



**Human Rights in North Korea
Subcommittee on East Asian and Pacific Affairs
Committee on Foreign Relations
United States Senate**

**Testimony by
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Thank you Mr. Chairman and distinguished members of this committee. Amnesty International is pleased to testify at this important hearing. The human rights situation in North Korea has been a consistent and grave concern to Amnesty International. We last visited the country in 1995 but were not allowed to undertake independent monitoring. Since that time, numerous attempts to enter the country to assess the human rights situation have been denied by the North Korean authorities. Despite the North Korean government's lack of cooperation, we have received numerous credible reports of grave abuses.

Amnesty International's long-standing concerns about human rights violations in North Korea include the use of torture, the death penalty, arbitrary detention and imprisonment, inhumane prison conditions and the near-total suppression of fundamental freedoms, including freedom of expression, religion, and movement.

In recent years, many human rights abuses in North Korea have been linked directly or indirectly to the famine and acute food shortages, which have affected the country since the mid-1990s. The famine and persistent acute food shortages have led to widespread malnutrition among the population and to the movement of hundreds of thousands of people in search of food -- some across the border with China -- many have become the victims of human rights violations as a result of their search for food and survival.

In this context, Amnesty International believes that guaranteeing equitable distribution of food to all individuals in North Korea without discrimination is a key priority which the North Korean government must address urgently, in line with its international obligations, with appropriate assistance from the international community. The United States Government can play a leading role in helping to ensure that thousands of innocent civilians are spared the horrors of malnutrition and deaths due to hunger.

United Nations Human Rights Commission

In a resolution on North Korea passed at the 58th session of the UN Commission on Human Rights in April 2003, the Commission expressing the Commission's deep concern about reports of

systemic, widespread and grave violations of human rights in North Korea, including “torture, public executions, and imposition of the death penalty for political reasons.”

In the resolution, the Commission also expressed concern at “the existence of a large number of prison camps, the extensive use of forced labour, and the lack of respect for the rights of persons deprived of their liberty.” Other areas of concern included reports of “all-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association and on access of everyone to information, and limitations imposed on every person who wishes to move freely within the country and travel abroad.”

The resolution also called on Pyongyang to implement “its obligations under the International Covenant on Economic, Social and Cultural Rights, in particular concerning the right of everyone to be free from hunger.” The resolution also requested “the international community to continue to urge that humanitarian assistance, especially food aid, destined for the people of the Democratic People’s Republic of Korea, be distributed in accordance with humanitarian principles and to ensure also the respect of the fundamental principles of asylum.”

Restrictions on Access

There is little detailed information on the extent of human rights violations in North Korea due to the restrictions on access to the country for independent human rights monitors. Information and access to the country remain tightly controlled, hampering the investigation of the human rights situation on the ground. However, reports from a variety of sources suggest a pattern of serious human rights violations, such as those described below.

Executions

Amnesty International has received reports of public executions carried out at places where large crowds gather. These executions are announced in advance to encourage attendance by schools, enterprises, and farms. Some prisoners have reportedly been executed in front of their families. Executions are carried out by hanging or firing-squad.

Freedom of Expression and Religion

Opposition of any kind is not tolerated. According to reports, any person who expresses an opinion contrary to the position of the ruling party faces severe punishment, as does their family in many cases. The domestic news media is strictly censored and access to international media broadcasts is restricted. 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 labor camps.

Torture and Ill-treatment

Reports from a variety of sources suggest that torture and ill-treatment are widespread in prisons and labor camps, as well as in detention centers where North Koreans who have been forcibly returned from China are held for interrogation pending transfer to other places. Conditions in prisons and labor camps are reported to be extremely harsh. Inmates are made to work from early morning until late at night in farms or factories, and minor infractions of rules can be met with severe beatings. According to some reports, however, more deaths are caused by lack of food, harsh conditions and lack of medical care than by torture or ill-treatment.

