

## **DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA\***

The Democratic People's Republic of Korea (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong-il, general secretary of the Korean Workers' Party (KWP) and chairman of the National Defense Commission (NDC), the "highest office of state." The country has an estimated population of 23.5 million. Kim's father, the late Kim Il-sung, remains "eternal president." National elections held in March 2009 were not free or fair. Security forces did not report to civilian authorities.

Citizens did not have the right to change their government. The government subjected citizens to rigid controls over many aspects of their lives. There continued to be reports of extrajudicial killings, disappearances, arbitrary detention, arrests of political prisoners, harsh and life-threatening prison conditions, and torture. There continued to be reports that pregnant female prisoners underwent forced abortions in some cases, and in other cases babies were killed upon birth in prisons. The judiciary was not independent and did not provide fair trials. Citizens were denied freedom of speech, press, assembly, and association, and the government attempted to control all information. The government restricted freedom of religion, citizens' movement, and worker rights. There continued to be reports of severe punishment of some repatriated refugees and their family members. There were widespread reports of trafficking in women and girls among refugees and workers crossing the border into China.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

a.    Arbitrary and Unlawful Deprivation of Life

There were numerous reports that the government committed arbitrary and unlawful killings. Defector and refugee reports indicated that in some instances the government executed political prisoners, opponents of the regime, repatriated defectors, and others accused of crimes with no judicial process. The law prescribes the death penalty for the most "serious" or "grave" cases of "antistate" or "antination" crimes, including: participation in a coup or plotting to overthrow the state; acts of terrorism for an antistate purpose; treason, which includes defection or handing over state secrets; suppressing the people's movement for national liberation; cutting electric power lines or communication lines; and illegal drug

transactions. According to nongovernmental organizations (NGOs) and think tanks in the Republic of Korea (ROK or South Korea), a 2007 addendum to the penal code extended executions to include less serious crimes such as theft or destruction of military facilities or national assets, fraud, kidnapping, smuggling, and trafficking.

Border guards reportedly had orders to shoot to kill potential defectors, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps, but it was not possible to determine if this practice continued during the year. During the year the government reportedly announced that attempting to cross the border or aiding others in such an attempt was punishable by execution. Religious and human rights groups outside the country alleged that some North Koreans who had contact with foreigners across the Chinese border were imprisoned or killed.

During the year South Korean officials and NGOs reported that public executions continued, but no official statistics were available.

In January an NGO reported that authorities executed three citizens who attempted to defect and sent the attempted defectors' families either to political prison camps or rural provinces (see section 1.f.). This incident was reportedly part of the "50-Day Battle" security crackdown to prevent defections (see section 2.d.).

South Korean press reported in March that authorities executed a man by firing squad for making an unauthorized phone call to contacts outside of North Korea. He was allegedly describing rice prices and living conditions in North Korea.

In March after the 2009 currency revaluation, international press reported a man was shot and killed for treason for burning his money, which bore a picture of Kim Il-sung, instead of giving it to the government.

Press and NGOs reported the execution of officials, including Park Nam-ki, director of planning and finance, reportedly for initiating the November 2009 currency reform policy (see section 2.e.). This report has not been confirmed.

It was unknown whether the government prosecuted or otherwise disciplined members of the security forces for killings that occurred in 2008 and 2009.

In July press reported that, according to his brother, Son Jong-nam was executed in December 2008. Son Jong-nam was sentenced to death in 2006 for maintaining contacts with organizations outside the country.

b. Disappearance

NGO, think tank, and press reports indicated that the government was responsible for disappearances. In recent years defectors claimed that state security officers often apprehended individuals suspected of political crimes and sent them, without trial, to political prison camps. There are no restrictions on the ability of the government to detain and imprison persons at will and to hold them incommunicado. The penal code states that a prosecutor's approval is required to detain a suspect; however, the government ignored this law in practice.

In June international press reported the disappearance of Ri Je Gang, a first deputy director of the Workers Party's Organization and Guidance Department. North Korea's news media reported that Ri died in a car accident; international press reported speculation that Ri's death was possibly the result of an internal power struggle.

In February foreign media reported that female prisoners in prison camps who were impregnated by guards disappeared shortly after the pregnancy was discovered.

In February an NGO reported a woman in Chungjin, North Hamgyoung Province, disappeared after making a statement about the difficulty of market activities following the currency revaluation. The female merchant was not seen after authorities allegedly called her to the security department on February 3.

Japan continued to seek further information about the cases of 12 Japanese nationals whom the Japanese government designated as having been abducted by DPRK government entities. The DPRK did not announce any progress or results of an investigation it agreed to reopen after discussions with the Japanese government in 2008. Japan also hoped to gain answers regarding other cases of suspected abductions of Japanese nationals.

ROK government and media reports indicated that the DPRK government also kidnapped other nationals from locations abroad in the 1970s and 1980s. However, the DPRK government continued to deny its involvement in the kidnappings. The ROK government estimated that approximately 496 of its civilians, abducted or

detained by DPRK authorities since the end of the Korean War, remained in the DPRK. The ROK government also estimated 560 South Korean prisoners of war and soldiers missing in action also remained alive in North Korea.

