

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Democratic People's Republic of Korea (DPRK or North Korea) is an authoritarian state led by the Kim family since 1949. Shortly after Kim Jong Il's death in 2011, his son Kim Jong Un was named marshal of the DPRK and supreme commander of the Korean People's Army. His titles also include chairman of the Central Military Commission of the Worker's Party of Korea, chairman of the State Affairs Commission, and Supreme Representative of the Korean People. 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. The internal security apparatus includes the Ministries of People's Security and State Security and the Military Security Command. A systematic and intentional overlap of powers and responsibilities existed between these organizations in order to prevent any potential subordinate consolidation of power and assure that each unit provides a check and balance on the other.

Significant human rights issues included: unlawful or arbitrary killings; forced disappearances by the government; torture by authorities; arbitrary detentions by security forces; harsh and life-threatening prison conditions, including in political prison camps; political prisoners; arbitrary or unlawful interference with privacy; no judicial independence; restrictions on free expression, the press, and the internet, censorship, and site blocking; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions of religious freedom; restrictions on freedom of movement; restrictions on political participation; widespread corruption; coerced abortion; trafficking in persons; the outlawing of independent trade unions; the use of forced or compulsory child labor; the use of domestic forced labor through mass mobilizations and as a part of the re-education system; and the imposition of forced labor conditions on DPRK overseas contract workers.

The government took no credible steps to prosecute officials who committed human rights abuses. As of year's end, the government still had not accounted for the circumstances that led to the death of Otto Warmbier, who had been held in unjust and unwarranted detention by the authorities, and who died soon after his release in 2017. 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 that the government or its agents 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” cases of “antistate” or “antination” crimes. These terms are broadly interpreted to 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; providing information about economic, social, and political developments routinely published elsewhere; and “treacherous destruction.” Additionally, the law allows for capital punishment in less serious crimes such as theft, destruction of military facilities and national assets, distribution of narcotics, counterfeiting, fraud, kidnapping, distribution of pornography, and trafficking in persons. Defectors and media also reported that the government carried out infanticide or required mothers to commit infanticide if they were political prisoners, persons with disabilities, raped by government officials or prison guards, or forcibly repatriated from the People’s Republic of China.

Nongovernmental organizations (NGOs) and press reports indicated that those attempting to leave the country without permission could be killed on the spot or publicly executed, and guards at political prison camps were under orders to shoot to kill those attempting to escape.

In June 2018 Daily NK reported a firing squad executed army lieutenant general Hyon Ju Song for abuse of authority, profiting the enemy, and engaging in antiparty acts. Hyon had reportedly ordered the distribution of extra food and fuel to his troops, claiming “we no longer have to suffer and tighten our belts to make rockets and nuclear weapons.”

On March 11, the Malaysian prosecutor dropped charges against one woman accused of assassinating Kim Jong Nam, Kim Jong Un’s half-brother, at the Kuala Lumpur International Airport in 2017. Later in March a second woman charged in

the case accepted a plea deal and received early release in Malaysia. Four North Korean agents, including Ri Ji U and Hong Song Hac, returned to North Korea from Malaysia immediately following the attack without standing trial.

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The state also subjected private citizens to public executions. A 2016 survey found that 64 percent of defectors had witnessed public executions. Defectors reported going to public executions on school field trips. The 2019 edition of the *White Paper on Human Rights in North Korea*, a report published annually by the Korea Institute for National Unification (KINU), a South Korean government-affiliated think tank, included defector reports of public executions of people who stole cows, corn, or rice; or distributed South Korean media.

b. Disappearance

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

South Korean media reported Ministry of State Security agents were dispatched to cities in China near the DPRK border to kidnap and forcibly return refugees. According to international press reports, North Korea may have also kidnapped defectors traveling in China after relocating to South Korea. In some cases North Korea reportedly forced these defectors' family members to encourage the defectors to travel to China in order to capture them.

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 in the 1970s and 1980s.

South Korean 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 UN special rapporteur on the situation of human rights in the DPRK reported South Korea officially recognized 516 South Korean civilians abducted by DPRK authorities since the end of the Korean War with thousands more unaccounted for. South Korean NGOs estimated that 20,000 civilians abducted by the DPRK during the Korean War remained in the North or had 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 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.

