

# DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA 2017 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. Shortly after Kim Jong Il's death in late 2011, his son 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 2014, were neither free nor fair.

Authorities maintained effective control over the security forces.

The people of North Korea faced egregious human rights violations by the government in nearly all reporting categories including: extrajudicial killings; disappearances; arbitrary arrests and detentions; torture; political prison camps in which conditions were often harsh, life threatening, and included forced and compulsory labor; unfair trials; rigid controls over many aspects of citizen's lives, including arbitrary interference with privacy, family, home, and correspondence, and denial of the freedoms of speech, press, assembly, association, religion, and movement; denial of the ability to choose their government; coerced abortion; trafficking in persons; severe restrictions on worker rights, including denial of the right to organize independent unions and domestic forced labor through mass mobilizations and as a part of the re-education system. Nongovernmental organizations (NGOs) noted DPRK foreign contract workers also faced conditions of forced labor.

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

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

Defector reports noted instances in which the government executed political prisoners, opponents of the government, forcibly returned asylum seekers, government officials, 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 of state secrets, broadly interpreted to include providing information about economic, social, and political developments routinely published elsewhere; suppression of 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. The government reportedly executed individuals for sleeping during patriotic events. Defectors also reported that the government carried out infanticide in cases of political prisoners, persons with disabilities, and where the mother was repatriated from China.

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.

In February the Republic of Korea (ROK or South Korea) press reported that DPRK authorities executed five Ministry of State Security officials in a political purge.

It was widely reported that, on February 13, two women, working on behalf of the government, assassinated Kim Jong Nam, Kim Jong Un’s half-brother, at Kuala Lumpur International Airport using VX nerve agent, a chemical weapon banned under the 1992 Chemical Weapons Convention.

The state also subjected private citizens to public executions. According to the Institute for National Security Strategy, the state held 340 public executions from 2012 to 2016, including executions of 140 government officials between 2013 and 2016. A 2016 survey found that 64 percent of defectors had witnessed public executions.

During the year a defector reported being pulled from school to witness the public execution of 11 musicians accused of making a pornographic video. The defector described a brutal process including anti-aircraft artillery, used to kill the prisoners, and tanks, which were used to run over the bodies postmortem.

### **b. Disappearance**

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

During the year there was no progress in the investigation into the whereabouts of 12 Japanese citizens believed to have been abducted by the DPRK. The DPRK suspended bilateral negotiations on the abductions issue in 2015, citing Japan's move to raise the issue in a UN Human Rights Council resolution.

ROK government and media reports noted 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 had died.

According to The Committee for Human Rights in North Korea (HRNK), the state closed Hoeryong kwanliso (Camp 22) in late 2012 and demolished the Sirmchon/Kumchon-ri zone with Yodok kwanliso (Camp 15) in late 2014. The whereabouts of the former prisoners of these facilities remained unknown. During the year South Korean media reported that DPRK Ministry of State Security agents were dispatched to cities near the DPRK border in China to kidnap and forcibly return refugees. According to international press reports, North Korea may have also kidnapped defectors who relocated to South Korea and then were on travel in China. In some cases North Korea reportedly forced these defectors' family members to encourage the defectors to return to China in order to capture them.

### **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 described the use of torture by authorities in several 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; water torture; and being forced to stand up and sit down to the point of collapse, including “pumps,” or being forced to repeatedly squat and stand with the person’s hands behind their back. 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 *White Paper on Human Rights in North Korea*, published by the Korea Institute for National Unification (KINU), a South Korean government-affiliated think tank, and the 2014 UN Commission of Inquiry (COI) report stated that officials had in some cases prohibited live births in prison and ordered forced abortions as recently as 2013. Detainees in re-education through labor camps reported the state forced them to perform difficult physical labor under harsh conditions (see section 7.b.).

The KINU white paper found that, in some cases of live birth, the prison guards killed the infant or left the baby to die, and it reported cases of guards sexually abusing or exploiting female prisoners.