In 2008 the media reported South Korean missionary Kim Dong-shik had most likely died within a year of his 2000 disappearance near the China-DPRK border.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The penal code prohibits torture or inhuman treatment; however, many sources continued to report these practices. Methods of torture and other abuse reportedly included severe beatings, electric shock, prolonged periods of exposure to the elements, humiliations such as public nakedness, confinement for up to several weeks in small "punishment cells" in which prisoners were unable to stand upright or lie down, being forced to kneel or sit immobilized for long periods, being hung by the wrists or forced to stand up and sit down to the point of collapse, and forcing mothers recently repatriated involuntarily from China to watch the infanticide of their newborn infants. Defectors continued to report that many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

During the year a Human Rights Watch release provided an account of torture experienced by Shin Dong-hyuk, a defector born and confined in a political prison camp in Kaechon in South Pyongan Province for 22 years. In previous testimonies, Shin had stated that beatings and torture were common within the camp. The 2010 *Witness to Transformation: Refugee Insights into North Korea* study (*Witness to Transformation*), published by the Peterson Institute of International Economics, noted that 90 percent of refugee respondents who had been incarcerated in North Korea witnessed forced starvation, 60 percent witnessed death due to beating or torture, and 27 percent witnessed executions.

The North Korean Human Rights Database Center's *2010 White Paper on North Korean Human Rights* indicated that officials have in some cases prohibited live births in prison and ordered forced abortions, particularly in detention centers holding women repatriated from China, according to first-hand refugee testimony. In some cases of live birth, the white paper reported that prison guards killed the infant or left it for dead. Guards also sexually abused female prisoners according to the white paper.

Defectors reported that reeducation through labor, primarily through sentences at forced labor camps, was a common punishment and consisted of difficult physical labor such as logging, mining, or tending crops under harsh conditions. Reeducation involved memorizing speeches by Kim Il-sung and Kim Jong-il.

#### Prison and Detention Center Conditions

NGO, refugee, and press reports indicated that there were several types of prisons, detention centers, and camps, including forced labor camps and separate camps for political prisoners. *Witness to Transformation* described four main types of prison and detention facilities: kwan-li-so, political penal-labor camps; kyo-hwa-so, correctional or reeducation centers; jip-kyul-so, collection centers for low-level criminals; and ro-dong-dan-ryeon-dae, labor-training centers. One kwan-li-so camp, Camp 22, is estimated to be 31 miles long and 25 miles wide and to hold 50,000 inmates. Defectors claimed the kwan-li-so camps contained unmarked graves, barracks, worksites, and other prison facilities. The *Washington Post* reported in July 2009 that numerous prison camps can be seen in satellite images and that the camps have been consolidated from 14 locations to five. An NGO reported six major prison camp complexes across the country. Kwan-li-so penal-labor camps are administered by the National Security Agency (NSA); kyo-hwa-so reeducation centers are administered by the People's Safety Agency (PSA). An NGO reported six kwan-li-so facilities: Kaecheon (No.14) and Bukchang (No.18) in South Pyongan Province, Yoduk (No.15) in South Hamkyung Province, and Hwasung (No.16), Chongjin (No.25), and Hoiryong (No.22) in North Hamkyung Province as North Korea's six remaining political prison camps.

Reports indicated that those sentenced to prison for nonpolitical crimes were typically sent to reeducation prisons where prisoners were subjected to intense forced labor. They stated that those who were considered hostile to the regime or who committed political crimes were sent to political prison camps indefinitely. Many prisoners in political prison camps were not expected to survive. The government continued to deny the existence of political prison camps.

Reports indicated that conditions in the political prison camps were harsh and that systematic and severe human rights abuses occurred throughout the prison and detention system. Detainees and prisoners consistently reported violence and torture. Press reported defector accounts of public executions in political prison camps. According to refugees, in some places of detention, prisoners received little or no food and were denied medical care. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration

and were rarely able to bathe or wash their clothing. An NGO reported that one reeducation center was so crowded that prisoners were forced to sleep on top of each other or sitting up. The same NGO reported that guards at a labor camp stole food brought for inmates by their family members. An NGO reported in January unsanitary conditions, crowding of inmates, and high death rates caused by epidemics in a reeducation center.

South Korean and international press reported that kyo-hwa-so, or reeducation centers, hold populations of up to 10,000 political prisoners, economic criminals, and ordinary criminals.

During the year the South Korean National Human Rights Commission reported that defectors indicated that North Korean authorities selected prison inmates to spy on others and to torture other prisoners. The commission also reported that attempts to escape led to execution by firing squad or hanging.

South Korean press reported an increase in the number of inmates at a labor camp under the Ministry of People's Armed Forces in North Hamkyung Province.

Estimates of the total number of prisoners and detained in the kwan-li-so political penal-labor camps range between 150,000-200,000. *The Washington Post* and *Donga Ilbo* estimated 154,000 prisoners. Information on the number of women and juvenile prisoners was not available. No additional information was available on whether men and women were held together or if conditions varied for women. One NGO reported that political prisoners sent to punishment facilities were subject to torture without consideration of their gender.

Under the Criminal Procedure Law, a criminal case is dismissed in case of a crime committed by a person under 14 years of age and under article 62 public education is applied in case of a crime committed by a person above 14 and under 17 years of age. One NGO reported in a survey of 20 defector youth that five reported experiencing torture while incarcerated between 1998 and 2003. There was no way to confirm whether changes to the criminal law in 2004 and 2005 resulted in less severe treatment for juveniles.

