

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA 2013 HUMAN RIGHTS REPORT

See endnote

EXECUTIVE SUMMARY

The Democratic People's Republic of Korea (DPRK or North Korea) is an authoritarian state led by the Kim family for more than 60 years. In July 2012 Kim Jong Un was named marshal of the DPRK and supreme commander of the Korean People's Army. Kim Jong Un's grandfather, the late Kim Il Sung, remains "eternal president." The most recent national elections, held in March 2009, were neither free nor fair. Authorities maintained effective control over the security forces. Security forces committed human rights abuses.

Citizens did not have the right to change their government. The government subjected citizens to rigid controls over many aspects of their lives, including denial of the freedoms of speech, press, assembly, association, religion, movement, and worker rights. Reports continued of a vast network of political prison camps in which conditions were often harsh and life threatening and included forced and compulsory labor.

Defectors continued to report extrajudicial killings, disappearances, arbitrary detention, arrests of political prisoners, and torture. The judiciary was not independent and did not provide fair trials. Reports continued of severe punishment of some repatriated refugees and their family members. There were reports of female victims of trafficking among refugees and workers crossing the border into China.

The government made no known attempts to prosecute officials who committed human rights abuses. Impunity was a widespread problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that the government committed arbitrary and unlawful killings.

During the year nongovernmental organizations (NGOs) reported that public executions continued, but no official statistics were available. The Republic of Korea (South Korea or ROK) government-affiliated think tank Korean Institute for National Unification (KINU) published a white paper on North Korean human rights, which noted six defectors testified that they had observed or heard about a public execution in 2012. In its annual publication *The Death Penalty in North Korea*, the International Federation for Human Rights (FIDH) reported at least 15 executions in 2012.

South Korean media reported that in August, 12 musicians, including a former mistress of Kim Jong Un, were publicly executed by firing squad three days after being detained. The performers were from two orchestras, and all band members were forced to watch the executions. The government accused the victims of making and distributing pornography. A defector in Japan corroborated the story.

In November the South Korean newspaper *JoongAng Ilbo* reported that 80 individuals were publicly executed for crimes including watching foreign television dramas and prostitution. The mass execution reportedly took place on November 3 in seven different cities. According to the report, an eyewitness reported that in Wonsan the authorities gathered 10,000 people in a sports stadium to watch the execution of eight people by firing squad.

On December 8, Jang Song Thaek, the uncle and close advisor of supreme leader Kim Jong Un, was arrested at an expanded meeting of the Worker's Party of Korea (WPK) in a move that was widely reported in the DPRK media. Four days later, on December 12, the government announced that a "special military tribunal" had sentenced Jang to death and immediately executed him for a series of crimes, including treason, factionalism, corruption, womanizing, and alcohol abuse. South Korean and other media reported associates of Jang were killed in public executions and family members of Jang and his associates were rounded up and taken to political prison camps, apparently without due process.

Defector and refugee reports indicated some instances in which the government executed political prisoners, opponents of the government, repatriated defectors, and others accused of crimes. The law prescribes the death penalty for the most "serious" or "grave" cases of "antistate" or "antination" crimes, which include: 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; and "treacherous destruction." Additionally, the law allows for capital punishment in less serious

crimes such as theft, destruction of military facilities and national assets, fraud, kidnapping, distributing pornography, and trafficking in persons.

NGOs and press reports indicated that border guards reportedly had orders to shoot to kill individuals leaving the country without permission, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps.

b. Disappearance

NGO, think tank, and press reports indicated that the government was responsible for disappearances.

There was no progress in the investigation into the cases of suspected abductions of Japanese nationals by DPRK government entities, despite a visit to North Korea by a political advisor to Japanese Prime Minister Abe in May.

ROK government and media reports indicated that the DPRK government also kidnapped other foreign nationals from locations abroad in the 1970s and 1980s. The DPRK continued to deny its involvement in the kidnappings. The ROK Ministry of Unification reported that approximately 517 of its civilians, abducted or detained by DPRK authorities since the end of the Korean War, remained in the DPRK. South Korean NGOs estimated 20,000 civilians were abducted by the DPRK during the Korean War.