### **Prison and Detention Center Conditions**

NGO, defector, 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: kwanliso (political penal-labor camps), kyohwaso (correctional or re-education centers), kyoyangso (labor-reform centers), jipkyulso (collection centers for low-level criminals), rodong danryeondae (labor-training centers), and kuryujang or kamok (interrogation facilities or jails). According to the 2017 KINU white paper, the Ministry of State Security administered kwanliso 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 kwanliso. Defectors claimed the kwanliso camps contained unmarked graves, barracks, worksites, and other prison facilities. NGOs reported the existence of five kwanliso facilities, including Gaecheon (Camp 14), Hwaseong/Myeonggan (Camp

16), Pukchang (Camp 18), and Cheongjin (Camp 25). During the year reports continued to indicate that areas of Yodok (Camp 15) in South Hamkyung Province were closed or operating at a reduced capacity.

Kwanliso camps consist of total control zones, where incarceration is for life, and “rerevolutionizing zones,” from which prisoners may be released. Reports indicated the state typically sent those sentenced to prison for nonpolitical crimes to re-education prisons where authorities subjected prisoners to intense forced labor. Those the state considered hostile to the government or who committed political crimes reportedly received indefinite sentencing terms in political prison camps. In many cases the state also detained all family members if one member was accused or arrested. The government continued to deny the existence of political prison camps.

Reports indicated conditions in the prison camp and detention system were harsh and life threatening and that systematic and severe human rights abuse occurred. Defectors noted they did not expect many prisoners in political prison camps and the detention system 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 to no food or 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 South Korean and international press reported that the kyohwaso held populations of up to thousands of political prisoners, economic criminals, and ordinary criminals.

Both the kyohwaso re-education camps and kwanliso prison camps host extremely brutal conditions, according to HRNK's 2016 report *North Korea: Kyohwaso No. 12, Jongori*. The report noted, “The brutality affects both those convicted of actual offenses and those sentenced for essentially political offenses.”

According to the *Hidden Gulag IV* report, since late 2008 Jongori (formerly referred to as Camp 12) in North Hamkyung Province was expanded to include a women's annex, which held approximately 1,000 women, most of whom the state imprisoned after forcibly returning them from China. Satellite imagery and defector testimony corroborated the existence of this women's annex. Defector testimony also cited food rations below subsistence levels, forced labor, and high rates of death due to starvation at Jongori.

According to HRNK's 2016 report *North Korea: Flooding at Kyohwaso No. 12, Jongori*, the kyohwaso or re-education center No. 12, Jongori is located approximately 300 miles northeast of Pyongyang and 15 miles south of Hoeryong City. The report estimated the prison population at kyohwaso No. 12 had ranged from 1,300 in the late 1990s to approximately 5,000 in recent years.

Physical Conditions: Estimates of the total number of prisoners and detainees in the prison and detention system ranged between 80,000 and 120,000. Physical abuse by prison guards was systematic. Anecdotal reports from the NGO Database Center for North Korean Human Rights and the 2014 COI report stated that in some prisons authorities held women in separate units from men and often subjected the women to sexual abuse. The COI report added, "Cases of rape are a direct consequence of the impunity and unchecked power that prison guards and other officials enjoy."

There were no statistics available regarding deaths in custody, but defectors reported deaths were commonplace as the result of summary executions, torture, lack of adequate medical care, and starvation. The COI report cited "extremely high rate of deaths in custody," due to starvation and neglect, arduous forced labor, disease, and executions.

Defectors also reported that in Camp 14, prisoners worked 12 hours a day during the summer and 10 hours a day during the winter, with one day off a month. The camps observed New Year's Day and the birthdays of Kim Il Sung and Kim Jong Il. Children age 12 or older worked, and guards gave light duty to prisoners over 65 years of age. According to HRNK report *Gulag, Inc.*, three political prison camps and four re-education camps contained mines where prisoners worked long hours with frequent deadly accidents. One prisoner reported suffering an open foot fracture and being forced to return to the mine the same day. Prisoners provided supervision over other prisoners and worked even when they were sick. Prisoners who failed to meet work quotas reportedly faced reduced meals and violence. Those caught stealing faced arbitrary and serious violence.