One NGO reported that women make up the majority of prisoners in ro-dong-dan-ryeon-dae, or labor-training centers; the majority of prisoners in these facilities were repatriated from China.

There was no information available on whether prisoners and detainees had reasonable access to visitors. In past years defectors reported that Christians were subjected to harsh punishments if their faith was made public. No information was available on whether prisoners or detainees could submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhumane conditions. It is also not known whether results of investigations were made public. There was no information on whether the government investigated or monitored prison and detention conditions. Neither the UN Special Rapporteur on the human rights situation in the DPRK nor the UN Special Rapporteur on Torture have been allowed to independently assess conditions inside the country.

The government did not permit inspection of prisons or detention camps by human rights monitors. There was no information on whether ombudsmen can serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate inhumane overcrowding; addressing the status and circumstances of confinement of juvenile offenders; and improving pretrial detention, bail, and recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but reports indicated that the government did not observe these prohibitions in practice.

*Witness to Transformation* reported that authorities had a high level of discretion in detaining, arresting, prosecuting, and releasing people.

Following the currency revaluation, an NGO reported in January the arrest of 40 individuals for dumping or burning the old currency. The Provincial Police Department deemed destroying old currency as treason because the currency had pictures of Kim Il-song.

#### Role of the Police and Security Apparatus

The internal security apparatus includes the Ministry of Public Security (MPS) and the State Security Department (SSD). The security forces do not have adequate mechanisms to investigate possible security force abuses.

The formal public security structure was augmented by a pervasive system of informers throughout the society. Surveillance of citizens, both physical and electronic, was routine.

The MPS, responsible for internal security, social control, and basic police functions, is one of the most powerful organizations in the country and controlled an estimated 144,000 public security personnel. MPS maintains law and order; investigates common criminal cases; manages the prison system; controls traffic; monitors citizens' political attitudes; conducts background investigations, census, and civil registrations; controls individual travel; manages the government's classified documents; protects government and party officials; and patrols government buildings and some government and party construction activities. Border Guards are the paramilitary force of the MPS and are primarily concerned with monitoring the border and with internal security.

NGOs reported a "50-Day Battle" initiated by the government in January to increase surveillance and the role of the public security forces to prevent defections (see section 2.d.).

#### Arrest Procedures and Treatment While in Detention

Revisions to the Criminal Code and the Criminal Procedure Code in 2004 and 2005 added shortened periods of detention during prosecution and trial, arrest by warrant, and prohibition of collecting evidence by forced confessions. There was no confirmation of whether these changes were incorporated in practice, or if the government increased the amount of resources to eliminate inhumane conditions.

Members of the security forces arrested and reportedly transported citizens suspected of committing political crimes to prison camps without trial. According to one South Korean NGO, beginning in 2008 the PSA was authorized to handle directly criminal cases without approval of prosecutors. Previously, once police officers arrested suspects, the preadjudication department examined facts and evidence of the case and passed the case to prosecutors. The court made an official decision on the case only after completion of the prosecutors' investigation. The change was made reportedly because of corruption among prosecutors. One NGO reported that investigators could detain an individual for the purpose of investigation up to two months.

There were no restrictions on the government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other



concerned persons found it virtually impossible to obtain information on charges against detained persons or the lengths of their sentences. Judicial review of detentions did not exist in law or in practice.

e. Denial of Fair Public Trial

The constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary did not exist. The constitution mandates that the central court is accountable to the Supreme People's Assembly, and the criminal code subjects judges to criminal liability for handing down "unjust judgments." *Witness to Transformation* reported that only 13 percent of the 102 respondents who were incarcerated in the country received a trial.

Trial Procedures

The MPS dispensed with trials in political cases and referred prisoners to the SSD for punishment. Little information was available on formal criminal justice procedures and practices, and outside access to the legal system was limited to trials for traffic violations and other minor offenses.

The constitution contains elaborate procedural protections, providing that cases should be heard in public, except under circumstances stipulated by law. The constitution also states that the accused has the right to a defense, and when trials were held, the government reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed that the government offered trials and lawyers only to the latter. There was no indication that independent, nongovernmental defense lawyers existed. According to a *Washington Post* report and the South Korean National Human Rights Commission report, most inmates at prison camps were sent there without a trial and without knowing the charges against them.

Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, a 2003 report by the U.S. Committee for Human Rights in North Korea, *The Hidden Gulag*, reported an estimated 150,000 to 200,000 persons were believed to be held in kwan-li-so political penal-labor camps. The *Washington Post* and *Donga Ilbo* estimated 154,000 political prisoners were being held in labor camps. The government considered critics of the regime to be political criminals. Political

offenses reported during the year included burning old currency or criticizing the government's currency revaluation. Reports from past years described political offenses as including sitting on newspapers bearing Kim Il-sung's or Kim Jong-il's picture, mentioning Kim Il-sung's limited formal education, or defacing photographs of the Kims.

#### Civil Judicial Procedures and Remedies

According to article 69 of the constitution, "[c]itizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." Under the Law on Complaint and Petition, citizens are entitled to submit complaints to stop encroachment upon their rights and interests or seek compensation for the encroached rights and interests. Reports indicated this right was not respected in practice.