Defectors continued to report many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes. 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 2017 International Bar Association *Inquiry on Crimes Against Humanity in North Korean Political Prisons* alleged that torture with water or electricity was standard practice by the Ministry of State Security. Other allegations include being stripped, hung inverted, and beaten as well as the sticking of needles under a detainee’s fingernails, among other forms of torture.

KINU’s white paper for 2019 reports that children repatriated from China undergo torture, verbal abuse, and violence including beatings, hard labor, and hunger.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. NGO, defector, and press reports noted the government operated several types of prisons, detention centers, and camps, including forced labor camps and 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 KINU's white paper for 2017, the Ministry of State Security administered kwanliso camps and either it or the Ministry of People's Security administered the other detention centers.

According to KINU's white paper for 2018, the government operated 19 kwanliso. 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 or six kwanliso facilities, including Gaecheon (Camp 14), Hwaseong/Myeonggan (Camp 16), Pukchang (Camp 18), Cheongjin (Camp 25), and the Choma-bong Restricted Area. The Committee for Human Rights in North Korea (HRNK) reported that the Choma-bong Restricted Area, constructed between 2013 and 2014, had not been confirmed by eyewitness reports, but it appeared to be operational and bore all the characteristics of a kwanliso.

Kwanliso camps consist of total control zones, where incarceration is for life, and may include "revolutionary" or re-education zones from which prisoners may be released. Those whom 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. According to KINU's white paper for 2018, children were allowed to leave the camp after rising numbers of defectors made it difficult to send entire defector families to political prison camps. The government continued to deny the existence of political prison camps.

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.

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 re-education camps held populations of up to thousands of political prisoners, economic criminals, and ordinary criminals.

Both the kyohwaso and kwanliso prison camps host extremely brutal conditions, according to the HRNK's 2017 report *The Parallel Gulag: North Korea's "An-Jeon-Bu" Prison Camps*. The report cited defector reporting of imprisonment and forced labor and the provision of below-subsistence-level food rations "for essentially political crimes."

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 2017 reports from the South Korea-based NGO Database Center for North Korean Human Rights stated that in some prisons authorities held women in separate units from men and often subjected the women to sexual abuse. Reports from previous years have attributed rape to the impunity and unchecked power of prison guards and other officials. A 2018 Human Rights Watch report provided defector accounts of sexual abuse at detention centers between 2009 and 2013. Victims alleged widespread sexual abuse at holding centers (*jipkyulso*) and pretrial detention and interrogation centers (*kuryujang*) by secret police (*bowiseong*) or police interrogators, as well as during transfer between facilities.

Nutrition, hygiene, and the medical situation inside prison camps still appeared dire, according to KINU's 2019 white paper. There were no statistics for deaths in custody, but defectors reported deaths were commonplace as the result of summary executions, torture, lack of adequate medical care, and starvation. The 2014 UN Commission of Inquiry (UNCOI) report cited an "extremely high rate of deaths in custody," due to starvation and neglect, arduous forced labor, disease, and executions.

Political prisoners faced significantly harsher conditions than the general prison population. Defectors 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 years or older worked, and guards gave light duty to prisoners older than 65 years of age. According to the 2016 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 were forced to work 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.

By law the state dismisses criminal cases against a person younger than age 14. The state applies public education in case of a crime committed by a person older than age 14 and younger than age 17, but little information was available regarding how the law was 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. Refugees reported authorities subjected Christian inmates to harsher punishment than others. According to the Database Center for North Korean Human Rights, there was a report in 2016 of disappearances of persons who were found to be practicing religion within detention facilities. No information was available regarding whether authorities conducted proper investigations of credible allegations of abuse. There was no publicly available information on whether the government investigated or monitored prison and detention conditions. The 2019 HRNK Imagery Analysis of Pokchong-ni Lab noted officials, especially those within the military and the internal security organizations, continued to camouflage and conceal activity at prison camps.

Independent Monitoring: 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 according to defectors, media and NGO reports, the government did not observe these prohibitions.

Arrest Procedures and Treatment of Detainees

The law limits detention during prosecution and trial, requires arrest by warrant, and prohibits forced confessions. The application of these provisions 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, the Ministry of People's Security handles criminal cases directly without the approval of prosecutors, reportedly to bypass prosecutorial corruption. An NGO reported that, by law, investigators could detain an individual

for investigation for up to two months. The HRNK reported Ministry of State Security or Ministry of People's Security units nonetheless interrogated suspects for months on end. No functioning bail system or other alternatives for 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. According to defector reports, families were not notified of arrest, detention, or sentencing. 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 and could result in the detention of family members. No information on detainees' access to a lawyer was available.