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

By law the state dismisses criminal cases against a person under age 14. The state applies public education in case of a crime committed by a person above age 14 and under age 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: There was little evidence to suggest prisoners and detainees had reasonable access to visitors. In past years refugees reported authorities subjected Christian inmates to harsher punishment if the prisoners made their faith public, but no information was available regarding religious observance. No information was available on whether authorities conducted proper investigations of credible allegations of abuse.

Independent Monitoring: There was no publicly available information on whether the government investigated or monitored prison and detention conditions. The 2015 HRNK Imagery Analysis of Camp 15 noted officials, especially those within the Korean People's Army and the internal security organizations, clearly understand the importance of implementing camouflage, concealment, and deception procedures to mask their operations and intentions. The government did not allow the UN special rapporteur on the human rights situation in the DPRK 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.

#### **Role of the Police and Security Apparatus**

The internal security apparatus includes the Ministries of People's Security, State Security, and the Military Security Command. Impunity was pervasive. The security forces did not investigate possible security force abuses. The government did not take action to reform the security forces. In February the ROK Ministry of Unification announced that DPRK Minister of State Security Kim Won Hong was removed from his position after reports of human rights abuses in his ministry, but it remained unclear whether his dismissal was for that reason or merely part of a reorganization of leadership. These organizations all played a role in the surveillance of citizens, maintaining arresting power, and conducting special purpose nonmilitary investigations. A systematic and intentional overlap of powers and responsibilities existed between these organizations. Kim Jong Un continued to enforce this overlap to prevent any potential subordinate

consolidation of power and assure that each unit provides a check and balance on the other.

### **Arrest Procedures and Treatment of Detainees**

Revisions to the criminal code and the criminal procedure code in 2004, 2005, and 2009 added shortened periods of detention during prosecution and trial, arrest by warrant, and prohibition of collecting evidence by forced confessions. Confirmation that the state applied these changes has not been verified.

Members of the security forces arrested and reportedly transported citizens suspected of committing political crimes to prison camps without trial. According to a South Korean NGO, beginning in 2008, the Ministry of People's Security received authorization to handle criminal cases directly without the approval of prosecutors. Prosecutorial corruption reportedly necessitated the change. An NGO reported that investigators could detain an individual for the purpose of investigation for up to two months. No functioning bail system or other alternatives for considering release pending trial exists.

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 or appeals of detentions did not exist in law or practice. According to an opinion adopted in 2015 by the UN Working Group on Arbitrary Detention, family members have no recourse to petition for the release of detainees accused of political crimes, as the state may deem any such advocacy for political prisoners an act of treason against the state. No known information on a bail system and no information on detainees receiving a lawyer was available.

Arbitrary Arrest: Arbitrary arrests reportedly occurred.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

According to defectors there was no mechanism for persons to challenge the lawfulness of detention before a court.

### **e. Denial of Fair Public Trial**

The constitution states courts are independent and that courts will carry out judicial proceedings in strict accordance with the law; however, an independent judiciary



does not exist. According to the 2017 KINU white paper, there were many reports of bribery and corruption in the investigations or preliminary examination process and in detention facilities, as well as by judges and prosecutors in the trial stage.

### **Trial Procedures**

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 the government held trials, they 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 Ministry of State Security (MSS) conducted “pretrials” or preliminary examinations in all political cases, but the court system conducted the trial. Some defectors testified that the MSS also conducted trials. There was no indication that independent, nongovernmental defense lawyers existed. According to the 2013 *Hidden Gulag* report, most inmates were sent to prison camps without trial, without knowing the charges against them and without having legal counsel. There were no indications authorities respected the presumption of innocence. According to the UN COI report, “the vast majority of inmates are victims of arbitrary detention, since they are imprisoned without trial or on the basis of a trial that fails to respect the due process and fair trial guarantees set out in international law.”