During the year the currency revaluation of November 2009 was reversed following reports of food shortages and public discontent and unrest. The November 2009 currency revaluation decreed that families could only trade 100,000 won (approximately \$30), for new won. (Note: following the government currency revaluation in November 2009, the exchange rate has fluctuated. Approximations in this report are based on the rate as of December 2010.) No other property restitution was granted.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the government did not respect these provisions in practice. The regime subjected its citizens to rigid controls. The government relied upon a massive, multilevel system of informants to identify critics and potential troublemakers. Entire communities sometimes were subjected to security checks. Possessing "antistate" material and listening to foreign broadcasts were crimes that could subject the transgressor to harsh punishments, including up to five years of labor reeducation.

The government monitored correspondence and telephone conversations. Private telephone lines operated on a system that precluded making or receiving international calls; international phone lines were available only under restricted circumstances. Foreign diplomats in Pyongyang stated that the local network was divided so telephone use remained a privilege.

During the year press reports estimated access to an internal mobile phone network increased to an estimated 300,000 users. The system was segregated from systems used by foreigners and could not be used for international calls. In the border regions adjacent to China, unauthorized Chinese mobile phones were reported to be used in making international calls. Those caught using such cell phones illegally were reportedly arrested and required to pay a fine or face charges of espionage, or harsher punishments.

On February 1, the MPS issued a decree to limit communication and access to information from South Korea, and to increase surveillance of the border to prevent defections. The South Korean press reported that jamming devices were installed to obstruct cell phone communications. The press reported detentions of up to 10 years were common for accessing outside media. The press also reported increased punishment, including fines between 500,000 and one million won (\$278-\$556), for calling people in China and possible punishment for the political offense of communicating with South Korea. NGOs reported increased monitoring of Chinese cell phones by government agents and arrests for using cell phones to call relatives outside the country.

In September the *Washington Post* reported that the city of Hoeryong employed 14 men to monitor the region's phone conversations; typically they can tap a call within two or three minutes of its being initiated.

The government divided citizens into strict loyalty-based classes known as songbun, which determined access to employment, higher education, place of residence, medical facilities, certain stores, and marriage prospects.

Collective punishment was practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. Collective punishment reportedly can extend to up to three generations.

The Agence France-Presse reported harsher punishments, including collective punishment for families of defectors. An NGO reported that the MPS decree issued during the year stipulated individuals caught using an unauthorized cell phone and their family members would be sent to a political prison camp.

## Section 2    Respect for Civil Liberties, Including:

### a.    Freedom of Speech and Press

The constitution provides for freedom of speech and of the press; however, the government prohibited the exercise of these rights in practice. There were numerous instances of persons being interrogated or arrested for saying anything that could be construed as negative towards the government.

The constitution provides for the right to petition. However, the government did not respect this right. For example, when anonymous petitions or complaints about state administration were submitted, the SSD and MPS sought to identify the authors, who could be subjected to investigation and punishment.

During the year Reporters without Borders reported that two journalists died, resulting from harsh conditions at the Yoduk political prisoner camp in 2001. Both reporters reportedly were detained at the camp for criticizing the leadership of Kim Jong-il. Information regarding the deaths could not be confirmed.

The government sought to control virtually all information. There were no independent media. The government carefully managed visits by foreigners, especially journalists.

During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and file reports. In all cases journalists were monitored strictly. Journalists generally were not allowed to talk to officials or to persons on the street. For all foreign visitors, including journalists, cell or satellite phones were held at the airport for the duration of the stay.

Domestic media censorship continued to be strictly enforced, and no deviation from the official government line was tolerated. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets, unless altered, are set to receive only domestic programming; radios obtained from abroad had to be altered to operate in a similar manner. Elites and facilities for foreigners, such as hotels, could be granted permission to receive international television broadcasts via satellite. The government continued to attempt to jam all foreign radio broadcasts. The postal service is limited. The *New York Times* has reported that the phone book is considered classified.

Internet Freedom

Internet access for citizens was limited to high-ranking officials and other designated elites, including select university students. This access was granted via international telephone lines through a provider in China, as well as a local connection that was linked with a German server. An "intranet" was reportedly available to a slightly larger group of users, including an elite grade school, select research institutions, universities, and factories, and a few individuals. The Korea Computer Center acted as the gatekeeper, downloading only acceptable information for access through the intranet. Reporters Without Borders reported that some e-mail access existed through this internal network. According to a 2009 press report, an increasing number of citizens had e-mail addresses on their business cards, although they were usually e-mail addresses shared among all the employees of an organization. In 2009 Reporters Without Borders named the country an "Internet Enemy" due to its strict Internet restrictions.

#### Academic Freedom and Cultural Events

The government restricted academic freedom and controlled artistic works. A primary function of plays, movies, operas, children's performances, and books was to buttress the cult of personality surrounding Kim Il-sung and Kim Jong-il.

According to North Korean media, Kim Jong-il frequently told officials that ideological education must take precedence over academic education in the nation's schools. Indoctrination was carried out systematically through the mass media, schools, and worker and neighborhood associations. Indoctrination continued to involve mass marches, rallies, and staged performances, sometimes including hundreds of thousands of persons.

An NGO reported in January that following the currency revaluation, local officials lectured at education projects to silence complaints about the government's policies. Police launched a "50-Day Battle" to increase security on unauthorized economic activity.

