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The PDF version attached below

Human Rights Policies Toward North Korea

Tara O [1]

North Korea has abused the most fundamental human rights, including the freedoms of speech, religion, press, assembly, and movement, as well as the right to food. North Korea coerces its population to maintain its power. It established an elaborate control system of terror and information control to ensure its population remains submissive. Manipulating resources, creating an information monopoly, and devising a fear-based control system prevent people from accessing power, which could directly challenge the leader. Suppressing basic human rights is part of this design. Various mechanisms the regime uses to control the population result in human rights abuses. In effect, the Kim Family and its small clique have depended on human rights violations to sustain the regime. More can and should be done to ameliorate such a situation. The United States and others can make the human rights issue more active on its international agenda to highlight its importance and give hope to those who want to live free. Another alternative is to increase the budget for information programs of Voice of America, Radio Free Asia, and others to provide alternate sources of information. Working with China to alleviate the human suffering of North Koreans is yet another option to pursue.

Keywords: North Korea, human rights, legitimacy, songbun, information control

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Inequality from Birth–*Songbun*
Information Control
Right to Food
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Conclusion

According to the Universal Declaration of Human Rights, all people are born free and equal in dignity and rights. In North Korea, however, "the law is made to protect the leader, and only he enjoys full human rights" (Hassig & Oh, 2009, p. vii).

North Korea's repressive regime controls power through coercion of its population. The regime does not allow organized political opposition, free media, functioning civil society, or religious freedom. It established an elaborate control system of terror and information control to ensure its population remains submissive. There is no opposition when the fruits of labor derived from the people are systematically transferred to and concentrated in the hands of the Kim Family and the elites who support the Kims. Manipulating resources, creating an information monopoly, and devising a fear-based control system prevent people from accessing power, which could directly challenge the leader. Suppressing basic human rights is essential to this construct. Various mechanisms the regime uses to control the population result in human rights abuses. In effect, the Kim Family and its small clique have depended on human rights violations to sustain the regime.

North Korea has abused the most fundamental human rights, including the freedoms of speech, religion, press, assembly, and movement, as well as the right to food. This practice is wide in scope and it begins at birth.

Inequality from Birth–*Songbun*

The North Korean regime controls and orders every aspect of human life to further the political objectives of the ruling elites.

> Everyone in North Korea seems to know pretty much what his songbun[2] is, although there are no precise gradations and no official notice is ever given. At every important juncture in life—at the end of middle school and high school, with admission or non[-]admissions to college, entry or non[-]entry into the army, admission or non[-]admission to the party, approval or non[-]approval for marriage, assignment to a job, or transfer into or out of the city or into or out of a collective farm—it is fairly obvious whether one's songbun is good or bad. (Hunter, 1999, p. 6)

The North Korean regime created the *songbun* classification system to maintain strict social and political control. A caste system, the categorization depends on the position, status, and occupation of not only the person in question, but those of his/her parents and extended family. Every North Korean is investigated, classified, and watched. The system "creates a form of slave labor for a third of North Korea's population of 23 million citizens and loyalty-bound servants out of the remainder" (Collins, 2012, p. 1). Every North Korean is classified into three broad groups of loyalty—the core class, the wavering class, and the hostile class—which are further subdivided into fifty-one subgroups (Oh & Hassig, 2003, p. 133).

The core group consists of those most loyal to the Kim regime. They include those who were factory workers, poor farmers, office clerks, soldiers and revolutionaries (anti-Japanese) in the pre-liberation period, as well as the families of those who were killed during the Korean War (Oh & Hassig, 2003, p. 133; Collins, 2012, p. 39). The core class, comprising about 25% of the population, tends to serve in positions, such as the Korean Workers' Party, that sustain and protect the regime (Collins, 2012, p. I). In return, its members receive the perquisites in every aspect of life, including priority in food, housing, education, and medical care. It is not possible for those with bad songbun to move into this class no matter how much they display their devotion to the regime—they are deemed unworthy and untrustworthy from birth.

The wavering class members are those whose loyalty are questionable, but can potentially be won over by constant ideological indoctrination. This

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[2] The author uses the spelling "songbun" whereas the South Korean government method of spelling is "seongbun."

class of people comprises 45–55% of North Korea's population. Their family background includes merchants, farmers, and service workers.

The hostile group, about 20–25%, comprises those whose family members were wealthy landlords, merchants, and religious leaders, therefore, considered counter to the socialist revolution and disloyal to the regime. Seen as the class enemy by the Kim regime, they are subjected to close scrutiny by the regime's extensive security apparatus and heavily discriminated against regarding food, housing, medical care, education, employment, military service, and marriage. Outside the three main groups are some 200,000 people in the concentration camps, whose existence North Korea denies (Oh & Hassig, 2003, p. 134).