### **Political Prisoners and Detainees**

While the total number of political prisoners and detainees remained unknown, the 2017 KINU white paper reported the state detained between 80,000 and 120,000 in the kwanliso. Guards held political prisoners separately from other detainees. NGOs and media reported 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 or religious organizations resident in China. Reports from past years described political offenses as including attempting to defect to South Korea, 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. The UN COI report noted

that many “ordinary” prisoners are, in fact, political prisoners, “detained without a substantive reason compatible with international law.”

### **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 noted government officials did not respect these rights. Individuals and organizations do not have the ability to appeal adverse domestic decisions to regional human rights bodies.

#### **f. Arbitrary or Unlawful 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 regime reportedly relied upon a massive, multilevel system of informants to identify those it sees as critics. Authorities sometimes subjected entire communities to security checks, entering homes without judicial authorization.

The government appeared to monitor correspondence, telephone conversations, emails, 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.

A 2015 survey conducted by InterMedia found that 28 percent of respondents (recent defectors and North Korean businesspersons in China) had owned a domestic cell phone in North Korea. Citizens must go through a lengthy bureaucratic process to obtain a mobile phone legally, and authorities strictly monitored mobile phone use. Additionally, 14 percent of defectors reported owning a Chinese mobile phone. DPRK authorities frequently jammed cellular phone signals along the China-DPRK border to block the use of the Chinese cell network to make international phone calls. The Ministry of State Security reportedly engaged in real-time surveillance of mobile phone communications. Authorities arrested those caught using such cell phones with Chinese SIM cards and required violators to pay a fine or face charges of espionage or other crimes with harsh punishments, including lengthy prison terms. Testimonies recorded by

NGOs indicated prisoners could avoid punishment through bribery of DPRK officials.

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.

Numerous reports noted authorities practiced collective punishment. The state imprisoned entire families, including children, 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 Expression, Including for the Press**

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

Freedom of Expression: There were numerous instances of persons interrogated or arrested for saying something 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 State Security sought to identify the authors and subject them to investigation and punishment.

Press and Media Freedom: The government sought to control virtually all information; independent media does not exist. The government tightly controlled print media, broadcast media, book publishing, and online media through the Propaganda and Agitation Department. Within the department, the Publication and Broadcasting Department controls all media content, including content used on television, in newspapers, and on the radio. The government carefully managed visits by foreigners, especially journalists. More than 100 foreign journalists visited the DPRK in April to report on celebrations for Kim Il Sung's birthday, but the government strictly limited their access.

Violence and Harassment: Domestic journalists had no 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, the state strictly monitored journalists. Government officials generally prevented journalists from talking to officials or to persons on the street.

Censorship or Content Restrictions: Strict enforcement of domestic media censorship continued, with no toleration for deviation from the official government line. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subjected to severe punishment. Radios and television sets, unless altered, are set to receive only domestic programming; officials similarly altered radios obtained from abroad. Elite citizens and facilities for foreigners, such as hotels, had access to international television broadcasts via satellite. The government continued attempts to jam all foreign radio broadcasts. Officials imprisoned and punished citizens for listening to foreign radio or watching foreign television broadcasts and, in some cases, for simply owning radio or television sets able to receive nongovernment broadcasts.

### **Internet Freedom**

Internet access for citizens was limited to high-ranking officials and other designated elites, including selected university students. The Korea Computer Center, which acts as the North Korean gatekeeper to the internet, granted access only to information it deemed acceptable, and employees constantly monitored users' screens. A tightly controlled and regulated "intranet" was reportedly available to a slightly larger group of users, including an elite grade school; selected research institutions, universities, and factories; and a few individuals. The NGO Reporters Without Borders reported some email access existed through this internal network. Government employees sometimes had closely monitored access to the internet and had limited, closely monitored access to email accounts. While the North Korean cell phone network is 3G-capable, most users' data access is limited to a few state sanctioned functions through North Korea's intranet such as reading the government newspaper.