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

The penal code prohibits torture or inhuman treatment, but many sources continued to report these practices. Numerous defector accounts and NGO reports released during the year described the use of torture by authorities in detention facilities. 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 to watch the infanticide of their newborn infants. Defectors continued to report many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

The KINU 2013 *White Paper on Human Rights in North Korea* and the 2012 Committee for Human Rights in North Korea (HRNK) report *Hidden Gulag: Second Edition (Hidden Gulag)* indicated that officials had in some cases prohibited live births in prison and ordered forced abortions as recently as 2011. In some cases of live birth, the white paper reported that prison guards killed the infant or left the baby to die. The white paper also reported cases of guards sexually abusing or exploiting female prisoners.

Detainees in re-education through labor camps reported they were forced to perform difficult physical labor under harsh conditions (see section 7.b.).

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. NGO reports documented six types of detention facilities: kwan-li-so, political penal-labor camps; kyo-hwa-so, correctional or reeducation centers; kyo-yang-so, labor-reform centers; jip-kyul-so, collection centers for low-level criminals; ro-dong-dan-ryeon-dae, labor-training centers; and ku-ryu-jang or ka-mok, interrogation facilities or jails. The Ministry of State Security (MSS) administered kwan-li-so penal-labor camps; either the MSS or the Ministry of People's Security (MPS) administered the other detention centers.

Reports indicated there were between 5,000 and 50,000 prisoners per kwan-li-so. Defectors claimed the kwan-li-so camps contained unmarked graves, barracks, worksites, and other prison facilities. NGOs reported that five kwan-li-so facilities remained in operation, including Kaecheon (Camp 14) in South Pyongan Province with an estimated 50,000 inmates, Yodok (Camp 15) in South Hamkyung Province with an estimated 10,500 inmates, Hwasung (Camp 16) with an estimated 15,000 inmates, Chongjin (Camp 25) with an estimated 5,000 inmates, and a relocated facility in Kaecheon (Camp 18, previously located in Bukchang) with an estimated 2,000 to 5,000 inmates.

Based on satellite imagery and defector testimony, observers estimated Camp 22 to be 31 miles long and 25 miles wide. An August report from the HRNK titled *North Korea's Hidden Gulag: Interpreting Changes in the Prison Camps* indicated that Camp 22 was closed. Citing satellite imagery analysis on Camp 22, the HRNK report concluded that the prison camp had been razed, the remaining guard posts and towers were abandoned, and the prisoners and guards had been

transferred elsewhere. Defectors reported that as many as 8,000 prisoners may have been transferred to other camps before the camp closed. Human rights activists estimated that nearly 20,000 individuals may have died of starvation if defector reports and satellite imagery were accurate.

A March Amnesty International report also noted an increased security perimeter adjacent to Camp 14.

Total control zones reportedly existed in kwan-li-so political penal-labor camps, where incarceration is for life, and “re-revolutionizing zones” from which prisoners may be released. *Hidden Gulag* reported that there had been no known releases from Yodok since 2009.

Reports indicated that those sentenced to prison for nonpolitical crimes were typically sent to reeducation prisons where prisoners were subjected to intense forced labor. Those who were considered hostile to the government or who committed political crimes reportedly were sentenced to indefinite terms in political prison camps. In many cases family members were also detained if one member was accused or arrested. The government continued to deny the existence of political prison camps.

Reports indicated that conditions in the prison camp and detention system were harsh and life threatening, and that systematic and severe human rights abuses occurred. Many prisoners in political prison camps and the detention system were not expected to survive. Detainees and prisoners consistently reported violence and torture. Defectors described witnessing public executions in political prison camps. According to defectors 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. The ROK and international press reported that kyo-hwa-so, or labor-rehabilitation camps, held populations of up to thousands of political prisoners, economic criminals, and ordinary criminals.

Physical Conditions: Estimates of the total number of prisoners and detainees in the prison and detention system ranged between 80,000 and 200,000. The 2013 KINU White Paper reported that between 80,000 and 120,000 individuals were held in five active political-prison camps, adding that the decrease in the number of inmates was the result of natural reduction from harsh circumstances rather than

changes in government policy. NGO and press reports estimated there were between 182 and 490 detention facilities in the country.

Information on the number of women and juvenile prisoners was not available. Anecdotal reports from the NGO Database Center for North Korean Human Rights indicated that in some prisons women were held in separate units from men and were often subjected to sexual abuse. One NGO reported that political prisoners sent to punishment facilities were subjected to torture without consideration of their gender.