Freedom from Hunger and Malnutrition

North Korea continues to rely on international aid to feed its population, but many people in the country are suffering from hunger and malnutrition. According to a study published last year by the Food and Agricultural Organization of the United Nations (FAO), 13 million people in North Korea -- over half of the population -- suffered from malnutrition. Aid agencies have estimated that up to two million people have died since the mid-1990s as a result of acute food shortages caused by natural disasters and economic mismanagement. Several million children suffer from chronic malnutrition, impairing their physical and mental development. Many people in the country also lack adequate medical care due to lack of medical personnel and supplies.

According to a special report by the FAO and the World Food Program (WFP) on October 30, 2003, despite improved harvests, North Korea will have another substantial food deficit in 2004. A combination of "insufficient domestic production, the narrow and inadequate diet of much of the population and growing disparities in access to food as the purchasing power of many household declines" has meant that about 6.5 million North Koreans will require assistance next year.

The situation remains "especially precarious" for young children, pregnant and nursing women and elderly people. Malnutrition rates remain "alarmingly high", as four out of ten young children suffer from chronic malnutrition, or stunting, according to a survey conducted in October 2002 by the UNICEF and the WFP. According to FAO and the WFP, "Continued, targeted food aid interventions are essential to prevent a slippage back towards previous, higher levels of malnutrition."

An economic policy adjustment process initiated by the North Korean government in July 2002 has led to a further decrease in the already inadequate purchasing power of many urban households. The new report cites government authorities who state that rations from the Public Distribution System (PDS) – the primary source of food for 70 per cent of the population living in urban areas – are set to decline to no more than 300 grams per person per day in 2004, from 319 grams this year. Although the PDS rations are very low, industrial workers and elderly people now spend more than half of their income on these rations alone. They are unable to purchase staples such

as rice and maize from private markets, where prices are as much as 3.5 times higher, let alone more nutritious foods.

Freedom from hunger and malnutrition and the right to food are fundamental rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which North Korea is a State Party. The provision of food where humanitarian assistance is needed is both a joint and individual responsibility. The expert Committee set up to monitor the Covenant has concluded that all State Parties, individually and through international cooperation, are under an obligation to ensure "an equitable distribution of world food supplies in relation to need".

North Korea must ensure that international food aid and other food supplies are distributed equitably to all among its population, without discrimination. If its population is in need of food supplies that it cannot provide, the government must seek outside assistance, and must refrain from using food as a negotiating issue.

Amnesty International wrote to President Bush in July 2003 commending the Administration's announcement that the US Government would refrain from using food as an instrument of political and economic pressure and seeking further assurances that this will remain US policy. States such as the USA, which are in a position to help the North Korean population, must provide the necessary food aid, without tying this to particular political goals. The US government responded in August, assuring that the policy of the United States is to provide emergency food aid based on humanitarian considerations without regard to political, military or economic issues; however, there has been a decline in food aid to North Korea in recent years. This trend has continued despite concerns from the WFP and other humanitarian agencies of substantial shortfalls in food aid and serious levels of chronic malnutrition among vulnerable sections of the population.

Should the US, which has been a leading donor of humanitarian food aid to North Korea in the past, impose food embargoes or reductions in food aid to North Korea, it is the ordinary North Korean people who would suffer more. The worsening food shortage would also lead to worsening conditions for already vulnerable sectors of the North Korean population, such as children, women and elderly people. As a prominent aid donor stated, "Withholding aid would not only be morally wrong, it would also not solve any problems. Closing the door now means much greater difficulty in reopening the future – and with an open door comes the possibility of the same level of communication, or of gradually developing an even better level (of communication)." Food should not be used as an instrument of political and economic pressure and must be the subject of embargoes.

North Korean Asylum Seekers in China

In the face of serious food shortages and political repression, thousands of North Koreans have fled across the border to China where many live in fear of arrest and possible repatriation. The Chinese authorities claim that all North Koreans who illegally come to China are economic migrants, and have consistently denied them access to any refugee determination procedure, in

violation of China's obligations under the 1951 Refugee Convention and despite evidence that many among them have genuine claims to asylum.

