

White

Paper

on

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White Paper on Human Rights in North Korea 2022

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Summary

Part I

Purpose of Publication and Research Methodology

The *White Paper on Human Rights in North Korea*, which the Korea Institute for National Unification has published annually since 1996, aims to raise awareness of North Korean human rights issues at home and abroad and to provide related basic materials by objectively surveying and analyzing the North Korean human rights situation. The *White Paper on Human Rights in North Korea 2022* incorporates information from in-depth interviews with 72 North Korean defectors who had lived in North Korea most recently before entering South Korea. These interviewees were selected with consideration of their demographic and social backgrounds. This *White Paper 2022* classifies and analyzes the human rights situation in the North under the following parts: The Reality of Civil and Political Rights; The Reality of Economic, Social and Cultural Rights; Vulnerable Groups; and Major Issues.

Part II

The Reality of Civil and Political Rights

The people's right to life is still threatened in North Korea. For example, it has been reported that public executions were carried out in 2019 for acts of superstition. There have been testimonies that the number of public executions has decreased since around 2010. However, it is not clear whether the number of public executions has actually decreased or whether the number of non-public executions or secret summary executions has increased. The North Korean Emergency Quarantine Law, which includes provisions stipulating that the violation of emergency quarantine regulations is punishable by death, infringes on the North Korean people's right to life. However, it is difficult to understand the reality of these provisions because the number of North Korean defectors has sharply decreased due to the North Korean government's introduction of a border closure policy following the 2019 coronavirus (hereinafter COVID-19) pandemic.

Forced labor occurs in North Korea, violating the right to freedom. For example, labor training punishment is imposed for minor offenses, the labor exploitation of detainees occurs in holding centers (*jipkyulso*), and re-educational labor discipline is imposed in accordance with the Administrative Penalty Law and the People's Security Enforcement Law. However, because recent testimonies claim that forced labor does not take place in these

holding centers (*jipkyulso*), continued observation is required for this issue.

Moreover, arbitrary or unlawful arrests and detentions are still carried out in North Korea, and the North Korean Criminal Procedure Law does not have any provision related to informing the suspect of the reasons for his/her arrest and the alleged charges against him/her in the investigation stage. It also does not include a system to review the validity of a warrant by a judge.

According to defector testimonies, violence and cruel treatment still take place in detention facilities such as prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*), and detention centers (*guryujang*), and their nutritional, sanitary and medical conditions are very poor. Meanwhile, some testimonies have claimed that the use of violence and the number of cases of cruel treatment in detention facilities have decreased over time. Therefore, it is necessary to continuously observe whether the environment in these detention facilities is changing.

The freedom of movement and residence of the North Korean people is also seriously restricted: the travel permit system, crackdowns by zone, forced deportation and the restriction of access to certain areas are the most typical examples. However, it has been found that, since 2015, a travel permit can be obtained in exchange for bribes, and the introduction of various means of

transportation has further eased the restrictions on movement. Nevertheless, given that only those who can afford to offer bribes are able to circumvent the control of the authorities, the freedom of movement remains discriminatory and restrictive in North Korea. Meanwhile, it seems that the forced deportation of those who are involved in defection is decreasing, but this decline is likely due to the North Korean authorities having limited space to accommodate deportees. Such situation is leading the North Korean government to reinforce border control to prevent and discourage North Korean people from defecting

In North Korea, the right to a fair trial is not guaranteed due to the denial of judicial independence, the implementation of unfair and perfunctory trials, and quasi-judicial systems. The violations of the right to have legal assistance by a defense counsel and the right to appeal as well as the limited rights for foreigners detained in North Korea to consult with a consul have also continued.

The violation of privacy continues through routinely monitoring residents via the People's Unit (*inminban*) and Life Review Sessions (*saenghwalchonghwa*); monitoring and wiretapping residents whose family members are missing, have defected to or reside in South Korea, residents who smuggle goods and family members of individuals dispatched to foreign countries; conducting illegal home investigations and interfering with communication. After 2015, cases have been occasionally

reported in which people protested or raised complaints against illegal home investigations without a warrant or prior notice. Although somewhat limited, this trend shows that the overall awareness of rights among North Koreans has grown. In particular, the numerous allegations of the random searches of residential spaces conducted under the guise of accommodation inspections demonstrate that the inviolability of residential spaces is seriously infringed upon in everyday life. Moreover, many testifiers perceived that the increase in illegal home searches under the Kim Jong Un regime has degenerated into a means for public security authorities to swindle money and goods and thus distrust government authorities.

Violations of the right to freedom of thought, conscience and religion; the right to freedom of expression; and the right to freedom of assembly and association have continued. Many testimonies have been collected reporting that those caught in possession of the Bible or praying in groups are sent to political prison camps (*kwanliso*) or executed, and heavy punishments are imposed on those accused of acts of superstition, including fortunetellers and shamans.

The right to freedom of assembly and association is still not guaranteed for North Korean people. In addition, a number of testifiers have claimed that it never occurred to them that they could hold assemblies or form associations to promote their

rights.

As the distribution rate of computers and mobile phones has increased significantly, external cultural content is also being introduced through digital devices. Censorship and crackdowns by the authorities on video and audio recordings, international calls and text messages are widely carried out in everyday life, and relevant punishments are intensifying. However, many North Korean residents, regardless of their age, gender, or place of residence, watch South Korean dramas and movies, and it has been found that watching these has raised people's awareness of the outside world and their yearning for it. While the situation surrounding the application of the Reactionary Ideology and Culture Rejection Act adopted in December 2020 was not found in the latest survey, crackdowns and punishment for the possession and/or viewing of South Korean video recordings are expected to intensify.

With regard to the right to political participation, it has been found that the majority of the testifiers have participated in elections without sufficiently knowing who the candidates were. Since autonomous participation in elections and a liberal environment to vote for or against candidates is not guaranteed and it is not possible to run for candidacy on one's free will, it cannot be said that the right to political participation is sufficiently guaranteed in North Korea.

In North Korea, the right to equality is violated through discrimination based on background (*songbun*) and class. The majority of North Korean people are discriminated against based on their background (*songbun*) and family background (*todae*) in their joining of the Party, entering into society, job assignment, appointment and promotion to become an official, school entrance, joining of the military and residence assignment. After Kim Jong Un came to power, discrimination based on background (*songbun*) and family background (*todae*) has been partially mitigated. However, it is difficult to say that the existing discrimination based on background (*songbun*) and family background (*todae*) has been improved, and rather, the discriminatory structure has intensified as new forms of discrimination and inequality based on economic power overlap with the old.

Part III

The Reality of Economic, Social and Cultural Rights

North Korea has been unable to overcome its chronic food shortage situation. The North Korean authorities are making policy efforts to increase food production through the introduction of the “paddy unit responsibility” system, but such efforts have

not contributed much to increasing agricultural production and improving the right to food of farm members due to its unfair operation, shortage of farming materials and excessive production plans by the government. Although some privileged classes, such as Party officials, are receiving normal rations, the majority of workers, including professional workers such as teachers and doctors, either rarely receive rations or receive an amount that falls substantially short of their actual needs. Since the implementation of the Socialist Enterprise Responsibility Management System, food rations have been distributed unevenly to individual enterprises based on the competence of their managers, thus widening the gap between regions and individuals.

Although North Korea claims to adopt a free medical care system, in the actual process of medical service provision, patients bear most of the costs. In addition, discrimination in access to medical services exists based on class. Meanwhile, North Korean residents tend to go to private doctors or purchase medicine from private pharmacies in marketplaces (*jangmadang*) or from other residents when they are sick because they do not trust public medical facilities, and this practice often leads to misdiagnoses or medical errors. In particular, misuse and abuse of narcotics have become a serious issue in North Korea because residents tend to use drugs (*bingdu*) and opium for treatment purposes. It seems that preventive medical measures, including

vaccination, are carried out to a certain extent, but it appears that the extended border closure due to COVID-19 has placed extra burden on North Korea's prevention of and response to infectious diseases.

It appears that North Korean people's right to work is also not sufficiently guaranteed. While a college diploma has become an important factor in job placement, one's background (*songbun*) still plays a key role. In addition, the bribes that must be paid to be assigned to desirable workplaces have gradually increased, resulting in inequality in job opportunities, with wealthier people more likely to land a desired job. As clearly evident in group allocations, the freedom to choose an occupation is not guaranteed. In addition, the rights of workers to work in favorable working conditions and to receive fair compensation are also not guaranteed. As the freedom to form, join or withdraw from a labor union is also not given, workers are faced with a situation in which it is difficult to demand improvements to the unreasonable treatment imposed on them.

Recently, North Korean authorities have recognized the importance of reducing the disparities in the level of education between central and provincial areas and between urban and rural areas and emphasized the need to modernize school facilities. However, it has been confirmed that significant disparities exist in the educational conditions and environment between regions and

schools. Although North Korea implements a 12-year free compulsory education system, the resources required for basic school operations and teacher remuneration have not been fully distributed at the state level. In particular, various school-run projects and assignments and school improvement costs still need to be covered by students and their families and, due to this financial burden, students continue to suspend their studies or drop out of school completely. Thus, given that students' educational opportunities may be restricted depending on their family's economic situation, close attention needs to be paid to improving the right to education for North Korean students.

From a legal perspective, North Korea's social security system appears to be well established. In reality, however, it fails to fulfill its functions. The pension that is provided to the elderly is insufficient to sustain their livelihood, and the lack of an adequate emergency welfare system at the national level means that households experiencing economic hardship depend on their own resources and thus face threats to their livelihood. In addition, support for residents who are unable to engage in economic activities due to illness or disability is highly insufficient, and adequate compensation to those who are unable to work due to industrial accidents and to their families is not issued, adding to difficulties in sustaining their livelihood.

Part IV

Vulnerable Groups

Fixed gender roles and gender discrimination against women remain serious issues in North Korea. However, it has been observed that an improvement in women's economic power, a change in the perception of men regarding gender roles, and the younger generation's view of marriage have reduced domestic violence and encouraged the sharing of housework. Various testimonies claim that women hold a variety of occupations in society and that the number of low-ranking female officials has increased. However, it appears that restrictions on a woman's choice of occupation still remain, with women not allowed to participate in certain work, such as driving, and violence against women has not improved. Testimonies have been collected claiming that domestic violence against women is widespread due to reasons such as economic hardship, adultery, alcohol, and the use of narcotics, while children are also exposed to domestic violence. In addition, testimonies have reported that sexual harassment routinely occurs in daily life, and severe statutory punishment for human trafficking can be avoided through bribery.

In its 2019 Universal Periodic Review (hereinafter UPR) report, North Korea stated that it has successfully implemented measures to promote child welfare, and the Voluntary National Review (hereinafter VNR) on the Implementation of the 2030 Agenda for

Sustainable Development, claimed that North Korea had made significant progress in reducing child mortality. It has been reported that, after Kim Jong Un came to power, institutions such as orphanages (*ae-yugwon*) and secondary academies were established across North Korea and their facilities were improved. However, it is possible that, due to the prolonged COVID-19 pandemic, the vaccination of infants and young children has not been conducted as well as it had been before the pandemic. Moreover, it appears that a significant number of North Korean children still suffer from malnutrition. North Korea's educational curriculum also leans heavily towards political ideology, while mobilization for political events and regime propaganda and labor mobilization continue to occur in North Korea.

Ordinary North Korean residents rarely see people with disabilities in their neighborhood, and indifference toward and negative perceptions of those with disabilities still exist in North Korean society. North Korean authorities have emphasized the need to care for people with disabilities and honored veterans, and, as part of the 2021 Project on the Protection of Persons with Disabilities, have implemented several measures to improve the human rights for the disabled, including the publication of the Questions and Answers for the Registration of Persons with Disabilities, the creation of a website exclusively for the disabled, and the development of the Digital Dictionary for North Korean

Sign Language. However, actual education and self-reliance programs for the disabled are very insufficient. It is highly likely that the COVID-19 pandemic has further prevented people with disabilities from exercising their rights to health, education, and work.

Part V

Major Issues

In the latest survey, no information was gathered on the situation in political prison camps (*kwanliso*). It is assumed that the existing situation is not significantly different.

North Korean authorities have continuously strengthened border control and crackdowns to prevent defection. This observation is supported by testimonies reporting that more surveillance facilities have been installed and more troops have been deployed to border regions. There is a concern that the cost of defection may further increase and the violation of the human rights of North Korean residents caught attempting to defect or who are forcibly repatriated may intensify as a result. It was also noted that punishment for overseas workers who attempted to defect has intensified, and it has been found that monitoring of and crackdowns upon the families of defectors are still carried out.

The right to equality is violated in the selection process for

overseas dispatched workers because the opportunity to be dispatched overseas is generally reserved for those with a good family background (*todae*) and the ability to offer bribes. In addition, it has been found that dispatched overseas workers often suffer from excessive labor for a long period of time. It was also found that not only are some of the wages earned by these workers sent to the state but also a substantial proportion is embezzled by middle managers. Moreover, it has been found that there are risks of a substantial number of overseas workers being subjected to forced labor due to debts incurred during their dispatch period.

The issues of separated families, abductees and Korean War POWs are humanitarian issues to which international humanitarian law applies, as well as human rights issues to which international human rights law applies. Exchanges and reunions of separated families did not take place in 2021 and 2022. Inter-Korean dialogue on the reunion of separated families proposed by the South Korean government was not held due to the North's refusal. Considering the advanced age of most of the separated families, the two Koreas must actively reach an agreement and take measures so that exchanges and reunions can take place on humanitarian grounds.

In the event of disasters, it is difficult for the affected North Koreans to maintain their daily lives. After Kim Jong Un came to

power, North Korea has recognized the importance of disaster response and management. However, despite North Korea's efforts to improve its capabilities in this regard, they remain insufficient due to the lack of appropriate technology, infrastructure, and financing. In addition, the level of disaster response appears to vary depending on the type of disaster or affected region. In particular, for floods, where the affected region is easily identifiable, the labor required for restoration and supply provision is appropriated through mobilizing the military or residents. During the disaster response, however, residents are mobilized involuntarily.

The outbreak of COVID-19 has led to the adoption of stricter border closure and regional blockade measures by North Korean authorities that strongly control the movement of the North Korean people. The prohibition of imports following the implementation of strict blockade policy and forest restoration projects in preparation for disasters have negatively impacted the lives of the North Korean people, especially the food supply for ordinary residents. Unlike in the past, North Korea has recently disclosed to the international community some information about the damage inflicted by disasters. It is believed that this change is aimed at gaining support and cooperation from the international community in the future.



White Paper on Human Rights
in North Korea 2022



Part I

Purpose of Publication and Research Methodology

1. Purpose of Publication
 2. Research Methodology
 3. Human Rights Policy in North Korea
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1

Purpose of Publication

North Korea has one of the worst human rights records in the world. The international community has continuously expressed concerns and urged North Korea to address its serious human rights violations. Furthermore, the United Nations (hereinafter UN) General Assembly has adopted resolutions on North Korean human rights for 17 consecutive years between 2005 and 2021. The international community's discussion on how to improve human rights conditions in North Korea will continue, and an objective investigation and analysis of the human rights situation in North Korea is crucial in supporting such endeavor.

The Korea Institute for National Unification (hereinafter KINU) has been conducting in-depth research and professionally and systematically collecting and managing data on North Korean human rights issues. Since 1996, it has annually published the *White Paper on Human Rights in North Korea* in Korean and English. This white paper aims to raise awareness of North Korean human rights issues in South Korea and abroad and provide relevant basic materials for discussion and action by

objectively conducting investigations and analysis of the North Korean human rights situation while handling those issues comprehensively and systematically.

2

Research Methodology

This white paper examines the human rights situation in North Korea within the framework of international human rights norms. North Korea is a State Party to the International Covenant on Civil and Political Rights (hereinafter ICCPR); the International Covenant on Economic, Social, and Cultural Rights (hereinafter ICESCR); the Convention on the Rights of the Child (hereinafter CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (hereinafter CRC-OP2); the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW); and the Convention on the Rights of Persons with Disabilities (hereinafter CRPD).

Table I-1 Ratification of or Accession to International Human Rights Treaties by North Korea

Treaty	Status	Date of Accession/Ratification (based on the date of notification/deposit)	Effective Date	Remark
ICCPR	Acceded ¹	14 Sep. 1981	14. Dec. 1981	
ICESCR	Acceded	14 Sep. 1981	14 Dec. 1981	
CRC	Ratified	21 Sep. 1990	21 Oct. 1990	
CRC-OP2	Ratified	10 Nov. 2014	10 Dec. 2014	
CEDAW	Acceded	27 Feb. 2001	29 Mar. 2001	Reservation to Article 29, Paragraph 1
CRPD	Ratified	6 Dec. 2016	5 Jan. 2017	

According to the Vienna Convention on the Law of Treaties, State Parties have the obligation to perform a treaty in good faith (Article 26). The Universal Declaration of Human Rights (hereinafter UDHR), which sets out a minimum universal standard for dignity and rights that every human being deserves, is not legally binding as it was adopted by a resolution of the UN General Assembly. However, a substantial part of its contents is assessed to have developed into the international customary law of today.

International human rights treaties stipulate that State Parties

1_ North Korea announced its withdrawal from the ICCPR in 1997 to protest the first adoption of a resolution on North Korean human rights at the UN Sub-Commission on the Promotion and Protection of Human Rights. The UN Secretary-General, however, stated in his aide-mémoire to the North on 23 September 1997, that any withdrawal from the Covenant was impossible unless all the other parties agreed. North Korea later normally resumed its activities in the UN Human Rights Committee, thereby recognizing its status and obligations as State Parties to the ICCPR.

shall take necessary measures to implement the rights listed in those treaties. As public administration and the judiciary are grounded in law, legislation is considered to be the most important measure in implementing treaties. Therefore, in order to identify to what extent individual rights recognized by each treaty are respected and guaranteed, we first review the relevant laws and regulations of North Korea and then examine the actual implementation of such laws and regulations. If the laws and regulations of North Korea run counter to the treaties, it would be difficult to conclude that the treaties are being faithfully implemented. If the laws and regulations of North Korea are consistent with the treaties but in reality are not complied with, it would be difficult to view the treaties as being faithfully implemented. Such analysis is meaningful in that it allows identification of not only the extent to which North Korea is fulfilling its international obligations as a State Party but also the degree to which North Korea is observing the laws and regulations it has enacted.

The human rights situation of a particular country needs to be examined through direct visits to that country. The international community has continuously requested that the North Korean authorities allow access in order to observe the human rights conditions in North Korea. However, the North Korean authorities have refused visits by the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic

of Korea (hereinafter DPRK), except for the visit of the UN Special Rapporteur on the rights of persons with disabilities in 2017. As a result, it is impossible to monitor human rights conditions in North Korea independently or to directly access internal information. Against this backdrop, KINU conducts its investigations of the reality of the North Korean human rights situation and publishes the *White Paper on Human Rights in North Korea* based on the following methods.

First, KINU uses in-depth interviews with North Korean defectors who have settled in South Korea as the most important tool for investigation. The *White Paper on Human Rights in North Korea 2022* is based on interviews with 72 North Korean defectors. The interviewees were selected from those who had stayed in North Korea until most recently based on their demographic and social backgrounds (e.g., area of residence, experience in detention facilities, etc.). The in-depth interviews were conducted using a structured questionnaire prepared by KINU by referring to the rights specified in the International Covenants on Human Rights and the list of human rights violations indicated in the UN resolutions on North Korean human rights.

The number of interviewees this year is similar to that of the previous year. This number remains low due to the strict border control imposed by the North Korean government since COVID-19, which has resulted in a declining number of North

Korean defectors entering South Korea. Due to the decline in the number of interviewees, no new testimony was collected for some of the survey items on human rights violations. For the items for which no new testimony was collected, the results of the 2020 survey are provided. The following is the demographic profile of the 72 defectors with whom we had in-depth interviews in 2021 and 2022.

