest that the total number of North Koreans in China is likely to be something up to 100,000; of this, only a little over 9,000 have reached and settled in South Korea; a small number of North Koreans have reached Japan, Europe and the U.S, where many have been granted refugee status.

China does not want a steady stream of North Korean border crossers to become a flood. In addition to crackdowns (which have continued since December 2002), a new barbed-wire fence is being built by China along the Yalu River in Dandong after summer floods damaged crops and infrastructure in North Korea. Signs posted on the Chinese side read: "It is forbidden to financially help, harbour, or aid in the settlement of people from the neighbouring country who have crossed the border illegally". The 1960 "Escaped Criminals Reciprocal Extradition Treaty" along with the 1986 "Border Area Affairs Agreement" guides official Chinese policy towards the North Korean border-crossers. The classification of North Korean border-crossers as illegal economic migrants by Chinese authorities subjects them to forcible repatriation under these bilateral agreements and denies them international protection or access by the UN High Commissioner for Refugees (UNHCR).

The large numbers of North Korean border-crossers being forcibly repatriated back from China have caused the North Korean government to ease sentences and change the penal code. The 1999 version distinguished between "unlawful border crossing" and crossing "with the intent to overturn the Republic". The 2004 revision further distinguishes between "crossing" and "frequent crossings". According to the latter version, "frequent crossing" of the border without permission is a criminal act punishable by up to two years in labour camps (three years in the 1999 version). Acts of treason, such as "surrendering, changing allegiance, [and] handing over confidential information", are punishable by five to ten years of hard labour, or ten years to life in more serious cases.

Many prisoners take advantage of the opportunity to escape when transferring from labour training camps to provincial detention centres or return to China after they are released. As many as 40 per cent of those repatriated to North Korea re-enter China.

North Korea has reportedly tightened security on the border in the past couple of years, targeting brokers and North Koreans planning to leave the country. Smuggled video footage of public executions in 2005 involved charges of trafficking in people and illegal border crossing. In February 2006, 300 people were reportedly arrested in the Northern border town of Hoeryong for planning to leave North Korea or having connections in South Korea or China. In May, 217 North Korean agents posing as asylum seekers were rumoured to have been deployed to China as part of a large information-gathering operation. China continues to arrest and forcibly repatriate North Koreans without referring them to the UNHCR. It also targets the missionaries, aid workers and brokers involved in sheltering or transporting North Koreans. Observers in China and South Korea attribute current crackdowns near Shenyang city in north east China to a "clean up" campaign in preparation for the 2008 Olympics. North Koreans who had lived in China for several years cited pre-Olympic measures as a motivating factor for their recent flight to South Korea. An estimated 150-300 North Koreans are reportedly forcibly repatriated from China every week.

The CRC expressed concern in June 2004 at reports of North Korean street children in Chinese border towns. It was also deeply concerned at reports that children (and their families) returning or deported back to North Korea were considered by the North Korea government not as victims but as perpetrators of a crime.

Mr Lee Kwang-soo arrived in South Korea by boat in March 2006 having crossed the sea border along the East Coast (Kangwon Province) with his wife, his two children and a friend. Once in South Korea he made enquiries about his own family back in North Korea as well as those of his friend and his wife. In August he discovered that the family members (19 in total) were missing. He has no knowledge of their whereabouts; they disappeared sometime between March (after he left North Korea) and early August 2006. He also heard that a meeting had been organized by North Korean officials specifically focusing on their families' "betrayal to the state and the people of North Korea".

Public Document

For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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