NGOs reported that women made up the majority of prisoners in ro-dong-danryeon-dae; the majority of prisoners in these facilities were repatriated from China.

Under the criminal procedure law, a criminal case is dismissed in the 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, but little information was available regarding how this law was actually applied. Authorities often detained juveniles along with their families and subjected them to torture and abuse in detention facilities.

Administration: No information was available indicating whether prisoners and detainees had reasonable access to visitors. In past years defectors reported that Christian inmates were subjected to harsher punishment if their faith was made public, but no information was available regarding religious observance. No information was available on whether prisoners or detainees could submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhuman conditions. No information on recordkeeping processes or alternatives to incarceration for nonviolent offenders was publicly available.

Independent Monitoring: There was no publicly available information on whether the government investigated or monitored prison and detention conditions. The DPRK did not allow the UN special rapporteur on the human rights situation in the DPRK or the UN Commission of Inquiry access into the country to assess prison conditions.

The government did not permit other human rights monitors to inspect prisons and detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but reports indicated that the government did not observe these prohibitions. The 2010 study, *Witness to Transformation: Refugee Insights into North Korea (Witness to Transformation)*, published by the Peterson Institute for International Economics, reported that authorities had a high level of discretion in detaining, arresting, prosecuting, and releasing persons.

Role of the Police and Security Apparatus

The internal security apparatus includes the MPS and the MSS. The security forces do not have adequate mechanisms to investigate possible security force abuses. There was no information that the government took action to reform the security forces.

Arrest Procedures and Treatment of Detainees

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 actually applied.

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 authorities authorized the People's Safety Agency to handle criminal cases directly without the approval of prosecutors. The change was reportedly made because of corruption among prosecutors. One NGO reported that investigators could detain an individual for the purpose of investigation for 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 reportedly 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. There was no known bail system and no information on whether a lawyer was provided to detainees. Reports indicated that arbitrary arrests occurred.

Arbitrary Arrest: In a May 2012 response to a UN inquiry, the government reported that one detainee, Shin Suk Ja, had died of hepatitis. NGOs alleged that authorities detained Shin in 1987 in the Yodok labor camp because her husband, Oh Kil-nam, defected to the ROK.

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.

Trial Procedures

The MPS dispensed with trials in political cases and referred prisoners to the State Security Agency (SSA) 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 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. The 2013 KINU White Paper reported that the SSA conducts “pretrials” or preliminary examinations in all political cases, but the trial is conducted by the court system. Some defectors testified that the SSA also conducted trials. There was no indication that independent, nongovernmental defense lawyers existed. According to *Hidden Gulag*, most inmates in prison camps were sent there without trial, without knowing the charges against them, and without having legal counsel. *Witness to Transformation* reported that only 13 percent of the 102 respondents surveyed who had been incarcerated in the country received a trial. There were no indications that the presumption of innocence was respected.

Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, the 2013 KINU White Paper reported that between 80,000 and 120,000 were being held in five active political prison camps. Political prisoners are held separately from other detainees. NGOs and the media reported that political prisoners were

subject to harsher punishments and fewer protections than other prisoners and detainees. The government considered critics of the regime to be political criminals. The government did not permit access to persons by international humanitarian organizations. Reports from past years described political offenses as including burning old currency or criticizing the government's currency revaluation, 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, "citizens 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 these rights were not respected.

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. The regime subjected its citizens to rigid controls. The government reportedly relied upon a massive, multilevel system of informants to identify critics and potential troublemakers. Entire communities sometimes were subjected to security checks. A South Korean NGO reported that authorities entered homes without judicial authorization.

The government appeared to monitor 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.

Egypt-based Orascom Telecom, the DPRK's sole 3G cellular network service provider, indicated the estimated number of persons with access to an internal mobile phone network increased to more than two million by May. Authorities strictly monitored mobile phone use. The system for citizens 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 reportedly were used for making international calls. Authorities arrested those caught using

such cell phones and required violators to pay a fine or face charges of espionage or other crimes with harsh punishments. In January media reported that the DPRK began allowing foreign visitors to bring in their mobile phones and use the 3G network for mobile internet access and international calls from the DPRK. In May Human Rights Watch reported new testimonies from recent North Korean defectors on the increasing availability of--and, consequently, the crackdown on--use of Chinese mobile phones to prevent outside information from entering the country or information about conditions inside the country from being disseminated.

