

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA 2014 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 late 2011 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, were neither free nor fair. Authorities maintained effective control over the security forces.

Citizens did not have the ability 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, 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.

The UN Human Rights Council in Geneva established a Commission of Inquiry (COI) into the country's human rights in 2013, and the commission issued a report in February that concluded the DPRK, its institutions, and officials committed and continued to commit systematic, widespread, and gross human rights violations. The report further concluded that in many cases such violations constituted crimes against humanity. During the year the report and its recommendations received widespread attention at UN meetings and elsewhere.

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.

Defector and refugee reports noted 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, distribution of pornography, and trafficking in persons.

Nongovernmental organizations (NGOs) and press reports indicated that border guards 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.

During the year NGOs reported that public executions continued, and in October, the press reported that at least 50 executions were carried out during the year as part of an ongoing purge of government officials. The Korea Institute for National Unification (KINU), a Republic of Korea (South Korea or ROK) government-affiliated think tank, published a white paper on North Korean human rights that noted five defectors testified they had observed or heard about public executions in 2013. KINU recorded nine public executions in 2013.

According to the report released by the UN COI on Human Rights in the DPRK, eyewitnesses testified in confidential interviews that authorities publicly executed a man and a woman in the Songpyeong area of Chongjin City (North Hamgyong Province) in March 2013 after accusing both of producing and selling large amounts of methamphetamine. Both adults and children were forced to watch as the man and woman were beaten, tied to a pole, and then executed by firing squad.

The COI also received reports about a series of public executions conducted in August, October, and November 2013 in various locations. Authorities reportedly

accused many of the victims of distributing foreign movies and pornographic material. The COI noted that the executions appeared to be linked to the accession of Kim Jong Un as the Supreme Leader and his consolidation of power.

In December 2013 authorities arrested Jang Song Thaek, the uncle and close advisor of Kim Jong Un, at an expanded meeting of the Worker's Party of Korea (WPK) in a move widely reported in the DPRK media. Four days later 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 that authorities killed associates of Jang in public executions and rounded up family members of Jang and his associates and took them to political prison camps, apparently without due process.

b. Disappearance

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

After bilateral talks between the DPRK and Japan in May, the DPRK agreed to reopen the investigation into the suspected abductions of all missing Japanese citizens. In July the DPRK established a special committee focused on the investigation, and talks between Japan and the DPRK continued in September and October.

ROK government and media reports noted that the DPRK 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 an estimated 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 that during the Korean War the DPRK abducted 20,000 civilians who remained in the North or who have died.

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

The penal code prohibits torture or inhuman treatment, but many sources reported these practices continued. 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; and being hung by the wrists or forced to stand up and sit down to the point of collapse. Mothers were in some cases reportedly forced 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 *2014 White Paper on Human Rights in North Korea* and the COI report stated that officials had in some cases prohibited live births in prison and ordered forced abortions as recently as 2013. In some cases of live birth, the KINU white paper found 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 noted 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 re-education 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). According to the 2014 KINU white paper, the Ministry of State Security administered kwan-li-so penal-labor camps, and either it or the Ministry of People’s Security administered the other detention centers.

There were reportedly 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 the existence of five kwan-li-so facilities, including Kaecheon (Camp 14), Hwasung (Camp 16), Pukchang (Camp 18), and Chongjin (Camp 25). During the year there were reports that Yodok (Camp 15) in South Hamkyung Province was being modified, reducing its operational capacity.

In June the Committee for Human Rights in North Korea (HRNK) published a report titled *North Korea's Camp No. 25 Update*, which confirmed that Camp 25 was in operation and by DPRK standards was a well-maintained prison facility. Physical size and prisoner population for Camp 25 remained constant.

Kwan-li-so political penal-labor camps are comprised of total control zones, where incarceration is for life, and “re-revolutionizing zones,” from which prisoners may be released. The 2012 report *Hidden Gulag: Second Edition* reported there had been no known releases from Yodok since 2009.

Reports indicated those sentenced to prison for nonpolitical crimes were typically sent to re-education prisons where authorities subjected prisoners 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 also were 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, prisoners received little or no food and were denied medical care in some places of detention. 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 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 120,000. The 2014 KINU white paper reported that the decrease in the number of inmates from previous years might be the result of natural reduction from harsh circumstances rather than significant 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 and the UN COI's report stated that in some prisons authorities held women in

separate units from men and often subjected the women to sexual abuse. One NGO reported that male and female political prisoners sent to punishment facilities were tortured.