Party cadre and security officials keep detailed records of everyone and continually update their records (Hunter, 1999, p. 3). Although it is easy for one's *songbun* to be downgraded, it is much more difficult to improve one's *songbun*. Upward mobility is virtually impossible. Downgrading, however, can occur for lack of ideological fervor, marrying someone with bad *songbun*, or even for being related to someone who commits a crime. Crimes include leaving North Korea, defection by relatives, rumor-mongering, misappropriation of state property, bringing any form of shame upon the regime and myriad other transgressions.

Early on, it was possible to hide one's *songbun* by concealing that the grandfather or an uncle was a doctor, Christian minister, or land owner. However, North Korea's regime conducted secret full-scale background investigations in the late 1960s, with repeated investigations to weed out any substantial opposition to Kim rule (Hunter, 1999, p. 4). The regime implements the social stratification through various security organizations. The Ministry of Public Security (MPS)'s *Resident Registration Project Reference Manual* describes how to investigate North Koreans' songbun, with each section beginning with Kim Il Sung and Kim Jong Il's personal instructions on the significance of differentiating people on the basis of loyalty (Collins, 2012, p. 3).

The North Korean state created a discrimination system violating the Universal Declaration of Human Rights (1948), which states that all human beings are born free and equal in dignity and rights and that all are entitled to equal protection against any discrimination.[3] The Preamble

of the Declaration also states that the UN member states pledge to achieve the promotion of universal respect for and observance of human rights. The regime violates the letter and spirit of the Declaration yet denies the very existence of such a state-sanctioned discriminatory system.

Security and Monitoring System.

The North Korean regime employs an extensive security apparatus to investigate and watch every citizen. At the top, the Korean Workers' Party (KWP) establishes policy and oversees its implementation. Three main implementing organizations are the Ministry of People's Security (MPS), the State Security Department (SSD), and the Ministry of the People's Armed Forces (MPAF). The MPS, with a combination of police, public safety, intelligence, and counter-intelligence functions, is pervasive, employing 144,000 officers and agents at provincial, city, and local neighborhood levels (Oh & Hassig, 2003, p. 135; Collins, 2012, p. 31). MPS operatives are assigned to every workplace for surveilling citizens. MPS conducts investigations with the goal of protecting the Kim regime and sorting out the "hostile" class. MPS uses informers to discover any acts or remarks that could be construed as criticizing the regime and runs detention facilities, except political prisons. The MPS also monitors homes and neighborhoods through neighbor and youth organizations.

The SSD, co-equal level as the MPS and the MPAF, is an intelligence and counterintelligence organization with branches at every level of the society and reports to the National Defense Commission. SSD investigates political dissident suspects and operates political prisons as well as conducting background investigations on key party, military, and special-skills personnel.

The military has its own intelligence and counterintelligence at all levels. MPAF's General Political Bureau officers report to the party via the Central Military Committee, monitor all activities of the military—with veto power over a military commander's orders—and conduct self-criticism and political study sessions for the military (Oh & Hassig, 2003, p. 137). MPAF's Security Command, which reports to SSD, seems to have similar functions as the General Political Bureau and MPS. In addition, it

[3] Especially Articles 1 and 7.

monitors telephone conversations of top military officers and runs a broad informant network (separate from those of the other security organizations).

The KWP also created an elaborate network of specialized and mass organizations. Those under 30 years of age, considered too young to join the KWP, are required to join the Kim Il Sung Socialist Youth Union (Lankov, 2007, p. 202). Other organizations include *Sonyeondan* (the Children's Union modeled after Soviet Young Pioneers) and Inminban (neighborhood groups of 30 to 50 families; Lankov, 2007, pp. 174 & 203). Through these groups, the regime controls people's movement, general speech, and behavior and inculcates reverence for the Kim family.

The overlapping but separate organizations often intensely compete with each other. This complicated web guarantees double, triple, and multiple checks on the entire population to ensure regime loyalty and suppresses any acts or speeches remotely close to dissent.

Legitimacy and the Kim Idolization.