Table I -2 Demographic Profile of In-Depth Interviewees in 2021-2022

Category	Details	Events (persons)	Percentage (%)
Gender	Male	21	29
	Female	51	71
	Total	72	100
Year of Last Defection	Before 2017	4	6
	2018	12	17
	2019	43	60
	2020	10	14
	2021	2	2
	2022	1	1
Total		72	100
Year of Arrival in South Korea	2018	5	7
	2019	33	46
	2020	20	28
	2021	11	15
	2022	3	4
Total		72	100
Age Groups	Teens (2003-)	1	2
	20s (2002-1993)	20	28
	30s (1992-1983)	19	26
	40s (1982-1973)	14	19
	50s (1972-1963)	16	22
	60s or older (-1964)	2	3
Total		72	100

Category	Details	Events (persons)	Percentage (%)
Number of River Crossings	One	71	99
	Two or More	1	1
Total		72	100
Place of Last Residence	Pyongyang	5	7
	South Pyeongan Province	6	8
	North Pyeongan Province	4	6
	Jagang Province	1	1
	South Hwanghae Province	0	0
	North Hwanghae Province	0	0
	Gangwon Province	3	4
	South Hamgyeong Province	4	6
	North Hamgyeong Province	9	13
	Yanggang Province	38	53
No response		2	3
Total		72	100

KINU systematically manages this data by assigning personal identification numbers (e.g., NKHR2021000000, NKHR2022 000000) to all North Korean defectors who were interviewed. When citing their responses in the white paper, the interviewees are referred to by their identification numbers to protect their personal information.² When more information was needed on certain rights or topics in addition to the in-depth interviews held in the early stages of entering South Korea, additional interviews were conducted. For these additional interviews, the sources of information were indicated as “North Korean defector ○○○, [Day] [Month], [Year], interviewed in Seoul.” Moreover, memoirs

2_ In addition, in order to prevent the interviewees from being identified, any personal information collected is indicated as “○○.”

written by North Korean defectors were used as supplementary data.

Second, KINU utilizes official North Korean documents such as North Korean laws and regulations.

Third, KINU also uses UN documents on North Korean human rights, including reports submitted to UN human rights organizations by the North Korean authorities; General Comments and Concluding Observations of the UN Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of All Forms of Discrimination Against Women, and the Committee on the Rights of the Child; documents related to the UPR on North Korea by the UN Human Rights Council (hereinafter UNHRC); and reports by the Commission of Inquiry (hereinafter COI) on Human Rights in the DPRK.

Fourth, survey results and statistics from various organizations such as the World Health Organization (hereinafter WHO), the UN Children's Fund (hereinafter UNICEF), the World Food Programme (hereinafter WFP), UN High Commissioner for Refugees (hereinafter UNHCR), and Statistics Korea (South Korea) are also used.

Fifth, KINU utilizes major North Korean media when necessary, including the Korean Central News Agency (hereinafter KCNA) and the *Rodong Sinmun*.

Sixth, KINU compares and verifies the information obtained through reports and thesis papers on North Korean human rights published in South Korea and abroad.

Seventh, when necessary, KINU utilizes major media in South Korea and abroad that reported on North Korean human rights.

The *White Paper on Human Rights in North Korea 2022* is written in accordance with the following principles:

First, the White Paper focuses on describing the information obtained in the 2021–2022 survey. However, when KINU considers that mentioning a previous survey is necessary for suggesting a tendency or changes in trend, the results of surveys prior to 2021–2022 are included. Moreover, the White Paper uses the results of surveys obtained prior to 2021–2022 when dealing with topics that do not have sufficient information

Second, in order to look into the recent human rights situation in North Korea, KINU uses events that took place within five years of the survey for our research and analysis. In other words, the *White Paper on Human Rights in North Korea 2022*, which is based on the 2021–2022 survey, only examines events that took place between 2017 and 2021. However, if certain events that occurred before 2017 are considered to be particularly meaningful, they are also included as an exception

Third, in principle, KINU only includes testimonies of North Korean defectors on events that they directly experienced or

witnessed in order to guarantee the objectivity and reliability of the investigation. However, testimonies that are considered to be credible – for example, information the interviewees have heard directly from persons who experienced or witnessed certain events – are also included. In such cases, the White Paper clearly states that the testimony is second-hand information.

Fourth, KINU uses the latest North Korean laws and regulations obtained. The *White Paper on Human Rights in North Korea 2022* refers to the Collection of North Korean Laws and Regulations of October 2022. In addition, when it is necessary to refer to previous laws and regulations, they are cited with a clear statement that they are previous laws and regulations.

Fifth, the White Paper uses the most up-to-date names of North Korean organizations, except when interviewees refer to them by their previous names. As for the names of some organizations, previous and current names may be mixed in use. For example, the term State Security Department (SSD) is also used although the official name of the organization is the Ministry of State Security (MSS).

3

Human Rights Policy in North Korea

A. North Korea's Human Rights Legislation and Perspective on Human Rights

The North Korean Constitution amended on 9 April 2009 includes a provision explicitly stipulating that the state “shall respect and protect human rights” (Article 8). There are other laws in North Korea containing provisions that mention human rights that were enacted before this amendment to the Constitution; these laws include the Lawyer’s Law (Article 2) and the Criminal Procedure Law (Article 6). North Korea also enacted human rights-related laws such as the Law on the Protection of Persons with Disabilities of 2003, the Law on the Protection of Elderly Persons of 2007, the Law on the Protection and Promotion of the Rights of Women of 2010, the Law on the Protection of the Rights of Children of 2010, and the Law on the Protection of the Rights of Overseas North Koreans of 2022. Human rights education is

also provided in North Korea. In its report submitted for the second cycle of the UPR in 2014, North Korea allotted many pages to its achievements in the protection and promotion of human rights.³ In particular, North Korea stated in the report that various types of human rights education have been provided, including courses at formal educational institutions and training centers for law enforcement personnel; talks with renowned human rights scholars broadcast on television; the publication of books on human rights, including *Understanding of International Human Rights Law*; and the introduction of major provisions and principles of the international human rights instruments to which North Korea is a party to the public via media outlets on occasions such as the Human Rights Day, International Women’s Day, International Children’s Day, and the International Day of Persons with Disabilities.⁴

Table I -3 North Korean Laws on Human Rights

	Rights	Relevant Laws
UDHR, ICCPR	Human dignity, Right to life	Criminal Law; Addendum to the Criminal Law (General Crimes); Law on Disaster Prevention, Rescue and Recovery
	Right to liberty and security of person	Administrative Penalty Law; People’s Security Enforcement Law; People’s Security Law; Prosecution and Surveillance Law; Resident Administration Law; Act on Prevention of Batteries

3_ UN Doc. A/HRC/WG.6/19/PRK/1 (30 January 2014), paras. 30-124.

4_ *Ibid.*, paras. 20-22.

	Rights	Relevant Laws
	Right to equality	Law on Equal Rights for Men and Women; Law on the Protection and Promotion of the Rights of Women; Law for the Management of Pyongyang
	Right to be protected by law, Right to be presumed innocent	Criminal Law; Lawyer's Law; Law on the Constitution of the Courts; Law on Complaints and Petitions; Judgments and Decisions Enforcement Law
	Right to remedy by court	Criminal Procedure Law; Civil Procedure Law; Maritime Litigation Law; Property Execution Law
	Right to freedom of movement, residence and travel	Immigration Law; Resident Administration Law; Housekeeping Law; Emergency Quarantine Law; Law on Prevention of Infectious Diseases
	Right to political participation	Law on the Delegates Election for All Levels of the People's Assembly
	Right to a nationality	Nationality Law
	Right to freedom of opinion and expression	Publication Law; Reactionary Ideology and Culture Rejection Act; Youth Education Security Act
	Right to a family	Family Law; Civil Law
	Right to property	Civil Law; Inheritance Law; Compensation for Damages Law; Property Execution Law
UDHR, ICESCR	Right to food	Agricultural Law; Agricultural Pesticides Law; Farm Law; Crop Seed Management Law; Law on the Management of Crop Genetic Resources; Sericulture Law; Food Policy Law; Fisheries Law; Fish Farming Law
	Right to health	Public Health Law; Law on Medical Care; Medical Appraisal Law; Law on Prevention of Infectious Diseases; Emergency Quarantine Law; Medicine Control Law; Law on Border Sanitation Inspection
	Right to work	Labor Law; Labor Protection Law; Law on Labor Quantification; People's Economic Planning Law
	Right to education	Education Law; Law on General Education; Higher Education Law; Distance Education Law
	Right to social security	Social Insurance Law; Social Security Law; Law on Disaster Prevention, Rescue and Recovery; Law on the Protection of Elderly Persons; Law on the Protection of Persons with Disabilities
	Right to environment	Environmental Protection Law; Environmental Impact Assessment Law; Air Pollution Prevention Law; Marine Pollution Prevention Law; Daedong River Pollution Prevention Law; Botong River Pollution Prevention Law; Forest Law; Weather Law

	Rights	Relevant Laws
	Right to culture	Law on the Protection of Scenic Sports and Natural Monuments; Law on Gardens; Mineral Spring Law; Law on Nature Protection Area; Cultural Heritage Protection Law; National Heritage Protection Law
CEDAW	Protection of the rights of women	Law on Equal Rights for Men and Women; Law on the Protection and Promotion of the Rights of Women
CRC	Protection of the rights of children	Law on the Nursing and Upbringing of Children; Law on Parenting; Law on the Protection of the Rights of Children
CRPD	Protection of the rights of persons with disabilities	Law on the Protection of Persons with Disabilities
	Protection of the rights and interests of overseas North Koreans	Law on the Protection of the Rights of Overseas North Koreans

However, the concept of human rights recognized in North Korea is very different from the universal concept of human rights. First, while the universal concept of human rights focuses on the rights and freedoms of individuals, North Korea emphasizes human rights of the people as a whole. In other words, the rights and obligations of the citizens of North Korea are based on the collectivist principle, “All for one, one for all” (Article 63 of the Constitution). Despite North Korea’s enactment and implementation of various human rights-related laws, human rights issues continue to be raised due to this collectivist view of human rights.

Second, North Korea insists on pursuing its unique view of human rights based on the *Juche* ideology.⁵ *Juche* ideology has

been pursued as the only official ideology of the state since North Korea specified it as the leading principle for all state activities in enacting the Socialist Constitution in 1972 (Article 4 of the Socialist Constitution). Following the amendment of the Constitution on 11 April 2019, *Juche* ideology was replaced by Kim Il Sung-Kim Jong Il-ism (Article 3 of the Constitution). *Juche* ideology and Kim Il Sung-Kim Jong Il-ism form the core of the Statutes of the Workers' Party of Korea (hereinafter WPK) and the Ten Principles, which are the foundation of the North Korean regime. To ensure the regime's stability and succession, North Korean authorities and the WPK have reinforced ideological control over the North Korean people by introducing laws such as the Law on the Kumsusan Palace of the Sun of 2013, the Reactionary Ideology and Culture Rejection Act of 2020, and the Youth Education Security Act of 2021. In addition, they strictly control people's freedom of thought, conscience and religion, speech and publication, assembly and association, opinion and expression, and election through the Ministry of State Security and the Ministry of Social Security, and operate political prison camps (*kwanliso*). The Prosecutors' Offices and courts, which should serve as the last bastions of human rights, have the mission of protecting North Korea's sovereignty and the socialist

5_ Chosun Human Rights Research Association, *Report of the Chosun Human Rights Research Association* (Pyongyang: Chosun Human Rights Research Association, 2014), p. 7.

system (Articles 156 and 162 of the Constitution).

Third, the concept of human rights in North Korea emphasizes the rights of the state, and North Korea explains human rights in relation to its sovereignty. Therefore, according to North Korea, issues related to human rights are issues related to national sovereignty, which are subject to the principle of non-interference in the internal affairs of the state.⁶ North Korea's concept and understanding of human rights serve as the grounds for its resistance to the accountability proposed by the international community.

B. Responses to Human Rights Issues in North Korea

〈North Korean Regime and the Issue of Accountability〉

As international awareness of the severity of human rights violations in North Korea has grown, various activities to improve the human rights situation in North Korea have been introduced since the early 2000s. The former UN Commission on Human Rights (hereinafter UNCHR) adopted resolutions on North Korean human rights between 2003 and 2005, and the UNHRC, the successor to the UNCHR, has adopted resolutions on North Korean human rights between 2008 and 2022. The UN General

6_ *Ibid.*, p. 9.

Assembly has also adopted resolutions on North Korean human rights every year since 2005, expressing grave concerns regarding the human rights situation in North Korea. The UN Special Rapporteur on the situation of human rights in the DPRK was appointed for the first time in 2004 and has been active since then. On 1 August 2022, Elizabeth Salmón was appointed as the fourth Special Rapporteur. In March 2013, the COI was established in accordance with the UNHRC resolution. In June 2015, a field office on North Korean Human Rights under the Office of the United Nations High Commissioner for Human Rights (hereinafter OHCHR) was established in Seoul. Additionally, the UN Security Council discussed North Korean human rights issues for four consecutive years from 2014 to 2017 and discussed human rights in North Korea in closed sessions in 2020 and 2021.⁷ After the closed session on 15 December 2021, seven members of the UN Security Council issued a joint statement on the issue. In terms of individual countries, the United States enacted the North Korean Human Rights Act in 2004, and Japan promulgated the Law Concerning Measures to Address the Abductions Issues and Other North Korean Human Rights Violations in 2006. South Korea also enacted the North Korean Human Rights Act in 2016. In addition, the European Union has been a co-sponsor for UN resolutions on North Korean human rights.

⁷ UN Security Council, 11 December 2020 and 15 December 2021. North Korean human rights issues were discussed in a closed session.

After the publication of the COI report in February 2014, North Korea, which had simply ignored or refused to respond to the international community's concerns over human rights issues, changed its behavior to more actively resist the international community's condemnation of its continued human rights violations. In its report, the COI concluded that "systematic, widespread and gross human rights violations have been and are being committed" by North Korea and its institutions and officials,⁸ and institutions that should be held accountable include the State Security Department (currently the Ministry of State Security), the Ministry of People's Security (currently the Ministry of Social Security), the Prosecutors' Office, the judiciary, the Korean People's Army (hereinafter KPA), the WPK, and the National Defence Commission (currently the State Affairs Commission; hereinafter SAC).⁹ In its report, the COI stated that "those most responsible for the crimes against humanity" committed in North Korea should be held accountable, proposing that the Security Council should refer the situation in North Korea to the International Criminal Court (hereinafter ICC) or that a UN ad hoc tribunal should be established to address the situation.¹⁰ In particular, the COI mentioned the possibility of assigning criminal responsibility to Kim Jong Un by stating that the Supreme Leader

8_ UN Doc. A/HRC/25/63 (7 February 2014), para. 80.

9_ UN Doc. A/HRC/25/CRP.1 (7 February 2014), paras. 1166-1190.

10_ UN Doc. A/HRC/25/63 (7 February 2014), para. 87.

(*Suryeong*) “acts as an autonomous decision-making institution” in addition to the WPK and SAC.¹¹

North Korea harshly criticized and strongly protested the findings of the COI, stating that the possible criminal responsibility of the Supreme Leader (*Suryeong*) was an insult to his dignity and demonstrated an intent to overthrow the North Korean regime.

〈Human Rights of Vulnerable Groups and SDGs〉

North Korea has been relatively active in addressing human rights issues related to vulnerable groups such as women, children, and people with disabilities. First, with respect to the human rights of women, North Korea enacted the Labor Law on 30 June 2015 and partially amended the Law on the Protection and Promotion of the Rights of Women so that women are entitled to prenatal leave of a maximum of 60 days (previously 60 days) and postnatal leave of a maximum of 180 days (previously 90 days). On 23 November 2015, North Korea withdrew two of the three reservations to the CEDAW, and on 11 April 2016, it submitted to the UN Committee on the Elimination of Discrimination against Women a report that combined the second, third and fourth periodic reports.

11_UN Doc. A/HRC/25/CRP.1 (7 February 2014), para. 1191.

Second, with respect to the human rights of children, North Korea enacted the Law on the Protection of the Rights of Children in 2010, ratified CRC-OP2 on 10 November 2014, and submitted a combined fifth and sixth periodic report to the UN Committee on the Rights of the Child on 13 May 2016.

Third, with respect to the human rights of people with disabilities, North Korea signed the CRPD on 3 July 2013, amended the Law on the Protection of Persons with Disabilities on 21 November 2013, ratified the CRPD on 23 November 2016 (and deposited the ratified document with the UN Secretariat on 6 December 2016), and submitted an initial report on its implementation of the CRPD to the UN Committee on the Rights of Persons with Disabilities on 19 December 2018. While the North Korean authorities have refused visits by the UN Special Rapporteur on the situation of human rights in the DPRK and the US Special Envoy for North Korean human rights, they accepted a visit from the UN Special Rapporteur on the rights of persons with disabilities in May 2017. Moreover, North Korea participated in the 2012 London Paralympics, 2014 Asian Para Games in Incheon, 2016 Rio Paralympics, and 2018 Winter Paralympics in Pyeongchang.

Fourth, North Korea has shown an interest and willingness to embrace and implement the UN Sustainable Development Goals (hereinafter SDGs). In June 2021, North Korea prepared and submitted its first VNR report to the UN High-Level Political

Forum. Based on the UN SDG framework, North Korea has identified 17 goals, 95 targets and 132 indicators. Of particular note is that the VNR report specifies North Korea's plans to ensure gender equality and the empowerment of women under Goal 5.

〈Responses to UN Human Rights Mechanisms〉

After Kim Jong Un came to power, North Korea has fulfilled its obligation to submit reports as a party to the CRC, CEDAW, and CRPD. In contrast, North Korea has failed to submit its report on the implementation of the ICCPR since 2000, while a report on the implementation of the ICESCR has not been submitted since 2002. In addition, North Korea has not even ratified the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the Rome Statute of the International Criminal Court, the application of which is necessary to improve the human rights situation in North Korea.

North Korea's selective acceptance of international treaties and pursuit of selective cooperation with the international community can also be observed in its treatment of the UPR. A total of three UPRs have been conducted on North Korea to date (in 2009, 2014, and 2019) and, although North Korea accepted, partially accepted, and noted some of the recommendations made in the

UPR, they also rejected some of them. Overall, recommendations related to the maintenance of the regime and accountability were rejected, and recommendations associated with issues that were not strongly connected to the regime’s maintenance and those associated with issues related to vulnerable groups were accepted.

Table I -4 Ratification of or Accession to Major International Human Rights Treaties and Submission of Reports by North Korea

Treaty	Date of Accession/Ratification (based on the date of notification/deposit)	Report Submission
ICCPR	Acceded on 14 Sep. 1981	Initial report: 24 Oct. 1983 Second periodic report: 20 Mar. 2000
ICESCR	Acceded on 14 Sep. 1981	Initial report: 18 Dec. 1984 Second periodic report: 12 Apr. 2002
CRC	Ratified on 21 Sep. 1990	Initial report: 13 Feb. 1996 Second periodic report: 16 May 2002 Combined third and fourth periodic reports: 10 Dec. 2007 Combined fifth and sixth periodic reports: 13 May 2016
CEDAW	Acceded on 27 Feb. 2001	Initial report: 11 Sep. 2002. Combined second, third and fourth periodic reports: 11 Apr. 2016
CRPD	Ratified on 6 Dec. 2016	Initial report: 19 Dec. 2018



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Part II

The Reality of Civil and Political Rights

1. Right to Life
 2. Right Not to Be Tortured or Receive Inhuman Treatment
 3. Right Not to Be Forced into Labor
 4. Right to Liberty and Security of Person
 5. Right to Humane Treatment of Persons in Detention
 6. Right to Freedom of Movement and Residence
 7. Right to a Fair Trial
 8. Right to Privacy
 9. Right to Freedom of Thought, Conscience and Religion
 10. Right to Freedom of Expression
 11. Right to Freedom of Assembly and Association
 12. Right to Political Participation
 13. Right to Equality
-

1

Right to Life

All human rights are meaningless unless the right to life is effectively guaranteed. Therefore, the right to life is the supreme right and is the foundation of all other human rights. Hence, key international instruments on human rights both at the universal and regional levels, without exception, include provisions to improve and protect the right to life. Article 3 of the UDHR, which is the first of the provisions on substantive rights, stipulates that everyone has the right to life. Likewise, the ICCPR also stipulates the right to life in Article 6, which is first among its provisions on substantive rights.

Table II-1 Article 6 of the ICCPR

Paragraph 1	Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
Paragraph 2	In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
Paragraph 3	When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
Paragraph 4	Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
Paragraph 5	Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
Paragraph 6	Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

The situation in North Korea related to the right to life will be examined by major issues in the following sections.

A. Extrajudicial, Summary or Arbitrary Execution

Stipulating the protection of the right to life, Article 6, paragraph 1 of the ICCPR states that “no one shall be arbitrarily deprived of his life.” The UN Human Rights Committee has emphasized that protection against arbitrary deprivation of life is of paramount importance and pointed out that deprivation of life by the state authorities, in particular, is a matter of the utmost

gravity and thus must be strictly controlled and limited by law.¹² The meaning of “arbitrary” is somewhat ambiguous; however, it can be said that it is a broader concept than “unlawful.” In other words, deprivation of life that is regarded as “lawful” under the domestic laws of a State Party may be regarded as “arbitrary” under Article 6 of the ICCPR. Ultimately, prohibition against “arbitrary” deprivation of life means that life should not be deprived unreasonably. Pursuant to the provisions of Article 6 of the ICCPR, Article 14 of the ICCPR (that stipulates the right to a fair trial), and Article 15 of the ICCPR (that stipulates the principle of non-retroactivity of punishment), extrajudicial, summary or arbitrary execution is prohibited.

