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**Democratic People's  
Republic of Korea**

**Submission to the UN Universal  
Periodic Review**

**Sixth session of the UPR Working Group of the  
Human Rights Council  
November - December 2009**



## **Executive summary**

In this submission, Amnesty International provides information under sections B, C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:<sup>1</sup>

- In section B, Amnesty International raises concern over human rights legislation, denial of access for international organisations, torture and other ill-treatment, and the death penalty.
- In section C, we describe concerns related to abductions and enforced disappearances, the right to freedom of expression, the right to freedom of movement, and the right to food.
- In section D, Amnesty International makes a number of recommendations in the areas of concern listed.

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<sup>1</sup> Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

# Democratic People's Republic of Korea

## Amnesty International submission to the UN Universal Periodic Review

Sixth session of the UPR Working Group, November-December 2009

### B. Normative and institutional framework of the State

#### Human rights legislation

1. Amnesty International welcomes the submission of the combined third and fourth periodic report to the Committee on the Rights of the Child by the Democratic People's Republic of Korea (North Korea) and its participation in the Committee's review on 23 January 2009. However, in previous years Amnesty International has noted with concern that the government has consistently failed to implement recommendations by this and other treaty bodies or to provide sufficient information on their implementation.
2. Fundamental rights and freedoms enshrined in the Universal Declaration of Human Rights and the treaties to which North Korea is a state party remain largely unprotected by domestic legislation. The Committee on Economic, Social and Cultural Rights has noted with concern that "the constitutional and other legal provisions, particularly article 162 of the Constitution... seriously compromise the impartiality and independence of the judiciary and have an adverse impact on the protection of all human rights".<sup>2</sup>

#### Denial of access to North Korea

3. The government continues to deny access to independent human rights monitors, despite repeated UN resolutions condemning the "systematic, widespread and grave violations of human rights" and urging the government to cooperate with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. In March 2009, the UN Human Rights Council expressed serious concern at the refusal of North Korea to recognize the mandate of the Special Rapporteur. His report had been rejected by the government as being "full of distortions and fabrications". The government has not responded to previous requests for visits by the Special Rapporteurs on the right to freedom of opinion and expression (2002), on freedom of religion and belief (1999 and a reminder in 2002) and on the right to food (2003).

#### Torture and other ill-treatment

4. North Koreans sent to prison camps and detention centres are often subjected to torture and other cruel, inhuman or degrading treatment or punishment. Although conditions vary from one facility to another, and are invariably harsher in political prison camps (*kwanliso*) than in prison camps for non-political prisoners (*kyohwaso* or *nodong danryundae*), prisoners in general are forced to undertake physically demanding work, including mountain logging and stone quarrying, often for 10 hours or more a day, with no rest days. Prisoners are punished if suspected of lying, not working fast enough or forgetting the words of patriotic songs. Forms of punishment include beatings, forced exercise, sitting

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<sup>2</sup> Concluding Observations of the Committee on Economic, Social and Cultural Rights: Democratic People's Republic of Korea, UN Doc. E/C.12/1/Add.95, 12 December 2003, para. 9. ([http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.95.En](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.95.En))

without moving for prolonged periods of time and humiliating public criticism. Due to the combination of forced hard labour, inadequate food, beatings, lack of medical care and unhygienic living conditions, many prisoners fall ill and some have died in custody or soon after release.

5. People who have served time in prison camps in North Korea often cite cases of forced labour and beatings by prison guards or fellow prisoners. A female prisoner who was sentenced to a *nodong danryundae* described: "We were sent to the mountains to carry stones on our backs or heads. Because of the friction, the skin on my back peeled and bled...Guards were always yelling and hitting the prisoners".<sup>3</sup>

### The death penalty

6. The death penalty is carried out in secrecy in North Korea. Executions are typically by firing squad or hanging. There are reports of public and extrajudicial executions. Public executions are a breach of North Korea's own penal code and are used to set an example to others. Executions are often carried out even though the alleged crime is not subject to a death sentence under domestic law.<sup>4</sup> Although there has been a reduction in the number of crimes carrying the death penalty, four of the five remaining offences carrying the death penalty "are essentially political offences" with such broad terms that they risk being applied subjectively.<sup>5</sup> This includes "conspiracy to overturn the state," "treason against the Fatherland," "terrorism," "and treason against the people".<sup>6</sup>

## C. Promotion and protection of human rights on the ground

### Right to food

7. According to the World Food Programme (WFP) in March 2009, only 2 million people are able to receive food assistance out of the 6.2 million targeted by its emergency operation in 2008. Even these beneficiaries are receiving incomplete rations of fortified foods. Last year, the WFP announced that millions of people experienced the worst hunger in a decade with women, children and the elderly being the most vulnerable. Food production dropped sharply and food imports declined.
8. A 2008 survey by the WFP and the Food and Agricultural Organisation (FAO) of 53 counties in eight provinces indicated that almost three quarters of North Korean households had reduced their food intake. The majority of families had stopped eating protein-rich foods and were living on cereals and vegetables. Many people were forced to scavenge for wild foods which are poor in nutrition and may cause digestive problems. According to the WFP and FAO, one of the leading causes of malnutrition among children under the age of five is diarrhoea caused by increased consumption of wild foods.
9. Despite the food shortages reaching critical levels, the government has failed to seek international cooperation and assistance needed to ensure minimum essential levels of food for the whole population. Due to strained relations, North Korea in March 2009 refused to accept any further food aid from the USA. The government also told five US humanitarian aid organisations to leave North Korea by the end of March 2009. Similarly in 2008, North Korea did not request assistance from South Korea, the biggest donor of rice and fertilizer in previous years.

