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MOVIES, MARKETS AND MASS SURVEILLANCE:

HUMAN RIGHTS
IN NORTH KOREA
AFTER A DECADE
OF CHANGE



INTRODUCTION

In 2007 Christian Solidarity Worldwide published a groundbreaking report on human rights violations in the Democratic People's Republic of Korea (DPRK), also known as North Korea. The report, *North Korea: A Case to Answer, a Call to Act*, set out the case for urgent action to address human rights abuses and called on the United Nations to establish a commission of inquiry (COI).¹

In 2014 the COI produced a comprehensive report which 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.' Following the report, the UN Human Rights Council passed a strong resolution on the issue which included a request for the Security Council to take action. In November 2014 the 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, our new report looks at what has changed in the last decade, both inside and outside the country:

- changes in economic modes of survival,
- changes in information flows from outside North Korea,
- changes in defection patterns,
- freedom of expression and criticism of the state,
- and changes in human rights in law and practice.

Although the report finds that although the regime has not changed, the people have. In order to find new and effective ways of addressing the human rights situation in North Korea, stakeholders must understand these changes, and work together with North Koreans outside the country to bring about a brighter future.

This report is based on information directly provided to CSW by over 100 respondents, including North Korean escapees; the UN office in Seoul; organisations run by North Korean escapees; South Korean officials and experts; academics; journalists; and South Korean international human rights organisations and faith-based organisations. CSW is greatly indebted to all 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 School (HILS), whose excellent research made an invaluable contribution to this report.

This is a short version of a longer report of the same name available at www.csw.org.uk/2018-northkorea-report

This report was made possible through the generosity of the Taiwan Foundation for Democracy, the Torrs Charitable Trust and the Forest Hill Charitable Trust.

SECTION ONE:

CHANGES INSIDE NORTH KOREA

This section looks at five key areas of change inside North Korea, which have both direct and indirect implications for the human rights situation.

i. 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.² Illegal market trading, including smuggling across the border with China, has become a lifeline for many and a source of relative prosperity for some. The most significant economic change may be the increasingly visible gap between rich and poor.

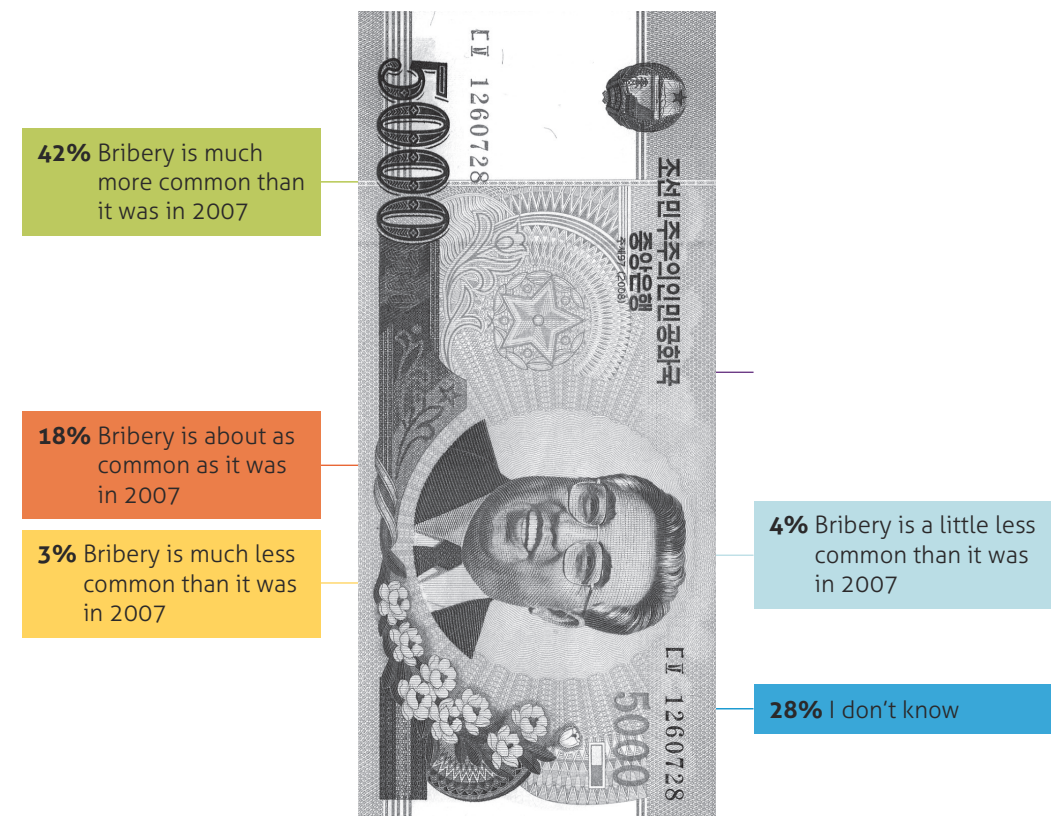
“DURING THE 1990S, IN THE GREAT FAMINE, EVERYONE WAS DEPENDENT ON FOOD RATIONS AND PEOPLE DIDN'T KNOW HOW TO SURVIVE. NOW, THE PEOPLE WHO LEARNED TO COPE WITHOUT THE GOVERNMENT WERE THE ONES WHO ARE ABLE TO SURVIVE.”