In North Korea, extrajudicial, summary or arbitrary executions are often carried out, particularly in detention facilities. Testimony was collected about an inmate of Hamheung *Kyohwaso* who was caught while escaping and publicly executed by shooting (without a trial) in April 2016. The testifier said that inmates who did not want to see the execution were threatened that their release date would be postponed if they did not attend the execution, and, after the escapee had been shot to death, other inmates were forced to throw stones at the dead body, which was then cremated by male inmates.¹³ Although in many cases such executions are held in

12_ UNHRC, “CCPR General Comment No. 6: Article 6 (Right to Life),” 30 April 1982, para. 3.

13_ NKHR2019000043 2019-07-01.

public to incite fear among detainees and impose tighter control, testimonies have confirmed that they are sometimes conducted in secret. There are some cases in which the death penalty is decided through an open trial in prison camps (*kyohwaso*).¹⁴ However, such trials may be meaningless if they are only perfunctory in nature.

Sometimes extrajudicial, summary, or arbitrary executions are conducted during the trial. In some cases, trials are not held at all, while in other cases, trials are held in a perfunctory manner with no respect for even the minimum rights of the accused. Since Kim Jong Un came to power, we have confirmed continuous cases of executions of high-ranking personnel such as Jang Song-thaek, Hyon Yong-chol, Ri Yong-ho, Choi Young-gon, and Kim Yong-jin. In most cases, such executions are identified as extrajudicial, summary, or arbitrary executions.

B. Broad Application of the Death Penalty for Offenses

Article 6, paragraph 2 of the ICCPR states that in countries that have not abolished the death penalty, a death sentence may only be imposed for the most serious crimes based on the law in force at the time of the commission of the crime. The “law” here is generally understood as a law in the formal sense. The expression

14_ NKHR2015000031 2015-02-10.

“the most serious crimes” may be difficult to define due to its ambiguity. However, the UN Human Rights Committee explained in its General Comments on the right to life that it should be restrictively interpreted to mean that the death penalty should be an exceptional measure.¹⁵ Moreover, in its Concluding Observations on multiple national reports, the Committee pointed out that the declaration of the death penalty for treason, piracy, robbery, trading of toxic or hazardous substances, narcotics-related crimes, draft dodging, property crimes, economic crimes, adultery, corruption and political crimes violates Article 6 of the ICCPR as these offenses do not constitute the “most serious crimes.” This conclusion leaves premeditated murder or attempted murder and deliberate infliction of serious injury to be classified as the “most serious crimes.”

The current North Korean Criminal Law of 2015 stipulates the death penalty as the most severe statutory punishment for conspiracy to overturn the state, terrorism, treason against the fatherland, crime of clandestine destruction, treason against the people, illegal cultivation of opium/manufacturing of narcotics, smuggling/trading of narcotics, and premeditated murder. The following <Table II-2> indicates crimes punishable by death under the Criminal Law, and their legal requirements and related statutory penalties.

15_UNHRC, “CCPR General Comment No. 6: Article 6 (Right to Life),” 30 April 1982, para. 7.

Table II-2 Crimes Subject to Capital Punishment under Criminal Law and their Legal Requirements and Statutory Penalties

Conspiracy to overturn the state (Article 60)	Extremely serious cases of participation in or conspiracy to incite political revolts, civil disturbances, demonstrations or violent attacks for anti-state purposes.	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Terrorism (Article 61)	Extremely serious cases of murder, kidnapping or harming of officials or citizens for anti-state purposes.	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Treason against the fatherland (Article 63)	Extremely serious cases of betraying the fatherland by fleeing or surrendering to another country or turning over secrets to the enemy.	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Crime of clandestine destruction (Article 65)	Extremely serious cases of clandestine destruction for anti-state purposes.	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Treason against the people (Article 68)	Extremely serious cases of treason committed under imperialist rule against the people by engaging in the persecution of North Korea's national liberation movement and struggle for unification or by selling the interests of the people to imperialists.	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Illegal cultivation of opium and the manufacturing of narcotics (Article 206)	Extremely serious cases of cultivating large amounts of opium or manufacturing of narcotics.	Unlimited-term correctional labor punishment or the death penalty
Smuggling/trading of narcotics (Article 208)	Extremely serious cases of smuggling/trading of large amounts of narcotics.	Unlimited-term correctional labor punishment or the death penalty
Premeditated murder (Article 266)	Extremely serious cases of premeditated murder based on greed, jealousy or other despicable motivation.	Unlimited-term correctional labor punishment or the death penalty

In particular, it should be noted that the death penalty was added as the statutory penalty for crimes related to the cultivation of opium and manufacturing of narcotics in the Criminal Law of 2013. It appears that the punishment for such crimes has been reinforced as cases of illegal opium cultivation or narcotics manufacturing have increased.

Table II-3 Changes to Provisions in Criminal Law Related to the Cultivation of Opium and Manufacturing of Narcotics

<p>Criminal Law of 2021</p>	<p>Article 206 (Crime of illegal cultivation of opium, manufacturing of narcotics/toxic substances) A person who illegally cultivates opium or manufactures narcotics/toxic substances shall be subject to up to one year of labor training punishment. In cases in which the act in the above paragraph is serious, the person shall be subject to up to five years of correctional labor punishment.</p>
<p>Criminal Law of 2013</p>	<p>Article 206 (Crime of illegal cultivation of opium, manufacturing of narcotics/toxic substances) A person who illegally cultivates opium or manufactures narcotics/toxic substances shall be subject to up to one year of labor training punishment. A person who cultivates large amounts of opium or manufactures large amounts of narcotics/toxic substances shall be subject to up to five years of correctional labor punishment. A person who cultivates particularly large amounts of opium or manufactures particularly large amounts of narcotics shall be subject to five years or more and up to 10 years of correctional labor punishment. When the case is serious, the person shall be subject to 10 years or more of correctional labor punishment. In cases in which the act in Paragraph 3 is particularly serious, the person shall be subject to unlimited-term correctional labor punishment or the death penalty.</p>
<p>Criminal Law of 2015</p>	<p>Article 206 (Crime of illegal cultivation of opium, manufacturing of narcotics) A person who illegally cultivates opium or manufactures narcotics shall be subject to up to one year of labor training punishment. A person who cultivates large amounts of opium or manufactures large amounts of narcotics shall be subject to up to five years of correctional labor punishment. A person who cultivates particularly large amounts of opium or manufactures particularly large amounts of narcotics shall be subject to</p>

five years or more and up to 10 years of correctional labor punishment. When the case is serious, the person shall be subject to 10 years or more of correctional labor punishment. In cases in which the act in Paragraph 3 is particularly serious, the person shall be subject to unlimited-term correctional labor punishment or the death penalty.

Meanwhile, North Korea has enacted and enforced the Addendum to the Criminal Law (General Crimes). The Addendum to the Criminal Law (General Crimes) of 2010 stipulates that crimes need to be “extremely serious” or “particularly serious” for the offender to be put to death, which is a serious issue, because using such abstract terms in describing the legal requirements for the use of the death penalty is contrary to the right to life.

Table II-4

Crimes Subject to Capital Punishment under the Addendum to Criminal Law (General Crimes) and Their Statutory Penalties

Extremely serious intentional destruction of weapons, ammunition, combat equipment and military facilities (Article 1)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious plundering of state property (Article 2)	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Extremely serious theft of state property (Article 3)	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Extremely serious intentional destruction or damaging of state property (Article 4)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious counterfeiting of currency (Article 5)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious smuggling/trafficking of precious or colored metals (Article 6)	Unlimited-term correctional labor punishment or the death penalty with confiscation of property
Particularly serious escape by a prisoner (Article 7)	Unlimited-term correctional labor punishment or the death penalty

Extremely serious kidnapping (Article 8)	Unlimited-term correctional labor punishment or the death penalty
Particularly serious rape (Article 9)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious robbery of private property (Article 10)	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Other exceptional crimes subject to unlimited-term correctional labor punishment or the death penalty (Article 11)	Unlimited-term correctional labor punishment or the death penalty

How the laws and regulations on capital punishment are actually implemented in North Korea has been confirmed by testimonies of North Korean defectors who personally witnessed public executions. Several defectors claimed to have witnessed people being executed for narcotics trading, watching or distributing South Korean video recordings, murder, plundering, stealing or destroying state property, human trafficking, or rape.

Over the last few years, the number of executions for acts of superstition, narcotics trading, or watching or distributing South Korean video recordings has risen. A North Korean defector testified that he/she heard that public executions were held while policy-based control over acts of superstition was carried out between 2018 and 2019.¹⁶ A North Korean defector who had lived in Yanggang Province and defected in 2018 testified that there were many recent cases in which people were shot to death due to drugs (*bingdu*), and there were more non-public executions

16_NKHR2020000011 2020-06-15.

than public.¹⁷ A North Korean defector testified that one person was publicly shot to death at a plaza in Chongjin, North Hamgyeong Province, in 2014, for the crimes of distributing South Korean dramas and trafficking narcotics and that he/she did not personally witness the event but watched video footage of it when people passed around the footage at school.¹⁸ Moreover, another North Korean defector testified that he/she witnessed two men being shot to death for distributing South Korean movies and providing a venue for prostitution, respectively, in Yeonbong-dong, Hyesan, Yanggang Province in 2014.¹⁹ It appears that the North Korean authorities have reinforced crackdowns and punishments in such cases as narcotics are spreading across North Korea, and the number of cases in which North Koreans watch/distribute South Korean video recordings is also increasing.

Table II-5 Cases of Death Penalty Executions Related to Narcotics and South Korean Video Recordings

Testimonies	Testified ID
In 2014, one person was shot to death at a plaza in Chongjin, North Hamgyeong Province for the crimes of distributing South Korean dramas and trafficking narcotics	NKHR2019000084 2019-10-05
In 2014, two men were shot to death for distributing South Korean movies and providing a venue for prostitution, respectively, in Yeonbong-dong, Hyesan, Yanggang Province.	NKHR2019000103 2019-11-09
In October 2014, three men were shot to death at an airfield in Yeonbong-dong, Hyesan, Yanggang Province for distributing South Korean video recordings.	NKHR2018000098 2018-10-01

17_ NKHR2019000022 2019-05-07.

18_ NKHR2019000084 2019-10-05.

19_ NKHR2019000103 2019-11-09.

Testimonies	Testified ID
In March 2015, five men in their 30s to 40s were shot to death in Pyeongseong, South Pyeongan Province after an open trial for watching South Korean video recordings and trading narcotics.	NKHR2017000083 2017-09-25
In 2017, a man was shot to death at an airfield in Yeonbong-dong, Hyesan, Yanggang Province for distributing South Korean video recordings.	NKHR2018000114 2018-10-13
In February 2017, around 20 people were shot to death in Byeoksong County, South Hwanghae Province, for watching and distributing South Korean video recordings and trading narcotics.	NKHR2017000073 2017-08-28

Cases of public executions for committing acts that contravene the Supreme Leader’s (*Suryeong*) guidelines (i.e., Kim Il Sung’s instructions, Kim Jong Il’s messages, and Kim Jong Un’s orders) or Party policies or being involved in religious activities have also been documented. A North Korean defector testified that in 2015, he/she witnessed the manager and the Party secretary of the Daedonggang Terrapin Farm being publicly shot to death, which was attended by approximately 1,000 residents, for committing acts against the Party, disobeying the teachings and instructions of the Supreme Leader (*Suryeong*) and corruption.²⁰ Another North Korean defector testified that two women were executed for spreading Christianity and another woman was executed for distributing anti-regime leaflets after a public trial in Gilseongpo Port, North Hwanghae Province, in 2015.²¹ According to the testifier, there were crowds of around 1,000–2,000 people, and the

20_ NKHR2020000018 2020-07-04.

21_ NKHR2019000054 2019-07-29.

military, Ministry of People's Security (MPS) officers and MSS agents around North Hwanghae Province came, while People's Unit (*inminban*) chiefs or secretary-level representatives and members of factory enterprises and People's Units (*inminban*) had to be present. Moreover, while it was not confirmed whether there were representatives from the court, the testifier explained that the overall trial and execution were carried out by the Ministry of State Security. This case may constitute an extrajudicial, summary or arbitrary execution. In addition, testimony was collected where the testifier heard about a 70-year-old woman who was shot to death under a bridge of the Suseong Stream (Suseongcheon) for acts and dissemination of superstition in Chongjin, North Hamgyeong Province in 2018.²² Another testimony was collected where the testifier witnessed two people shot to death for carrying the Bible in Pyeongseong, South Pyeongan Province, in 2018.²³

Testimonies of executions carried out for social deviance and violent crimes such as murder have been continuously collected. A testifier heard about a criminal involved in a case of child abduction who was publicly shot to death in Hyesan, Yanggang Province in 2014;²⁴ a testifier heard about a woman who ran a

22_NKHR2019000071 2019-08-26.

23_NKHR2019000024 2019-05-18.

24_NKHR2019000047 2019-07-01.

prostitution operation and worked as a madam was executed sometime in 2014–2015;²⁵ and a testifier heard about a public execution for murder in Musan County, North Hamgyeong Province sometime in 2017–2018.²⁶ In January 2018, there was an incident where a driver’s lover murdered the son (six years old) of the Party chief secretary of Onsong County. An order was issued to shoot the female perpetrator in front of a crowd of 100,000, and the woman was shot to death in front of a significantly large number of people.²⁷ A North Korean defector testified that he/she witnessed a man shot to death for murder in the military town of Jangsaeng in Jongseong-gu, Onsong County, North Hamgyeong Province sometime in February–March 2018.²⁸ It is said that there are cases in which Party officials who are caught while defecting are publicly executed based on the consideration of various factors, such as their rank at the time of defection, reasons for defection, and their possessions.²⁹

There were testimonies from North Korean defectors that public executions have not been conducted recently. However, the date of the last public execution differed among the interviewees. Two separate North Korean defectors who both defected in 2019

25_NKHR2019000054 2019-07-29.

26_NKHR2019000038 2019-06-15.

27_NKHR2019000111 2019-11-18.

28_NKHR2019000118 2019-11-30.

29_NKHR2022000001 2022-05-13.

testified that public executions have no longer been performed since 2008.^{30,31} Another North Korean defector who defected in 2019 testified that he/she witnessed a public execution by shooting sometime in 2012–2013, and that there has been no public execution since then.³² In addition, a North Korean defector testified that public execution by shooting has not been carried out nationwide since 2013. He/she further testified that he/she heard that a policy of no public execution was ordered by Kim Jong Un.³³ A North Korean defector who defected in 2019 testified that he/she had last seen a public execution sometime in 2015–2016 and had not seen one since 2018.³⁴

Contrary to these testimonies, there are also accounts of public executions being carried out in 2015 and 2018. Testimony also reported that a public execution was conducted in 2019 for acts of superstition.³⁵ Based on these testimonies, it could be concluded that the frequency of public executions has decreased since around 2010, but they have not disappeared altogether. Moreover, it has been reported that some public executions have been replaced with non-public executions. A North Korean defector

30_ NKHR2022000020 2022-06-18.

31_ NKHR2022000003 2022-05-19.

32_ NKHR2020000005 2020-05-15.

33_ NKHR2020000032 2019-08-04.

34_ NKHR2021000017-2 2022-05-26.

35_ NKHR2022000012 2022-06-10.

who defected in 2019 testified that a woman from his/her neighborhood who had been involved in the brokerage of defectors was secretly executed by shooting sometime in 2014.³⁶ Further observations and additional testimonies are necessary to confirm the claims that there has been a decline in the frequency of public executions. In addition, whether the actual number of public executions has decreased or whether public executions have been replaced with non-public executions needs to be examined.

C. Death Sentence for Juvenile Offenders and Execution of Pregnant Women

Article 6, paragraph 5 of the ICCPR prohibits the death penalty for crimes committed by persons under 18 years of age and executing the death penalty for pregnant women. It is noteworthy that the prohibition of sentencing juveniles to the death penalty is based on their age at the time they committed the crime, not at the time of sentencing.

Article 29 of the current North Korean Criminal Law of 2015 stipulates that “any person below the age of 18 at the time of commission of a crime shall not be sentenced to death, and sentence of death shall not be carried out on pregnant women.” In

36_NKHR2022000003 2022-05-19.

terms of legislation, North Korea appears to be appropriately implementing Article 6, paragraph 5 of the ICCPR. In KINU's previous surveys, some non-compliant cases were identified. However, cases in which juveniles were sentenced to the death penalty or the death sentence was carried out on pregnant women have not been documented in recent surveys.

D. Imposition of Capital Punishment for Violation of Emergency Quarantine Regulations

Under the North Korean Emergency Quarantine Law of 2020, which was enacted in response to COVID-19, emergency quarantine is divided into three activation levels: Level 1, the Special Level, and the Super Special Level (Article 3). The Act includes provisions on containment, restriction, and interdiction (Article 33) and isolation (Article 34). The maximum statutory punishment for negligence in executing an order, ordinance, decision, or instruction related to an emergency quarantine measure (Article 65) and negligence in imposing border closure, and land, sea, and air blockade (Article 68) is the death penalty. These provisions contravene the principle of proportionality and infringe upon the right to life of the North Korean people. In an emergency that threatens the life of its citizens, a state may take measures derogating from its obligation under the ICCPR “to the extent strictly required by the exigencies of the situation” (Article

4, paragraph 1 of the ICCPR). However, it is difficult to understand the reality of the application of these provisions because the number of North Korean defectors has sharply decreased due to the North Korean government’s imposition of a border closure policy following the emergence of COVID-19.

Table II-6 Statutory Penalties under the North Korean Emergency Quarantine Law

Violations of the Emergency Quarantine Law	Penalties
Violation of emergency quarantine regulations by citizens (Article 59); Violation of emergency quarantine regulations by citizens (Article 62)	Fine; Re-educational labor discipline
Violation of emergency quarantine regulations by institutions, enterprises and organizations (Article 60) When the case is serious (Article 61)	Fine; Suspension or closure of business
Violation of emergency quarantine regulations by workers (Article 63)	Unpaid labor discipline, demotion, dismissal, or removal from jobs
Violation of emergency quarantine regulations by persons (Article 64)	Detention
Negligence in executing an order, ordinance, decision or instruction related to an emergency quarantine measure (Article 65)	When the case is extremely serious, unlimited-term correctional labor punishment or the death penalty
Negligence in fulfilling emergency quarantine obligations (Article 66)	When the case is extremely serious, up to 10 years of correctional labor punishment
Negligence in guaranteeing the emergency quarantine conditions (Article 67)	When the case is extremely serious, up to 10 years of correctional labor punishment
negligence in imposing border closure, and land, sea and air blockade (Article 68)	When the case is extremely serious, unlimited-term correctional labor punishment or the death penalty
Interfering with the implementation of an emergency quarantine measure (Article 69)	When the case is extremely serious, five years or more and up to 10 years of correctional labor punishment
Statutory penalties for foreigners (Article 70)	Fine; when the case is serious, deportation

E. Other Infringements of the Right to Life

Article 6, paragraph 1, of the ICCPR states that the “inherent right to life [...] shall be protected by law.” The UN Human Rights Committee expressed in the General Comments its concern over the tendency to interpret the right to life extremely narrowly and stressed that the expression “inherent right to life” cannot be fully understood in such a restrictive manner and that the protection of this right requires each state to actively take measures.³⁷ From this perspective, there are many violations related to the right to life in North Korea. As will be examined in later sections, cases of death continue to occur in detention facilities due to violence and cruel treatment, poor nutrition, poor sanitation and poor health care. This issue is examined in more detail in II. The Reality of Civil and Political Rights, 5. Right to Humane Treatment of Persons in Detention.

F. Evaluation

The right to life is still not properly guaranteed in North Korea. Broadly defining the scope of crimes to be punishable by death by applying the Addendum to the Criminal Law (General Crimes) and frequently carrying out the death penalty based on such a

³⁷ UNHRC, “CCPR General Comment No. 6: Article 6 (Right to Life),” 30 April 1982, para. 5.

unique form of law is contrary to Article 6, paragraph 2 of the ICCPR, which stipulates that in a country where the death penalty still exists, a death sentence may only be imposed for the “the most serious crimes.” Cases of executions for narcotics trading, watching or distributing South Korean video recordings, and violent crimes such as murder have been continuously documented. Cases of executions for committing acts that contravene the Party or the Supreme Leader’s (*Suryeong*) guidelines, possessing the Bible, distributing propaganda leaflets, or engaging in acts of superstition have also been reported. While it is difficult to establish whether the collected cases constitute extrajudicial, summary or arbitrary execution, the broad scope of crimes subject to the death penalty and frequent execution of capital punishment might constitute a violation of the obligations of the State Parties stipulated in the ICCPR. On the other hand, testimonies have claimed that the number of public executions has decreased. If the number of executions has actually decreased, this would reflect positively in terms of evaluating North Korea’s actions. However, if public executions are merely being replaced by non-public executions, it should be assumed that the violation of the right to life continues to be a problem in North Korea. In addition, the North Korean Emergency Quarantine Law, which includes provisions stipulating that those who violate emergency quarantine regulations can be punished by death, is believed to infringe upon the right to life of North Korean people.