> Ideas are extremely important to political order; it is the perceived legitimacy of the government that binds population together and makes them willing to accept its authority. (Fukuyama, 2011, p. 10)
>
> —Francis Fukuyama

The Kim regime takes extraordinary measures to control information and has used its variety of state apparatuses to propagate lies and myths to justify its rule for over 60 years. Kim Il Sung, the founder of the Democratic People's Republic of Korea (DPRK), derived his legitimacy from his anti-Japanese activities during the Japanese colonization of Korea. In the late 1940s, the artists and writers of the North Korean propaganda apparatus started portraying Kim Il Sung as a nurturing, caring leader to rule over the purest race (Koreans), who are inherently virtuous, to survive in the evil world (Myers, 2010, pp. 15, 34, & 36). The propaganda machine praises the Kims effusively and incessantly, claiming that Kim Il Sung and his guerillas fought Japan from a secret post in Mount Baekdu, dispensing with inconvenient and contradicting truths, such as Kim Il Sung

spending the World War II years in a rural town of the Soviet Union. His son, Kim Jong Il, was then portrayed by the state propaganda machine as being born also at Mount Baekdu, although his actual birthplace was in the Soviet Union and he used the Russian name of Yuri for the formative years of his life. These lies link Kim Il Sung and Kim Jong Il to the Mount Baekdu, the birthplace of *Dangun*, the first Korean King, in Korea's mythology of its origin. These links are part of a mythology creation made to elevate the statures of the Kims to the royal level and to derive legitimacy practiced in the pre-colonial *Chosun* Dynasty or 18th-century Europe when kings, said to be closer to God, ruled by blood lineage.

Through the persistent use of mass media, propaganda, education and other methods, Kim created a cult of personality idolizing and aggrandizing himself. The cult of personality became extravagant with photos of the Kims omnipresent in every household, school, and work place. Kim Il Sung, and later Kim Jung-il, and now Kim Jung-eun, provide on the spot guidance and inspection visits to numerous organizations throughout the country. Persons, places, and objects associated with the Kims are treated with reverence. Citizens pay homage to Kim's statues. North Korea's Jeong Seong-ok credited Kim Jong Il for her marathon gold medal in the 1999 Olympics by saying the secret to her winning was her thinking constantly during the run about how much she missed Kim Jong Il. Whether she meant it or felt obligated to say it, she received a Mercedes Benz 350s, rather than a Mercedes 190 for her words and Kim Jong Il designated her to be a hero of the Democratic Republic (Jang, 2012).

The *Juche* (aggressive self-reliance) ideology, which was not created until 1972 by Hwang Jang-yeop,[4] enabled the regime to idolize Kim Il Sung as a great thinker, provided an impressive label for the regime's policies, and distracted outsiders from the air-tight isolationism and true dominant ideology of xenophobic, race-based view of the world (Myers, 2010, p. 47). Despite the self-reliance and autonomy implied in *Juche*, North Korea had been dependent on foreign assistance for all of its history, with China as the most recent benefactor, providing much needed food and fuel. *Juche* and the praise of the Kim leadership are continuously inculcat-

4 Hwang defected to the South in 1997.

ed in schools, work places, re-education camps, and a variety of state organizations, such as youth and neighborhood groups. The *Juche* ideology gives North Koreans the illusion that they are independent and well provided for, all thanks to the Kim regime. The Kims derive their legitimacy by projecting the image that they protect and provide for their people. Outside information competes with, derails, and contradicts the official version, damaging the Kim family's legitimacy.

Information Control

The current method of mass communication is through the state-controlled Korea Central Television, official newspapers and periodicals, and radios fixed to the official station. Listening to foreign broadcasts or watching foreign DVDs is illegal in North Korea, subject to punishment much harsher than the "crime."[5] The government delivers the message and the image of the omniscient leader through its communications mechanisms, which are also used to ensure external information is kept out to protect the regime.

It is no wonder that the regime fears competing information and attaches high priority to keeping information out. After North Korea sank the ROK Navy's *Cheonan*, which killed 46 sailors, one of the response alternatives was for South Korea to restart the loud speaker broadcasts along the DMZ. North Korea vehemently protested, threatening to shoot the speakers. When the South Korean NGOs released balloons with leaflets northward, the North Korean regime reacted with more threats to shoot the location of the launch. The North Korean government is afraid because the leaflets contain information about Kim Jong Il, news about the *Cheonan*, and other issues not found through the official channels. Additionally, it does not want the approximately 600,000 troops on the border to be demoralized and shocked, planting the seeds of doubt for the regime, after reading the leaflets (Kang, 2008).

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5 Defectors report that alien DVDs, smuggled from China, are nonetheless pervasive and provides for alternate views of the world.