Interviewee C, 41, from North Hamgyong Province

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.

Nevertheless, the markets are not a straightforward threat to the regime. Government officials are often engaged in private trade projects, and also benefit from lower level entrepreneurship through bribes and kickbacks.³

How has bribery changed over the past ten years?



“THINGS ARE GETTING MUCH WORSE. IN THE PAST A BRIBE MIGHT BE ONE PACKET OF CIGARETTES. BUT NOW WE HAVE TO GIVE THEM TEN PACKETS OF CIGARETTES, OR A WHOLE CARTON!”

Interviewee A, 50, from North Hamgyong Province

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

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. Bribery is also vital to smuggling operations that bring foreign films and dramas into North Korea. Brokers who facilitate phone calls between North Koreans and their family outside the country also use bribes to avoid penalties for 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.

“YES, BUT HUMAN RIGHTS ARE ONLY FOR THE PRIVILEGED, NOT ORDINARY PEOPLE.”

Interviewee H, when asked if he had heard of human rights when he was in North Korea

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.

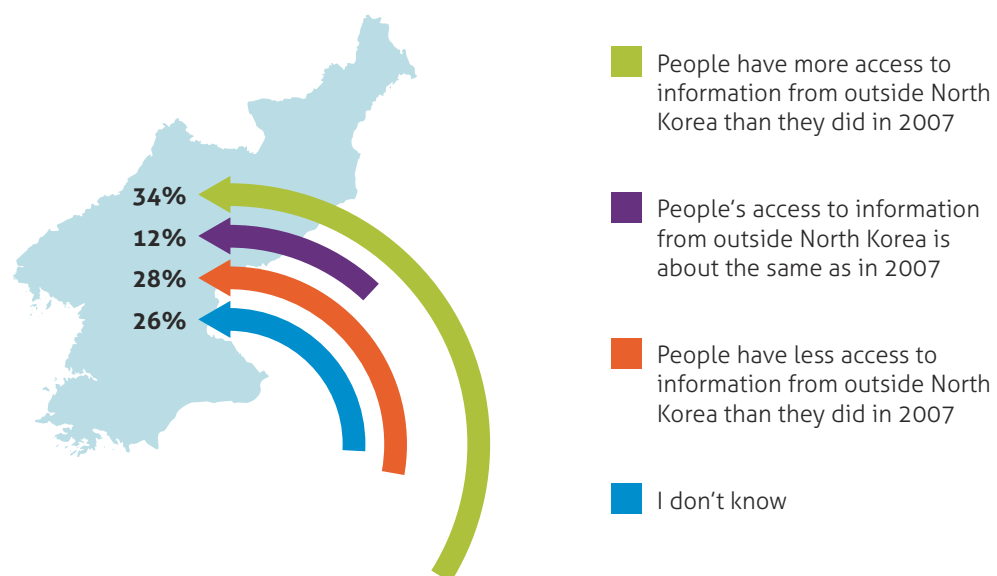
It is important to stress once again that while these changes have brought about an improvement in living conditions for some people, poverty, malnutrition and related diseases continue to be major problems.⁴

ii. Changes in information flows

While it remains true that the government places strict controls on access to information from outside, more and more people at all levels of society are nevertheless being exposed to such information – and are actively choosing to access it at increasing personal risk.