2

Right Not to Be Tortured or Receive Inhuman Treatment

Article 5 of the UDHR states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” in order to protect the dignity and the physical and mental integrity of every human being. As in the UDHR, Article 7 of the ICCPR also prohibits torture and inhuman treatment, and even goes a step further by explicitly prohibiting non-consensual medical or scientific experimentation. Article 7 of the ICCPR is complemented by Article 10, paragraph 1, of the ICCPR, which stipulates that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Table II-7 Article 7 of the ICCPR

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

The universal value of human rights prohibits torture and inhuman treatment in order to protect the dignity and the physical and mental integrity of every human being. This chapter will examine the major issues related to the situation in North Korea regarding the right not to be tortured or receive inhuman treatment.

A. Torture and Inhuman Treatment in the Handling of Criminal Cases

According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter CAT), torture is defined as an act of intentionally inflicting severe physical and/or mental pain on an individual by a public official for specific purposes such as obtaining information or a confession or imposing punishment. Other various actions that inflict harsh pain that cannot be recognized as torture due to the lack of key elements, such as specific purpose, intention or severe pain, constitute cruel, inhuman or degrading treatment or punishment. While the definitional distinction between “torture” and “cruel, inhuman or degrading treatment or punishment” may not be clear, both clearly constitute a violation of Article 7 of the ICCPR.

North Korea has established regulations on torture and inhuman treatment in its Criminal Law (2015) and Criminal Procedure Law

(2016). Article 242 of the Criminal Law stipulates that “law enforcement personnel who conducts interrogations in an unlawful manner or exaggerates or fabricates a case shall be subject to up to one year of labor training punishment.” It further provides that if such personnel conspire with another person to carry out the said actions or cause someone to die, sustain serious injury or be falsely accused of a crime by carrying out the said actions, they shall be subject to up to five years of correctional labor punishment. When the case is serious, such personnel shall be subject to five years or more and up to ten years of correctional labor punishment. Article 6 of the Criminal Procedure Law stipulates that “the state shall strictly guarantee human rights in the handling of criminal cases,” and Article 37 of the same law states that “the testimony of a preliminary examinee or the accused obtained through force and inducement cannot be used as evidence.” Article 166 of the Criminal Procedure Law provides that “preliminary examination officers shall not forcibly make the preliminary examinee admit their guilt or induce statements.” Moreover, Article 225 stipulates that witnesses are protected from threats or coercion during interrogation. In addition, in its national report submitted for the third cycle of the UPR in 2019, North Korea stated that it protects human rights in the process of handling criminal cases while consistently upholding the principle that scientific accuracy, objectivity and impartiality must be ensured.³⁸

Despite these regulations in the North Korean Criminal Law and Criminal Procedure Law, torture and inhuman treatment frequently occur in the actual process of handling criminal cases, and the use of torture is prevalent as it is established as one of the investigation methods for obtaining confessions from suspects during interrogation.³⁹ Testimonies claiming that cruel treatment takes place in detention facilities under the Ministry of State Security have been collected (<Table II-8>). Testimonies about beatings and cruel treatment in prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*) and detention centers (*guryujang*) under the Ministry of Social Security have also been collected.⁴⁰ Taking these testimonies into consideration, it appears that beatings and cruel treatment have not yet been eradicated in all of the facilities under the Ministry of State Security and the Ministry of Social Security.

On the other hand, there have been recent testimonies in which the testifiers had not experienced beatings while detained in a detention facility and that beating is prohibited in the Prosecutors' Offices and the Prosecutors' Offices monitor the situation of human rights violations in MPS branches.⁴¹ A North Korean

38_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 27.

39_ Dong-ho Han *et al.*, *Torture and Inhuman Treatment in North Korea* (Seoul: KINU, 2016), p. 8.

40_ NKHR2020000020 2020-07-04.

41_ NKHR2020000024 2020-07-06; NKHR2020000032 2020-08-04.

defector who had been detained in an MSS detention center (*guryujang*) in Hyesan, Yanggang Province, in May 2017, testified that he/she did not experience cruel treatment because North Korea was hit hard by accusations of human rights violations at the time.⁴²

Table II-8 Cases of Torture and Inhuman Treatment in the Process of Handling Criminal Cases

Testimonies	Testifier ID
A North Korean defector was investigated by the MSS county branch in Onsong County, North Hamgyeong Province, for human trafficking in February 2015 and was frequently beaten in the investigation process. The defector testified that there were also people whose bodies were bruised and flesh was decayed when they left since they were beaten with a club.	NKHR2018000074 2018-07-30
A North Korean defector was investigated by the MSS city branch in Hyesan, Yanggang Province for 15 days for the illegal use of a mobile phone in October 2015. Four MSS agents beat him/her frequently with their fists and feet.	NKHR2018000127 2018-11-19
A North Korean defector was investigated for eight days in May 2016 at an MSS holding center (<i>jipkyulso</i>) in Samjiyeon, Yanggang Province. The defector was bruised all over his/her body after being beaten up for not admitting the fact that he/she attempted to go to South Korea. The beating was even worse for his/her father as he lost all his teeth, and the blood vessels in his eyes burst.	NKHR2018000129 2018-11-19
A North Korean defector was investigated by the MSS county branch in Onsong County, North Hamgyeong Province for 15 days in September 2016 and was beaten by the MSS agents until he/she made a full confession and acknowledged his/her deeds. The defector was investigated while he/she was shackled to a chair and when he/she refused to testify, the MSS agents kicked the chair so that he/she fell while tied to the chair.	NKHR2018000109 2018-10-06

42_ NKHR2020000027 2020-07-06.

Testimonies	Testifier ID
<p>A North Korean defector was caught while attempting to defect in 2018 and was detained in a holding center (<i>jipkyulso</i>) and a detention center (<i>guryujang</i>) for about four and a half months in early 2019. He/she was beaten during the investigation process for not making a confession and was forced to remain in a fixed posture.</p>	<p>NKHR2020000020 2020-07-04</p>
<p>A testifier who had worked at a detention facility for approximately four and a half months from April 2019, said that a person confined in a detention facility before trial is considered “a person whose sentence is pending” and thus treated as a prisoner, to whom cruel treatment, such as forcing of fixed posture, is given.</p>	<p>NKHR2020000035 2020-09-05</p>

B. Public Execution of the Death Penalty

Countries that allow the death penalty can violate Article 7 of the ICCPR depending on the method of execution. The UN Human Rights Committee stated in its General Comments on the prohibition of torture and inhuman treatment that countries must execute the death penalty in such a way as to cause the least possible amount of physical and mental suffering.⁴³ Against this backdrop, it must be considered that being executed publicly constitutes a cruel, inhuman or degrading punishment for the person subject to the execution, which thereby violates Article 7.⁴⁴

43_ UNHRC, “CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment),” 10 March 1992, para. 6.

44_ The UN Human Rights Committee expressed concern over public execution of the death penalty in some national reports including the one by North Korea. UNHRC, Concluding Observations: Islamic Republic of Iran, UN Doc. CCPR/C/IRN/CO/3 (2011); Democratic People’s Republic of Korea, UN Doc. CCPR/CO/72/PRK (2001); Nigeria, UN Doc. CCPR/C/79/ Add.65 (1996). The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also

In this case, “public execution of the death penalty” refers to cases where the death penalty is conducted in public, provided that it is imposed only for crimes stipulated in the Criminal Law and carried out in accordance with certain procedures. If an extrajudicial, summary or arbitrary execution is carried out in public, it would violate both Article 6 and Article 7 of the ICCPR. Meanwhile, regardless of whether an execution is carried out as a result of imposing a death sentence or as an extrajudicial, summary or arbitrary execution, it is bound to be seen by the general population if it is carried out in public. From the perspective of those who witness the execution, the act may constitute cruel, inhuman or degrading treatment, which violates Article 7.⁴⁵

Although provisions on the procedures and methods of carrying out the death penalty are included in the Criminal Procedure Law and the Judgments and Decisions Enforcement Law of North Korea of 2005,⁴⁶ there is no provision in North Korean laws that

pointed out the issue of public execution of the death penalty. Note by Secretary-General, Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. A/67/279 (2012).

45_ The COI also stated the following in its report of the detailed findings, “Especially for young children and relatives of the victim, the experience of [watching such killings] is often so horrifying, that the witnesses must themselves also be considered victims of inhuman and cruel treatment in contravention of Article 7 of the ICCPR.” OHCHR, “Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea,” UN Doc. A/HRC/25/CRP.1 (2014), para. 830.

46_ Article 421 of the North Korean Criminal Procedure Law stipulates that the death penalty shall be carried out by the punishment enforcement institution that has received the order to execute the death penalty and a certified copy of the written

explicitly provides for the carrying out of the death penalty in public. However, testimonies claiming that public executions were carried out for political and ideological reasons or acts of superstition have been collected. A North Korean defector testified that in 2015, the manager and the Party secretary of the Daedonggang Terrapin Farm were publicly shot to death for political and ideological crimes, such as committing acts against the Party, disobeying the teachings and instructions of the Supreme Leader (*Suryeong*) and corruption, and the execution was attended by around 1,000 people.⁴⁷ In addition, a North Korean defector who defected in 2019 testified that policy-based control over acts of superstition was widely carried out between 2018 and 2019, and he/she had heard that public executions were held in the process.⁴⁸ Cases of public executions for narcotics training and murder were also recounted by the interviewees. A North Korean defector who defected in 2019 testified about a public execution carried out at the Suseong Stream (Suseongcheon) in Chongjin in January 2018. According to the testifier, the wife of the County Party chief secretary's driver, who was engaged in narcotics trading with a woman in her mid-30s, was murdered by that woman due to a conflict between the two, and an order was

judgment issued by the Central Court. Article 32 of the Judgments and Decisions Enforcement Law provides the same as the Criminal Procedure Law and further stipulates that the death penalty "shall be carried out in ways such as shooting."

47_ NKHR2020000018 2020-07-04.

48_ NKHR2020000011 2020-06-15.

issued by Kim Jong Un to shoot the female perpetrator in front of a crowd.⁴⁹

According to the testimonies of North Korean defectors, it appears that public executions are still carried out by the North Korean authorities. Testimonies have been collected indicating that the People’s Unit (*inminban*) announces the time and place of public execution in advance but does not make attendance mandatory,⁵⁰ people are mobilized in schools or at work to attend public executions,⁵¹ and university students who are considered rebellious (so-called “*aerosaeng*”) are separately mobilized and forced to attend public executions.⁵² However, the number of residents going to see public executions seems to be decreasing compared to the past.

Table II-9 Cases of Public Executions by Shooting

Testimonies	Testifier ID
In 2015, three women were publicly executed by shooting at Gilseongpo Port, North Hwanghae Province.	NKHR2019000054 2019-07-29
In February 2015, five men were publicly executed by shooting at a stadium in Pyeongseong, South Pyeongan Province.	NKHR2017000083 2017-09-25
In October 2016, three men and four women were publicly executed by shooting at an airfield in Yeonbong-dong, Hyesan, Yanggang Province.	NKHR2017000073 2017-08-28
In 2017, two men were publicly executed by shooting at an airfield in Yeonbong-dong, Hyesan, Yanggang Province.	NKHR2018000114 2018-10-13

49_ NKHR2022000014 2022-06-10.

50_ NKHR2018000060 2018-07-02.

51_ NKHR2018000098 2018-10-01.

52_ NKHR2018000114 2018-10-13.

Testimonies	Testifier ID
In February 2017, approximately 20 people were publicly executed by shooting in Byeoksong County, South Hwanghae Province.	NKHR2017000073 2017-08-28
In December 2017, one woman was publicly shot dead in Onsong County, North Hamgyeong Province.	NKHR2018000107 2018-10-01
In 2018, two people were publicly executed by shooting in Pyeongseong, South Pyeongan Province.	NKHR2019000024 2019-05-18
In 2018, a woman was publicly executed by shooting in Chongjin, North Hamgyeong Province.	NKHR2019000071 2019-08-26
In January 2018, a woman was publicly executed by shooting in Sinuiju, North Pyeongan Province.	NKHR2019000111 2019-11-18
In January 2018, a woman in her 30s was publicly executed by shooting at the Suseong Stream (Suseongcheon) in Chongjin for murdering the wife of the County Party chief secretary's driver due to a conflict over narcotics trading in which the two were involved.	NKHR2022000014 2022-06-10
Sometime in February–March 2018, a man was publicly executed by shooting in Onsong County, North Hamgyeong Province.	NKHR2019000118 2019-11-30

Due to limited information, it is not easy to clearly divide the recounted cases into those in which the death penalty was publicly carried out and those in which extrajudicial, summary, or arbitrary executions were conducted in public. However, carrying out an execution by shooting in public itself is inhuman under Article 7 of the ICCPR, and thus, the above cases, at the very least, represent a violation of Article 7 of the ICCPR. However, testimonies claiming that public executions have not been carried out since around 2010 have been collected. These testimonies are examined in II. The Reality of Civil and Political Rights, 1. Right to Life. Regarding the decrease in the number of public executions, more detailed observation is required to determine if it means that there are more non-public executions or more secret

summary executions.

According to KINU's survey results thus far, when categorized by region, public executions are most often witnessed in Hyesan, Yanggang Province. This finding can largely be attributed to the fact that more than half of the interviewees had lived in Yanggang Province. However, in general, public execution of the death penalty seems to be carried out more frequently in border areas than in inland areas, and in cities than in rural areas. It is analyzed that this tendency may be because there are relatively more illegal activities in border regions and cities, and the North Korean authorities are trying to warn and incite fear among residents in those regions.

C. Enforced Disappearances and Deaths in Detention Facilities

The UN Human Rights Committee has found that enforced disappearances may constitute torture and/or inhuman treatment of the person who is made to disappear and his or her family.⁵³ Victims of enforced disappearances would be detained and separated from their families for a long time, and their families would live in worry and concern without knowing their

53_ For example, Committee on Civil and Political Rights Communications 950/2000, *Sarma v. Sri Lanka*, July 31 2003, para. 9.5; 1295/2004, *El Alwani v. Libyan Arab Jamahiriya*, July 11 2007, paras. 6.5, 6.6; 1327/2004, *Grioua v. Algeria*, 10 July 2007, paras. 7.6 and 7.7.

whereabouts and whether they are alive or dead. Therefore, both the people who are subject to enforced disappearances and their families are victims of torture and/or inhuman treatment. This topic is examined in more detail in II. The Reality of Civil and Political Rights, 4. Right to Liberty and Security of Person; II. The Reality of Civil and Political Rights, 7. Right to a Fair Trial; V. Major Issues, 1. Political Prison Camps (*Kwanliso*); and V. Major Issues, 5. Separated Families, Abductees and Korean War POWs.

D. Evaluation

Contrary to the provisions of the North Korean Criminal Law and Criminal Procedure Law, torture and inhuman treatment seem to still be occurring in the process of handling cases. North Korean defectors testified that beatings and cruel treatment occur in detention facilities under the Ministry of State Security and the Ministry of Social Security. On the other hand, it is noteworthy that testimonies are being collected that report that North Korean authorities are prohibiting beatings and monitoring human rights violations in detention facilities.

It has been found that the frequency of public executions and forced witnessing of public executions has decreased. However, it appears that public executions are still being carried out for the commission of acts against the Party and the Supreme Leader's

(*Suryeong*) guidelines, which are considered important by the North Korean authorities. In addition, it has been found that public executions are being conducted for acts of superstition, narcotics trading, and murder. Public executions constitute cruel, inhuman or degrading punishment from the perspective of those subjected to the execution, and cruel, inhuman and degrading treatment to those who are forced to witness the execution. However, due to limited information and testimonies, it is difficult to fully verify the reality of and changes in the trend of public executions. In particular, identifying the actual situation related to public executions is difficult after 2020 due to a sharp decrease in the number of North Korean defectors entering South Korea due to COVID-19.

3

Right Not to Be Forced into Labor

Article 4 of the UDHR stipulates that no one shall be held in slavery or servitude, and that slavery and the slave trade shall be prohibited in all their forms. Article 8 of the ICCPR prohibits slavery and the slave trade, servitude and forced labor. However, while there are no exceptions regarding the prohibition against slavery, trading of slaves and servitude, exceptions exist for the prohibition against forced labor.

Table II-10 Article 8 of the ICCPR

Paragraph 1	No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
Paragraph 2	No one shall be held in servitude.
Paragraph 3	<p>(a) No one shall be required to perform forced or compulsory labour.</p> <p>(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.</p> <p>(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:</p> <p>(i) Any work or service, not referred to in sub-paragraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention:</p>

- (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
- (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
- (iv) Any work or service which forms part of normal civil obligations.

This chapter will examine the major issues related to the situation in North Korea regarding the right not to be forced into labor.

A. Labor Training Punishment for Minor Offenses

Article 8, paragraph 3 (a) of the ICCPR prohibits forced labor. However, Article 8, paragraph 3 (b) states that in countries where crimes are punishable by imprisonment with hard labor, it is not prohibited to force labor on criminals if they were sentenced to such punishment by a competent court. Moreover, according to Article 8, paragraph 3 (c), “forced or compulsory labour” does not include any work or service normally required of a person who is under lawful detention or of a person during conditional release from such detention, any service of a military nature, any service exacted in cases of emergency or calamity, or any work or service that forms part of normal civil obligations. “Lawful detention” refers to all types of detention in consequence of a lawful order of a court, including detention before trial, and “any work or service normally required of a person who is under detention” is interpreted to mean daily tasks in detention facilities and work to

facilitate detainees' return to society.

Punishments depriving personal liberty and imposing forced labor in the North Korean Criminal Law include correctional labor punishment—i.e., unlimited-term correctional labor punishment and limited-term correctional labor punishment—and labor training punishment (Article 27). Unlimited-term/limited-term correctional labor punishment detains criminals in prison camps (*kyohwaso*) and forces them to work, with the period of limited-term correctional labor punishment lasting from 1 year to 15 years (Article 30). Labor training punishment sends criminals to certain places where they are forced to work for a term ranging from six months to one year (Article 31). According to Article 8, paragraph 3 (b) of the ICCPR, detaining those who are sentenced by courts to correctional labor punishment or labor training punishment in prison camps (*kyohwaso*) or other places and imposing labor upon them does not constitute “forced labor,” which is prohibited. While it is generally interpreted as inappropriate to impose imprisonment with hard labor for minor offenses, the North Korean Criminal Law states that labor training punishment, which falls under the category of “imprisonment with hard labor,” can be ordered for relatively minor offenses. This reality could raise the issue of whether such legislation constitutes a violation of Article 8, paragraph 3, of the ICCPR. Moreover, imposing excessive labor on convicted prisoners may not comply with Article 10, paragraph 3, of the ICCPR, which

stipulates the treatment of convicted prisoners (see II. The Reality of Civil and Political Rights, 5. Rights to Humane Treatment of Persons in Detention).

B. Labor Exploitation of Detainees in Holding Centers (*Jipkyulso*)

As discussed above, the North Korean Criminal Law stipulates punishments that involve forcing convicted prisoners to provide labor, which does not constitute a violation of the ICCPR. However, cases of labor exploitation have been reported at holding centers (*jipkyulso*), where those that are detained have not yet been convicted or sentenced. A holding center (*jipkyulso*) is a place of investigation and detention for travelers who have left their designated travel area or traveled beyond the duration of their authorized travel dates, homeless children, those whose cases are pending, and defectors who have been forcibly repatriated. When a holding center (*jipkyulso*) notifies the MPS branch or the MSS branch in charge of the area of residence of a detainee, the relevant officers of the MPS branch or the MSS branch come to the holding center (*jipkyulso*) and transfer the detainee to his/her area of residence. According to defector testimonies, it appears that some holding centers (*jipkyulso*) force their detainees into labor. Depending on the time of notification from the holding center (*jipkyulso*) to the MPS branch in charge of

the detainees' area of residence, detainees stay in holding centers (*jipkyulso*) for three to six months, and it was testified that some holding centers (*jipkyulso*) intentionally delay their notification to exploit detainees for labor.