The North Korean citizenry's desire for outside information grew in the early 1990s after the collapse of the Soviet Union and Eastern Europe. After Seoul held its 1988 Olympics, Pyongyang held the World Youth and Students Fair in 1989, which brought in a flux of foreigners to the hermetic country. As Western-style dances and movies became popular, North Korean authorities began to regulate this trend. It was not until the late 1990s, after the famine, that the regime's ability to enforce stringent information blockage eroded. People's search for food drove them outside of the Public Distribution System, creating markets (although illegal) and traveling to China (also illegal without approval).

From China came South Korean drama DVDs, news not found in North Korea, and alternative means of communications, such as tunable radios, thumb drives, and cell phones, along with food. Watching the South Korean dramas, North Koreans saw convincing depictions of South Korea's material affluence and personal freedom. Tunable radios and other devices to convert the one-station radio to multi-tune, allowed people greater access to the Voice of America, Radio Free Asia, and stations other than the official government one. Watching and listening to foreign media are still banned, but the increased corruption allows prison avoidance by bribing officials, who themselves watch the popular dramas, which are much more interesting than the dull government programs. Additionally, the markets are also sources of outside information. Merchants and traders bring news from one place to another.

Competing information is dangerous to the regime. Totalitarian regimes are built on lies; when these lies are exposed, the regime can be damaged, even destroyed (Hawk, 2003, p. 9). The North Korean government is aware of the detrimental effect of such information, which comes along with economic reform and openness. The government had tried limited economic reforms, only to take a step back for fear of losing control in the information realm, which then could encourage loss of control in other areas.

Prison System

North Korea's notorious gulags epitomize the totalitarian regime's severe human rights violations.[6] Although North Korea denies the exis-

tence of concentration camps, evidence suggests otherwise. Testimonies from defectors with first-hand knowledge and satellite photos depict a North Korea dotted with large concentration camps. The offenses that land North Koreans in the gulags include listening to a foreign radio broadcast, accidentally sitting on a newspaper photo of Kim Jong Il, making a negative comment about the regime in passing, singing a South Korean pop song, and leaving North Korea (then being captured in China and returned; M. Kim, 2008, p. 103). At the camps, people are treated with harsh conditions, often hungry and beaten, and worked literally to death. If over work does not lead them to death, then torture, starvation, or illness will. Recall that an estimated 200,000 North Koreans populate these concentration camps.

Different types of gulags exist in North Korea: detention facilities, interrogation facilities, punishment camps, forced-labor colonies, criminal prisons, political prisons, and most recently, those set up especially for captured North Korean defectors forcibly repatriated from China (M. Kim, 2008, p. 103).

The ever-invasive North Korean security apparatuses monitor the private and public life of North Korean citizens. Those suspected of a crime or purged often disappear during the night. The most recent case of Ri Yong Ho, who was dismissed from the military chief position as well as other government posts, highlights the arbitrariness of North Korean citizens' disappearances—sudden, never to be seen again. In *Aquariums of Pyongyang*, Kang Chol-hwan, whose wealthy family immigrated to North Korea from Japan, talks of a sudden disappearance of his beloved grandfather, who was known to have criticized Party bureaucrats and their management style and rarely showed up at party rallies (Kang & Rigoulot, 2001, pp. 36–38). Soon the security agents charged that the grandfather had committed the crime of high treason and his family was sent to the Yodok concentration camp. In another case, Ms. Kim who spent 28 years at a concentration camp did not even know why her par-

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[6] Ken Gause's 2012 report *Coercion, Control, Surveillance, and Punishment: An Examination of the North Korean Police State* (Washington, D.C.: U.S. Committee for Human Rights in North Korea) is an excellent survey.

ents were taken away and 5 years later, why she herself ended up in a gulag (H. S. Kim, 2011). She finally learned after she was released from the camp that her crime was that her grandfather went to South Korea in earlier years. North Korea's repressive system makes mere association a crime subject to hard labor for three generations of individuals, who are sent to the gulag without any judicial process (Hawk, 2003, p. 10).

The gulags hold those emigrated from Japan, as in Kang's family above, South Korean fishermen kidnapped by the North, Korean War POWs, purged officials, and other "class enemies" (Hassig & Oh, 2009, p. 209). The majority of those with low *songbun* and their families were sent to these camps to work and wither away. Even some with high *songbun* have fallen from grace and experienced the prison system. They essentially provide slave labor for the regime, used for logging, mining, construction, and other enterprises. Although it varies by location and defectors, at Jungsan Correctional Center, inmates arose at 5:00 a.m., worked from 8:00 to 12:00 and again 1:30 to 7:30 or later, and went to bed at 10 p.m. (K.-S. Lee, Choi, Kim, K.-C. Lee, & Lim, 2009, p. 97). During the farming seasons in spring and fall, they worked until 9 p.m. The amount of food received depends on the job performance; if less than satisfactory, then the quantity of their already meager ration of food is reduced even further.