The WPK is the key governing body in the country; party membership is dictated by social and family background and is the key determinant of social mobility. 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, marriage prospects, and food rations. In its report in 2012, *Songbun: Marked for Life, North Korea’s Social Classification System*, the HRNK reported that authorities placed citizens into one of 51 songbun categories based on the perceived loyalty of their family to the government. The HRNK estimated that 28 percent of citizens are classified as “loyal,” 45 percent as “wavering,” and 27 percent as “hostile” to the government.

Many independent reports, including the 2013 KINU White Paper, noted that DPRK authorities practiced collective punishment. Entire families, including children, were imprisoned when one member of the family was accused of a crime. Collective punishment reportedly can extend to three generations.

NGOs reported the eviction of families from their places of residence without due process.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; however, the government prohibited the exercise of these rights.

Freedom of Speech: There were numerous instances of persons 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 individuals submitted anonymous petitions or complaints about state administration, the MSS and MPS sought to identify the authors, who could be subjected to investigation and punishment.

Press Freedoms: The government sought to control virtually all information. The government tightly controlled print media, broadcast media, and book publishing. Independent media did not exist. The government carefully managed visits by foreigners, especially journalists. The Associated Press (AP) operated an all-format news bureau in Pyongyang. International AP reporters were not resident in country.

Violence and Harassment: Domestic journalists had little freedom to investigate stories or report freely. During visits by foreign leaders, authorities permitted groups of foreign journalists 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.

Censorship or Content Restrictions: 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 were similarly altered. Elite citizens and facilities for foreigners, such as hotels, had access to international television broadcasts via satellite. The government continued to attempt to jam all foreign radio broadcasts.

Internet Freedom

Internet access for citizens was limited to high-ranking officials and other designated elites, including select university students. 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, which acts as the gatekeeper, only granted access to acceptable information through the intranet. Reporters Without Borders reported that some e-mail access existed through this internal network. Government employees sometimes had access to e-mail accounts on the internet.

Academic Freedom and Cultural Events

The government restricted academic freedom and controlled artistic works. Curriculum was highly controlled by the state. The government severely restricted academic travel. The primary function of plays, movies, operas, children's performances, and books was to buttress the cult of personality surrounding the Kim family and support the regime.

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.

The government continued its attempt to limit foreign influence on its citizens. Listening to foreign radio and watching foreign films is illegal; however, numerous NGOs reported that foreign DVDs, VCDs, and CDs continued to be smuggled into the country. In its 2012 report *A Quiet Opening: North Koreans in a Changing Media Environment*, InterMedia reported that 48 percent of defectors surveyed or interviewed watched foreign DVDs while in the DPRK, despite the risk of punishment; however, survey results may not be representative of the entire population. 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 enforcing restrictions on foreign films, police were authorized to search homes to search for contraband DVDs. Daily NK reported that Kim Jong Un created a special police unit to control the flow of outside information in the country.

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 and continued to prohibit public meetings not previously authorized and not under government control.

Freedom of Association

The constitution provides for freedom of association, but the government failed to respect this provision. 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

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/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. During the year the government continued to control carefully 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, or other persons.

In-country Movement: The government continued to restrict freedom to move within the country. Only members of a very small elite class and those with access to remittances from overseas reportedly had access to personal vehicles. Movement was hampered by a lack of infrastructure and by security checkpoints on main roads at the entry to and exit from every town.

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.

Foreign Travel: 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 to enable visits with relatives, for short-term work opportunities, or to engage in small-scale trade.

Exile: The government reportedly forced the internal exile of some citizens. In the past it forcibly resettled tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses and included those judged to be politically unreliable based on the social status of their family members.

Emigration and Repatriation: The government did not allow emigration, and reports indicated that it continued severe tight security on the border, dramatically limiting 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.

Reports suggested that the number of North Koreans living illegally in northeastern China declined in recent years. News reports in August said that Chinese authorities installed additional miles of barbed-wire fencing along the Tumen River that divides China from North Korea, making it more difficult for North Koreans to cross into China.