<sup>3</sup> Norma Kang Muico *Forced Labour in North Korean Prison Camps* Anti-Slavery International, 2007, p 14 (<http://www.antislavery.org/homepage/resources/PDF/NK%202007.pdf>).

<sup>4</sup> Korea Institute for National Unification (KINU), "*White Paper on human rights in North Korea*", 2008 p52

<sup>5</sup> Concluding Observations of the Human Rights Committee 27 August 2001 CCPR/CO/72/PRK para. 13 ([http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.72.PRK.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.72.PRK.En?OpenDocument)).

<sup>6</sup> KINU, "*White Paper on human rights in North Korea*", 2008 p. 49.

10. The government continues to deny unrestricted access to the WFP and other monitors to ensure that food is distributed to those most in need. Amnesty International has received reports of food rations being prioritised to the military and high-ranking government officials.

#### **Restrictions on the right to freedom of movement**

11. DPRK law requires that its citizens obtain permission to travel both within the country and abroad. Article 62 of the 2004 Criminal Code criminalises travel to another country without state permission. This crime can carry the death penalty, in blatant violation of North Korea's obligation to respect the right of every person to be free to leave any country, including his or her own.<sup>7</sup> Despite this ban, thousands cross the border into China mainly in search of food and economic opportunities, but also because of political oppression. Most are women who often marry Chinese farmers. Some brokers take advantage of their vulnerability by trafficking them into forced marriages.
12. As the Chinese government considers all undocumented North Koreans in China as economic migrants, they live in fear of being caught and forcibly repatriated to North Korea. Virtually all those forcibly returned to North Korea have faced up to three years in a prison camp where they have been subjected to forced labour, torture and other ill-treatment. China continues to deny the UNHCR access to the North Koreans in their territory. In 2009, the UN Special Rapporteur on the situation of human rights in North Korea stated that most North Korean border crossers in China are entitled to international protection as *refugees sur place* because of the threat of persecution or punishment upon return.<sup>8</sup>

#### **Abductions and enforced disappearance**

13. North Korea's policy of abduction and enforced disappearance has continued since the Korean War (1950-53). Tens of thousands of North Koreans, as well as nationals from other countries, including South Korea, Japan, Thailand and Lebanon, have been abducted by the North Korean government. North Korean family members of suspected dissidents have disappeared or been punished under the principle of "guilt by association". In the majority of cases the North Korean authorities have refused to acknowledge that these individuals are being detained or to provide information on their fate or whereabouts.
14. During the Korean War, thousands of South Korean nationals were abducted and taken to North Korea. Figures vary from 2,438<sup>9</sup> to 94,700<sup>10</sup>. No-one abducted during the Korean War has been officially confirmed to have returned to South Korea. After the war, it is estimated that a further 3,795 South Koreans have been abducted by North Korean agents. Most have since been returned, but around 480 individuals remain accounted for, including 428 fishermen.
15. Lee Seong-hwan was abducted by agents belonging to the North Korean Secret Service in September 1950. Lee's wife told Amnesty International that her husband had been taken to a prisoner of war camp in Jagang-do in North Korea in 1951. No information has been forthcoming from the North Korean authorities on the fate and whereabouts of Lee Seong-hwan despite efforts from his wife and three daughters.
16. North Korean officials agreed on 13 August 2008 to re-open investigations into the fate and whereabouts of several Japanese nationals. On 17 September 2002, North Korean leader Kim Jong-il admitted to Japan's then Prime Minister Koizumi Junichiro that North Korea had abducted 13 Japanese

<sup>7</sup> Article 12(2) of the International Covenant on Civil and Political Rights.

<sup>8</sup> Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, UN Doc. A/HRC/10/18, 24 February 2009 (<http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.18.pdf>).

<sup>9</sup> According to the South Korean Ministry of Public Information (1950).

<sup>10</sup> According to the Korean War Abductees' Family Union (2005).

nationals in the 1970s and 1980s. Subsequently, five Japanese nationals were allowed to return to Japan. The children and an American husband of one of the Japanese women were also allowed to leave North Korea. North Korean officials claimed the remaining eight Japanese nationals had died. In October 2008, the Investigation Commission on Missing Japanese Probably Related to North Korea (COMJAN) added 32 names of Japanese nationals to the list of alleged abductions raising the estimate to 62.