Conditions in North Korean prisons and camps are horrid. Food rations are at starvation level and conditions appalling. Ms. Kim, who suffered over a quarter of a century in the Gulag #18 relates that those who work at the coal mines, often 16-18 hours a day, receive 15 days of food rations per month and those who are assigned to non-coal mines get only 5 days worth of food per month (H. S. Kim, 2011). Mr. Yang, another former prisoner states that he witnessed people eating the maggots in the outhouses because they were so hungry (M. Kim, 2008, p. 104). Living quarters are cramped and over-crowded and often infested with cockroaches and lice (Nam, 2004, p. 60). Unsanitary conditions and crowded space in prisons provide a breeding ground for sickness; subsequently, communicable diseases such as tuberculosis, hepatitis, and skin disease and other illnesses are rampant (M. Kim, 2008, p. 106). Numerous testimonies attest to a large number of inmates dying under

these harsh conditions.

Some defectors recount human rights abuses by the prison guards. Prisoners are beaten by the guards or other prisoners on the guard's orders. Mr. Do, a former political prisoner, witnessed a guard ordering a father to eat his son's meal while the son was away as a birthday present despite the father's initial protest (Do, 2004, p. 104). When the son returned to the prison and asked for food, the guard ordered him to beat his father for eating the son's food. When the son refused, the guard punished other prisoners and ordered them to beat the father. Realizing that would be worse, the son ended up beating his father. The guard then ordered the father to beat his son and this continued. The guard's lesson was that political prisoners are subhuman. Mr. Ahn, a former prison guard, heard that a prisoner at the Onsong Camp turned on a guard who was beating him, which sparked a mass riot involving about two hundred other inmates. The military reinforcement cracked down the uprising by killing a third of the fifteen thousand prisoners (Hassig & Oh, 2009, p. 210). In addition to the beatings, torture, rape, forced abortions, and other cruelty are meted out to the inmates.

When Stalin created concentration camps in the Soviet Union, the main concern was that it would create a negative image to the outsiders. The Soviet regime made tremendous efforts to conceal from the West the camps' geographic extent, extensive slave labor system, and the vast number of its prisoners. Not only was the Soviet Union worried about the negative implications of the bad image on its timber exports, but also its own legitimacy were the truth to be known by the Soviet citizens (Hawk, 2003, p. 9). North Korea also tries to hide these gulags from foreign and domestic populations for the same reason. It relies on foreign assistance for basic needs and derives its legitimacy from a foundation of lies.

Right to Food

The North Korean regime chronically cannot provide food for its population. Despite its *Juche* ideology of self-reliance, North Korea has consistently received food aid from external sources, including the Soviet

Union, the United States, the Republic of Korea, and China. The North Korean government attributes the famine and chronic food shortages to floods and drought, and indirectly to the demise of preferential trade relations with Russia and China. While floods and droughts partially contribute to lower food production, the main cause lies in North Korea's distorted policy, priorities, and structure. Dysfunctional industrial production resulted in the lack of agricultural fertilizer. Its collective farming system discouraged the will to produce, and its inefficient resource distribution system broke down when there was little or no food to distribute (Korea Bar Association [KBA], 2008, p. 44). Additionally, the government prioritized other activities—including nuclear—over increasing food supply, resulting in the great famine of the mid-1990s (Haggard & Noland, 2007, p. 1). Various estimates exist, but according to Hwang Jang-yeop (2002), the highest ranking defector from North Korea, 2.8 million people died during the famine.[7]

Haggard and Noland (2007, p. 9) contend that the official explanation blaming only external factors is misleading. North Korea has long depended on outside assistance, first from the Soviet Union, and later from China as well as South Korea. North Korea experienced a fundamental economic shock when the Soviet Union reduced aid and then Russia demanded hard currency for its assistance. Although the height of the famine was the mid-1990s, the food ration started to decrease as early as 1987 when the Soviet Union cut food assistance ("North Korea Hunger," 2008). Despite the signs hinting at the coming famine, the North Korean government misplaced its priorities. Instead of increasing the food supply, it emphasized reducing demand by exhorting North Koreans to eat less with the "let's eat two meals a day" campaign in 1991 ("North Korea Hunger," 2008). In the same year, North Korea purchased 40 MiG-21 fighters and eight military helicopters from Kazakhstan (U.S. Committee for Human Rights in North Korea [HRNK], 2007). When the military ran out of rice in 1996, enraged Kim Jong Il ordered the Party to fix the situation immediately. The solution was giving three months of

[7] Hwang had access to the first hand report to Kim Jong Il stating 500,000 deaths in 1995 and 1 million deaths in 1996 occurred due to starvation.

grains from the farmers' meager food and seed stock as "patriotic rice donations" to the military, which exacerbated the food shortages even more for the public at large (Hwang, 2002).