By law criminal cases against a person under age 14 are dismissed. Public education is applied in case of a crime committed by a person above 14 and under 17, but little information was available regarding how the law was actually applied. Authorities often detained juveniles along with their families and reportedly subjected them to torture and abuse in detention facilities.

Administration: No information on recordkeeping processes or alternatives to incarceration for nonviolent offenders was publicly available. No information was available indicating whether prisoners and detainees had reasonable access to visitors. In past years defectors reported that authorities subjected Christian inmates 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.

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 COI 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 pointed out that the government did not observe these prohibitions. The 2010 study, *Witness to Transformation: Refugee Insights into North Korea*, 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 Ministries of People's Security and of State Security. 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 that these changes were 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 prosecutorial corruption. 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 practice. There was no known bail system and no information on whether a lawyer was provided to detainees.

Arbitrary Arrest: Arbitrary arrests reportedly occurred. In an April 2013 response to a query from the UN Working Group on Arbitrary Detention, 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 Ministry of Public Security 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 KINU 2014 white paper reported that the SSA conducted “pretrials” or preliminary examinations in all political cases but the court system conducted the trial. Some defectors testified that the SSA also conducted trials. There was no indication that independent, nongovernmental defense lawyers existed. According to the 2013 *Hidden Gulag* report, 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 authorities respected the presumption of innocence.

Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, the KINU 2014 white paper reported that between 80,000 and 120,000 were detained in the kwan-li-so. Political prisoners were 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 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 pointed out that 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, multi-level 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, telephone conversations, e-mail, text messages, and other digital communications. Private telephone lines operated on a system that precluded making or receiving international calls; international telephone 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 was more than two million as of May 2013. 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 2013 the 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 2013 Human Rights Watch reported new testimonies from recent North Korean defectors on the increasing availability of Chinese mobile phones, and consequently, the crackdown on their use in order to prevent outside information from entering the country or information about conditions inside the country from being disseminated. In August the DPRK State Radio Regulatory Department issued a decree banning foreign embassies and international organizations from using Wi-Fi in the country. According to the KINU 2014 white paper, a North Korean defector testified that his Chinese mobile phone did not work in Sinuiju in 2013 due to network interference by the government.

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 2012 report, *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 were classified as “loyal,” 45 percent as “wavering,” and 27 percent as “hostile” to the government.

Many reports, including the KINU 2014 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, although 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, but the government did not respect this right. For example, when individuals submitted anonymous petitions or complaints about state administration, the Ministries of People’s Security and of State Security 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, granted access only to acceptable information through the intranet. The NGO 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 are illegal. Nonetheless, numerous NGOs reported that foreign DVDs, CDs, and USBs continued to be available in the country.

In 2013 the independent consulting firm InterMedia estimated that as many as 35 percent of defectors had listened to foreign radio broadcasts while inside North Korea and that approximately 85 percent of defectors who were interviewed had seen foreign DVDs in North Korea.

The government intensified its focus on preventing the import of South Korean popular culture, especially television dramas. According to media and NGO reports, in enforcing restrictions on foreign films, authorities authorized police to search homes for contraband DVDs. The website *Daily NK* reported that Kim Jong Un created a special police unit to control the flow of outside information in the country.

In December, in an attempt to deter the planned global release of a foreign film depicting a farcical plot to assassinate Kim Jong Un, the government sponsored a cyberattack against the film's production company. The attack erased data from the production company's network, stole large volumes of data, including internal emails, and shut down the company's computer network. The government subsequently threatened the production company, movie theaters and moviegoers, but its efforts to suppress freedom of expression beyond its borders ultimately failed and the movie was released on December 25 through independent theaters and online.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

While the constitution provides for freedom of assembly, 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. The government continued to control internal travel carefully. 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. A lack of infrastructure hampered movement, as did security checkpoints on main roads at entry and exit points 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 stated 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 2013 stated 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 authorities reserved particularly harsh treatment for those who had extensive contact with foreigners, including those with family members resettled in the ROK.

Past reports from defectors noted 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 harsh punishment, including death). The law stipulates a sentence of up to two years of “labor correction” for the crime of illegally crossing the border.

The government subjected repatriated refugees to harsh punishments, including imprisonment. The government reportedly continued to enforce the policy that all border crossers be sent to prison or re-education centers.

On June 19, the press reported that authorities arrested 11 defectors in China's Jilin Province bordering North Korea. Between July 15-17, the press reported 29 asylum seekers and five of their South Korean helpers were arrested in Qingdao, Shandong Province, and Kunming, Yunnan Province. Another 11 asylum seekers were arrested in Kunming on August 12.