The South Korean press reported that the government issued orders for guards to shoot to kill those attempting to leave without official sanction. NGOs reported that Kim Jong Un called for stricter punishments for those suspected of illegal border crossing. 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 subjected 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 particularly harsh treatment was reserved for those who had extensive contact with foreigners, including those with family members resettled in the ROK.

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.

Repatriated refugees were subjected to harsh punishments, including imprisonment. During the year the government reportedly continued to enforce the policy that all border crossers be sent to prison or re-education centers. An NGO reported that families of resettled defectors in South Korea were treated harshly and were forcibly relocated to areas away from the border.

On May 27, press reported that nine asylum seekers between the ages of 15 and 23 were arrested in Laos and repatriated to the DPRK via China, reportedly accompanied by a North Korean official. On June 5, the DPRK confirmed the return of the nine asylum seekers.

The ROK resettled 1,181 DPRK defectors from January to October, compared with 1,199 from January to October 2012. Media and NGOs attributed the decline in 2012 and 2013 (which was only about 60 percent of the number resettled in 2011) to strengthened DPRK border controls.

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, 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. There was no effort to carry out by democratic means the leadership transition to Kim Jong Un following Kim Jong Il's death.

Elections and Political Participation

Recent Elections: The last national elections to select representatives to the Supreme People's Assembly (SPA) occurred in 2009. These 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 of the government candidates. An NGO reported that citizens were ordered to participate in the July elections.

Political Parties: 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."

Participation of Women and Minorities: Women made up 15.6 percent of the membership of the 12th Supreme People's Assembly in 2009. KINU reported that the ratio of female deputies elected to the provincial people's assemblies was between 20 and 30 percent. Women constituted approximately 4.5 percent of the membership of the Central Committee of the WPK but held few key WPK leadership positions.

The country is racially and ethnically homogenous. There are officially no minorities; as a result, no information on minority representation in the government was available.

Section 4. Corruption and Lack of Transparency in Government

It was 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 and also endemic in the security forces.

Corruption: Reports of diversion of food to the military and government officials and bribery were indicative of corruption in the government and security forces. Multiple ministries and party offices were responsible for handling issues of corruption.

Whistleblower Protection: There was no information available regarding government efforts to protect whistleblowers.

Financial Disclosure: It was not known whether public officials are subject to financial disclosure laws and whether a government agency is responsible for combating corruption.

Public Access to Information: 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 country reported that many organizations, including the Human Rights Research Institute, Lawyers' Association, General Federation of Trade Unions, Agricultural Workers Union, Youth League, and Women's Union, engaged in human rights activities; the activities of these organizations could not be verified.

The international 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 such hypocrisy undermined human rights principles.

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

In March the UN Human Rights Council passed a resolution establishing a commission of inquiry to investigate the "grave, widespread, and systematic violations of human rights" in the DPRK. The commission began its investigation during the year, which included trips to South Korea and other countries with defector populations, and provided an interim report to the Human Rights Council in September. The government did not cooperate with the commission and did not allow the group access to assess human rights conditions in the country.

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

The constitution grants equal rights to all citizens; however, the government reportedly did not actually grant its citizens most fundamental human rights, and it continued pervasive discrimination based on social status.

Women

A May report by the ROK-based NGO Citizens' Alliance for North Korea Human Rights on the *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK* concluded it was too early to detect any major changes as a result of the Women's Rights Protection Act enacted in December 2010. The report noted the act was vague, lacked the designation of an administering agency, did not include punishments for noncompliance, and had no accompanying implementing legislation.

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

Violence against women was reported as a significant problem both inside and outside the home. No information was available on government efforts to combat rape, domestic violence, and other societal violence directed against women.

Sexual Harassment: Women who left the country reported that, although "sexual violation" was understood, "sexual harassment" was not defined in the country. 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 had been harassed.

Reproductive Rights: It was difficult to obtain accurate information regarding reproductive rights. The country's initial report to the Convention on the Elimination of All Forms of Discrimination Against Women, submitted in 2002, claimed "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." Independent sources were not able to substantiate the country's claim.