North Korea did request and receive humanitarian food aid during the height of the famine, but instead of using the assistance to increase the food supply, the regime reduced commercial food imports, using the savings from reduced food imports for other purposes (Haggard & Noland, 2007, p. 10). Since the famine, and while it was receiving food, energy , and other aid, North Korea conducted three nuclear tests (2006, 2009, and 2013) and numerous missile tests. North Korean regime's misguided policies and priorities repeatedly deny the people the right to food.

North Korean Refugees and Human Rights.

Food shortages, human rights abuses, and economic deprivation have prompted a considerable number of North Koreans to risk their lives to cross the border into China since the famine of the 1990s. Nongovernmental organizations (NGOs) have estimated that 100,000–400,000 North Koreans live—largely *sub-rosa*—in China (Sung, Chung, & Oh, 2004). The exact number is difficult to obtain since so many North Koreans there live in the shadows of the law.

Their perils do not end after entering China because many become victims of forced repatriation, further abuse, and lack of protection. China considers North Koreans as economic migrants, rather than refugees, and has an agreement with the North Korean government to return the border crossers. China also intimidates those who help the North Koreans in China. Most recently, China held and tortured Kim Young-hwan, a former pro-supporter of North Korea who became disillusioned and turned into a North Korean Human Rights activist, and 3 others, who went to China to help North Koreans in China (Jang & Lee, 2012). China also refuses to give the UN High Commissioner for Refugees (UNHCR) access to the North Korean refugees (Kumar, *China's Repatriation of North*, 2012).

North Koreans fear being caught by the Chinese police, North Korean agents, and profiteers, who send the refugees back to North Korea (O, 2011, p. 156). The repatriated North Koreans face cruel punishment

including beatings, torture, detention, forced labor, sexual violence, forced abortions or infanticide for those women suspected of carrying a baby fathered by a Chinese, and execution (Scarlatoiu, *China's Repatriation of North*, 2012). The North Korean regime criminalized leaving North Korea without permission.

For those remaining in China, life remains bleak. Many women are sold into the sex industry or wives in a country where the one-child policy has created a skewed ratio of more men than women. While some women meet good husbands, others testify the abuses by the spouse and his family. Because the women are there illegally, their children, even with a Chinese father, lack proper documentations, leaving theses children stateless. Some North Korean defector children become orphans when their mothers are forcibly repatriated to North Korea or leave for South Korea to flee hunger and repression ("Korean Children Left," 2010). China offers no legal protection and no education rights for theses "stateless children" and North Korean "defector orphans."

U.S. Policy

> The United States stands with all those who seek to advance human dignity, and we will continue to shine the light of international attention on their efforts. (Clinton, 2011)
>
> —Hillary Rodham Clinton, U.S. Secretary of State

North Korea has long posed challenges to the U.S. foreign policy. Although isolated and impoverished, North Korea pursues its nuclear weapons and missiles programs, maintains its million-man military—world's fourth largest, and peppers South Korea periodically with violent provocations. At the same time, the regime reaches out for international aid to alleviate its chronic food and energy shortages and natural disasters' aftermath. Regime stability is a constant question. In this regard, North Korea significantly impacts regional stability with global implications. For the United States, its national interests in North Korea concern security, politics, and human rights. While North Korea's nuclear

weapons program looms large in U.S. policy toward North Korea, the United States also champions the universal human rights values. The latest *National Security Strategy* states:

> The United States believes certain values are universal and will work to promote them worldwide. These include an individual's freedom to speak their mind, assemble without fear, worship as they please, and choose their own leaders; they also include dignity, tolerance, and equality among all people, and the fair and equitable administration of justice. (The White House, 2010, p. 35)

Basic human rights, such as the freedom of speech and religion stated above reverberate throughout The Universal Declaration of Human Rights as well. As a UN member, North Korea has an obligation to adhere to the Universal Declaration of Human Rights. North Korea repeatedly denies that it violates human rights and tries to spin, conceal, or prevent related information.

However, in March 2012, the UN Human Rights Council adopted a resolution condemning North Korea's human rights violations ("UN Human Rights," 2012). This is especially significant since no other country opposed the condemnation for the first time.