The government continued its attempt to limit foreign influences on its citizens. Listening to foreign radio and watching foreign films is illegal; however, numerous NGOs reported that Chinese and South Korean DVDs, VCDs, CDs, and videotapes continued to be smuggled into the country. The government intensified its focus on preventing the smuggling of imports of South Korean popular culture, especially television dramas. According to media and NGO reports, in an attempt to enforce the restriction against foreign films, police routinely cut electricity to apartment

blocks and then raided every apartment to see what types of DVDs and videos were stuck in the players.

There were numerous examples of the government's crackdown on foreign DVDs. In February the South Korean media reported that house searches to combat the spread of South Korean videos were common following the currency revaluation.

During the year, the *New York Times* reported that a 35-year-old man spent six months in a labor camp in 2009 after being caught watching "Twin Dragons," a foreign film with Jackie Chan.

An NGO reported that in June local officials in North Hamkyung Province cracked down on illegal movies from the ROK. Officials entered homes without warning, examined electric devices to see if VCR and DVD players had South Korean programs, confirmed televisions and radios had fixed channels, and checked if households had other electronic equipment such as MP3 players. Recording machines and computers were confiscated and nine families were reportedly arrested for possessing South Korean DVDs.

According to an NGO, security guards of Chungjin, North Hamkyung Province arrested three art students for watching and circulating South Korean movies with 30 other people. However, the students were underage and of high-status families, therefore making it difficult to impose harsh punishment.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government did not respect this provision in practice and continued to prohibit public meetings not previously authorized.

The *New York Times* reported that widespread hardship, popular anger over the currency revaluation, and growing political uncertainty did not harden into noticeable resistance against the government (see section 1.e.).

Freedom of Association

The constitution provides for freedom of association; however, the government failed to respect this provision in practice. There were no known organizations

other than those created by the government. Professional associations existed primarily to facilitate government monitoring and control over organization members.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt/](http://www.state.gov/g/drl/irf/rpt/).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for the "freedom to reside in or travel to any place"; however, the government did not respect this right in practice. During the year, the government continued to carefully control internal travel. The government did not cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons.

The government continued to restrict the freedom to move within the country. Only members of a very small elite class and those with access to remittances from overseas had access to personal vehicles, and movement was hampered by the absence of an effective transport network and by military and police checkpoints on main roads at the entry to and exit from every town. Use of personal vehicles at night and on Sundays was restricted.

The government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country. Foreign officials visiting the country observed checkpoints on the highway leading into Pyongyang from the countryside.

The government also restricted foreign travel. The government limited issuance of exit visas for foreign travel to officials and trusted businessmen, artists, athletes, and academics. Short-term exit papers were available for some residents on the Chinese border to enable visits with relatives or to engage in small-scale trade.

It was not known whether the laws prohibit forced exile; the government reportedly forced the internal exile of some citizens. In the past the government

engaged in forced internal resettlement of tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses, although there were reports that social engineering was also involved. For example, although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, were sent out of Pyongyang into internal exile.

The government did not allow emigration, and beginning in 2008 it tightened security on the border, which dramatically reduced the flow of persons crossing into China without required permits. NGOs reported strict patrols and surveillance of residents of border areas and a crackdown on border guards who may have been aiding border crossers in return for bribes.

Substantial numbers of citizens have crossed the border into China over the years, and NGO estimates of those who lived there ranged from thousands to hundreds of thousands. During the year reports suggested that the number of North Koreans in northeastern China declined. Some settled semipermanently in northeastern China, others traveled back and forth across the border, and others sought asylum and permanent resettlement in third countries. A few thousand citizens were settled in third countries during the year.

A February 1 decree by the MPS made special stipulations against defectors, increasing the charge to a "crime of treachery against the nation," possibly punishable by execution. This decree coincided with NGOs' reports of a "50-Day Battle" to wipe out potentially hostile forces of unrest, increasing scrutiny of and punishments for possessing Chinese cell phones and South Korean videos, and preventing defections. Security increased along border areas, and the South Korean press reported increased house searches.

South Korean press reported that the government issued orders for guards to shoot to kill attempted border crossers. South Korean press reported that five North Koreans were shot dead on the Chinese side of the border and two others wounded by North Korean border guards after they crossed the Apnok River on December 14.

The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of "labor correction." In "serious" cases defectors or asylum seekers are subject to indefinite



terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily were imprisoned under harsh conditions. Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners.

In the past, reports from defectors indicated that the government differentiated between persons who crossed the border in search of food (who might be sentenced only to a few months of forced labor or in some cases merely issued a warning) and persons who crossed repeatedly or for political purposes (who were sometimes sentenced to heavy punishments, including death). The law stipulates a sentence of up to two years of "labor correction" for the crime of illegally crossing the border.

During the year the government reportedly continued to enforce the policy that all border crossers be sent to prison or reeducation centers.

*Witness to Transform* reported that approximately one-quarter of defectors who had successfully escaped North Korea surveyed in 2004 reported having been arrested in China and repatriated to North Korea at least once before their successful departure.

On June 13, a South Korean NGO reported that 13 North Korean defectors were caught in Dandong, China, and 10 were repatriated back to North Korea. The group consisted of two men and eight women. Three children of age five and six were released.

On May 31, *Asahi Shinbun* of Japan reported that the North Korean authorities were investigating every household for defectors and missing persons. If a family member on the family registration was not occupying the household, thorough interrogation took place. More than 1,000 of those who could not answer questions properly and clearly were taken away for punishment. Moreover, the government was issuing new identification cards for every person older than 17 years of age, in order to investigate the number of missing citizens.