In April 2016 the government formally announced it would block foreigners from visiting Facebook, YouTube, Twitter, and South Korean websites. Nevertheless, some foreign journalists utilized social media from Pyongyang in February and April 2017.

South Korean media reports indicated an increase in cyber hacking by North Korea during the year. Specifically, international press reported that a January hacking attempt targeted defectors and advocates for North Korean human rights.

### **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.

The state carried out systematic indoctrination 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. Individuals accused of viewing or possessing foreign films were reportedly subjected to imprisonment and possibly execution. According to the 2016 KINU white paper, a 2015 survey revealed that defectors witnessed proclamations posted indicating that those caught watching South Korean movies or listening to South Korean music would be sentenced to death, in accordance with instructions announced by the regime in 2013. According to the 2017 KINU white paper, the number of people executed for watching or distributing South Korean video content increased during the last few years.

Based on defector interviews conducted in 2015, InterMedia estimated as many as 29 percent of defectors listened to foreign radio broadcasts while inside North Korea and that approximately 92 percent of defectors 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. According to InterMedia, the government added a software-based censorship program known as the "signature system" to all domestic mobile phones. This system makes it impossible to view foreign media on the phones. Mobile phones are randomly inspected physically for illegal media,

and a history of all activity on the device is available for export upon inspection through monitoring software called “TraceViewer.” *Daily NK* reported that Kim Jong Un created a special police unit to restrict and control the flow of outside information into the country.

## **b. Freedoms of Peaceful Assembly and Association**

### **Freedom of Peaceful Assembly**

While the constitution provides for freedom of peaceful 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/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

## **d. Freedom of Movement**

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, forcibly returned refugees, asylum seekers, stateless persons, or other persons.

In-country Movement: The government continued to restrict freedom of movement for those lawfully within the state. 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 availability, 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 businesspersons, artists, athletes, academics, and workers. Short-term exit papers were available on a very limited basis for some residents to visit with relatives, undertake 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.

### **Protection of Refugees**

Refoulement: The government did not allow emigration, and reports stated that it increased its 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.

In September 2016 international press reported China constructed a new facility to detain North Koreans without proper documentation. News reports in 2015 stated the DPRK had erected additional barbed-wire fencing on its side of the Tumen River.

The government maintained orders to shoot to kill those attempting to leave without official permission. NGOs reported that Kim Jong Un called for stricter punishments for those suspected of illegal border crossing. The law criminalizes defection and attempted defection. Individuals, including children, 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, the state subjects asylum seekers to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees returned involuntarily from foreign states received imprisonment under harsh conditions. Some sources indicated authorities reserved particularly harsh treatment for those who had

extensive contact with foreigners, including those with family members resettled in South Korea.

According to the 2017 KINU white paper, a defector reported that a 16-year-old victim of human trafficking in China was forcibly returned in 2014 and subsequently died due to malnourishment during a MSS investigation.

Past reports from refugees noted 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 for “political” purposes (who were sometimes sentenced to harsh punishment, including death). This included persons who had alleged contact with religious organizations based on the Chinese border. The law stipulates a sentence of up to two years of “labor correction” for the crime of illegally crossing the border.

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not 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. Freedom to Participate in the Political Process**

Citizens do not have the ability to choose their government peacefully.

#### **Elections and Political Participation**

Recent Elections: The most recent national elections to select representatives to the Supreme People's Assembly (SPA) occurred in 2014. These elections were neither free nor fair. The government openly monitored voting, resulting in a reported 100 percent participation rate and 100 percent approval of the preselected government candidates. Local elections on July 2015 were likewise neither free nor fair. The government reported a 99.97 percent turnout, with 100 percent approval for the government candidates.