Their desperate plight has been brought into sharp focus by a series of diplomatic incidents in which over 100 North Koreans have entered foreign diplomatic facilities in several Chinese cities in an attempt to claim asylum. China has responded to these incidents by stepping up its crackdown on North Koreans, particularly in the provinces of Liaoning and Jilin which border North Korea. Hundreds, possibly thousands, of North Koreans have been detained and forcibly returned across the border where they meet an uncertain fate. Amnesty International fears that they could be subjected to serious human rights violations as discussed below, including arbitrary detention, torture or even summary execution.

The renewed crackdown in northeast China has also extended to people suspected of helping North Koreans, including members of foreign aid and religious organizations and ethnic Korean Chinese nationals living in the border area, many of whom have been detained for interrogation. In December 2001, a South Korean pastor, Chun Ki-won, and his assistant, Jin Qilong, an ethnic Korean Chinese national, were arrested in Hulunbeier City in China's Inner Mongolia Autonomous Region while leading a group of 13 North Koreans through northeast China towards the neighboring state of Mongolia. On March 3, 2002, Chun Ki-won and Jin Qilong were charged with "organizing other people to illegally cross the national border". They were tried by the Hulunbeier Municipal People's Court in Inner Mongolia in July, found guilty and sentenced to pay fines of 50,000 and 20,000 Yuan respectively (US\$6,000/US\$2,400). They were subsequently released, and Chun Ki-won was deported to South Korea on August 22, 2002.

The 13 North Koreans were detained in Manzhouli Prison in Inner Mongolia. Three of them, including a newly-born baby, were reportedly returned to North Korea in late January or early February 2002, but there were no further details about their status or whereabouts. The others, including four children, were reported to have been moved from Manzhouli Prison in July 2002, but their current whereabouts remain unknown.

More recently, five men were arrested on January 18, 2003 in Yantai for helping North Koreans, and were sentenced on May 22, 2003. They include a South Korean journalist, Seok Jae-hyun, who was sentenced to two years and a fine of 5,000 Yuan and another South Korean national, Choi Yong-hun, who was sentenced to five years and fined 30,000 Yuan.

Returned Asylum Seekers

Despite the uncertain fate that awaits them, many North Koreans continue to cross the border into China. Some have sought asylum in diplomatic compounds and foreign schools in China and have been allowed to leave, traveling to South Korea via third countries. Hundreds of others have been reportedly apprehended in northeast China and forcibly returned to North Korea.

Those forcibly returned are held for interrogation in detention centers or police stations operated by North Korean security agencies. Depending on who they are and the result of interrogation, they may be sent back to detention centers or prisons in their home province, or to labor camps for up to six months. A few such returnees, particularly former officials or those found with religious literature, are assigned long terms of imprisonment with hard labor or in some cases face execution. Those sent back to their home province are ostracized within their community and subjected to surveillance. Many flee the country again. Some have fled and been returned several times, reportedly facing increasingly severe punishments with each failed escape attempt.

What Can be Done?

Mr. Chairman, given the closed nature of North Korea and continued reports of numerous human rights abuses, it is imperative that the international community find the best way to encourage increased transparency in the country. We are not aware of any independent functioning civil society or non-governmental organizations in North Korea.

The international community should focus on persuading North Korea to invite United Nations human rights experts as a first step. Transparency in a closed country environment like North Korea, especially with respect to its prisons and detention centers, is more likely to be achieved in a gradual, step-by-step manner. Because North Korea is a member of the United Nations, it may be more inclined to allow access to the United Nations than any other organization. Countries like South Korea, China, Japan, EU member countries and Russia could be helpful allies in this endeavor.