In 1999, the North Korea Advisory Group reported to the U.S. Congress that U.S. policy at that time did not effectively promote internationally-recognized human rights standards in North Korea. The Group described North Korea as having the worst human rights record of any government, and pointed out its social stratification system with seven million, or one-third of its population, condemned as a "hostile" class and establishing prisons for hungry children as violations of human rights (North Korea Advisory Group, 1999, p. 5). The Kim regime uses extreme fear, isolation, and its information blockade to oppress its people and coerce them to support the regime.

The 108th Congress passed the North Korean Human Rights Act (NKHRA), which was signed by President George W. Bush in 2004. The primary goals of NKHRA are to promote and protect human rights in North Korea and craft a "durable humanitarian" alternative for its

refugees. The Act required the President to appoint a Special Envoy on human rights in North Korea and authorized new funds to support human rights efforts and enhance information flow. North Koreans may apply for asylum in the United States under NKHRA. Congress also required that all non-humanitarian assistance be linked to human rights improvements, except when the President determines that the assistance is in the national security interest.

In 2008, the Act, reauthorized through 2012, added a requirement for additional reporting on U.S. efforts to resettle North Korean refugees in the United States In May this year, Congress extended the Act until 2017. Recognizing the plight of numerous North Korean refugees in China, the bill calls on China to cease its forcible repatriation of North Korean refugees and directs U.S. diplomats to improve efforts to resettle North Korean refugees from third countries. The latest reauthorization sustains funding at the previously appropriated amount of $2 million per year to buttress human rights and democracy programs and $2 million per year to promote freedom of information programs for North Koreans through Voice of America (VOA) and Radio Free Asia (RFA) broadcasts, but reduces the resettlement funding from $20 million to $5 million per year, reflecting the actual expenditure of the program (Chanlett-Avery & Rinehart, 2012, p. 17).

The smaller expenditure of $5 million reflects the relatively small number of 122 North Korean refugees admitted to the United States as of September 2011. Despite illegal and risky border crossing, an estimated 100,000–400,000 North Koreans have entered China, where the Chinese government does not recognize them as refugees, but rather labels them as economic migrants, and repatriates the ones they catch back to North Korea. More than 22,000 North Koreans found their way to South Korea, and another 2,000 have entered countries in Europe and Asia. In 2010, only 25 of 73,293 admitted refugees in the United States came from North Korea (Cohen, 2011). For comparison, 18,016 came from Iraq, 16,693 from Burma, 12,363 from Bhutan, 4,884 from Somalia, 4,818 from Cuba, and 3,543 from Iran (Cohen, 2011).

Numerous hurdles explain the relatively low number of North Korean refugees admitted to the United States. Some countries delay exit permis-

sion or limit contact with the Korean refugees and do not wish their countries to be known as transit points (Chanlett-Avery, 2012). Another reason is North Korean refugees do not have enough information about the United States as a potential place to resettle. Unlike other refugees, North Korean refugees have long been isolated and uninformed or misinformed about the world and the United States. Given the common ethnicity, language, and culture, many prefer resettling in South Korea. The South Korean constitution grants all North Koreans the right to citizenship in the South. Once the North Koreans arrive in South Korea, they receive South Korean citizenship, upon which they no longer are considered eligible for a U.S. refugee status. Another obstacle to North Korean refugee resettlement in the United States is the lengthy processing time. The processing of cases at the State Department, encouraging Southeast Asian governments to grant exit visas more promptly, and conducting the security checks can take from six months to a year, and sometimes two years (Cohen, 2011). Subsequently, some withdraw their application out of frustration and discouragement. China, which has the largest number of North Korean refugees, does not even consider them refugees, and refuses U.S. consular officials or the UN High Commissioner for Refugees from accessing North Koreans in the border area. China sees North Koreans as economic migrants and sends them back to North Korea, where severe punishment awaits.

South Korean Policy on Human Rights—in limbo

The United States passed its North Korean Human Rights Act in 2004 and Japan in 2006. The UN passed its North Korean Human Rights Act in 2005, and has renewed it each year ever since.

Recognizing the despicable human rights abuses by the North Korean regime, the North Korean Human Rights Act was introduced to the South Korean National Assembly in 2004, 2008, 2012, and again in 2013. Because the Progressive Party focuses on not angering North Korea, it continues to oppose the Act. Thus, South Korea has repeatedly failed to pass the North Korean Human Rights bill.