Political Parties and Political Participation: The government has created several “minority parties.” Lacking grassroots organizations, the parties 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: As of 2016 women constituted approximately 3.1 percent of members and 2.8 percent of candidate members of the Central Committee of the Workers' Party of Korea (WPK) and held few key WPK leadership positions. The 2014 UN COI report indicated only 10 percent of central government officials are women.

The country is racially and ethnically homogenous. There are officially no minorities.

#### **Section 4. Corruption and Lack of Transparency in Government**

Verifiable information was not available on whether criminal penalties for official corruption were actually applied. While international organizations widely reported senior officials engaged in corrupt practices with impunity, in 2016 Kim Jong Un presided over a rare high-level government meeting to address rampant corruption by authorities.

Corruption: In 2016 foreign press outlets reported that Kim Jong Un's high-level corruption meeting marked perhaps the first public recognition of systemic abuse of power believed to run rampant within the ruling party. While corruption was reportedly widespread in all parts of the economy and society and endemic in the security forces, this meeting was rare in publically acknowledging and criticizing these practices. Specifically it addressed the practice of senior officials who sought privileges, misused authority, abused power, and manifested bureaucratism in the party.

In December media reports speculated that Kim Jong Un's top aide, Hwang Pyong So, was expelled from the party in October for bribery and other corruption-related offenses. Hwang's deputy, Kim Won Hong, was reportedly sent to a labor camp for similar offenses around the same time.

Additionally, 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: Information was not publicly available on whether the state subjects public officials to financial disclosure laws and whether a government agency is responsible for combating corruption.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

There were no independent domestic organizations to monitor human rights conditions or comment on the status of such rights. The government reported 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 observers could not verify the activities of these organizations.

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 regarding human rights abuses in the country as politically motivated interference in internal affairs. The government asserted 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 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. The UN special rapporteur on the rights of persons with disabilities visited the DPRK in May, but the visit did not focus on allegations of human rights abuses.

Government Human Rights Bodies: The government's DPRK Association for Human Rights Studies denied the existence of any human rights violations.

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

#### **Women**

Rape and Domestic Violence: The government appeared to criminalize rape, but no information was available on details of the law or how it was enforced. 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. According to the 2017 KINU white paper, the Law for the Protection of Women's Rights includes a provision prohibiting domestic violence but no legal provisions stipulating penalties for domestic violence. Defectors reported violence against women was a systematic problem both inside and outside the home. According to the 2015 KINU survey of defectors conducted from 2011-15, 81 percent of respondents believed domestic violence was "common."

Sexual Harassment: Despite the 1946 Law on Equality of the Sexes, defectors reported the populace generally accepted sexual harassment of women due to patriarchal traditions, and reported there was little recourse for women who had been harassed.

Coercion in Population Control: Defectors reported that the state security officials subjected women to forced abortions although it was done for political purposes and not population control. Estimates on maternal mortality and contraceptive prevalence are available at:

[www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: The constitution states, "women hold equal social status and rights with men"; however, few women reached high levels of the party or the government and defectors said gender equality was nonexistent. KINU reported that discrimination against women emerged in the form of differentiated pay scales, promotions, and types of work assigned to women. The foreign 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.

## **Children**

Birth Registration: Children derive citizenship 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: There was no verifiable information available on 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.

Sexual Exploitation of Children: As many girls and young women attempt to flee repressive and malnourished conditions for their own survival or the betterment of their family, the 2014 Commission of Inquiry noted they often become subjected to sexual exploitation by traffickers. Traffickers promised these young girls jobs in other parts of the country or in China but then sold them into forced marriages, domestic servitude, or made them work in prostitution after being smuggled out of the country.

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Displaced Children: According to NGO reports, there were numerous street children, many of them orphans, who had inconsistent access to education.