A North Korean defector who had been detained in a holding center (*jipkyulso*) in Chongjin, North Hamgyeong Province for 20 days in 2017 testified that he/she was used to build factory fences and harvest the fields. The testifier was able to return home earlier thanks to his/her family; without this effort, the holding center (*jipkyulso*) does not let its detainees go unless they provide approximately three months of labor. The testifier said that the length of a stay in a holding center (*jipkyulso*) changes depending on how well inmates' family members do "business" (*saeop*) with the MPS officers in charge.⁵⁴

A North Korean defector who had been detained in a holding center (*jipkyulso*) in Chongjin, North Hamgyeong Province from July to August 2018 testified that he/she was not investigated and did farm work, construction work and livestock work from 5 am to 8 pm.⁵⁵ The testifier carried blocks on his/her back at a construction site and was beaten by a guard when he/she tried to drink water on a hot day reaching 40°C.⁵⁶ A North Korean

54_ NKHR2018000098 2018-10-01.

55_ NKHR2019000010 2019-04-08.

56_ *Ibid.*

defector who said he/she had been detained in Nongpo *Jipkyulso* in Ranam District in Chongjin, North Hamgyeong Province from August to December 2017 testified that he/she woke up at 3 am every morning to put cement into burlap bags at a cement factory located in the holding center (*jipkyulso*) and also did farming including planting cabbage and red peppers.⁵⁷

As described above, testimonies that forced labor is carried out in detention centers (*guryujang*) and holding centers (*jipkyulso*), which simply are places of detention, have been continuously collected. In contrast, some testimonies have claimed that detainees whose sentences have not been confirmed are not forced into labor.

A North Korean defector who had worked at a detention facility since April 2019 testified that a person confined in a detention facility before trial is considered “a person whose sentence is pending” and that the detention facility does not impose forced labor.⁵⁸ A defector who had been detained and investigated in a detention facility of the Ministry of State Security between late 2017 to early April 2018 said that there was no exploitation of labor.⁵⁹

57_NKHR2019000075 2019-08-26.

58_NKHR2020000035 2020-09-05.

59_NKHR2020000004 2020-05-15.

C. Re-Educational Labor Discipline

The North Korean Administrative Penalty Law of 2017 requires more attention than any other law in regard to the right not to be forced into labor under Article 8 of the ICCPR. Article 15 of the Administrative Penalty Law stipulates re-educational labor discipline as a type of administrative penalty. Article 17 states that “re-educational labor discipline is an administrative legal restriction under which those who have committed a serious illegal act are forced to perform labor.” According to the provision, the period of discipline is five days or more and up to six months. According to the current Administrative Penalty Law, a total of 161 actions are punishable by re-educational labor discipline. Re-educational labor discipline can be imposed by the Socialist Law-Abiding Life Guidance Committee, prosecutorial institutions, judicial institutions and people’s security institutions (Articles 333, 335, 336 and 337).

Table II -11 Re-Educational Labor Discipline under the Administrative Penalty Law

<p>Article 333 (Authority of the Socialist Law-Abiding Life Guidance Committee to Impose Administrative Penalty)</p>	<p>The Socialist Law-Abiding Life Guidance Committee may impose admonitions, stern warnings, unpaid labor discipline, re-educational labor discipline, demotion, dismissal, removal from jobs, fines, suspension, demand for compensation, confiscation, suspension of qualifications, degradation of qualifications or deprivation of qualifications of the workers of agencies, enterprises or organizations or individual citizens who commit illegal acts.</p>
<p>Article 335 (Authority of Prosecutorial)</p>	<p>Prosecutorial institutions may impose re-educational labor discipline, fines, demand for compensation, confiscation or suspension for illegal acts identified in the process of</p>

Institutions to Impose Administrative Penalty)	prosecutorial monitoring.
Article 336 Authority of Judicial Institutions to Impose Administrative Penalty)	Judicial institutions may impose re-educational labor discipline, fines, demand for compensation or confiscation due to illegal acts confirmed during a trial.
Article 337 (Authority of the People's Security Institutions to Impose Administrative Penalty)	People's security institutions may impose re-educational labor discipline, fines, demand for compensation, confiscation or suspension due to illegal acts discovered in the process of security enforcement.

In addition to the Administrative Penalty Law, the People's Security Enforcement Law of 2007 stipulates that people's security institutions and Responsible Workers' Association have the authority to impose re-educational labor discipline on those who commit acts violating the legal order (Article 57 of the People's Security Enforcement Law).

Re-educational labor discipline does not fall under the aforementioned exceptions to the prohibition against forced labor and therefore raises a more serious issue. A North Korean defector who had been detained in a disciplinary labor center (*rodonggyoyangdae*) in Bocheon-eup, Bocheon County, Yanggang Province from August to September 2016 testified that he/she was sentenced to six months of re-educational labor discipline without a trial and was forced to commute between home and the disciplinary labor center (*rodonggyoyangdae*) to do logging and cooking at the center.⁶⁰ Another North Korean

60_ NKHR2018000120 2018-10-22.

defector testified that, in November 2016, he/she was sentenced to six months of re-educational labor discipline by the MPS branch officers and political committee members for absence from work without notice; the testifier was detained in a labor training camp (*rodongdanryundae*) in Hyesan, Yanggang Province and was forced to work in the construction of a secondary academy in Hyesan, where he/she worked from 7 am to 9 pm.⁶¹

D. Evaluation

Article 8, paragraph 3 (a) of the ICCPR prohibits forced labor. However, imposing hard labor as a punishment for crimes other than minor offenses and requiring labor from a person who is under detention as a consequence of a lawful order from a court are not prohibited. Accordingly, correctional labor punishment and labor training punishment do not constitute a violation of the ICCPR *per se*, but imposing punishment of imprisonment with hard labor for minor offenses may represent a violation of the ICCPR. In addition, imposing forced labor on people detained in holding centers (*jipkyulso*), which are facilities for temporarily detaining people who have not been convicted or sentenced, and imposing re-educational labor discipline under the Administrative Penalty Law and the People's Security Enforcement Law

61_NKHR2017000095 2017-10-23.

represents forced labor. Cases of forced labor in violation of the ICCPR have been continuously documented, and the intensity of labor appears to be high. However, taking into consideration recent testimonies claiming that detainees whose sentences have not been confirmed are not forced into labor, further investigation and testimony on this issue are needed.

4

Right to Liberty and Security of Person

The UDHR stipulates the right to liberty and security of person along with the right to life in Article 3, which is the first provision on substantive rights. “Liberty” refers to freedom from physical restrictions, not general freedom of action, and “security” refers to freedom from mental and physical injury, or the maintenance of physical and mental integrity. Article 9 of the ICCPR stipulates the right to liberty and security of person in five paragraphs. Paragraph 1 states that arrest or detention should not be arbitrary or unlawful. Paragraphs 2 to 5 stipulate procedural protections to secure liberty and security; part of paragraph 2 and paragraph 3 only apply to criminal procedures, while the rest of the paragraphs apply to all those whose liberty is deprived.

Table II-12 Article 9 of the ICCPR

Paragraph 1	Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
Paragraph 2	Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
Paragraph 3	Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.
Paragraph 4	Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
Paragraph 5	Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

In this chapter, major issues related to the situation in North Korea regarding the right to liberty and security of person will be examined.

A. Arbitrary or Unlawful Arrest or Detention

Article 9, paragraph 1 of the ICCPR prohibits arbitrary or unlawful arrest or detention, which refers to the arrest or detention imposed without legal grounds or lawful procedures.⁶² The term “arbitrary” is broader in scope compared to the term “unlawful,”

62_ UNHRC, “General Comment No. 35, Article 9 (Liberty and security of person),” 16 December 2014, para. 11.

and encompasses elements such as inappropriateness, injustice and lack of predictability, legal procedures, reasonableness, necessity and proportionality.⁶³ Therefore, prohibition against arbitrary arrest or detention can overlap with the prohibition against unlawful arrest or detention. According to the General Comments of the UN Human Rights Committee, even though the issue of detainee treatment is dealt primarily with by Articles 7 and 10 of the ICCPR, the question of arbitrary detention can be raised if those who are detained are treated in a manner that is not related to the purpose of their detention.⁶⁴ Moreover, arrest or detention as a punishment for the legitimate exercise of freedom of opinion and expression, freedom of assembly and association, freedom of religion and the right to privacy—all of which are protected by the ICCPR—is considered to be arbitrary, as are arrest or detention on discriminatory grounds and detention in violation of the principle of non-retroactivity of punishment; in particular, enforced disappearances constitute a serious form of arbitrary detention, as they violate numerous substantive and procedural provisions of the ICCPR.⁶⁵

The North Korean Constitution of 2019 stipulates that its citizens are protected in terms of their inviolability as persons and

63_ *Ibid.*, para. 12.

64_ *Ibid.*, para. 14.

65_ *Ibid.*, para. 17.

that citizens shall not be detained or arrested without legal grounds (Article 79). The North Korean Criminal Procedure Law distinguishes the investigation procedure for identifying criminals and criminal facts from the preliminary examination to confirm criminals and criminal facts. According to the law, compulsory measures, such as arrest and detention, are in principle taken during the preliminary examination, and the arrest of criminal suspects or criminals during the investigation process is allowed only in exceptional cases (Article 142). Regarding arrest or detention during the preliminary examination, the North Korean Criminal Procedure Law stipulates that citizens shall not be arrested or detained for reasons not prescribed in the law or without following the procedures prescribed in the law (Article 176). In the event that the preliminary examination officer decides to arrest the preliminary examinee, an arrest warrant must be sent to the investigative agency (Article 165). However, a North Korean defector who had been detained at an MPS city branch detention center (*guryujang*) in March 2014 testified that warrants are not presented during arrests and that interrogations are conducted randomly and frequently.⁶⁶

The North Korean Criminal Procedure Law underlines the time, reasons, procedures, duration, etc. of arrest and detention (Articles 177 to 190). Arrest or detention conducted without

66_ NKHR2022000006 2022-05-25.

complying with the relevant provisions of the North Korean Criminal Procedure Act would constitute unlawful arrest or detention. As will be examined in detail below, detaining people in political prison camps (*kwanliso*) without going through legal procedures for those who criticize the regime or insult the Supreme Leader (*Suryeong*), attempt to enter South Korea or engage in religious activities is both arbitrary and unlawful. Moreover, arresting and detaining people who “illegally cross the border” while not recognizing the freedom to leave the country, and requiring people to hold travel permits when leaving the city or county in which they reside and arresting and detaining them in holding centers (*jipkyulso*) when they leave the authorized travel area or travel beyond the permitted duration of travel are also considered to be arbitrary arrest and detention (see II. The Reality of Civil and Political Rights, 6. Right to Freedom of Movement and Residence). Arresting and detaining people for watching/distributing South Korean video recordings constitute arbitrary arrest and detention as well (see II. The Reality of Civil and Political Rights, 10. Freedom of Expression). This is because, although there are provisions for crackdowns and punishments in North Korean laws, these arrests and detentions punish the legitimate exercise of rights that are protected by the ICCPR.

Even when lifting the detention status, it appears that relevant authorities emphasize that Kim Jong Un was being merciful rather than presenting relevant legal grounds. A North Korean defector

from Hyesan, Yanggang Province who defected in August 2016 testified that he/she had been investigated for five months at the MSS provincial bureau after being caught by the Border Security Command while attempting to defect in February 2015. According to his/her testimony, he/she was released because of Kim Jong Un’s policy to “spare one’s life if the person has 1% conscience despite the 99% guilt,” and his/her detention was not recorded anywhere.⁶⁷

B. Insufficient Notification of Reasons for Arrest and Alleged Charges

Article 9, paragraph 2 of the ICCPR stipulates that one should be notified upon arrest of the reasons for his/her arrest and the alleged charges. The North Korean Criminal Procedure Law stipulates that notification of arrest and detention shall be provided in the preliminary examination stage (Article 182), although not in the investigation stage. Therefore, it appears that the right of arrested persons to be informed specified in Article 9, paragraph 2 of the ICCPR is not properly protected. A North Korean defector in his/her 50s who had lived in Hyesan, Yanggang Province testified that his/her son was dragged away by an unidentified man in January 2016 and released after being

67_NKHR2017000001 2017-04-10.

investigated for several days.⁶⁸ Another North Korean defector testified that his/her spouse was arrested by an MSS agent and investigated for about 15 days without being notified of the reason for the spouse's arrest.⁶⁹

C. Excessive Length of Pre-Trial Detention

Article 9, paragraph 3 of the ICCPR states that criminal suspects arrested or detained on a criminal charge shall be brought promptly before a judge or an authority who can exercise judicial power and shall have the right to receive a trial or be released within a reasonable time frame. The Article also states that detention before trial is, at all times, exceptionally allowed. North Korea has not established a warrant review system under which the validity of warrants is reviewed by a judge. According to the North Korean Criminal Procedure Law, when suspects are arrested during the investigation stage, they should be immediately released if there is no approval by a prosecutor within 48 hours or if there is no validation within 10 days that the suspects are guilty (Article 143). Moreover, if they are arrested in the process of the preliminary examination, approval by a prosecutor is required to determine whether or not to execute the decision to imprison them (Article 185). According to the UN

68_ NKHR2018000089 2018-08-27.

69_ NKHR2018000099 2018-10-01.

Human Rights Committee, in order to be recognized as an authority with the power to exercise judicial power, independence, objectivity and fairness requirements must be satisfied; however, it is noteworthy that prosecutors are not considered such authority.⁷⁰ In addition, the North Korean Criminal Procedure Law stipulates the period of time during which suspects may be imprisoned in each stage of the investigation, preliminary examination and prosecution. Still, the period of detention for a preliminary examination may last up to five months, which is excessively long for detention before trial (Articles 186 and 187). According to a North Korean defector who had worked at the Prosecutor's Office as a prosecutor until 2013, only those who have been sentenced to imprisonment are detained in the detainment room within the Prosecutor's Office, and investigation of a suspect may be conducted for the maximum of 10 days, after which the suspect must be released.⁷¹ Based on this testimony, it appears that there are internal regulations regarding detention.

In addition, cases in which the period prescribed by law is not complied with and detainees are detained for an excessively long period have been reported. A North Korean defector from Yanggang Province testified that he/she was sentenced to correctional labor punishment in 2015 after being detained in a

70_ UNHRC, "General Comment No. 35, Article 9 (Liberty and security of person)," 16 December, 2014, para. 32.

71_ NKHR2020000032 2020-08-04.

detention center (*guryujang*) for nine months, and the period he/she was detained in the detention center (*guryujang*) was excluded from the duration of the punishment.⁷²

Table II-13 Period of Investigation, Preliminary Examination and Prosecution and Detention Period for Suspects

<p>Investigation Period</p>	<p>Criminal Procedure Law (Article 143)</p>	<p>When a criminal suspect or a criminal arrested pursuant to Article 142 of this Law is detained, the investigator shall prepare a detention decision within 48 hours from the time of arrest and obtain approval of a prosecutor, conduct an investigation for the maximum of 10 days from the date of arrest, and send the said criminal suspect or criminal to go through preliminary examination. If there is no approval by a prosecutor or validation within 10 days from the date of arrest that the said criminal suspect is guilty, the said criminal suspect or criminal shall be released. (The rest is omitted)</p>
<p>Preliminary Examination Stage</p>	<p>Criminal Procedure Law (Article 150)</p>	<p>Preliminary examination of a criminal case shall be completed within two months from the date when the preliminary examination of the case begins. Preliminary examination of a criminal case to which labor training punishment may be applied shall be completed within 10 days. (The rest is omitted)</p>
	<p>Criminal Procedure Law (Article 151)</p>	<p>Preliminary examination of a particularly complex criminal case for which preliminary examination cannot be completed within the period stipulated in Article 150, paragraph 1 of this Law may be conducted for up to five months from the date when the preliminary examination begins pursuant to Article 187, paragraphs 1 and 2 of this Law. If preliminary examination of a criminal case that may result in labor training punishment cannot be completed within the period stipulated in Article 150, paragraph 2 of this Law for an inevitable reason, the period of preliminary examination may be extended by five days upon approval by a prosecutor.</p>

72_NKHR2018000034 2018-05-07.

	Criminal Procedure Law (Article 186)	A preliminary examinee shall not be detained for preliminary examination for more than two months. (The rest is omitted)
	Criminal Procedure Law (Article 187)	As for a complex criminal case for which preliminary examination cannot be completed within the period stipulated in Article 150, paragraph 1 of this Law, the detention period of a preliminary examinee may be extended by one month upon approval by the head of a provincial (direct-controlled municipal) Public Prosecutors' Office for cases examined by city (district)/county/province (direct-controlled municipality) preliminary examination officers or by the Central Public Prosecutors' Office for cases examined by central preliminary examination officers. As for a complex criminal case that requires longer detention period, the detention period of a preliminary examinee may be extended by two months upon approval by the head of the Central Public Prosecutors' Office. As for a complex criminal case that may result in labor training punishment for which preliminary examination cannot be completed within the period stipulated in Article 150, paragraph 2 of this Law, the detention period of a preliminary examinee may be extended by five days upon approval by a prosecutor.
Prosecution Stage	Criminal Procedure Law (Article 261)	A prosecutor who receives case records from a preliminary examination officer shall make a decision to review the case and review and process the case within 10 days. However, the period of review and processing of a particularly complex or serious case that cannot be reviewed and processed within 10 days may be extended by five days. Records of a criminal case that may result in labor training punishment shall be reviewed and processed within five days.
	Criminal Procedure Law (Article 262)	The detention period of a preliminary examinee for prosecution shall be 10 days. However, as for a particularly complex or serious case, the detention period may be extended by five days. The detention period of a preliminary examinee to whom labor training punishment may be imposed shall be five days.

D. Insufficient Procedural Guarantee and Compensation

Article 9, paragraph 4 of the ICCPR stipulates a person's right to request the lawfulness of his/her arrest or detention be reviewed, and paragraph 5 states the right to compensation for unlawful arrest or detention. However, the right to request a review of the lawfulness of an arrest or detention does not seem to be recognized in North Korea. As for claiming criminal compensation, it is hard to find relevant regulations in publicly disclosed laws and regulations. Relatedly, the North Korean Law on Compensation for Damages of 2005 stipulates compensation for damages caused by the illegal infringement of one's person (Article 8). In particular, it stipulates the responsibility for damage compensation when a person's liberty has been restricted (Article 40). However, the Law on Compensation for Damages is applied only to relationships among agencies, enterprises, organizations and citizens (Article 8), and the illegal infringement of one's person by a judicial agency is not specified as falling within the scope of its application. However, North Korea mentioned the "Regulation on Criminal Compensation" in its Second Periodic Report on the implementation of the ICCPR submitted to the UN Human Rights Committee in 2000.⁷³ North

⁷³Second Periodic Report of the Democratic People's Republic of Korea on Its Implementation of the International Covenant on Civil and Political Rights, UN Doc.

Korea stated in the report that Article 2 of the said Regulation stipulates that “the state shall compensate for the mental and physical suffering and the property loss of the person who has been arrested and detained or punished innocently by investigation, preliminary examination or judicatory organs.” In the Common Core Documents submitted to the UN in 2016, North Korea also mentioned a compensation system for those whose rights are infringed upon. It indicated that there is a criminal compensation system as well as a civil compensation system.⁷⁴ However, general North Korean residents are not aware of the existence of the criminal compensation system, and the system is not used.⁷⁵

E. Evaluation

It appears that arbitrary or unlawful arrest or detention, which is prohibited by Article 9, paragraph 1 of the ICCPR, continues to occur in North Korea. Detention of political prisoners is a representative case of both arbitrary and unlawful arrest and detention. As will be examined specifically in the chapters on individual rights, arrest and detention are frequently used in North

CCPR/C/PRK/2000/2 (2000), para. 17 (d).

74_ Common Core Document Forming Part of the Reports of State Parties: Democratic People’s Republic of Korea, UN Doc. HRI/CORE/PRK/2016 (2016), para. 52.

75_ Korean Bar Association, *2018 White Paper on North Korean Human Rights*, (Seoul: Korean Bar Association, 2018), p. 85.

Korea as punishment for the legitimate exercise of the rights guaranteed in the ICCPR, and they clearly constitute arbitrary arrest and detention. Cases of non-compliance with the obligation to present an arrest warrant prescribed by law have been reported. It has also been found that the procedural guarantee of the liberty and security of person is insufficient. The North Korean Criminal Procedure Laws does not have a provision for informing the suspect of the reasons for his/her arrest and the alleged charges against him/her during the investigation stage. Moreover, the detention period before trial is excessively long. For example, the detention for preliminary examination may last up to five months, and even this process is not properly complied with. It seems that North Korea also does not recognize the right to request a review of the lawfulness of arrest and detention.

5

Right to Humane Treatment of Persons in Detention

Article 10 of the ICCPR stipulates the humane treatment of persons who are deprived of liberty, whether unconvicted or convicted.