#### **Restrictions on the right to freedom of opinion and expression**

17. Freedom of expression is severely restricted in North Korea. All media is controlled by the state and dissent is not tolerated. Listening to broadcasts, retaining information or disseminating information perceived as opposing the state is punishable under the Criminal Code by up to two years in a “labour training camp” or five years of “correction labour” in more serious cases.<sup>11</sup> Officials from the Ministry of Public Security regularly conduct inspections in private homes to ensure compliance.<sup>12</sup> In 2008, long distance telephone calls were reportedly blocked to prevent news of food shortages from spreading. There were also reports that local authorities arrested individuals who watched South Korean videos or were in possession of unauthorised mobile phones.
18. Despite the existence of some churches largely in Pyongyang, freedom of religion is severely restricted. North Koreans suspected of practising religion or meeting with Christian missionaries in China are subject to harsher punishments in prison camps and detention facilities than other border crossers.

### **D. Recommendations for action by the State under review**

#### **Achievements**

Amnesty International welcomes North Korea’s measures to address the needs of persons with disabilities, including the drafting of an Action Plan for Persons with Disabilities for 2008-2010 and the establishment in July 2005 of the Central Committee of the Korean Federation for the Protection of Persons with Disabilities.

#### **Amnesty International calls on the government:**

##### *Human rights legislation*

- To Implement, as a matter of urgency, the recommendations of UN human rights treaty bodies and charter-based bodies, including to ensure that adequate human rights legislation is introduced and implemented;
- To ratify, incorporate into domestic legislation and implement in policy and practice the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention for the Protection of All Persons from Enforced Disappearances.

##### *Denial of access to North Korea*

- To grant access to the all UN Special Procedures requesting a visit as well as to independent monitors, in particular the Special Rapporteur on the situation of human rights in the DPRK.

##### *Torture and other ill-treatment*

<sup>11</sup> Korea Institute for National Unification (KINU), “White Paper on human rights in North Korea”, 2008 p. 208.

<sup>12</sup> *Ibid.*, 2008 p. 210.

- To take immediate action to stop the use of torture and other ill-treatment of prisoners, and forced labour in prison camps, and to ensure that international standards are applied in the treatment of prisoners;
- To improve conditions in prison camps and detention facilities to meet minimum international standards.

*The death penalty*

- To immediately end public and extrajudicial executions;
- To introduce a formal moratorium on executions as a first step towards abolition of the death penalty.

*Right to food*

- To grant immediate and unfettered access to the World Food Programme to ensure that food reaches those most in need.

*Right to freedom of movement*

- To amend its Criminal Code so that leaving the country without permission does not constitute a criminal offence;
- To abolish the requirement for permission to travel internally and abroad.

*Abductions and enforced disappearances*

- To publicly condemn and immediately stop all abductions and enforced disappearances;
- To thoroughly, independently and impartially investigate past and current allegations of abductions and enforced disappearances;
- To make public official, accurate and conclusive information on the fate and whereabouts of all persons subjected to abduction or enforced disappearance;
- To ensure that all persons subjected to abduction or enforced disappearance be free to leave North Korea in accordance with international law, unless they are charged with a recognizable criminal offence.

*Right to freedom of opinion and expression*

- To lift restrictions on the right to freedom of the press and expression;
- To lift restrictions on the right to freedom of religion.

## Appendix: Amnesty International documents for further reference<sup>13</sup>

- Press release, “North Korea: Amnesty International calls for release of detained US journalists” 1 April 2008
- Press release, “North Korea: summary executions yet another injustice for beleaguered population” 6 March 2008
- Report, “Asia Pacific: Enforced disappearances in the Asia Pacific Region must end”, 30 August, 2008, AI Index: ASA 01/010/2008
- Urgent Action: fear of imminent execution, 15 February 2007, AI Index: ASA 24/001/2007
- Media Briefing, “North Korea: Human rights concerns”, 24 November 2006, AI Index: 24/002/2006
- Media Advisory, “North Korea: briefing on present situation”, 28 July 2005, AI Index: ASA 24/002/2005
- Urgent Action: Disappearance/fear of torture/fear of death penalty, 15 September 2005, AI Index: ASA 24/003/2005
- Report, “Starved of Rights: Human Rights and the Food Crisis in the Democratic People’s Republic of Korea (North Korea)”, 20 January 2004, AI Index: ASA 24/003/2004
- Press release, “North Korea: denial of right to food” 20 January 2004, AI Index: ASA 24/004/2004
- Urgent Action: Fear of torture/ill-treatment, 19 November 2004, AI Index: 24/002/2004
- Urgent Action: Fear of torture/fear of death penalty, 23 December 2004, AI Index: ASA 24/007/2004

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<sup>13</sup> All of these documents are available on Amnesty International’s website: <http://www.amnesty.org/en/region/north-korea>