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' worldview, and has prompted some degree of critical analysis of the state's propaganda.

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



It is telling that for the youngest participants in the in-depth interviews, it was normal to watch foreign media with close friends and even share media via USB.

Winter Sonata, 2002, credited with launching the Korean Wave (*Hallyu*) in Asia, was reportedly popular in North Korea; *Descendants of the Sun*, 2016, is a more recent favourite. Historical programmes like *Jeong Do Jeon* are popular with educated and older North Koreans.

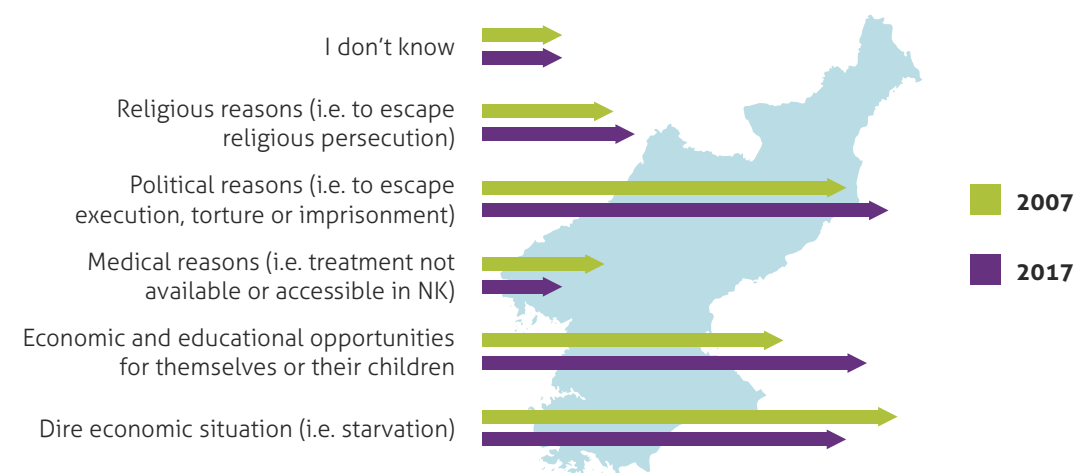
In 2015 Reuters reported the widespread use of a USD50 portable media player called a 'notel'.⁵ The notel has several important features: it is small and therefore easy to hide and transport; it is low voltage, and can be charged with a car battery; and it includes a USB slot as well as a DVD player. 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.

The appetite for foreign materials is increasing even as the penalties for distributing and viewing outside media are becoming more severe. Phone calls with family members who have left the country are also an important source of trusted information. Interviewees believed that information from outside is undermining state propaganda about the rest of the world.

iii. Changes in defection patterns

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.

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



“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...”

Interviewee G, 53, from Ryanggang Province

In recent years there have been changes in the type of people leaving North Korea and their reasons for doing so. Whereas before many escapees were single and starving, this demographic has been joined by families with funds. One reason for this is that tightened border security has pushed up the price of illegally exiting the country. 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.

iv. Freedom of expression and criticism of the state

Escapees tend to believe that 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. 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?"