Table II-14 Article 10 of the ICCPR

Paragraph 1	All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
Paragraph 2	(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted imprisoned persons. (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
Paragraph 3	The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

This chapter will examine major issues related to the situation of human rights violations in North Korea regarding the right to humane treatment of persons in detention.

A. Inhuman Treatment of Persons Deprived of Liberty

Article 10, paragraph 1 of the ICCPR stipulates that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” This provision applies to those who are deprived of liberty by the laws and authority of the State Parties and held in prisons, hospitals (particularly psychiatric hospitals), detention camps, correctional institutions or other facilities.⁷⁶ Article 10, paragraph 1 of the ICCPR supplements the ban on torture or other cruel, inhuman or degrading treatment or punishment specified in Article 7 of the ICCPR, by imposing on the State Parties an active obligation towards persons who are vulnerable as their liberty is deprived.⁷⁷ Therefore, persons deprived of their liberty shall not be treated in any way contrary to Article 7 of the ICCPR or be subject to any hardships or pressure other than that which results from the deprivation of liberty. Persons deprived of their liberty must have their dignity respected under the same conditions as those of free persons and must enjoy all the rights set forth in the ICCPR, subject to the restrictions that are unavoidable in a closed environment.⁷⁸

76_UNHRC, “CCPR General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty),” 10 April, 1992, para. 2.

77_ *Ibid.*, para. 3.

(1) Situation in Detention Facilities

In North Korea, there are several types of detention facility, including prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*) and detention centers (*guryujang*), and political prison camps (*kwanliso*). Political prison camps (*kwanliso*) are examined in V. Major Issues, 1. Political Prison Camps (*Kwanliso*) as these camps are different in nature than other detention facilities.

(A) Prison Camps (*Kyohwaso*)

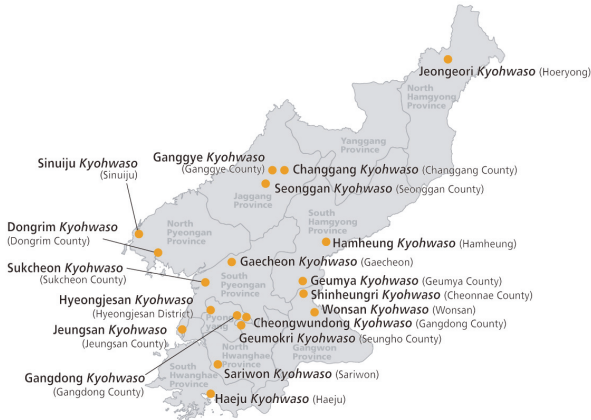
Prison camps (*kyohwaso*) are correctional facilities of the MPS Corrections Bureau that is directly under the SAC and are a place for detaining those who have been sentenced to correctional labor punishment by courts.⁷⁹ Based on the testimonies of North Korean defectors and satellite images, it was identified that there

⁷⁸ *Ibid.*

⁷⁹ The North Korean Criminal Law stipulates that correctional labor punishment is to detain criminals in prison camps (*kyohwaso*) and have them engage in labor and is divided into unlimited-term correctional labor punishment and limited-term correctional labor punishment (Article 30). The current North Korean Criminal Law imposes unlimited-term correctional labor punishment for a total of eight crimes (i.e., conspiracy to overturn the state, terrorism, treason against the fatherland, clandestine destruction, treason against the people, illegal cultivation of opium and manufacturing of narcotics, smuggling and trafficking of narcotics and premeditated murder) (Articles 60, 61, 63, 65, 68, 206, 208 and 266). For most general crimes, limited-term correctional labor punishment is imposed. The term of limited-term correctional labor punishment is from one to 15 years. Even when crimes are merged or prison terms are combined, the total term cannot exceed 15 years, and one day of detention before the rendition of judgment is counted as one day of limited-term correctional labor punishment (Article 30). During the term of unlimited-term correctional labor punishment and limited-term correctional labor punishment, the rights of citizens are partially suspended (Article 30).

are a total of 19 prison camps (*kyohwaso*) that are operated in North Korea as of 2015, as can be seen in <Figure II-1>.⁸⁰

Figure II-1 Location of Prison Camps (*Kyohwaso*)



Testimonies have been collected from North Korean defectors on the situations in Jeongeori *Kyohwaso* and Gaechon *Kyohwaso*. The prevalence of testimonies from these two sites is due to defectors who were forcibly repatriated to North Korea being detained mostly in Jeongeori *Kyohwaso* and Gaechon *Kyohwaso* after being sentenced to correctional labor punishment for illegal border-crossing⁸¹ as specified in the North Korean Criminal Law.

80_Dong-ho Han *et al.*, *Prison Camps in North Korea* (Seoul: KINU, 2015), p. 12.

81_Article 221 of the North Korean Criminal Law stipulates that a person convicted of illegal border-crossing shall be sentenced to one year or less of labor training punishment, and in the event the offense is extremely serious, this person shall be sentenced to five years or less of correctional labor punishment.

- Jeongeori *Kyohwaso*

Jeongeori *Kyohwaso* is a prison camp (*kyohwaso*) under the authority of the MPS provincial bureau in North Hamgyeong Province and is located in Musan-ri, Hoeryong, North Hamgyeong Province (42.2103 degrees north latitude and 129.7536 degrees east longitude).

Figure II-2 Satellite View of Jeongeori *Kyohwaso*

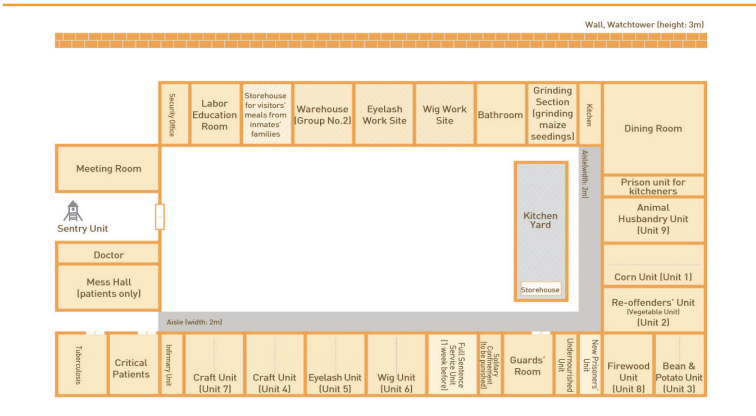


Jeongeori *Kyohwaso* manages convicted prisoners by dividing them into sections numbered 1 to 5. Convicted male prisoners are placed in Sections No. 1, 2, 4, and 5, while convicted female prisoners are assigned to Section No. 3.⁸² Each section is divided again into units. According to defector testimonies, Section No. 1 has around 12 units, Sections No. 2 and 3 around 10 units, Section No. 4 around four units and Section No. 5 around three units.⁸³

82_ NKHR2013000046 2013-03-05 and many other testimonies.

Many North Korean defectors who had been detained in Jeongeori *Kyohwaso* are female, and their testimonies enabled a more detailed examination of Section No. 3, which is the female detention facility. According to the testimonies, there are three prison staff for Section No. 3, including the head of the section, a secretary and a doctor, and three female guards.⁸⁴ The section is divided into a potato unit, a vegetable unit, a bean unit, a corn unit, a rock collection unit, a wig/eyelash unit, a firewood unit, an animal husbandry unit, a cooking unit and an undernourished unit.⁸⁵ <Figure II-3> shows the inside of the physical structure of Section No. 3 at Jeongeori *Kyohwaso*, which has been reconstructed based on defector testimonies.⁸⁶

Figure II-3 Inside Jeongeori *Kyohwaso*, Section 3



83_NKHR2012000185 2012-09-11.

84_NKHR2014000048 2014-05-13.

85_NKHR2011000248 2011-12-20; NKHR2014000048 2014-05-13.

86_NKHR2014000031 2014-04-15; NKHR2014000040 2014-04-29; NKHR2015000036 2015-02-10.

- Gaecheon *Kyohwaso*

Gaecheon *Kyohwaso* is one of the prison camps (*kyohwaso*) under the MPS provincial bureau in South Pyeongan Province and is located in Yaksu-dong, Gaecheon, South Pyeongan Province (39.7083 degrees north latitude and 125.9233 degrees east longitude).

Figure II-4 Satellite View of Gaecheon *Kyohwaso*



Gaecheon *Kyohwaso* is divided into male and female sections. The female section is again divided into unlimited-term and limited-term zones in which prisoners sentenced to unlimited-term correctional labor punishment and those sentenced to limited-term correctional labor punishment are detained, respectively.⁸⁷ Areas for female prisoners sentenced to unlimited-term and limited-term correctional labor punishment are in separate buildings.⁸⁸ Given

87_NKHR2014000175 2013-10-21; NKHR2015000186 2015-12-15.

that convicted female prisoners sentenced to unlimited-term correctional labor punishment are detained here, Gaecheon *Kyohwaso* seems to be a detention facility for criminals charged with serious crimes. According to defector testimonies, the female prisoners at Gaecheon *Kyohwaso* are divided into various labor units such as a farming unit, a livestock unit, a knitting unit, a vegetable unit, a fruit unit and a plowing unit.⁸⁹ A North Korean defector testified that the prisoners belonging to the farming, livestock and fruit units lived in single-story houses assigned to each unit, while those belonging to the knitting unit lived in a two-story building near the guards' building. According to the testifier, the knitting unit is comprised of those who are sentenced to unlimited-term correctional labor punishment and those with a higher risk of escaping, including those convicted of illegal border-crossing and human trafficking.⁹⁰ According to a North Korean defector who was imprisoned in Gaecheon *Kyohwaso* from 2011 to 2013, re-offenders are placed in the vegetable unit for high-intensity work.⁹¹ Testifiers said that convicted male prisoners at Gaecheon *Kyohwaso* work in brick units and leather units (making shoes, belts, holsters, military boots and loafers) or mine coal at nearby coal mines.⁹² A male defector in his 30s who

88_ *Ibid.*

89_ NKHR2013000156 2013-08-20.

90_ NKHR2013000121 2013-06-25; NKHR2016000014 2016-01-26.

91_ NKHR2017000130 2017-12-18.

was once detained in Gaecheon *Kyohwaso* in 2015 testified that those with a short prison term, meaning those with a low flight risk, are assigned to mining work.⁹³

(B) Labor Training Camps (*Rodongdanryundae*)

Labor training camps (*rodongdanryundae*) are where those sentenced to labor training punishment (from six months to one year) by the court or those sentenced to re-educational labor discipline (from five days to six months) as an administrative penalty by people's security institutions, etc. are detained. It has been found that those sentenced to labor training punishment are detained in labor training camps (*rodongdanryundae*) under the jurisdiction of the MPS and those sentenced to re-educational labor discipline are detained in city-, county- or district-level labor training camps (*rodongdanryundae*) under the Labor Mobilization Division of the People's Committee. There are testimonies about labor training camps (*rodongdanryundae*) in Wonsan, Gangwon Province, and in Jeungsan County, South Pyongan Province, being under the jurisdiction of the MPS.⁹⁴ Testifiers claimed that they were sentenced to labor training punishment and sent to the labor training camp (*rodongdanryundae*)

92_ NKHR2013000115 2013-06-11; NKHR2013000195 2013-10-29.

93_ NKHR2018000034 2018-05-07.

94_ NKHR2014000065 2014-06-03; NKHR2015000121 2015-09-08.

located in Gaecheon Kyohwaso.⁹⁵ Therefore, it can be assumed that there is a labor training camp (*rodongdanryundae*) under the control of the MPS inside Gaecheon *Kyohwaso*. It has also been reported that the military operates its own internal labor training camps (*rodongdanryundae*).⁹⁶

(C) Holding Centers (*Jipkyulso*)

A holding center (*jipkyulso*) investigates and detains travelers who have left their designated travel area or traveled beyond the authorized duration of travel, homeless children, those whose cases are pending and forcibly repatriated defectors. When a holding center (*jipkyulso*) sends notification to the MPS city/county branch in charge of the area of residence of a detainee, the MPS branch officers in charge come to the holding center (*jipkyulso*) and transfer the detainee to his/her area of residence. Holding centers (*jipkyulso*) under the control of the MPS are located across North Korea and there are holding centers (*jipkyulso*) operated by the Ministry of State Security in border regions. It has been found that holding centers (*jipkyulso*) operated by the Ministry of State Security in border regions are for detaining those who attempt to cross the border illegally to defect to China or South Korea. Moreover, it has been identified

95_ NKHR2016000026 2016-03-08; NKHR2017000005 2017-04-10; NKHR2018000049 2018-06-04; NKHR2018000080 2018-07-30.

96_ NKHR2015000119 2015-09-08.

that a large number of detainees are confined in small spaces. According to a North Korean defector who defected in 2019, when he/she was detained in a Ministry of State Security-run Chongjin *Jipkyulso* in 2017, 30 people were detained in a space slightly larger than two *pyeong*.⁹⁷

(D) Detention Centers (*Guryujang*)

Detention centers (*guryujang*) are where criminal suspects are detained for investigation before trial. According to the North Korean Criminal Procedure Law, investigators and preliminary examination officers of state security institutions are in charge of conducting the investigation and preliminary examination of cases related to crimes against the state and the people. The investigation and preliminary examination of general crimes related to administrative and economic projects, and of general cases arising in the process of legal institutions' monitoring on the observance and enforcement of laws, are conducted by investigators and preliminary examination officers of prosecutorial institutions, and the investigation and preliminary of other general crimes are conducted by investigators and preliminary examination officers of people's security institutions (Articles 46 and 48). Hence, detention centers (*guryujang*) are divided into MSS detention centers (*guryujang*) and MPS detention centers

97_NKHR2019000075 2019-08-26.

(*guryujang*). The organization of the Ministry of State Security is divided into central-, provincial- and city- or county-level units, and there are detention centers (*guryujang*) at each level. The MPS is divided into central-, provincial-, city- or county and dong- or ri-level units, and there are detention centers (*guryujang*) for each level.

(2) Treatment in Detention Facilities

According to the testimonies of North Korean defectors, violence and cruel treatment continue to occur in prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*) and detention centers (*guryujang*) in North Korea, and many detainees suffer from poor nutrition, sanitation and health care. It is found that many detainees die from such inhuman treatment. In the following sections, the use of violence and cruel treatment and the nutritional, sanitary and medical conditions in detention facilities are examined.⁹⁸

(A) Prison Camps (*Kyohwaso*)

Violent and cruel treatment in prison camps (*kyohwaso*) continues to occur. A North Korean defector who had been detained in a prison camp (*kyohwaso*) in Hamheung, South

⁹⁸ For sexual violence against women and forced abortions in detention facilities, see IV. Vulnerable Groups, 1. Women.

Hamgyeong Province in 2016 said that he/she was beaten for three days, which made his/her calves turn black, and the swollen calves were chapped on the third day.⁹⁹ A North Korean defector who had been imprisoned in Gaecheon *Kyohwaso* from 2014 to 2017 testified that he/she was allowed to defecate only once a day in the morning.¹⁰⁰ According to the interviewee, when he/she asked the guard to let him/her use the toilet to defecate, he/she was told to wait until the following morning, and when he/she eventually defecated in his/her pants, the guards beat him/her for that.

There are testimonies stating that violence and cruel treatment in prison camps (*kyohwaso*) have substantially decreased compared to the past. One North Korean defector who had been detained in Gaecheon *Kyohwaso* two times in 2008 and 2015 testified that compared to what he/she experienced in 2008, there was much less violence and cruel treatment in 2015.¹⁰¹ He/she said that the MPS officers tried not to use violence since they were punished and forced to write self-criticism reports if they used violence against the inmates. The testifier said that this treatment was due to the policy of not infringing upon the human rights of prison camp (*kyohwaso*) inmates.

99_NKHR2019000043 2019-07-01.

100_NKHR2022000017 2022-06-13.

101_NKHR2018000034 2018-05-07.

Table II-15 Testimonies on Violence and Cruel Treatment in Prison Camps (*Kyohwaso*)

Testimonies	Testifier ID
The testifier, who had been imprisoned in Jeongeori <i>Kyohwaso</i> in 2014, witnessed frequent beatings. Prisoners were kicked by those wearing shoes, and soup bowls were thrown into the faces of prisoners.	NKHR2017000044 2017-07-03
The testifier, who had been imprisoned in Jeongeori <i>Kyohwaso</i> from April 2014 to March 2015, experienced frequent violence whenever he/she could not work well or comply with the rules. The testifier is still suffering from the aftereffects of violence.	NKHR2016000184 2016-12-13
The testifier, who had been imprisoned in Gaecheon <i>Kyohwaso</i> from August 2014 to July 2015, witnessed inmates beating another inmate after the guard in charge told them to “educate that one” because he/she did not meet the labor quota.	NKHR2016000114 2016-07-12
When detained in Gaecheon <i>Kyohwaso</i> in 2016, it was a routine for the inmates to be trampled on by those wearing shoes and hit with hands or fists. The inmates were punished with starvation or sleep deprivation when they did not follow orders or made mistakes.	NKHR2017000122 2017-11-20
When the testifier was detained in a prison camp (<i>kyohwaso</i>) in Hamheung, South Hamgyeong Province in 2016, correctional officers (<i>gyehowon</i>) beat him/her. The testifier’s calves were beaten for three days, and as a result, the flesh turned black, and the swollen flesh became chapped on the third day.	NKHR2019000043 2019-07-01
When detained in Gaecheon <i>Kyohwaso</i> from December 2014 to July 2017, the testifier was allowed to defecate only once a day in the morning, and when he/she eventually defecated in his/her pants, the guards beat him/her for that.	NKHR2022000017 2022-06-13

The nutrition, sanitation and health care inside prison camps (*kyohwaso*) still appear dire. The aforementioned testifier who had been detained in Gaecheon *Kyohwaso* two times in 2008 and 2015 said that although violence and cruel treatment have decreased significantly, there was no improvement in nutrition, sanitation and health care.¹⁰² Meals consisted only of lumps of

102_ *Ibid.*

corn and beans, and thus, inmates were only able to subsist by relying on food brought by their families during visitation. However, not many inmates had families visiting them while the testifier was there. A North Korean defector who defected in 2018 testified that he/she witnessed two prisoners die from illness while serving their sentences in Hamheung *Kyohwaso* in 2016. The two prisoners had uterine cancer and spondylitis tuberculosa and died without receiving treatment as the prison camp (*kyohwaso*) did not provide medical treatment.¹⁰³ Due to poor nutrition and intensive labor, there are prisoners who suffer from malnutrition or end up dying.¹⁰⁴ There have been many cases reported of inmates found dead, and the prison camps (*kyohwaso*) handled the disposing of the bodies without notifying their family of the death. For example, one testifier said that his/her mother, who was detained in Gaecheon *Kyohwaso*, died from illness in December 2014, and yet, the deceased's body was not handed over to the family but rather independently disposed by the prison camp (*kyohwaso*).¹⁰⁵

103_ NKHR2019000043 2019-07-01.

104_ "North, serious violations of human rights of detainees in prison camps," *Radio Free Asia*, 18 June 2019.

105_ NKHR2018000073 2018-07-30.

Table II-16 Testimonies on Poor Nutrition, Sanitation and Health Care in Prison Camps (*Kyohwaso*)

Testimonies	Testifier ID
The testifier, who had been detained in Gaecheon <i>Kyohwaso</i> from 2013 to 2014, was given a very small meal portion (<i>migyeolbap</i>) when he/she did not complete the daily assigned work. He/she often had stomach pains after eating a meal made of boiled rotten corn and was so hungry that he/she had to eat mice or insects. Inmates often died of weak health. The prison camp (<i>kyohwaso</i>) incinerated the bodies and did not inform the families of their deaths.	NKHR2017000047 2017-07-03
The testifier, who had been imprisoned in Gaecheon <i>Kyohwaso</i> from August 2014 to July 2015, said that he/she was given just 450 g of corn, a jar of rice and 30 g of beans per day to eat. Approximately 80% of the prisoners were weak. Only those who suffered pneumonia, weakness or hepatitis and were close to death were allowed to be hospitalized.	NKHR2016000114 2016-07-12
In December 2014, the testifier’s mother died of illness while being detained in Gaecheon <i>Kyohwaso</i> . The prison camp (<i>kyohwaso</i>) did not hand over the body to the family and disposed of it by itself.	NKHR2018000073 2018-07-30
The testifier was detained in Jeongeori <i>Kyohwaso</i> from 2015 to August 2016 and saw many cases in which inmates died of weak health. The dead bodies were incinerated at Mount Bulmang (<i>Bulmangsan</i>). The incineration facility was so small that the bodies had to be folded up and crammed in.	NKHR2017000047 2017-07-03
In 2016, two prisoners died from illness while serving their sentences in Hamheung <i>Kyohwaso</i> . The two prisoners had uterine cancer and spondylitis tuberculosa and did not receive treatment as the prison camp (<i>kyohwaso</i>) did not provide medical care.	NKHR2019000043 2019-07-01

(B) Labor Training Camps (*Rodongdanryundae*)

Violence and cruel treatment also occur in labor training camps (*rodongdanryundae*). A North Korean defector who defected in 2019 testified that he/she witnessed officers beating other inmates with clubs in a labor training camp (*rodongdanryundae*) in Ongjin County, South Hwanghae Province in October 2014.¹⁰⁶ A North Korean defector who defected in 2018 testified that, when his/her

spouse's family members were detained in a labor training camp (*rodongdanryundae*) in Hyesan for six months in 2017, they were severely beaten and told that beating is common in these camps and inmates cannot protest even if they are beaten.¹⁰⁷ On the other hand, there were also testimonies claiming that acts of violence and cruel treatment are decreasing in labor training camps (*rodongdanryundae*). A North Korean defector who had been detained in a labor training camp (*rodongdanryundae*) in Samjiyeon, Yanggang Province in August 2016 said that the rules in the camp included “one should not violate human rights,” “one should not fight with other inmates” and “one should not steal from or rob others.”¹⁰⁸ According to the testifier, in the labor training camp (*rodongdanryundae*), harsh verbal exchanges or beating others may constitute a “human rights violation,” and during his/her stay in the camp, he/she experienced no beating nor did he/she hear any profanity. A North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Onsong County, North Hamgyeong Province for two months from March 2015, also testified that the MPS officers in the camp did not beat the inmates as Kim Jong Un had set a ban on violence and corporal punishment.¹⁰⁹

106_NKHR2019000011 2019-04-20.