When the bill was introduced in June 2012 by the conservative Saenuri Party, the progressive Democratic Unity Party rejected the bill stating that

the proposed bill would not have actual effectiveness and that it would threaten peace on the peninsula. ("Opposition parties reject," 2012) Progressive party representatives have said that the human rights issue is an internal matter for North Korea and the bill would interfere with North Korea's internal affairs (Cho, 2012). After the forced repatriation of nine North Korean defectors from China, who were apprehended in Laos, the Saenuri Party again wanted to push the North Korean Human Rights Bill in June 2013. Because of the strong division on the North Korean human rights issue in the National Assembly, the passage of the bill faces significant hurdles.

Recommendations.

In North Korea, improving human rights means loss of control, since the tools of control, such as *Songbun* classification, information blockades, and the prison system sustain the regime's hold on power. If citizens are treated equally under the law, information flows freely, shapes people's thoughts, and the omnipresent system of fear dissipates. North Koreans would question the legitimacy of their government, which has failed to provide for its people, but rather has taken from the people and created a constant state of anxiety.

Despite extreme and systematic violation of human rights, the North Korean regime denies the existence of such acts and claims the contrary. Its image does matter—to the international and, most importantly, the domestic audience.

The United States can improve human rights in North Korea on several fronts. First, it should focus a spot light on the North Korean human rights issue and make efforts to increase awareness. The United States can discuss the issue at bilateral and international fora as well as support non-governmental organization efforts to improve North Korea's human rights situation. In interviews with North Korean defectors by the Korean Bar Association, defectors felt that international pressure on North Korean human rights will give hope to North Koreans and will influence the North Korean authorities' decision making process (KBA, 2008, p. 71). As it has done for those in the former Soviet Union, South Africa, and other parts of the world where human rights were grossly violated by

the governments, the United States should continue to provide a beacon of hope and elevate the human rights issue on the agenda with not only North Korea, but also China and Russia, as well as with allies such as South Korea and Japan.

Second, the United States should increase funding for information programs. The North Korean Human Rights Act provides $2 million per annum for the information programs via VOA and RFA. VOA and RFA both broadcast five hours daily to North Korea (Broadcasting Board of Governors [BBG], 2010, p. 3). Intermedia's recently released study found that foreign radio broadcast is unique: it is the only real-time, sensitive outside source of news available nation-wide (Kretchun & Kim, 2012, p. 2). The United States provided North Korea with $1.2 billion in food and energy aid since 1995, which halted in 2009 (Chanlett-Avery, 2012, p. 19). Two million dollars is only a small part of the aid or security budget, but promotes human rights in what is surely the most information-deprived state in the world.

Third, work with China to establish a refugee status for North Koreans in China. China is a signatory to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, which provide for the protection of persons from political or other forms of persecution. Article I of the Convention defines "refugee" as those who fear persecution for "reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (Office of the UN High Commissioner for Refugees, 2010, p. 14). A refugee status will provide legal protection not currently afforded to the North Korean defectors in China, including the defector orphans and the stateless children. The UNHCR would have access to the refugees in the border area of China. The North Koreans will be able to seek asylum through the UNHCR and receive other protection that would enhance their human rights conditions.

Conclusion

North Korea's documented abuses of the most fundamental human rights and civil liberties, the maintenance of an elaborate Soviet-style prison system and the continuing politically-derived dearth of food supply pose a host of humanitarian challenges. From birth, North Koreans are stratified into the state-sponsored discriminatory system of songbun, which determines the degree to which a person would be denied universal human rights. While the members of the core class live in desirable Pyongyang and have greater access to food and other daily necessities, those of the "hostile" class are constantly watched and can end up in prison camps for having a grandfather who went to South Korea. All, however, must idolize the Kim regime and must not express anything remotely negative to the regime or swift and severe punishment awaits them. North Koreans who depart for China because of the human rights violations, hunger, and economic decay still face more human rights abuses in China.

Recognizing the despicable conditions North Koreans face, the United Nations, the United States, and Japan passed the North Korean Human Rights Act. South Korea has introduced the Act, but the National Assembly has failed to pass the bill. Meanwhile, North Koreans live in fear in both North Korea and China.

More can and should be done to ameliorate such a situation. While North Korea's repressive system helps support the Kim regime, the regime is also concerned about its legitimacy and image to international and domestic audiences, especially the latter. The United States and others can make the human rights issue more active on its international agenda to highlight its importance and give hope to those who want to live free. Another, more concrete recommendation is to increase the budget for information programs of VOA, RFA, and others to provide alternate sources of information. Working with countries neighboring North Korea is also important. With China, the United States should take steps to help establish a refugee status for the North Korean defectors in China, and with South Korea, the United States should consult to alleviate the human suffering of North Koreans.

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