The ROK resettled 1,516 DPRK defectors in 2013--compared with 1,509 in 2012--which was approximately 60 percent of the number resettled in 2011. By the end of June, 732 North Koreans were resettled in South Korea. The media and NGOs attributed the decline in 2012 and 2013 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 ability 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 most recent national elections to select representatives to the Supreme People's Assembly (SPA) occurred on March 9. These elections were neither free nor fair. The government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval of the government candidates.

Political Parties and Political Participation: 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 16.3 percent of the membership of the 13th SPA. 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; 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 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.

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 comment on the status of such rights. The government’s DPRK Association for Human Rights Studies denied the existence of any human rights

violations. The country reported that many organizations, including the Democratic Lawyers' Association, General Association of Trade Unions, Agricultural Workers Union, and Democratic Women's Union, engaged in human rights activities, but 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. The government decried international statements about human rights abuses in the country as politically motivated 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 United Nations or 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 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 2013 the UN Human Rights Council passed a resolution establishing the COI 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.

On February 17, the commission published its final report, concluding that the DPRK, its institutions, and officials committed--and continued to commit--systematic, widespread, and gross human rights violations. The report further concluded that, in many cases, these human rights violations by the DPRK government and its officials may “meet the high threshold required for proof of crimes against humanity in international law.”

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

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

Women

Despite an extensive legal framework providing for equality for women, such as equal employment opportunities and equal pay, societal and legal discrimination continued. A 2013 report on the *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK*, by the ROK-based NGO Citizens' Alliance for North Korea Human Rights, stated that it could not detect any major changes as a result of the 2010 Women's Rights Protection Act. 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. Prison guards reportedly raped women in prison camps and forced them to have 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. According to the KINU 2014 white paper, the 2012 revision of North Korea's criminal code indicated a sentence reduction for rape and domestic violence. The UN COI report found the subjugation of inmates and a general climate of impunity created an environment in which guards and other prisoners in privileged positions raped female inmates. When cases of rape came to light, the perpetrator often escaped with mere dismissal or no punishment.

Female Genital Mutilation/Cutting (FGM/C): There are no known laws that prohibit FGM/C, and there were no reports of FGM/C.

Sexual Harassment: Women who left the country reported that although "sexual violation" was understood, the term "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: Obtaining accurate information regarding reproductive rights was difficult. 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 this claim.

The 2013 UN Children’s Fund (UNICEF) report, *Humanitarian Needs and Priorities in the DPRK*, estimated that the maternal mortality rate was 81 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, UNICEF, and World Health Organization--released in March 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 the DPRK* report found that 68 percent of monthly deliveries took place at county hospitals or clinics at the 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 stated the family doctor system was “useless.”

The KINU 2014 white paper also cited very high 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 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. Women were sometimes targeted to pay bribes or fines.

According to the KINU 2014 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 that authorities denied some children educational opportunities and subjected them 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 noted 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 the fifth grade schools subjected children to several hours a week of mandatory military training and that all children received political indoctrination.

Medical Care: It was not known whether boys and girls had equal access to state-provided medical care. Access to health care largely depended on loyalty to the government.

Child Abuse: Information about societal or familial abuse of children remained unavailable. The law states that a man who has sexual intercourse with a girl under age 15 shall be "punished gravely." There was no reporting on whether the government upheld this law.

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

Female Genital Mutilation/Cutting (FGM/C): There are no known laws that prohibit FGM/C, and there were no reports of FGM/C.

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.

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

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 pointed out that authorities subjected these children to forced labor for up to 12 hours per day and did not allow them to leave the camps. Children living in 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/rls/tiprpt/.

Persons with Disabilities

In November 2013 the country announced that it modified its Person with Disability Protection Law in order to meet the international standards of rights for persons with disabilities. In the national report it presented during the May Universal Periodic Review, the DPRK estimated persons with disabilities constituted 5.8 percent of the population.

While a 2003 law mandates equal access to public services for persons with disabilities, implementing legislation has not been enacted. 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 coordinated 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 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 baby with disabilities--regardless of circumstances--was considered a "curse," and doctors were poorly trained to diagnose and treat such persons. 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 individuals with disabilities, 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* 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.

Acts of Violence, Discrimination, and Other Abuses 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.