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, from North Hamgyong Province) explained:

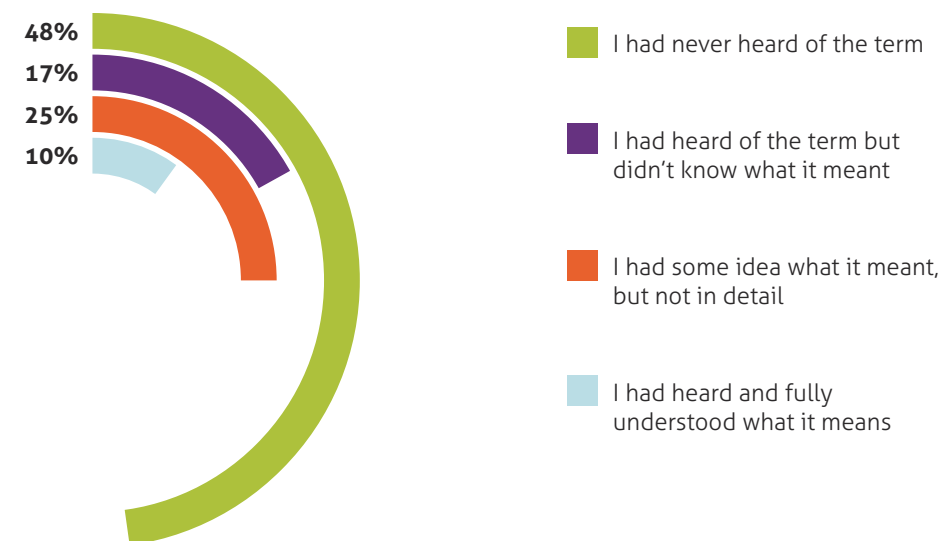
"It is a society of total surveillance...Everyone is watching everyone else all the time."

v. Changes in human rights in law and practice

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. Much of this legislation falls short of international standards, and there is a broad divide between law and reality – this is borne out by the testimonies of North Koreans settled overseas.

Nevertheless, a research paper by Sunwoo Lee and Jihong Kim⁶ noted that this legislation seems to be 'the result of North Korea's awareness of denunciations and demands for improvements by international forums such as UN organizations'.

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



Interviewee A, 50, from 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. Other interviewees had read in state media that South Korea was protesting against human rights abuses in the North.

There are a few accounts 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, although CSW has come across several such cases in the course of this research. It should be noted that none of these cases are from political prison camps (*kwanliso* or *gwanliso*).

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



Interviewee A, 50, from 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.

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.

Those who thought there had been an improvement in the general situation believed it was because of the international community's criticism of North Korea's human rights.

"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 E, 42, from North Hamgyong Province

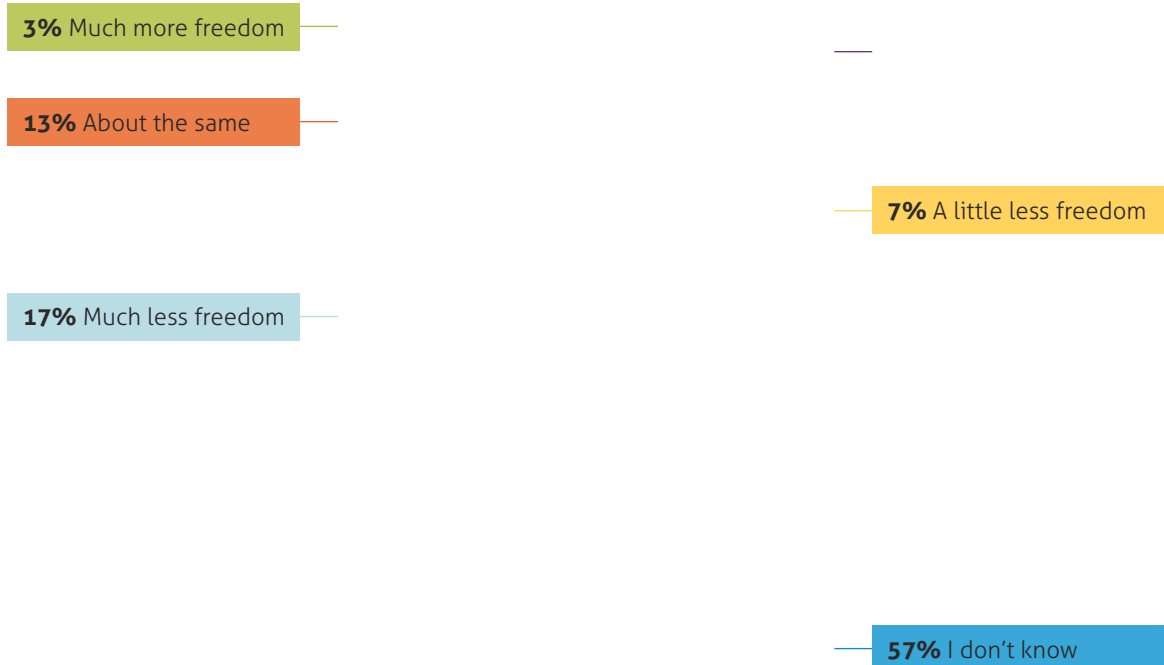
Although limited and impossible to verify, we should not be too quick to dismiss anecdotal evidence or perceptions that there may have been some, albeit very small, positive changes.