Recommendations to the Bush Administration:

- Engage diplomatically with North Korean government authorities;
- Initiate confidence-building measures such as continuation of food aid without conditionality and avoid food sanctions;
- Urge North Korea to grant unimpeded access to international human rights organizations;
- Urge North Korea to allow UN human rights monitors access to prisons and detention facilities;
- Urge North Korea to grant unimpeded access to Special Rapporteurs and thematic experts under the United Nations conventions to which North Korea is a state party, such as the International Convention on Civil and Political Rights (ICCPR); International Convention on Economic, Social and Cultural Rights (ICESCR); Convention on the Rights of the Child (CRC); and Convention on the Elimination of all forms of Discrimination against Women (CEDAW);
- Urge the North Korean government to implement the recommendations of the Committee on Human Rights and the Committee on the Rights of the Child, which were issued in response to the reports on treaty compliance submitted by North Korea;
- Urge the North Korean government to grant access to the Special Rapporteur on Food to make visits to prisons and detention centers where there have been reports of deaths due to malnutrition;
- Urge the North Korean government to invite experts from the Committee on the Rights of the Child and thematic experts and rapporteurs under CEDAW, as children and pregnant and nursing

women are identified by UN agencies as vulnerable groups badly affected by the food shortages in North Korea. These experts should be granted unimpeded access to prisons or detention centers for juvenile detainees and women detainees;

- Urge the North Korean government to grant access to and cooperate without restriction/reservation with thematic procedures of the Commission on Human Rights relevant to the situation of North Korea: the Special Rapporteur on Torture, the Special Rapporteur on Religious Intolerance, the Working Group on Arbitrary Detention, as well as the Working Group on Enforced or Involuntary Disappearances; encourage North Korean government to report regularly to the relevant treaty bodies, ratify more UN Conventions, including the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- Urge North Korea to review existing legislation to ensure it conforms with international human rights standards and introduce safeguards to provide citizens with protections and remedies against human rights violations;
- Prohibit the use of slave, forced, or prison labor in any investment in extraction or production enterprises.

Recommendations to the Chinese Government:

- Allow the United Nations High Commissioner for Refugees (UNHCR) access to North Korean refugees in China;
- Stop repatriating North Korean refugees.

Recommendations to the North Korean Government:

Amnesty International has repeatedly called on the North Korean government to take measures to increase respect for human rights in the country, including to:

- Abide by the principles laid out in the international human rights treaties it has ratified – such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – and incorporate these principles into domestic law;
- Abolish the death penalty;
- Release all who are detained or imprisoned for the peaceful exercise of their human rights;
- Guarantee freedom of expression, religion, movement for all North Koreans;
- Ensure the right to freedom from hunger and malnutrition without discrimination;
- Review and revise existing legislation to ensure it conforms with international human rights standards and introduce safeguards to provide citizens with protections and remedies against human rights violations; and
- Grant unimpeded access to international human rights organizations and other independent human rights monitors;
- Invite the UN human rights mechanisms to visit North Korea, in particular to grant unimpeded access to Special Rapporteurs and thematic experts under the United Nations conventions to which North Korea is a state party, such as the International Convention on Civil and Political Rights (ICCPR), International Convention on Economic, Social and Cultural Rights (ICESCR),

Convention on the Rights of the Child (CRC), and Convention on the Elimination of all forms of Discrimination against Women (CEDAW);

- Implement the recommendations of the Committee on Human Rights and the Committee on the Rights of the Child, which were issued in response to North Korea's treaty compliance report;
- Invite the Special Rapporteur on Food to visit prisons and detention centers where there have been reports of deaths due to malnutrition;
- Invite experts from the Committee on the Rights of the Child and thematic experts and rapporteurs under CEDAW, to examine conditions generally and also focus on children and pregnant and nursing women who have been identified by UN agencies as vulnerable groups badly affected by the food shortages. In addition, provide these experts with unimpeded access to prisons or detention centers for juvenile detainees and women detainees;
- Grant access to and cooperate without restriction or reservation with the thematic procedures of the Commission on Human Rights, such as the Special Rapporteur on Torture, the Special Rapporteur on Religious Intolerance, the Working Group on Arbitrary Detention, as well as the Working Group on Enforced or Involuntary Disappearances;
- Submit reports regularly to the relevant UN treaty bodies of experts and ratify additional human rights related UN conventions, including the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Thank you.

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