Arbitrary Arrest: Arbitrary arrests reportedly occurred. According to the 2019 report of the UN Secretary-General on the situation of human rights in the DPRK, arbitrary arrests appeared to be carried out in a widespread and systematic manner.

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 courts will carry out judicial proceedings in strict accordance with the law; however, an independent judiciary did not exist. According to KINU's white paper for 2019, 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 conducted “pretrials” or preliminary examinations in all political cases, but the court system conducted the trial. Some defectors testified that the ministry also conducted trials. KINU’s white paper for 2018 cited defector testimony that imprisonment in political prison camps is decided exclusively by the ministry, regardless of trial. There was no indication that independent, nongovernmental defense lawyers existed. There were no indications authorities respected the presumption of innocence. According to the 2014 UNCOI 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, KINU’s white paper for 2018 reported the state detained between 80,000 and 120,000 in the kwanliso political penal-labor camps. 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. Reports from past years described political offenses as including attempting to defect to South Korea or contacting family members who have defected 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 2014 UNCOI report noted that many “ordinary” prisoners were, in fact, political prisoners, “detained without a substantive reason compatible with international law.”

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were credible reports that for political purposes North Korea attempted to exert bilateral pressure on another country to repatriate refugees. According to the UN Secretary-General, several UN member states, as well as the UN Office of the High Commissioner for Human Rights and the special rapporteur on the situation

of human rights in the DPRK, expressed concern that forcibly returned defectors faced a significant risk of human rights violations, including torture.

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.” By law, 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. For example, when individuals submitted anonymous petitions or complaints about state administration, the Ministry of People’s Security and the Ministry of State Security sought to identify the authors and to subject them to investigation and punishment.

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. According to a December report by HRNK entitled *Digital Trenches: North Korea’s Information Counter-Offensive*, the regime relied upon a massive, multilevel system of informants called *inminban*, which can be loosely translated as “neighborhood watch unit,” to identify critics or political criminals. 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.

The Ministry of State Security strictly monitored mobile telephone use and access to electronic media in real time. DPRK authorities frequently jammed cellular telephone signals along the China-DPRK border to block use of the Chinese network to make international telephone calls. Authorities arrested those caught

using 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. The Ministry of State Security and other organs of the state actively and pervasively surveilled citizens, maintained arresting power, and conducted special purpose nonmilitary investigations.

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.

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 expression, including for the 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. Australian citizen Alek Sigley was detained in June and later deported after the government cited “antistate incitement” in articles Sigley published in international publications. In its September report entitled *North Korea's Organization and Guidance Department: The Control Tower of Human Rights Denial*, HRNK asserts that all citizens are required to participate in monitored political meetings and regular self-criticism sessions in order to demonstrate their loyalty to the Kim family, and that failure to participate enthusiastically can be punished including through forced labor, internal exile, detention, or denial of food and medical attention.

Press and Media, Including Online Media: The government sought to control virtually all information; independent media do not exist. Domestic journalists had no freedom to investigate stories or report freely. The government tightly controlled print media, broadcast media, book publishing, and online media through the Propaganda and Agitation Department of the Workers' Party of Korea (WPK). Within the department, the Publication and Broadcasting Department controls all media content, including content used on television, in newspapers, and on the radio. The law allows for up to one-year sentences to a labor camp for

North Koreans who access or disseminate unapproved broadcasts or content, and up to five years for multiple offenses.

The government carefully managed visits by foreigners, especially journalists, and has expelled or denied entry to foreign journalists. 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 official messages. 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, received only domestic programming; radios obtained from abroad were altered for the same end. 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, but HRNK's *Digital Trenches: North Korea's Information Counter-Offensive*, released in December, noted that a proliferation of foreign broadcaster transmitters has in recent years begun to overwhelm the jamming effort. 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.

National Security: Defector and NGO reports included accounts of North Koreans detained and punished, including by execution, for antistate crimes including criticism of the government and Kim Jong Un.

Internet Freedom

Internet access was limited to high-ranking officials and other designated elites, including selected university students. According to HRNK's *Digital Trenches: North Korea's Information Counter-Offensive*, the government maintains complete visibility of all network traffic. 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 growing group of users centered in Pyongyang, 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 limited, closely monitored access to email accounts. While the cell phone network was 3G-capable most users' data access was limited to a few state sanctioned functions through intranet, such as reading the government newspaper. HRNK reported that the government installed monitoring programs on every smartphone and tablet that, among other things, log every webpage visited and randomly take undeletable screenshots.