On July 26, a South Korean NGO reported that three repatriated North Korean defectors were executed. Two brokers who had aided their departure were reportedly sentenced to life in prison.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, nor has the government established a system for providing protection for refugees. The government did not grant refugee status or asylum. The government had no known policy or provision for refugees or asylees and did not participate in international refugee fora.

### Section 3    Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government peacefully. The KWP and the Korean People's Army, with Kim Jong-il in control, dominated the political system. Little reliable information was available on intraregime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions and legislation presented by the party leadership.

In September international press reported that Kim Jong-eun, son of Kim Jong-il, was promoted to senior military and party positions that established him as heir-apparent to his father and the de facto second in the leadership structure.

The government demanded near deification of both Kim Jong-il and Kim Il-sung. All citizens remained subject to intensive political and ideological indoctrination, which was intended to ensure loyalty to the leadership and conformity to the state's ideology and authority.

#### Elections and Political Participation

Elections of delegates to the SPA were held in March 2009. The elections were neither free nor fair, and the outcome was virtually identical to prior elections. The government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval.

The government has created several "minority parties." Lacking grassroots organizations, they existed only as rosters of officials with token representation in the SPA. The government regularly criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Following the 2003 elections, women made up 20 percent of the membership of the SPA. Women constituted approximately 4.5 percent of the membership of the Central Committee of the KWP but held few key KWP leadership positions.

During the year Kim Kyoung-hui, minister of light industry and Kim Jong-il's sister, was promoted to be a member of the politburo and given general officer rank.

The country is racially and ethnically homogenous. Officially there are no minorities, and there was no information on minority representation in the government.

#### Section 4 Official Corruption and Government Transparency

It is not known whether the law provides criminal penalties for official corruption, whether the government implemented any such laws effectively, or how often officials engaged in corrupt practices with impunity. Corruption was reportedly widespread in all parts of the economy and society. Corruption in the security forces was endemic.

Reports of diversion of food to the military and government officials and bribery were indicative of corruption in the government and security forces. The government continued to deny any diversion of food, although it hinted that it was combating internal corruption.

In June the *New York Times* reported that in the wake of the currency revaluation, individuals with political connections avoided having their savings confiscated while market traders were severely limited in the amount of money they were permitted to exchange into new won. One woman from Hamhung said the local bank director allowed her relatives to exchange three million won (\$1,667), 30 times the official limit.

In December a South Korean NGO reported that the NSA promised to guarantee smugglers impunity to continue their smuggling activities if they reported river crossers to the NSA.

These examples were illustrative, not exhaustive, and the extent of corruption was unknown.

Foreign media reported that the government launched a formal corruption investigation in 2008 specifically targeting the National Economic Cooperation Federation and the North Korean People's Council for National Reconciliation. The federation reportedly accepted bribes to label Chinese-made goods as "Made in

North Korea," allowing them to be exported to South Korea duty free. There were no new developments in this case during the year.

It was not known whether public officials are subject to financial disclosure laws and whether a government agency is responsible for combating corruption. There are no known laws that provide for public access to government information.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no independent domestic organizations to monitor human rights conditions or to comment on the status of such rights. The government's North Korean Human Rights Committee denied the existence of any human rights violations in the country.

The government ignored requests for visits from international human rights experts and NGOs. The NGO community and numerous international experts continued to testify to the grave human rights situation in the country during the year. The government decried international statements about human rights abuses in the country as politically motivated and as interference in internal affairs. The government asserted that criticism of its human rights record was an attempt by some countries to cover up their own abuses and that such hypocrisy undermined human rights principles.

The government emphasized that it had ratified a number of UN human rights instruments but continued to refuse cooperation with UN representatives. The government prevented the newly appointed UN special rapporteur on the situation of human rights in the DPRK, Marzuki Darusman, from visiting the country to carry out his mandate. The government continued to refuse to recognize the special rapporteur's mandate and rejected the offer of the Office of the High Commissioner on Human Rights to work with the government on human rights treaty implementation.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution grants equal rights to all citizens. However, the government has reportedly never granted its citizens most fundamental human rights in practice, and it continued pervasive discrimination on the basis of social status.

##### Women

The government appeared to criminalize rape, but no information was available on details of the law and how effectively the law was enforced. Women in prison camps reportedly were subject to rape by prison guards and forced abortions.

Violence against women has been reported as a significant problem both inside and outside the home.

Women who have left the country reported that although "sexual violation" was understood, "sexual harassment" is not defined in the DPRK. Despite the 1946 Law on Equality of the Sexes, defectors reported that sexual harassment of women was generally accepted due to patriarchal traditions. Defectors reported that there was little recourse for women who have been harassed.

It was difficult to obtain accurate information regarding reproductive rights in the country. According to the country's initial report to the Convention on the Elimination of All Forms of Discrimination Against Women submitted in 2002, "family planning is mapped out by individual families in view of their actual circumstances and in compliance with laws, regulations, morality, and customs... Women have the decision of the spacing of children in view of their own wish, health condition, and the like. But usually the spacing of children is determined by the discussion between the wife and the husband." The UN Population Fund estimated that the maternal mortality ratio in 2008 was 250 per 100,000 live births. In 2000 the country reported in the UN Children's Fund's (UNICEF) multiple-indicator cluster survey that a doctor, nurse, or skilled midwife delivered 96.7 percent of births.