Institutionalized Children: There were reports of children born into kwanliso political prison camps as a result of “reward marriages” between inmates. Guards subjected children living in prison camps to torture if they or a family member violated the prison rules. Reports noted authorities subjected children to forced labor for up to 12 hours per day and did not allow them to leave the camps. Prisons offered them limited access to education.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **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/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

In 2013 the country announced that it modified its Person with Disability Protection Law to meet the international standards of rights for persons with disabilities. However, in a 2016 National Human Rights Commission of Korea survey, 89 percent of defectors said there was no consideration for persons with disabilities.

While a 2003 law mandates equal access to public services for persons with disabilities, the state has not enacted the implementing legislation. Traditional social norms condone discrimination against persons with disabilities, including in the workplace (also see section 7.d.). While the state treated veterans with disabilities well, they reportedly sent other persons with physical and mental disabilities from Pyongyang to internal exile, quarantined within camps, and forcibly sterilized. Persons with disabilities experienced discrimination in accessing public life.

The UN special rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar, visited the DPRK for the first time in May and noted most infrastructure, including new buildings, was not accessible to persons with physical disabilities. She also said more efforts were needed on information and communication access for blind people.

State media reported in July 2016 that the government launched a website for the protection of persons with disabilities, and they improved educational content in

schools for children with disabilities to provide professional skills training. Independent observers were unable to verify the report.

The UN Committee on the Rights of the Child repeatedly expressed concern about 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 lacked training to diagnose and treat such persons. The report stated 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 officials subjected residents to chemical and biological testing.

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

There are no laws against consensual same-sex activity, but little information was available on discrimination based on sexual orientation or gender identity. In 2014 the Korean Central News Agency, the state news agency, denied the existence of consensual same-sex activity in the country and reported, "The practice can never be found in the DPRK boasting of sound mentality and good morals."

## **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 form or join independent unions, strike, or bargain collectively. While the law stipulates that employees working for foreign companies may form trade unions and that foreign enterprises must provide 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. Unlawful assembly may result in five years of correctional labor.

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 and the Union of Agricultural Workers 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.

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. The government organized factory and farm workers into councils, which had an effect on management decisions. They established the first special economic zone (SEZ) in the Rajin-Sonbong area in 1991. 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. The government announced the establishment of 13 new SEZs in 2013, six additional SEZs in 2014, and two more SEZs in 2015.

In February 2016 the ROK closed the Kaesong Industrial Complex (KIC), citing North Korea's "extremely provocative act" of launching a satellite using ballistic missile technology. Under a special law, the KIC, located close to the demilitarized zone between the ROK and the DPRK, operated under special regulations covering labor issues that did not contain provisions that stipulate freedom of association or the right to bargain collectively. The government reportedly selected worker representatives in KIC workplaces, subject to the approval of South Korean company management (also see sections 7.b. and 7.e.).

### **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. Forced labor continued to take place in brick making, cement manufacturing, coal mining, gold mining, logging, iron production, agriculture, and textile industries. International press reported authorities forced Pyongyang residents to work on the Ryomyung Street construction project late into the night after finishing their normal jobs. Authorities also brought in workers from other provinces.<sup>1</sup> South Korean NGO Open North Korea estimated that North Koreans perform \$975 million worth of forced labor each year.

According to reports from a 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 may result in two years of "labor correction." There were reports that workers were required to work at enterprises to which the government assigned them and then failed to compensate or undercompensated them for their work. Additionally, in the Kaesong Industrial Complex, South Korean employers paid wages for North Korean workers directly to DPRK authorities. Workers were reportedly aware of their monthly earnings, as companies required them to sign time records acknowledging salaries paid to North Korean managers on their behalf; yet it remained unclear how much of these earnings were transferred to individual workers (also see section 7.e.).