Academic Freedom and Cultural Events

The government restricted academic freedom and controlled artistic works. School curricula were 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 of the regime.

Foreign government and NGO workers in the DPRK reported the continuation of the Mass Games, which required much of the youth population to prepare synchronized gymnastics and dance performances for long hours at heightened risk of injury and exhaustion and with no medical attention.

The state carried out systematic indoctrination through the mass media, schools, and worker and neighborhood associations. Such indoctrination involved 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. Individuals accused of viewing or possessing foreign films were reportedly subjected to imprisonment and possibly execution. According to KINU's white paper for 2018, defectors reported widely disseminated proclamations stating that those caught watching South Korean movies or listening to South Korean music would be sentenced to death. According to KINU's white paper for 2017, the number of people executed for watching or distributing South Korean video content increased during the last few years, with additional reports of correctional labor punishment. In December, HRNK reported the government's introduction of a file watermarking system on Android smartphones and on personal computers that adds a user- or device-specific data string to the end of the filename of any media file each time it is shared.

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. HRNK notes in *Digital Trenches: North Korea's Digital Counter-Offensive* that younger North Koreans prefer foreign digital video content over foreign radio broadcasts.

The government maintained efforts to prevent the import of South Korean popular culture, especially television dramas. According to media and NGO reports, police could search homes to enforce restrictions on foreign films. According to InterMedia, the government added a software-based censorship program known as the "signature system" to all domestic mobile telephones. This system makes it impossible to view foreign media on the phones. Mobile telephones 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." *NW News* reported in October 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

The government severely restricted freedoms of peaceful assembly and of 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 <https://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.

In-country Movement: The government restricted freedom of movement for those lawfully within the state. Those who violated travel regulations were subject to warnings, fines, or forced labor. Only members of a very small elite class and those with access to remittances from overseas reportedly had access to personal vehicles. Security checkpoints on main roads at entry and exit points from every town hampered movement. KINU's white paper for 2019 reported that individuals were able to move more freely within their own province as the use of bribery as a means to circumvent the law became more widespread. An increasing number of people traveled without a permit, only to pay a bribe when caught.

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 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 relatives, undertake short-term work opportunities, or to engage in small-scale trade.

The government did not allow emigration, and reports stated that it continued to tighten security on the border during the year, 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.

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. According to KINU's white paper for 2018, most repatriated defectors are detained at

kyohwasos in Jeongeori, North Hamgyeong Province, or Gaechon, South Pyeongan Province.

Many would-be refugees who 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.

Media reported in May 2018 that Kim Jong Un ordered government agencies to exert greater pressure on family members of defectors to pressure them to return home. Defectors reported that family members in North Korea contacted them to urge their return, apparently under pressure from North Korean officials. According to the South Korean Ministry of Unification, the number of North Korean defectors remained nearly the same from 2017 to 2018, and projected numbers were similar for 2019, according to a November Yonhap report.

Past reports from refugees noted the government differentiated between persons who crossed the border in search of food (who may 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 harsher punishment), including those who had alleged contact with religious organizations based near the Chinese border. The law stipulates a sentence of up to two years of “labor correction” for illegally crossing the border.

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.

e. Internally Displaced Persons

Not Applicable.

f. Protection of Refugees

The government did not cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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 asylum seekers and did not participate in international refugee fora.

g. Stateless Persons

Not applicable.

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 March. 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 in 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.

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 WPK and held few key WPK leadership positions. The 2014 UNCOI 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. International organizations widely reported senior officials engaged in corrupt practices with impunity.

Corruption: Corruption was reportedly widespread in all parts of the economy and society and endemic in the security forces. A 2016 meeting chaired by Kim Jong Un marked the first public recognition of systemic abuse of power and reportedly addressed the practice of senior officials who sought privileges, misused authority, abused power, and manifested “bureaucratism” in the party. Defectors interviewed for the UN High Commissioner on Human Rights report, *The Price Is Rights*, published in May, said workers paid off guidance officers at government factories so that they would not have to report to work and could engage in outside commercial activity.

Reports of diversion of food to the military and government officials were further indicators of corruption.

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 has not visited the DPRK since 2017. The visit did not focus on allegations of human rights abuses, and the DPRK continues to resist the special rapporteur's mandate.