107_NKHR2022000002 2022-05-18.

108_NKHR2018000129 2018-11-19.

109_NKHR2018000074 2018-07-30.

Table II-17 Testimonies on Violence and Cruel Treatment in Labor Training Camps (*Rodongdanryundae*)

Testimonies	Testifier ID
In 2014, when the testifier had been detained in a labor training camp (<i>rodongdanryundae</i>) in Hoeryong, North Hamgyeong Province, the inmates were not beaten when they made a mistake; rather, they were instructed to run laps around the track.	NKHR2017000093 2017-10-23
The testifier, who had been imprisoned in a labor training camp (<i>rodongdanryundae</i>) in Hyesan, Yanggang Province in March 2014, said that he/she was slapped hard in the face for not doing a good job in monitoring work and his/her eardrum was damaged.	NKHR2016000108 2016-07-12
In March 2014, the testifier had been detained at a labor training camp (<i>rodongdanryundae</i>) in Samjiyeon, Yanggang Province. Since a labor training camp (<i>rodongdanryundae</i>) is operated for the purpose of training people with labor, those who did not work well were punished and beaten every day. The elderly were not exempt from such treatment.	NKHR2016000114 2016-07-12
In October 2014, officers beat prisoners with clubs in a labor training camp (<i>rodongdanryundae</i>) in Ongjin County, South Hwanghae Province.	NKHR2019000011 2019-04-20
In 2016, the testifier was sentenced to labor training punishment and sent to the labor training camp (<i>rodongdanryundae</i>) within Gaecheon <i>Kyohwaso</i> . There was no violence or cruel treatment.	NKHR2018000049 2018-06-04
The testifier had been detained in a labor training camp (<i>rodongdanryundae</i>) in Hyesan, Yanggang Province, from November 2016 to May 2017. Officers swore at him/her when he/she did not do the work well, but there was no beating.	NKHR2017000095 2017-10-23

In addition, the nutrition, sanitation and health care in labor training camps (*rodongdanryundae*) still seems dire. A North Korean defector who had been detained in a labor training camp (*rodongdanryundae*) in Samjiyeon, Yanggang Province in August 2016 testified that the camp provided three meals a day, but it was very difficult to endure the hunger as the detainees were only served boiled corn and dried radish soup.¹¹⁰ According to the

testifier, however, when inmates became sick, the camp provided medicine or took them to the hospital. Another North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Onsong County, North Hamgyeong Province for two months from March 2015, testified that corn rice, clear soybean soup and salted dried radish soup were provided as meals.¹¹¹ According to the testifier, those who had been forcibly repatriated from China were not forced into working outside the camp as they might escape and thus were given very little food. Those incarcerated after committing a crime around the local area near the camp had more food to eat as they received food from their family during visitation and also worked outside the camp.

Table II-18 Testimonies on Poor Nutrition, Sanitation and Health Care in Labor Training Camps (*Rodongdanryundae*)

Testimonies	Testifier ID
In 2014, the testifier was detained in a labor training camp (<i>rodongdanryundae</i>) in Hoeryong, North Hamgyeong Province, where about 50 women stayed in one room, having corn rice and salty soup as their meals.	NKHR2017000093 2017-10-23
In 2016, when the testifier was detained in the labor training camp (<i>rodongdanryundae</i>) in Gaecheon <i>Kyohwaso</i> in Gaecheon, South Pyeongan Province, he/she was provided corn rice and salty soybean soup with lettuce as meals.	NKHR2018000049 2018-06-04
In August 2016, the testifier was detained in a labor training camp (<i>rodongdanryundae</i>) in Hoeryong, North Hamgyeong Province for a month. About 50-60 people stayed in one room having 130 g of corn rice and salty soup for meals.	NKHR2017000086 2017-09-25

110_NKHR2018000129 2018-11-19.

111_NKHR2018000074 2018-07-30.

Testimonies	Testifier ID
Some ran away because they were too hungry. The situation was better for those whose families gave corn flour (food made with heated corn, sokdojeon garu) or those who had brought food for themselves.	
From November 2016 to May 2017, when the testifier was detained at a labor training camp (rodongdanryundae) in Hyesan, Yanggang Province, corn was provided for meals. The meals were better when the inmates' families brought food to the camp. Not much heating was provided, but it was not too cold as there were many people gathered in a small space. When a military doctor diagnosed sick inmates, their families brought medicine.	NKHR2017000095 2017-10-23

(C) Holding Centers (*Jipkyulso*)

Violence and cruel treatment continue to occur in holding centers (*jipkyulso*). A North Korean defector who had been detained in a holding center (*jipkyulso*) in Hyesan, Yanggang Province in November 2014 testified that he/she was beaten for being an unsatisfactory worker.¹¹² A North Korean defector, who had been detained in a holding center (*jipkyulso*) in Sinuiju, North Pyeongan Province in July 2013, also testified that most of the detainees in the holding center (*jipkyulso*) were beaten for being unsatisfactory workers.¹¹³ On the other hand, testimonies indicating that violence and cruel treatment have decreased were collected. A North Korean defector who had been detained in the MSS provincial holding center (*jipkyulso*) in Yanggang Province in 2018 testified that he/she was forced to remain in a fixed

112_ NKHR2018000080 2018-07-30.

113_ NKHR2018000023 2018-04-09.

posture and even a slight movement, such as scratching an itch, was not allowed.¹¹⁴ However, the testifier said that beatings have substantially decreased compared to the past.

Table II-19 Testimonies on Violence and Cruel Treatment in Holding Centers (*Jipkyulso*)

Testimonies	Testifier ID
From March to June 2014, the testifier had been detained in a holding center (<i>jipkyulso</i>) in Chongjin, North Hamgyeong Province. The testifier was kicked in the ribs and beaten on the back of the hand with a metal wire for guns. Sounds of another detainee being beaten with a wooden stick were heard from the room next door. The testifier was threatened with, "do you also want to be beaten up like that?"	NKHR2017000093 2017-10-23
The testifier had been detained in a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province for 15 days in May 2014, and when his/her eyes met the eyes of the correctional officers (<i>gyehowon</i>), he/she was beaten with a club or shovel or was kicked.	NKHR2018000077 2018-07-30
In November 2014, the testifier had been detained in a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province for 40 days and was forced to remain in a fixed posture. When one of the detainees did something wrong, all of the detainees in the room were punished. A detainee who had been detained in the same room was not able to walk properly when she was discharged due to serious injuries to her head and legs caused by continuous beatings.	NKHR2016000094 2016-06-14
From 28 February to 20 March 2015, the testifier had been detained in the MSS city holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province. The testifier was severely beaten by officers during a simple investigation.	NKHR2017000001 2017-04-10
The testifier had been detained for 20 days in the Ungsan <i>Jipkyulso</i> in Rajin, North Hamgyeong Province in September 2015. He/she was beaten for not doing work properly or being disobedient.	NKHR2018000001 2018-03-12
The testifier had been detained in the MSS provincial holding center (<i>jipkyulso</i>) in Yanggang Province in 2018 and was forced to remain in a fixed posture. Even a slight movement such as scratching was not allowed. However, beatings have decreased compared to the past.	NKHR2019000069 2019-08-26

114_NKHR2019000069 2019-08-26.

Nutrition, sanitation, and health care in holding centers (*jipkyulso*) were also found to be poor. A North Korean defector who had been detained in a holding center (*jipkyulso*) in Ranam District in Chongjin, North Hamgyeong Province from May to July 2015, testified that he/she worked for 12 hours a day but all he/she had as a meal was corn rice, salty soup and salted dried radish greens.¹¹⁵ A North Korean defector who had been detained in a holding center (*jipkyulso*) in Hyesan, Yanggang Province for a month in April 2014 testified that corn was provided as a meal and he/she was required to work even when he/she had a high fever.¹¹⁶ Another North Korean defector who had been detained in a holding center (*jipkyulso*) in Hyesan in 2014 testified that corn and dried radish soup were served as meals, and as the portions were small, all detainees felt hungry.¹¹⁷ This defector testified that the sanitation in the holding center (*jipkyulso*) in Hyesan was fine, with disinfectant being sprayed.

115_NKHR2018000074 2018-07-30.

116_NKHR2018000010 2018-03-12.

117_NKHR2019000047 2019-07-01.

Table II-20 Testimonies on Poor Nutrition, Sanitation and Health Care in Holding Centers (*Jipkyulso*)

Testimonies	Testifier ID
When the testifier had been detained in a holding center (<i>jipkyulso</i>) in Hyesan in 2014, corn and dried radish soup were served as meals, and as the portions were small, all prisoners felt hungry. The sanitation in the holding center (<i>jipkyulso</i>) in Hyesan was fine, as disinfectant was sprayed.	NKHR2019000047 2019-07-01
From October 2014 to March 2015, the testifier had been detained at a holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province. Corn and cabbage soup were provided as meals, and heating was provided only when detainees' families sent firewood.	NKHR2015000170 2015-12-01
From 28 February to 20 March 2015, the testifier had been detained in the MSS city holding center (<i>jipkyulso</i>) in Hyesan, Yanggang Province. Corn and cabbage soup were provided as meals, and families visiting the center were allowed to bring food.	NKHR2017000001 2017-04-10
The testifier received noodles for meals when he/she had been detained in the Ungsan <i>Jipkyulso</i> in Rajin, North Hamgyeong Province in September 2015 but had to eat with his/her hands, not chopsticks. He/she picked twigs on his/her way to work and used them as chopsticks.	NKHR2018000001 2018-03-12
From December 2016 to March 2017, the testifier had been detained in Songpyeong <i>Jipkyulso</i> in Chongjin, North Hamgyeong Province. Each day, 200 g of corn rice, dried radish soup and kimchi were provided as meals. Sometimes, pureed soybean was served. When the testifier was mobilized to gather firewood, he/she was injured when his/her ankle/foot struck a tree, but no treatment was provided.	NKHR2017000099 2017-10-23

(D) Detention Centers (*Guryujang*)

A North Korean defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in 2015, testified that he/she routinely had to maintain a fixed posture from dawn to night.¹¹⁸ He/she said

118_NKHR2018000074 2018-07-30.

that if she moved even a little, he/she was punished by being forced to stand against a wall for three hours. A North Korean defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in 2015, testified that he/she was repeatedly beaten by a correctional officer (*gyehowon*) with a club, which left a severe bump on his/her head that made him/her unable to lie down properly. The testifier said that the reason for the beatings was his/her poor pronunciation of the North Korean language, which was a result of the testifier's long-term imprisonment in a Chinese prison.¹¹⁹ A North Korean defector who defected in 2018 who had been arrested for attempting to defect and detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province for one month in 2017 testified that when he/she was interrogated, detainees who broke rules, such as not maintaining a fixed posture, were beaten with a ruler.¹²⁰ According to the testifier, a female detainee who had been detained in the same room was kicked by someone wearing shoes resulting in a swollen head covered with bruises from the top to the lower part of her eyes. A testifier who had been severely beaten every day while detained in the MSS county detention center (*guryujang*) in Onsong County in 2017 said that he/she was seriously scarred on

119_NKHR2019000089 2019-10-19.

120_NKHR2018000089 2018-08-27.

his/her waist and back, and since no proper treatment was provided, he/she was infected with tetanus and had a high fever and pus draining from the wounds.¹²¹ A North Korean defector who had been detained in a detention center (*guryujang*) in Hyesan, Yanggang Province in 2016 said that maintaining a fixed posture is so hard that he/she would rather be beaten instead.¹²² A North Korean defector who had been detained in the MSS city detention center (*guryujang*) in Samjiyeon, Yanggang Province in 2014 testified that he/she was repeatedly beaten on the head while detained and passed out each time he/she was beaten.¹²³ He/she also testified that all of the detainees in the same room were chained to bars and prohibited from moving from night to dawn for speaking without permission. Another North Korean defector who had been detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in 2016 testified that he/she was forced to remain in a fixed posture from morning to night. According to the testifier, correctional officers (*gyehowon*) installed cameras to monitor the detainees and beat them whenever they moved slightly.¹²⁴

A North Korean defector described his/her family member's experience in the MPS county branch detention center (*guryujang*)

121_NKHR2019000075 2019-08-26.

122_NKHR2018000058 2018-07-02.

123_NKHR2022000017 2022-06-13.

124_NKHR2018000109 2018-10-06.

in Kimjongsuk-eup. According to the defector, his/her family member had been detained in the detention center (*guryujang*) for 15 days between 2017 and 2018 for being involved in smuggling and, while detained, the family member was forced to remain in a fixed posture (e.g., kneeling down on the floor) for the entire day, and was beaten on the head with a chair or firewood when he/she moved even very slightly as well as during interrogation. The family member was ordered to cut firewood, which he/she perceived as merciful because being assigned to work was better than being subject to cruel treatment.¹²⁵

On the other hand, several testimonies have been collected that reported violence and cruel treatment have decreased after a policy banning corporal punishment was enforced in detention facilities.¹²⁶ A North Korean defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in 2014 testified that beatings were not severe as they were considered a violation of human rights, and he/she was punished by being forced to remain in a fixed posture for one to two hours.¹²⁷ There was also testimony revealing that security institutions or prosecutorial institutions are in principle prohibited from torturing and beating. A North Korean

125_NKHR2022000019 2022-06-16.

126_NKHR2019000033 2019-06-03; NKHR2019000069 2019-08-26; NKHR2019000079 2019-09-25.

127_NKHR2019000026 2019-05-18.

defector who had been detained in an MPS branch detention center (*guryujang*) in January 2019 corroborated the above.

Table II-21 Testimonies on Violence and Cruel Treatment at Detention Centers (*Guryujang*)

Testimonies	Testifier ID
In 2014, the testifier had been detained in the MSS county detention center (<i>guryujang</i>) in Onsong County, North Hamgyeong Province and beatings had become less severe as they were considered a human rights violation.	NKHR2019000026 2019-05-18
In 2015, the testifier had been detained in the MSS county detention center (<i>guryujang</i>) in Onsong County, North Hamgyeong Province, and he/she was repeatedly beaten by a correctional officer (<i>gyehowon</i>) with a club, which caused a severe bump on his/her head that made it difficult for him/her to lie down properly. The reason for the beating was his/her poor pronunciation of the North Korean language, which was a result of the testifier's long-term imprisonment in a Chinese prison.	NKHR2019000089 2019-10-19
From March to June 2015, the testifier had been detained and investigated in the MSS city detention center (<i>guryujang</i>) in Hyesan, Yanggang Province and was forced to maintain a fixed posture. When the testifier moved just a little, he/she was forced to do 5,000 squats. Many weak people passed out during such physical punishment. Moreover, he/she was frequently beaten, and beatings were so severe that pus came out of his/her ear.	NKHR2016000051 2016-04-19
While detained in the MSS city detention center (<i>guryujang</i>) in Hyesan, Yanggang Province in December 2015, the testifier was forced to remain in a fixed posture. Correctional officers (<i>gyehowon</i>) installed cameras to monitor the detainees, and when the testifier moved even very slightly, the officers made the testifier stick his/her head or hands out of the bars and beat it/them with oak clubs. The testifier sometimes fainted when beaten severely.	NKHR2016000078 2016-05-31
While detained in the MSS city detention center (<i>guryujang</i>) in Hyesan, Yanggang Province in 2016, the testifier was forced to maintain a fixed posture. There was a surveillance camera that ran 24 hours, and if the testifier moved just a little, correctional officers (<i>gyehowon</i>) imposed physical punishment such as handstands. Sometimes, they hit the palms 100 to 200 times with a stick. Due to such hardship in the detention center (<i>guryujang</i>), the testifier lost 10 kg and suffered for six months.	NKHR2017000001 2017-04-10

Testimonies	Testifier ID
While detained in the MSS city detention center (<i>guryujang</i>) in Hyesan, Yanggang Province in October 2016, the testifier was forced to stay in a fixed posture. The testifier was monitored through surveillance cameras and was beaten whenever he/she even slightly changed his/her posture.	NKHR2018000109 2018-10-06
While detained in the MSS city detention center (<i>guryujang</i>) in Hoeryong, North Hamgyeong Province in December 2016, the testifier was forced to stay in a fixed posture. The testifier was beaten and forced to do 1,000 squats whenever there was a slight change in his/her posture.	NKHR2017000054 2017-07-31
The testifier had been detained in an MPS branch detention center (<i>guryujang</i>) in January 2019. Security institutions or prosecutorial institutions are in principle prohibited from using torture or beatings.	NKHR2019000106 2019-11-09

Testimonies on the poor state of nutrition, sanitation and health care in detention centers (*guryujang*) have been continuously collected. It has been reported that the meals served at detention centers (*guryujang*) are poor, and the heating does not properly work during wintertime. A North Korean defector who had been detained in the MPS provincial bureau detention center (*guryujang*) in Hyesan in 2015 testified that corn flour mixed with beans were provided as meals; the testifier also said that while he/she had been detained in the MSS provincial detention center (*guryujang*) in Yanggang Province between 2017 and 2018, corn and soybeans were provided as meals.¹²⁸ A North Korean defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in February 2015 testified that crusty overcooked rice,

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128_NKHR2020000004 2020-05-15.

kimchi and bean sprouts were provided as meals and as spoons were not provided, she had to make a spoon using a piece of plastic.¹²⁹ A North Korean defector who had been detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province for a year in 2015 testified that he/she received corn powder mixed with rice pods as meals.¹³⁰ Another North Korean defector who had been detained and investigated in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in 2017 testified that about 50 kernels of corn that smelled like mold were provided as a meal.¹³¹

A North Korean defector who had been in a detention center (*guryujang*) between 2018 and 2019 testified that a handful of corn and salt water were provided as meals, and the quality of meals was so bad that even dogs would not eat them. The testifier said that he/she lost 10 kg because he/she was not provided with any food with fat and only ate things like corn, and there were people who had died of poor blood circulation caused by weakness. According to the testifier, the detainees were weighed once a month to check their health but were not informed of their weight status. The testifier also stated that drinking water provided in a large bucket was to be shared among three to four

129_NKHR2018000074 2018-07-30.

130_NKHR2022000013 2022-06-10.

131_NKHR2018000091 2018-08-27.

people and there was not enough water because that water had to be used also for toilet flushing, washing and cleaning. Furthermore, the room he/she was in was very cold during winter and the detainees had to wear the clothes they had been wearing at the time they were detained because no extra clothing was provided. The testifier recalled that he/she talked to the person in charge and received some clothes from home. The testifier said that there was a military doctor to treat the detainees, but the medicine provided in such centers are not good and are not given to detainees unless they are seriously ill. The defector testified that life in the detention center (*guryujang*) was like that of an animal.¹³²

A testifier who had been severely beaten on a daily basis in the MSS county detention center (*guryujang*) in Onsong County in 2017 said that he/she was seriously scarred on his/her waist and back, and since no proper treatment was provided, he/she was infected with tetanus and had a high fever and pus draining from his/her wounds.¹³³ A testifier who had been detained in an MSS detention center (*guryujang*) in 2017 testified that it was too cold to sleep at night and he/she trembled all over.¹³⁴ A defector who had been detained in the MSS county detention center (*guryujang*)

132_NKHR2020000020 2020-07-04.

133_NKHR2019000075 2019-08-26.