The 2012 UN *Overview of Needs and Assistance in DPRK* report estimated that the maternal mortality rate ranged from 85 to 250 per 100,000 live births. Final results from the 2012 National Nutrition Survey (conducted by the Central Bureau of Statistics, with technical assistance from the World Food Program, UN Children's Fund--UNICEF, and the World Health Organization) estimated that the maternal mortality rate from 2008 to 2010 decreased slightly, from 85 to 76 per 100,000 live births. UNICEF reported that the deteriorating health system, lack of medicine,

and emergency referrals affected the high rate of maternal mortality. The World Food Program found that 31 percent of women surveyed suffered from anemia, which increases the likelihood of maternal mortality. The country reported in its 2009 “National Human Rights Report” submitted to the UN Universal Periodic Review that 98 percent of women received professional help during childbirth. The 2012 UN *Overview of Needs and Assistance in DPRK* report found that 68 percent of monthly deliveries took place at county hospitals or clinics at the ri (“village”) level, but approximately 42 percent of these facilities did not have resuscitation equipment for mothers and 36 percent did not have resuscitation equipment for newborns. A KINU survey of North Korean defectors found that 86 percent of respondents said that the family doctor system was “useless.”

The KINU 2013 White Paper also cited alarming levels of maternal and infant mortality. Pregnant women sentenced to detention centers following their repatriation to the DPRK reportedly were subject to forced abortions.

Discrimination: 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. KINU reported that discrimination against women emerged in the form of differentiated pay scales, promotions, and types of work assigned to women.

The 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.

According to the KINU 2013 White Paper, divorces were not approved without bribes.

Children

Birth Registration: Citizenship is derived from one’s parents and in some cases birth within the country’s territory.

Education: The law provides for 12 years of free compulsory education for all children. Reports indicated, however, 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 some children were unable to attend school regularly because of hidden fees or insufficient food.

NGOs reported that children in the total control zones of political prisons did not receive the same curriculum or quality of education.

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 received political indoctrination in school.

Medical Care: 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.

Child Abuse: Information about societal or familial abuse of children remained unavailable. Article 153 of the criminal law states that a man who has sexual intercourse with a girl under 15 years old shall be “punished gravely.” There was no reporting on whether this law was upheld.

Forced and Early Marriage: The family law provides that the minimum age for marriage is 18 years old for men and 17 years old for women.

Sexual Exploitation of Children: There were reports of trafficking in young girls to destinations outside the country. Little information was available regarding the sexual exploitation of children in the country.

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

Displaced Children: According to NGO reports, there were numerous street children, many of them orphans, who were denied entrance to public schools.

Institutionalized Children: There were reports of children born into kwan-li-so political prison camps as a result of “reward marriages” between inmates. Reports indicated that these children were subjected to forced labor for up to 12 hours per day and not allowed to leave the camps. Children living in the prison camps were subjected to torture if they or a family member violated the prison rules.

International Child Abductions: 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

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

On July 3, the country signed, but did not ratify, the Convention on the Rights of Persons with Disabilities. Before the country may ratify the convention, it must first modify its legal system. The 2013 KINU White Paper estimated persons with disabilities constituted 5.8 percent of the population.

A 2003 law mandates equal access to public services for persons with disabilities; however, implementing legislation had not been passed. Traditional social norms condone discrimination against persons with disabilities, including in the workplace. Although veterans with disabilities were treated well, other persons with physical and mental disabilities reportedly were sent from Pyongyang to internal exile, quarantined within camps, and forcibly sterilized. Persons with disabilities experienced discrimination in accessing public life.

The Korean Federation for the Protection of the Disabled was founded in 1999 to coordinate the work with persons with disabilities countrywide.

The UN Committee on the Rights of the Child repeatedly 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.

The Citizens' Alliance for North Korean Human Rights 2013 report on the *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK* found that the birth of a disabled baby--regardless of circumstances--was considered a "curse," and doctors were poorly trained to diagnose and treat persons with disabilities. The report said there were no welfare centers with specialized protection systems for those born with disabilities. Citizens' Alliance also cited reports that the country maintained a center (Hospital 8.3) for abandoned, disabled individuals, where residents were subjected to chemical and biological testing.