According to Open North Korea's report *Sweatshop, North Korea*, 16- or 17-year-olds of low songbun were assigned to 10 years of forced labor called *dolgyeokdae*. One worker reportedly earned a mere 120 won (less than one dollar) per month. During a 200-day labor mobilization campaign in 2016, the workers worked as many as 17 hours per day. State media boasted that the laborers worked in subzero temperatures. One laborer reported conditions were so dangerous while building an apartment building that at least one person died each time a new floor was added. Songbun status also determines lifelong job assignments, with the lowest classes relegated to dangerous mines.

The NGO Human Rights Watch reported the government operated regional, local, or subdistrict level "labor training centers" and forced detainees to work for short periods doing hard labor, receiving little food, and subject to abuse, including regular beatings. Authorities reportedly sent individuals to such centers if suspected of engaging in simple trading schemes or unemployed.

There were an estimated 100,000 North Korean citizens working as overseas laborers, primarily in Russia and China. Workers were also reportedly present in



the following countries during the year: Algeria, Angola, Bangladesh, Burma, Cambodia, Equatorial Guinea, Ethiopia, Democratic Republic of the Congo, Ghana, Guinea, Indonesia, Kyrgyzstan, Kuwait, Laos, Libya, Mali, Malaysia, Mongolia, Mozambique, Namibia, Nepal, Nigeria, Oman, Poland, Qatar, Senegal, Singapore, South Sudan, Tanzania, Taiwan, Thailand, the United Arab Emirates, Uruguay, Yemen, and Zambia. Reports suggested some countries took steps to reduce the number of North Korean workers in their countries during the year.

Numerous NGOs noted North Korean workers abroad were subjected to forced labor. NGO reports indicated the government managed these laborers as a matter of state policy and were under constant and close surveillance by DPRK security agents. Laborers worked between 12 and 16 hours per day, and sometimes up to 20 hours per day, with only one or two rest days per month. Employers stated the average wage as 270,000 to 900,000 won per month (\$300 to \$1,000), but in most cases employing firms paid salaries directly to the DPRK government, which took between 70 percent and 90 percent of the total earnings, leaving approximately 90,000 won (\$100) per month for worker take-home pay. The government reportedly received hundreds of millions of dollars (more than a trillion won) from this system per year. The state reportedly withheld some wages in certain instances until the laborers returned home after the completion of their three-year contracts, making them vulnerable to deception and exploitation by authorities. In June 2016 the DPRK's forced laborers in Kuwait went on strike after failing to receive their salaries in a rare display of defiance against the government. The workers took this action after a state construction company operating in Kuwait informed them they would be paid with checks rather than in cash for their monthly salary. In the aftermath of the protest, DPRK officials summoned the workers back to the DPRK. A similar strike took place in Qatar in March 2016 when employers forced workers to increase their hours without additional pay.

During the year the international press and the NGO Human Rights Watch reported the forced labor conditions faced by DPRK overseas workers at World Cup sites in Russia, noting 11-hour workdays for \$10-\$15 a day, seven days a week, the confiscation of passports, and cramped living conditions. There were reports a DPRK worker died at Zenit Arena.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://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 age 16. Neither the general labor law nor Kaesong Industrial Complex labor law prohibits hazardous child labor.

Officials occasionally sent schoolchildren 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. The effects of such forced labor on students included physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies. The law criminalizes forced child labor, but there were reports such practices occurred. NGOs reported government officials held thousands of children and forced them to work in labor camps with their parents.

#### **d. Discrimination with Respect to Employment and Occupation**

While 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,” the law does not prohibit discrimination with respect to employment or occupation on the basis of race, religion, ethnicity, or other invidious factor. There is no direct reference to employment discrimination in the law, yet classification based on the songbun system has a bearing on equal employment opportunities and equal pay.

Despite the law according women equal social status and rights, societal and legal discrimination against women continued. The 2014 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.

#### **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 to 4,000 won (\$0.30 to \$0.40) to 30,000 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.

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 (see section 7.b.).

**Endnote: Note on Sourcing**

*The United States does not have diplomatic relations with the Democratic People's Republic of Korea. The DPRK 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.*

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