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 2014 UNCOI 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. The 2018 Human Rights Watch report *You Cry at Night but Don't Know Why* reported endemic sexual and gender-based violence and details cases of sexual assault or coerced sexual acts by men in official positions of authority between 2011 and 2015. When cases of rape came to light, the perpetrator often escaped with mere dismissal or no punishment. For example, Human Rights Watch reported a 2009 case in which a woman arrested for illegally fleeing the country was raped by a police chief. After she told her lawyer, the lawyer refused to mention it during her trial and said nothing would be done and the woman could be punished more severely for bringing it up. As noted in the KINU white paper for 2018, the law prohibits domestic violence, but the UN Committee on the Elimination of All Forms of Discrimination against Women expressed concern that North Korea was not taking any protective or preventive measures against such violence. Defectors continued to report violence against women was a systematic problem both inside and outside the home. According to a KINU survey of defectors conducted from 2013 to 2017, 76.9 percent of respondents believed domestic violence was "common."

Sexual Harassment: Despite the law defectors reported the populace generally accepted sexual harassment of women due to patriarchal traditions. They reported

there was little recourse for women who had been harassed. Defectors also reported lack of enforcement and impunity enjoyed by government officials made sexual harassment so common as to be accepted as part of ordinary life.

Coercion in Population Control: NGOs and defectors reported that the state security officials subjected women to forced abortions for political purposes, to cover up human rights abuses and rape in particular, and to “protect” ethnic purity, and not population control. KINU’s white paper for 2019 stated that officials had in some cases prohibited live births in prison and ordered forced abortions as recently as 2013.

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, in addition to responsibility for the double burden of labor and housework, especially considering the time and effort required to secure food.

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 songbun 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 those outside the total control zones.

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. In a December report on broader health and well-being trends in North Korea, the Database Center for North Korean Human Rights, using publicly available data and interviews of defectors who arrived in the Republic of Korea during the year, documented widespread inadequacies in medical care for children.

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 younger than age 15 shall be “punished gravely.” There was no reporting on whether the government enforced this law.

Early and Forced Marriage: The minimum age for marriage is 18 for men and 17 for women.

Sexual Exploitation of Children: Because many girls and young women attempt to flee repressive conditions, poverty, and food shortages for their own survival or the betterment of their family, 2019 international media reports and the 2014 UNCOI report noted they were often 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 or domestic servitude or made them work in prostitution after being smuggled out of the country. In their November publication of *Inescapable Violence: Child Abuse within North Korea*, the Seoul-based NGO People for Successful Corean Unification documented endemic child abuse, including child sexual abuse, in North Korean schools, homes, camps, orphanages, and detention centers.

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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

Institutionalized Children: 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.

Daily NK, a defector-run online newspaper operating in South Korea, reported that children at boarding schools for orphans were improperly fed and staff stole food to pay school debts. One child reportedly died due to overwork and malnutrition.

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Although the government claims the law meets the international standards of rights for persons with disabilities, in a 2016 National Human Rights Commission of Korea survey, 89 percent of defectors said there was no consideration for persons with disabilities.

While the 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 them within camps, and forcibly sterilized them. Persons with disabilities experienced discrimination in accessing public life.

The UN special rapporteur on the rights of persons with disabilities visited the country for the first time in 2018 and noted most infrastructure, including new buildings, was not accessible to persons with physical disabilities.

The UN Committee on the Rights of the Child repeatedly expressed concern, most recently in 2017, 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. KINU's 2019 white paper evaluated the provision of special education to disabled children as poor.

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

Workers do not have the right to form or join independent unions, bargain collectively, or strike. There were no known labor organizations other than those created and controlled by the government. 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.

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 the formal employment sector, 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 purportedly afforded a mechanism for workers to provide input into management decisions.

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, were 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.

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 the brick making, cement manufacturing, coal mining, gold mining, logging, iron production, agriculture, and textile industries. The South Korean NGO Open North Korea estimated that North Koreans perform \$975 million worth of forced labor each year. The Walk Free Foundation, in its 2018 Global Slavery Index, estimated that one of every 10 individuals, or approximately 2.6 million persons, in North Korea were in situations of modern slavery.

According to reports from an 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.” In 2018 workers were reportedly required to work at enterprises to which the government assigned them and then failed to compensate or undercompensated them for their work. Media reported an increasing number of urban poor North Koreans moved to remote mountains to hide from authorities and avoid mass mobilizations.