The constitution states that "women hold equal social status and rights with men"; however, few women reached high levels of the party or the government, although they were represented proportionally in the labor force.

Press and think tanks have reported that, while women were less likely than men to be assigned full-time jobs, they had more opportunity to work outside the socialist economy.

### Children

Citizenship is derived from one's parents and in some cases birth within the country's territory.

The state provides 11 years of free compulsory education for all children. However, reports indicated some children were denied educational opportunities and subjected to punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of family members. NGO reports also indicated children were unable to attend school regularly because of hidden fees or insufficient food.

Foreign visitors and academic sources reported that from fifth grade children were subjected to several hours a week of mandatory military training and that all children had indoctrination in school.

The UN Committee on the Rights of the Child repeatedly has expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services.

It was not known whether boys and girls had equal access to state-provided medical care; access to health care was largely dependent upon loyalty to the government.

Information about societal or familial abuse of children remained unavailable. There were reports of trafficking in young girls among persons who had crossed into China.

Article 153 of the criminal law states that a man who has sexual intercourse with a girl under the age of 15 shall be "punished gravely."

In March one South Korean media source reported that the inadequacy of sex education in schools contributed to sexual harassment and violence against young girls in and out of schools.

In February a South Korean NGO reported an increase in the number of street children (known as *kkotjebi*) in markets of North Hamkyung Province following the currency revaluation.

An NGO reported that in August street children at the Shinsungchun station attempted to rob an individual, which led to the individual's death. It was reported that the authorities subsequently beat, arrested, and then killed the children.

According to NGO reports, there was a large population of street children, many of them orphans, who were denied entrance to public schools.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### Anti-Semitism

There was no known Jewish population, and there were no reports of anti-Semitic acts.

### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

### Persons with Disabilities

A 2003 law mandates equal access for persons with disabilities to public services; however, implementing legislation has not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been reportedly sent out of Pyongyang into internal exile, quarantined within camps, and forcibly sterilized. According to a report released in 2006 by the World Association of Milal, an international disability NGO, persons with disabilities constituted approximately 3.4 percent of the population, more than 64 percent of whom lived in urban areas. A domestic organization known as the Korean Federation for the Protection of the Disabled (KFDP) has endorsed this number. A foreign NGO reported that the KFDP allowed them to operate in North Korea. The NGO was allowed to provide support and training at an orthopedic hospital, a school for hearing-impaired children, a coal mine hospital, and a home for elderly persons with disabilities. It was not known whether the government restricted the right of persons with disabilities to vote or participate in civic affairs.

The KFDP was founded in 1999 to coordinate the work with disabled population countrywide. In 2008 KFPD formed a partnership with the World Federation for the Deaf (WFD). According to WFD, North Korea reported that it had eight schools for the deaf, founded following Kim Il-Sung's instruction to build several schools for deaf children in 1959.

UNICEF has noted that very high levels of malnutrition indicate serious problems for both the physical growth and psychosocial development of young children. The UN Food and Agriculture Organization (FAO) estimated that 7.8 million, or 33 percent of the population was undernourished. FAO estimated 37 percent of children suffered from stunting.

#### Social Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws against homosexuality; however, no information was available on discrimination based on sexual orientation or gender identity.

#### Other Societal Violence or Discrimination

No information was available regarding discrimination against persons with HIV/AIDS.

### Section 7 Worker Rights

#### a. The Right of Association

The constitution provides for freedom of association; however, this provision was not respected in practice. There were no known labor organizations other than those created by the government. The KWP purportedly represents the interests of all labor. There was a single labor organization, the General Federation of Trade Unions of Korea . Operating under this umbrella, unions functioned on a classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

Unions do not have the right to strike. According to North Korean law, unlawful assembly can result in five years of correctional labor.

#### b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize or to bargain collectively. The government controls all employment aspects, ranging from assigning jobs to determining wages. Joint ventures and foreign-owned companies are required to hire their employees from government-vetted lists of workers. Factory and farm workers were organized into councils, which had an impact on management decisions. Although the law stipulates that employees working for foreign



companies can form trade unions and that foreign enterprises must guarantee conditions for union activities, the law does not protect workers who might attempt to engage in union activities from employer retaliation, nor does it impose penalties for employers who interfere in union activities.

There was one special economic zone (SEZ) in the Rajin-Sonbong area. The same labor laws that apply in the rest of the country apply in the Rajin-Sonbong SEZ, and workers in the SEZ were selected by the government.

Under a special law that created the Kaesong Industrial Complex (KIC), located close to the demilitarized zone between South Korea and North Korea, special regulations covering labor issues negotiated with South Korea were in effect for the management of labor in the area. Those regulations did not contain provisions that guarantee freedom of association or the right to bargain collectively.