At the same time, however, we should be careful in drawing general conclusions. It would 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.

RELIGION

In the areas of economy, information, criticism, and human rights awareness, respondents' answers provided a general suggestion of change of some kind over the past ten years. A notable exception to this trend was the subject of religion. Interviewees consistently reported that there was no religious freedom, and only 6% of survey respondents felt that there was 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?



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."

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, from North Hamgyong Province

Overall, it appears there is no tolerance at all for genuine religious belief, and, with the possible exceptions of ancestor veneration and fortune telling, only very limited religious practice.

SECTION TWO:

CHANGES IN THE INTERNATIONAL COMMUNITY

As a result of increased access to foreign information, North Koreans' awareness of the injustices and limitations inside the country is increasing. Compared to the 1990s, fewer people are dying of hunger; but poverty and malnutrition continue to affect millions of people. Unspeakable abuses of human rights have not stopped, despite some evidence of limited improvements.

What has changed outside North Korea during this time? Are more people listening than before, and are they willing and able to act?

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.

Human rights NGOs continue to struggle with the challenge of verifying information about a country they cannot access, 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.

The UN Commission of Inquiry and other developments

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), a network of over 40 human rights organisations from around the world, campaigning for the establishment of a COI.

The 400-page COI 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'.

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.

In South Korea the COI report may be said to have encouraged further attention to the North Korean human rights issue. In addition, 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.

Have the recommendations been met?

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

Recommendation: Establish a UN Commission of Inquiry (COI).

Has this been met? Yes. The Special Rapporteur was one of the three COI commissioners. 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.

Recommendation: Continue the mandate of the UN Special Rapporteur.

Has this been met? Yes. However, the mandate is undermined by a lack of cooperation by North Korea, which means the Special Rapporteur has to date been unable to access the country.

Recommendation: UN member states and regional bodies should support UN action, take in refugees, support victims of international crimes, and raise awareness of human rights issues.

Has this been met? Partially. 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, and continues to treat escapees as economic migrants, routinely deporting them to North Korea. 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.

Recommendation: Civil society should 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.

Has this been met? Partially. 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. There has also been a welcome increase in the number of initiatives led by escapees settled in South Korea or elsewhere.

SECTION THREE:

WHERE DO WE GO FROM HERE?

“BEFORE THE COI, THE AIM WAS TO PROVE THAT THESE THINGS WERE HAPPENING. NOW THAT'S BEEN ACHIEVED. NOW – HOW TO SOLVE THE PROBLEM? ”

South Korean human rights activist

Foster an understanding of the current reality

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; yet sanctions could interrupt a trade supply that is allowing an independent source of income, and potentially cut off connections with the outside world. A solid understanding of the current situation and the potential impact of sanctions on humanitarian and human rights concerns is therefore essential for the governments involved, and any sanctions deemed necessary must be carefully targeted.

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 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.

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. 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, and are also more likely to share it with others: a significant portion of this media should therefore target younger people. Again, recent escapees are best placed to tailor programming.

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.

Remain open to opportunities for engagement

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 government is worried that officials and leaders may, in the future, be held accountable for human rights abuses. These limited developments 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. 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 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 best way is for North Koreans to tackle these issues themselves, with support from the international community.”

Interviewee G, 53, from Ryanggang Province

Christian Solidarity Worldwide is an organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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