The May UN report *The Price Is Rights* noted work “outside the State system, in the informal sector, has become a fundamental means to survival [but] access to work in the informal sector has become contingent on the payment of bribes.”

In 2018 the UN special rapporteur on the situation of human rights in North Korea noted that in 2017 authorities reportedly evicted up to 600 families in villages in Ryanggang Province to allow for the construction of a new railway line and high-rise apartment blocks. Some of those evicted were reportedly mobilized alongside local youth shock brigades to help with the railway construction.

According to Open North Korea's report *Sweatshop, North Korea*, 16- or 17-year-olds from the low loyalty class were assigned to 10 years of forced labor in military-style construction youth brigades called *dolgyeokdae*. One worker reportedly earned a mere 120 won (less than \$0.15) per month. During a 200-day labor mobilization campaign in 2016, for example, these young 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. Loyalty class status also determines lifelong job assignments, with the lowest classes relegated to dangerous mines.

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, with 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. In October 2018 the HRNK reported that tens of thousands of citizens, including children, were detained in prisonlike conditions in these centers and suggested that satellite imagery indicated the number and size of such camps were expanding.

At the end of the year, tens of thousands of North Korean citizens were working overseas, primarily in Russia and China. Workers were also reportedly present during the year in the following countries: Algeria, Angola, Bangladesh, Cambodia, Equatorial Guinea, Ethiopia, Guinea, Italy, Kyrgyzstan, Laos, Malaysia, Mali, Mongolia, Mozambique, Nepal, Nigeria, Oman, Poland, Qatar, Republic of the Congo, Senegal, Tanzania, Thailand, the United Arab Emirates, Vietnam, Zambia, and Zimbabwe. Some of these countries subsequently removed most or all North Korean workers during the year. However, reports suggested several countries either had not taken action or had resumed issuing work authorizations or other documentation, allowing North Koreans to resume work. Russia reportedly issued more than five times as many tourist and study visas to DPRK residents as it did during the previous year, strongly suggesting that these visas are being used as a workaround for workers. Similarly, there were reports that previously closed factories in China had resumed operations with new North Korean workers.

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 that they 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 was 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 has received hundreds of millions of dollars from this system each year. The state reportedly withheld some wages in certain instances until the laborers returned home after the completion of their three-year contracts. Workers reportedly worked in a range of industries, including but not limited to apparel, construction, footwear manufacturing, hospitality, information technology services, logging, medical, pharmaceuticals, restaurant, seafood processing, textiles, and shipbuilding.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

By law the state prohibits work by children younger than age 16 but does restrict children 16 to 17 from hazardous labor conditions. 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.

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 UN Committee on the Rights of the Child has noted its concern children were also sometimes subjected to mass mobilizations in agriculture away from their families, with long working hours per day, sometimes for periods of a month at a time. Human Rights Watch published North Korean students' reports that their schools forced them to work without compensation on farms twice a year for one month each time. Human Rights Watch also reported schools required students under the minimum working age to work in order to raise funds for faculty salaries and maintenance costs for school facilities. According to media reports in August, students ages 14-15 were required to work in WPK opium fields.

Children ages 16 and 17 were enrolled in *dolgyeokdae* (military-style construction youth brigades) for 10-year periods and subjected to long working hours and hazardous work. Students suffered from physical and psychological injuries,

malnutrition, exhaustion, and growth deficiencies as a result of required forced labor.

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 factors. There is no direct reference to employment discrimination in the law; classification based on the songbun loyalty 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. Labor laws and directives mandate sex segregation of the workforce, assigning specific jobs to women while impeding their access to others. Women’s retirement age is also set at 55 years, compared with 60 years for men, which has material consequences for women’s pension benefits, economic independence, and access to decision-making positions.

Persons with disabilities also faced employment discrimination. Most of the approximately 1,200 workshops or light factories for persons with disabilities built in the 1950s were reportedly no longer operational; there were limited inclusive workplaces.

e. Acceptable Conditions of Work

There is no legal minimum wage in the country. No reliable data were available on the minimum wage paid by state-owned enterprises. Wages are sometimes paid at least partially in kind rather than in cash.

The law stipulates an eight-hour workday, although 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. The state’s willingness and ability to provide these services were unknown, however.

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. No information is available on enforcement of labor laws.

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.

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.