According to South Korea's Ministry of Unification, a total of 122 South Korean firms were operational at the KIC as of December, and approximately 46,000 North Korean workers were employed at KIC as of December. South Korea's Ministry of Unification reported that the DPRK's Central Special Zone Development Guidance Bureau provided candidates for selection by South Korean companies. Under an inter-Korean agreement, North Korean workers at the KIC reportedly earned a monthly basic minimum wage of \$60.77 after social welfare deductions (according to the KIC Labor Law, wages are set in U.S. dollars). Employing firms reported, however, that with overtime the average worker earned approximately \$88 per month before deductions. Due to a lack of transparency, it was difficult to determine what proportion of their earned wages workers ultimately took home. Although the special laws governing the KIC require direct payment in cash to the workers, the wages were in fact deposited into accounts controlled by the North Korean government, which withheld a portion for social insurance and other benefits and then remitted the balance (reportedly about 70 percent) to the workers in an unknown combination of "commodity supply cards," which could be exchanged for staple goods, and North Korean won, converted at the official exchange rate. Workers at the KIC do not have the right to choose employers.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. However, the government mobilized the population for construction and other labor projects, including on Sundays, the one day off per week. The penal code criminalizes forced child labor; however,

there were reports that such practices occurred (see section 7.d.). The government also frequently gathered large groups together for mass demonstrations and performances. "Reformatory labor" and "reeducation through labor," including of children, have traditionally been common punishments for political offenses. Forced and compulsory labor, such as logging, mining, tending crops, and manufacturing, continued to be the common fate of political prisoners. The NGO Human Rights Watch reported that one defector was forced to work 16 hours a day in a mine.

The penal code requires that all citizens of working age must work and "strictly observe labor discipline and working hours." There were numerous reports that farms and factories did not pay wages or provide food to their workers. According to reports from one NGO, during the implementation of short-term economic plans, factories and farms increased workers' hours and asked workers for contributions of grain and money to purchase supplies for renovations and repairs. According to the penal code, failure to meet economic plan goals can result in two years of "labor correction."

From April to September 2009, numerous reports indicated that the government initiated a "150-day battle" labor-mobilization campaign to boost the economy by increasing work hours and production goals. The 150-day battle campaign exhorted workers to work harder to resolve food shortages and to rebuild infrastructure. The labor drive was part of the country's larger goal of building a "great, prosperous, and powerful" nation by 2012, the birth centennial of Kim Il Sung. Immediately after the 150-day battle the country engaged in a second labor-mobilization campaign, the "100-Day battle," to further increase output.

A June *New York Times* report stated that each family connected to Chongjin state construction company was required to deliver 17 bags of pebbles each month to the local party committee to contribute to resurfacing Chongjin's only paved road in preparation for the 2012 centennial of Kim Il-Sung's birth.

Forced labor continued to take place in brick making, cement manufacturing, coal mining, gold mining, iron production, and textile industries.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

According to the law, the state prohibits work by children under the age of 16 years.

School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects, such as snow removal on major roads, or in meeting production goals. Children were forced also to participate in cultural activities and, according to academic reports, were subjected to harsh conditions during mandatory training sessions. Thousands of children were reportedly held and forced to work in labor camps alongside their parents.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

e. Acceptable Conditions of Work

No reliable data were available on the minimum wage in state-owned industries. However, anecdotal reports indicated that the average daily wage was not sufficient to provide a decent standard of living for a worker and family. Since the 2002 economic reforms, compensation underwent significant change, as citizens sought to earn hard currency to support themselves and their families. Workers often had to pay for services, such as housing rental and transportation, that previously had been provided either free or at highly subsidized rates by the state. Foreign observers who visited the country reported that many factory workers regularly failed to go to work, paying a bribe to managers to list them as present, so they could engage in various trading and entrepreneurial activities instead. The same source stated that many government factories were not operating, primarily due to electricity shortages.

Class background and family connections could be as important as professional competence in deciding who received particular jobs, and foreign companies that have established joint ventures continued to report that all their employees must be hired from registers screened by the government.

The constitution stipulates an eight-hour workday; however, some sources reported that laborers worked longer hours, perhaps including additional time for mandatory study of the writings of Kim Il-sung and Kim Jong-il. The constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense; however, the state's willingness and ability to provide these services was unknown. Foreign diplomats reported that workers had 15 days of paid leave plus paid national holidays. Some

persons were required to take part in mass events on holidays, which sometimes required advance practice during work time. Workers were often required to "celebrate" at least some part of public holidays with their work units and were able to spend a whole day with their families only if the holiday lasted two days.

Many worksites were hazardous, and the industrial accident rate was high. The law recognizes the state's responsibility for providing modern and hygienic working conditions. The penal code criminalizes the failure to heed "labor safety orders" pertaining to worker safety and workplace conditions only if it results in the loss of lives or other "grave loss." In addition workers do not have an enumerated right to remove themselves from hazardous working conditions.

Citizens labored under harsh conditions while working abroad for North Korean firms and under arrangements between the government and foreign firms. Contract laborers worked in Africa; Central and Eastern Europe (most notably in Russia); Central, East, and Southeast Asia; and the Middle East. In most cases employing firms paid salaries to the North Korean government, and it was not known how much of that salary the workers received. Workers were typically watched closely by government officials while overseas and reportedly did not have freedom of movement outside their living and working quarters.

Wages of some of the several thousand North Koreans employed in Russia reportedly were withheld until the laborers returned home, making them vulnerable to deception by North Korean authorities, who promised relatively high payments.

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\*Note on Sourcing: The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions or confirm reported abuses. When referenced, refugee testimony can be dated because of the time lapse between refugee departure from North Korea and contact with NGOs or officials able to document human rights conditions.