UNICEF noted that very high levels of malnutrition indicated serious problems for both the physical growth and psychosocial development of young children. Final results from the 2012 National Nutrition Survey (conducted by the Central Bureau of Statistics, with technical assistance from the World Food Program, UNICEF, and the World Health Organization) released in March estimated 475,868 children (28 percent) were stunted and 68,225 children (4 percent) acutely malnourished. The report concluded that the acute nutritional status of children had improved moderately since 2009 when the last nationwide survey including nutrition indicators was carried out.

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

There are no laws against consensual same-sex activity, but 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. Freedom of Association and the Right to Collective Bargaining

The constitution provides for freedom of association, but workers do not have the right to organize, strike, or bargain collectively. There were no known labor organizations other than those created by the government. The WPK 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 according to a classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities. Unlawful assembly can result in five years of correctional labor. The government controls all aspects of employment, including assigning jobs and determining wages. Joint ventures and foreign-owned companies are required to hire their employees from government-vetted lists. Factory and farm workers were organized into councils, which had an effect 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. The government selected the workers permitted to work in the SEZ.

Under a special law that created the Kaesong Industrial Complex (KIC), located close to the demilitarized zone between the ROK and the DPRK, special regulations covering labor issues negotiated with the ROK 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including forced child labor (see Section 7.c.). Nonetheless, the government mobilized the population for construction and other labor projects. “Reformatory labor” and “re-education through labor,” sometimes of entire families, have traditionally been common punishments for political offenses. Forced and compulsory labor in such activities as logging, mining, tending crops, and manufacturing continued to be the common fate of political prisoners. Re-education involved memorizing speeches by Kim Il Sung and Kim Jong Il.

The penal code requires all citizens of working age to 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.”

Forced labor continued to take place in brick making, cement manufacturing, coal mining, gold mining, iron production, agriculture, and textile industries. NGOs reported authorities ordered some university students to abandon their studies to work on campus beautification projects early in the year.

Also see the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

According to the law, the state prohibits work by children under 16 years old. The penal code criminalizes forced child labor; however, there were reports that such practices occurred.

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. Thousands of children were reportedly held and forced to work in labor camps alongside their parents.

d. Acceptable Conditions of Work

No reliable data was available on the minimum wage in state-owned industries. A number of media outlets noted dramatic wage hikes in some enterprises in the heavy industrial sectors, including select mining and steel companies, in September and October, as well as in the textile and garment sector in November. Monthly wages reportedly increased from 3,000-4,000 won (\$0.30-0.40) to 300,000 won (\$30), with about a third of the wage paid in cash and the remainder in kind.

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 one day’s rest per week (Sunday), 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.

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.” Workers themselves do not have a designated right to remove themselves from hazardous working conditions.

Leave or rest from work were sometimes compromised by mandatory participation in mass events on holidays, which might also require 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 an entire day with their families only if the holiday lasted two days. Failures to pay wages were common, and reportedly drove some workers to seek income-generating activity in the informal or underground economy.

Many worksites were hazardous, and the industrial accident rate was high. Citizens labored under harsh conditions while working abroad for state-owned firms and under arrangements between the government and foreign firms. Contract laborers worked in Africa, 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 typically were watched closely by government officials while overseas and reportedly had little freedom of movement outside their living and working quarters. Wages of some of the several thousand North Koreans employed in Russia and China reportedly were withheld until the laborers returned home, making them vulnerable to deception by authorities. During the year the media reported that China would grant industrial training visas to tens of thousands of North Korean workers. Of the \$200 to \$300 per month salaries, workers were likely to keep less than \$50. Press reports indicated that the government would carefully select these workers, based on loyalty and family connections to the WPK.

According to the ROK Ministry of Unification, 123 South Korean firms were operational at the KIC and approximately 53,000 North Korean workers were employed at the KIC until April, when the DPRK unilaterally withdrew its workforce. The DPRK and ROK agreed in September to resume operations at the complex, but there was little progress made on issues of entering into the KIC, customs, and communication. The DPRK's Central Special Zone Development Guidance Bureau typically provided labor candidates for selection by South Korean companies. Workers at the KIC did not have the right to choose their employers. 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).

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, their 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 approximately 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, which highly overvalues the North Korean won. The KIC remained a highly sought-after place of employment.

Endnote: 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. While information is becoming more readily available, some reports that rely on defector testimony can be dated because of the time lapse between departure from North Korea and contact with NGOs or officials able to document human rights conditions.