HIV and AIDS Social Stigma

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. Unlawful assembly can result in five years of correctional labor. Although the law stipulates that employees working for foreign companies may 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 provide penalties for employers who interfere in union activities.

There were no known labor organizations other than those created and controlled by the government. The WPK purportedly represents the interests of all labor. The Central Committee of the WPK directly controls several labor organizations in the country, including the General Federation of Trade Unions of Korea, Union of Agricultural Workers of Korea, and Korean Democratic Women's Union. 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.

The government controlled all aspects of employment, including assigning jobs and determining wages. Joint ventures and foreign-owned companies were required to hire their employees from government-vetted lists. Factory and farm workers were organized into councils, which had an effect on management decisions. 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. In 2013 the government announced the establishment of 14 new SEZs. In July the government announced plans to develop six additional SEZs.

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 are in effect for the management of labor in the area. Those regulations do not contain provisions that stipulate freedom of association or the right to bargain collectively. The government reportedly selects worker representatives in KIC workplaces, subject to the approval of the ROK company management.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. 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 law 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. By law 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, logging, 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 *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

By law the state prohibits work by children under 16 years old. Neither the general labor law nor KIC labor law prohibits hazardous child labor. The law criminalizes forced child labor, but there were reports that such practices occurred.

Schoolchildren occasionally were sent to work in factories or fields for short periods to assist in completing special projects, such as snow removal on major roads, or meeting production goals. Thousands of children were reportedly held and forced to work in labor camps alongside their parents.

d. Discrimination with Respect to Employment or Occupation

Although the law provides that all citizens “may enjoy equal rights in all spheres of state and public activities” and all “able-bodied persons may choose occupations in accordance with their wishes and skills,” neither the general labor law nor KIC

labor law prohibits discrimination with respect to employment or occupation on the basis of gender, sex, race, disability, language, sexual orientation, gender identity, HIV-positive status, other communicable diseases, or social status. Although there is no direct reference to employment discrimination in the law, classification based on the Songbun system has a bearing on equal employment opportunities and equal pay.

Although the law accords women equal social status and rights, societal and legal discrimination against women continued. The UN COI report noted that, despite the economic advancement of women, the state continued to discriminate against them and imposed many restrictions on the female-dominated market. Persons with disabilities also faced employment discrimination (also see section 6).

e. Acceptable Conditions of Work

No reliable data was available on the minimum wage in state-owned industries. Monthly wages in some enterprises in the heavy industrial sectors as well as in the textile and garment sector reportedly increased from 3,000-4,000 won (\$0.30-0.40) to 300,000 won (\$30) in 2013, with approximately one-third of the wage paid in cash and the remainder in kind.

The law 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 law 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 were 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 law criminalizes the failure to heed “labor safety orders” pertaining to worker safety and workplace conditions, but only if the conditions result in the loss of lives or other “grave loss.” Workers themselves do not have a designated right to remove themselves from hazardous working conditions.

Mandatory participation in mass events on holidays and practice sessions for such events sometimes compromised leave or rest from work. 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. The 2014 KINU white paper estimated approximately 45,000 North Korean citizens were overseas laborers as of August 2013, working primarily in Russia; Poland; Central, East, and Southeast Asia; and the Middle East. In most cases employing firms paid salaries to the government, and it was not known how much of that salary the workers received. Government officials typically watched workers closely while overseas, and reportedly they had little freedom of movement outside their living and working quarters. Wages of some of the several thousand North Koreans employed overseas reportedly were withheld until the laborers returned home, making them vulnerable to deception by authorities.

According to the ROK government, 124 South Korean firms were operational at the KIC and approximately 52,000 North Korean workers were employed there. 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 \$70 (according to KIC labor law, wages are set in U.S. dollars). In December, North Korea unilaterally removed the legal limits on the minimum monthly wage increases paid to its workers at the KIC, which clashed with an inter-Korean agreement to raise wages by 5 percent each year. The KIC Management Committee, an agency supervised by the North Korean Central Special District General Bureau for the KIC, is responsible for administrative enforcement of KIC labor law. The committee may impose a fine of between \$100 and \$2,000 for labor law violations or suspend that employer's operations, if the employer has failed to heed prior committee warnings to remedy labor law infractions and the unlawful activity has resulted in "serious consequence."

Due to a lack of transparency, it was difficult to determine what proportion of their earned wages workers ultimately took home. Although laws governing the KIC require direct payment in cash to the workers, their wages were in fact deposited into accounts controlled by the 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 won

converted at the official exchange rate, which highly overvalues the 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.