134_NKHR2020000027 2020-07-06.

in Onsong County, North Hamgyeong Province in February 2015 said that there was no heating even in the winter and the cold was so severe it froze people’s feet, and there was no leniency for patients.¹³⁵

Table II-22 Testimonies on Poor Nutrition, Sanitation and Health Care at Detention Centers (*Guryujang*)

Testimonies	Testifier ID
While held in the MPS city branch detention center (<i>guryujang</i>) in Samjiyeon, Yanggang Province from 8 May to 30 October 2015, the testifier was given about 100 g of slightly salted corn as meals. People became sick as they were given unwashed, germinated and insect-infested corn to eat. A meal on Sunday could have been substituted with a powdered meal delivered by families; however, one had to bribe the correctional officers (<i>gyehowon</i>) with a pack of cigarettes in order to be allowed to receive food from one’s family.	NKHR2017000005 2017-04-10
When held in the MSS city detention center (<i>guryujang</i>) in Hyesan, Yanggang Province in December 2015, the testifier was provided with moldy, rotten corn and dried radish soup as meals. It was very cold during winter because heating was not provided, and the inmates were not able to stretch their body properly while sleeping as 10 to 15 people slept together in a small room.	NKHR2016000078 2016-05-31
While held in the MPS city branch detention center (<i>guryujang</i>) in Hyesan, Yanggang Province in 2016, the testifier was provided with corn and dried radish soup as meals. People were struggling because the portions were too small.	NKHR2017000125 2017-11-20
While detained in the MSS city detention center (<i>guryujang</i>) in Hyesan, Yanggang Province in June 2016, the testifier was provided with just a handful of boiled corn and watery soup per meal. There was a toilet inside the detention center (<i>guryujang</i>) but no water supply. Every morning, people had to carry water in a 30-liter bucket and used the water to flush the toilet and wash dishes. The detainees consistently suffered from lack of water, and if they used too much water, they were criticized and punished.	NKHR2017000108 2017-11-20

135_ NKHR2018000074 2018-07-30.

Testimonies	Testifier ID
While detained in the MSS city detention center (<i>guryujang</i>) in Hoeryong, North Hamgyeong Province from November to December 2016, the testifier was given corn rice, which smelled like mold, together with salt water or soybean paste water as meals.	NKHR2017000054 2017-07-31
While detained in the MSS county detention center (<i>guryujang</i>) in Onsong County in 2017, the testifier was seriously scarred on his/her waist and back, and since no proper treatment was provided, he/she was infected with tetanus and had a high fever and pus draining from the wounds.	NKHR2019000075 2019-08-26
While detained in the MSS county detention center (<i>guryujang</i>) in Gyeongwon County, North Hamgyeong Province in October 2017, the testifier was given corn rice, salted red pepper and a cucumber per meal.	NKHR2018000098 2018-10-01

B. Issues Related to the Treatment of Unconvicted Prisoners

Article 10, paragraph 2 (a) of the ICCPR stipulates that the accused shall, except for exceptional circumstances, be segregated from convicted prisoners and shall be subject to separate treatment appropriate to their status as unconvicted prisoners. This arrangement underscores the status of unconvicted prisoners who have the right to be presumed innocent as stipulated in Article 14, paragraph 2 of the ICCPR.¹³⁶

The North Korean Constitution and Criminal Procedure Law do not specify that criminal defendants shall be presumed innocent until proven guilty. Nor do they include provisions on the separate confinement of unconvicted and convicted prisoners and on the

¹³⁶_UNHRC, "CCPR General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)," 10 April, 1992, para. 9.

treatment of unconvicted prisoners.¹³⁷

As discussed above, the basic separation of unconvicted and convicted prisoners seems to be in place in North Korea; the facilities for those sentenced to correctional labor punishment, labor training punishment or labor training discipline are different from the facilities for criminal suspects or defendants. A more detailed survey is needed to better identify whether unconvicted detainees are receiving appropriate treatment distinguishable from the treatment given to convicted prisoners. However, given that some holding centers (*jipkyulso*) force prisoners into labor (see II. The Reality of Civil and Political Rights, 3. Right Not to Be Forced into Labor) and that access to a defense counsel is not effectively guaranteed (II. The Reality of Civil and Political Rights, 7. Right to a Fair Trial), it is assessed that the guarantee of reasonable treatment for unconvicted prisoners is insufficient.

C. Issues Related to the Treatment of Convicted Prisoners

According to Article 10, paragraph 3 of the ICCPR, correctional systems should include activities for the correction and

137_ In South Korea, for example, the Administration and Treatment of Correctional Institution Inmates Act stipulates separate confinement of unconvicted prisoners and convicted prisoners and exceptions, and includes detailed provisions on the principles for the treatment of unconvicted prisoners, the prohibition of visits, the wearing of plain clothes, haircuts, interviews with the defense counsel, the receiving of correspondence, special rules on investigation, work and edification, etc.

rehabilitation of prisoners. Therefore, convicted prisoners should be provided with correction/rehabilitation programs, work programs, vocational training, etc. so that they are corrected and reformed and their ability to re-adapt to society is developed.

First of all, it has been reported that there are no separate provisions on the treatment of convicted prisoners in North Korean laws.¹³⁸ Provisions related to punishment in North Korean Criminal Law seem to pursue the education of convicted prisoners through labor in detention facilities such as prison camps (*kyohwaso*). However, the inhuman labor environment in detention facilities and imposition of excessive labor, as has been testified by many North Korean defectors, do not seem to be consistent with the purpose of promoting the correction and rehabilitation of convicted prisoners. In particular, many testimonies have been collected indicating that prisoners are distressed because the labor intensity is very high and they face verbal abuse and violence when they fail to meet their labor allotment or are slow in their productivity. A North Korean defector who had been detained in Gaecheon *Kyohwaso* from 2014 to 2015 testified that he/she worked in the eyelash unit and knitting unit for five months, respectively, and when he/she failed

138_ In South Korea, for example, the Administration and Treatment of Correctional Institution Inmates Act has specific provisions on the principles for the treatment of convicted prisoners, classification review, education and edification programs, work and vocational training, temporary release, etc.

to complete the assigned work, the team leaders were punished, and so, the team leaders kept the inmates from going to bed until the work was completed.¹³⁹ A North Korean defector who had been detained in Gaecheon *Kyohwaso* in 2015 testified that he/she had to work in a coal mine from 8 am to 5 pm with only a 30-minute lunch break and that the tasks were very labor intensive.¹⁴⁰ A North Korean defector who had been detained in Hamheung *Kyohwaso* in South Hamgyeong Province in 2016 said that he/she worked making artificial eyelashes in a work unit from 6 am to 10 pm and was beaten by correctional officers (*gyehowon*) when the work was not completed as planned.¹⁴¹ A North Korean defector who had been imprisoned in Gaecheon *Kyohwaso* from 2014 to 2017 testified that he/she was assigned to work at the cookhouse where the labor intensity was very high and thus had to work from 3 am to 10 pm.¹⁴² The testifier also reported that he/she was injured when he/she dropped a rice pot that weighed 150 kg on his/her feet and his/her hands bumped into a handcart but did not receive treatment; as a result, he/she now walks with a limp and cannot clench his/her hands.

139_NKHR2018000081 2018-07-30.

140_NKHR2018000034 2018-05-07.

141_NKHR2019000043 2019-07-01.

142_NKHR2022000017 2022-06-13.

Table II-23 Extreme Labor in Prison Camps (*Kyohwaso*)

Testimonies	Testifier ID
While imprisoned in Gaecheon <i>Kyohwaso</i> from August 2014 to July 2015, the testifier was forced to work 14 hours a day because too much work was assigned. The testifier was severely beaten and not allowed to sleep when he/she did not complete the assigned work properly.	NKHR2016000114 2016-07-12
While imprisoned in Gaecheon <i>Kyohwaso</i> from May to August in 2015, the testifier worked for approximately seven hours a day in the vegetable unit.	NKHR2018000080 2018-07-30
While imprisoned in Jeongeori <i>Kyohwaso</i> from 2015 to August 2016, the testifier worked to drag three-meter long trees when he/she was very weak. It took two and a half hours to climb up the mountain and six hours to come down. He/she was beaten with an oak cane when he/she failed to complete assigned daily tasks. Some inmates died immediately after being crushed by a tree while dragging it to the ground.	NKHR2017000047 2017-07-03
While held in Gaecheon <i>Kyohwaso</i> in 2016, the testifier was mobilized for various works including mining coal, farming, carrying stones, painting limestone and putting up steel bars.	NKHR2017000122 2017-11-20
While imprisoned in Gaecheon <i>Kyohwaso</i> from December 2014 to July 2017, the testifier was assigned to work at the cookhouse and worked from 3 am to 10 pm.	NKHR2022000017 2022-06-13

D. Issues Related to the Treatment of Unconvicted and Convicted Juvenile Prisoners

Article 10, paragraph 2 (b) of the ICCPR stipulates that accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication. Moreover, the latter part of Article 10, paragraph 3 of the ICCPR states that juvenile offenders shall be segregated from adults and treated appropriately for their age and legal status. While Article 10 does not specify the age of juveniles, the UN Human Rights Committee has stated in its General Comments that all persons under the age of 18 should be treated as juveniles at least in matters relating to

criminal justice, as stipulated in Article 6, paragraph 5 of the ICCPR.¹⁴³

In the current North Korean laws, provisions for unconvicted/convicted juvenile prisoners are hard to find. Testifiers have claimed that they witnessed children being mobilized for labor in holding centers (*jipkyulso*).¹⁴⁴ It appears there is a need for a more detailed survey on convicted and unconvicted juvenile prisoners.

E. Evaluation

Violence and cruel treatment have long been routine in all types of detention facilities such as prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*) and detention centers (*guryujang*). In particular, the level of violence and cruel treatment imposed in the MSS holding centers (*jipkyulso*) and detention centers (*guryujang*) located in border areas where forcibly repatriated defectors are detained and interrogated is extremely serious. It has been reported that the nutrition, sanitation and health care in detention facilities are also still very poor. These conditions constitute a violation of Article 10, paragraph 1 of the ICCPR, which stipulates the humane

143_ UNHRC, "CCPR General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)," 10 April, 1992, para. 13.

144_ NKHR2017000130 2017-12-18; NKHR2018000010 2018-03-12.

treatment of people deprived of their freedom. The use of violence and cruel treatment at detention facilities may also constitute a violation of Article 7 of the ICCPR (that prohibits torture and inhuman treatment), and deaths at detention facilities may constitute a violation of Article 6 of the ICCPR (that stipulates protection of the right to life). The treatment of unconvicted prisoners seems to be poorly protected except for the fact that unconvicted and convicted prisoners are confined separately. With respect to the treatment of convicted prisoners, it appears that measures not in accordance with the original purpose of the correctional system are carried out, including the imposition of excessive labor.

On the other hand, testimonies have been collected claiming that the use of violence and cruel treatment in detention facilities has decreased over time. Moreover, it has been reported that there were improvements in terms of the nutrition, sanitation, and health care in some detention facilities. It is necessary to continue to observe whether the conditions at detention facilities are improving. Moreover, the international community needs to continuously call for the improvement of human rights in detention facilities in North Korea.

6

Right to Freedom of Movement and Residence

The right to freedom of movement and residence is one of the fundamental rights of people. Exercising one’s freedom of movement, including choosing where to live and move, can further ensure other aspects of human rights. In this context, major international human rights standards also underline the legitimacy of protecting freedom of movement. Article 13 of the UDHR stipulates that “everyone has the right to freedom of movement and residence within the borders of each state,” while Article 12 of the ICCPR provides for the right to freedom of residence and movement, as detailed in the following table.

Table II-24 Article 12 of the ICCPR

Paragraph 1	Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
Paragraph 2	Everyone shall be free to leave any country, including his own.
Paragraph 3	The above-mentioned rights shall not be subject to any restrictions, except those which are provided by law, that are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
Paragraph 4	No one shall be arbitrarily deprived of the right to enter his own country.

This chapter will examine the major issues related to the situation in North Korea regarding the freedom of movement and residence.

A. Using Travel Permits to Control People and Restrict Movement

Article 12, paragraph 1 of the ICCPR stipulates that “everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” “Everyone” includes not only nationals but also foreigners who are temporarily staying within the territory of a country. With regard to the freedom of movement and residence, North Korea amended its Constitution in September 1998, adding that “citizens shall have the right to freedom of residence and travel” (Article 75). However, regardless of such change in the legal system, the North Korean authorities continue to restrict

people's movement through the travel permit system. North Korean people can move to other areas only after obtaining a travel permit. The North Korean authorities manage and control people's movement to Pyongyang and border regions more strictly. Article 30 of the People's Security Enforcement Law, which is a representative law that regulates the daily lives of North Korean people, stipulates that "the people's security institutions shall exercise control over violations of travel regulations and disorderly wandering on the streets." In addition, Article 282 of the Administrative Penalty Law stipulates that people who violate travel regulations shall be subject to admonitions, stern warnings, fines, or unpaid labor or re-educational labor discipline of three months or less. The provision further states that when the case is serious, three months or more of unpaid labor or re-educational labor discipline is imposed.

Underaged persons without a People's Registration Card cannot receive travel permits for themselves and must be accompanied by an adult acting in the capacity of a guardian who has a permit. Those traveling for official business can obtain a business travel permit and travel within North Korea. Soldiers, government officials and enterprise workers can travel for business trips or be dispatched across North Korea if they have a business travel permit issued by the organization they are affiliated with. Patients who have a doctor's certificate can obtain a permit to travel to a provincial capital for treatment or to the

place of residence of their immediate family members who can take care of them.

The colors of the lines on travel permits differ by region, and the authorities frequently change the colors to prevent counterfeiting. Obtaining a travel permit is relatively easy except for special areas such as Pyongyang and border regions.¹⁴⁵ Travelers who obtain a travel permit must report to the local People's Unit (*inminban*) chief at their destination upon arrival, register with the travel roster, and get their travel permit stamped by the MPS. If a traveler is caught without a travel permit, the local People's Unit (*inminban*) chief reports it to the MPS officer in charge of the matter.

Travel permits for those traveling within a province are issued by the relevant MPS city/country branch. However, recent testimonies have claimed that people who travel within a province do not need to carry a travel permit and are allowed to simply carry their People's Registration Card,¹⁴⁶ and some interviewees have reported that people can easily travel if they give a few packs of cigarettes to the authorities.¹⁴⁷ For example, a North Korean

145_NKHR2016000001 2016-01-12; NKHR2016000029 2016-03-08. Of course, "easy" is a relative term. Some testifiers were of the view that the issuance of a travel permit is a very complicated and demanding procedure as it takes a considerably long time to obtain one legally. Therefore, the testimony that it is relatively easy to obtain a travel permit might have been made on the premise that bribes are paid in the process.

146_NKHR2021000026 2022-05-18.

147_NKHR2022000014-2 2022-07-29.

defector who defected in 2019 testified that even if one is required to carry a daily permit to travel within a province, he/she was able to travel only with his/her People's Registration Card, and that daily permits are replaced by People's Registration Cards as there is no one who would apply for a daily permit. However, the testifier said that one must obtain a permit in order to travel outside a province. According to the testifier, to avoid crackdowns, people pass through guard posts after loading their bicycles on service cars; they ride their bicycles again after passing the guard posts.¹⁴⁸ When caught, people pay bribes to avoid punishment.¹⁴⁹

In summary, people must still carry travel permits issued by the Section 2 Office of the People's Committee to travel between provinces.¹⁵⁰ Because the legal issuance of a travel permit, which is free of charge, takes at least a week, many North Koreans offer cigarettes or other bribes to obtain one immediately.¹⁵¹ There was

148_ NKHR2020000016 2020-07-04.

149_ NKHR2016000017 2016-01-26; NKHR2016000033 2016-03-22; NKHR2016000049 2016-04-19; NKHR2016000137 2016-08-23; NKHR2016000098 2016-06-14; NKHR2017000052 2017-07-03; NKHR2018000004 2018-03-12; NKHR2018000064 2018-07-11; NKHR2018000092 2018-08-27; NKHR2019000012 2019-04-20; NKHR2019000062 2019-07-29.

150_ NKHR2017000069 2017-08-28; NKHR2017000092 2017-09-25; NKHR2018000041 2018-06-04; NKHR2018000058 2018-07-02; NKHR2018000096 2018-08-27; NKHR2018000110 2018-10-06; NKHR2018000114 2018-10-13.

151_ NKHR2017000127 2017-12-18; NKHR2018000050 2018-07-02; NKHR2018000096 2018-08-27; NKHR2019000003 2019-04-08; NKHR2019000009 2019-04-08; NKHR2019000079 2019-09-25; NKHR2022000005-2 2022-08-03; NKHR2022000014-2 2022-07-29 and many other testimonies.

testimony stating that the size of the bribes required for the issuance of travel permits has been fixed since 2015. For example, a North Korean defector who defected in 2019 testified that the amount of cash that must be paid to obtain a travel permit to travel from Sinuiju to Pyongyang is 200 yuan, from Sinuiju to Chongjin is 100 yuan, and from Chongjin to Sinuiju is 200 yuan, which indicates that, while the amount required to obtain a travel permit to travel from a special area such as Pyongyang to a general area is relatively low, that required to travel from a general area to a special area is twice as high. In other words, it can be said that control over the movement of people has been relaxed to the extent that obtaining a travel permit to travel to a special area is possible as long as bribes are paid, but the freedom of movement is guaranteed only for those who are able to afford bribes. A North Korean defector who defected in 2019 testified that he/she was able to travel around even though he/she could not obtain a People's Registration Card or a travel permit as he/she was subject to monitoring due to his/her family's defection. The testifier said that he/she was caught in a crackdown, and he/she escaped punishment by paying with a pack of cigarettes or around 5,000 won. According to the testifier, it is faster to pay a bribe than to spend time and effort to obtain a travel permit, and more people pay bribes to travel than go through official procedures to obtain a travel permit. The testifier said that he/she spent approximately 10,000 North Korean won as a bribe to travel to

Chongjin; he/she also said that one would be escorted to his/her seat if he/she approaches a train attendant, flight attendant, MSS agent or MPS officer and says, “I could not get a permit, but please let me travel.”¹⁵²

The North Korean authorities restrict people’s movement through the travel permit system. However, the mobility of residents has increased compared to the past as bribery has become widespread in the process of moving between regions. When traveling to other regions, North Korean residents prove their identity with their People’s Registration Card, not with a travel permit, and offer bribes to train attendants, flight attendants, MSS agents or MPS officers when caught in a crackdown.

Officials of the WPK, unlike the general public, can travel preferentially if they possess party-stamped credentials.¹⁵³ Moreover, given that the North Korean authorities only turn a blind eye to those who have the financial capacity to offer bribes, it has been found that in North Korea, the freedom of movement is still granted on a discriminatory basis.

On the other hand, recent progress in marketization and the introduction of various means of transportation have also contributed to the relaxation of the restrictions on movement in North Korea. While trains were the only means of transportation

152_NKHR2020000021 2020-07-06.

153_NKHR2016000013 2016-01-26.

for long-distance travel in the past, testimonies have been collected stating that the recent introduction of alternative means of transportation, such as taxis, city buses, intercity buses and trucks, has expanded the travel range of residents, which has contributed to relaxing the travel permit system to a certain extent. For example, a North Korean defector who defected in 2019 testified that he/she took a long-distance bus that travels between cities without requiring its passengers to have a certificate to travel from Sinuiju to Wonsan.¹⁵⁴ This is possible because a system has been established under which bribes are paid so that these newly introduced means of transportation can easily pass through guard posts.

Testimony has been collected stating that the newly introduced means of transportation and the associated logistics system continued to operate during COVID-19. The testifier stated that the price of domestic products, including rice, have been relatively stable while the price of imported goods have soared, and there have been no large price differences among regions. According to the testifier, this was a result of the relaxation of restrictions on logistics during COVID-19, although the same did not apply to the movement of residents.¹⁵⁵

154_ NKHR2022000014-2 2022-07-29.

155_ NKHR2022000030 2022-07-22.

Table II-25 Cases Related to Travel Permits

Testimonies	Testifier ID
In 2015, the testifier obtained a travel permit in Kimjongsuk County, Yanggang Province. Although the issuance of travel permits for border regions or Pyongyang/Rason is restricted, one could obtain a permit immediately by giving one to five packs of cigarettes to the Section 2 Office of an MPS city/county branch. It was usually possible to secure 15-30 days of travel to Pyongyang/Rason by offering two cartons of cigarettes. It was also possible to extend the duration of travel through bribes.	NKHR2015000142 2015-10-06
In 2015, the testifier traveled from Hyesan, Yanggang Province to South Hamgyeong Province without a travel permit. The testifier was able to travel without a train ticket and a permit as he/she knew the train crew but was eventually caught and paid a fine of 10,000 won.	NKHR2016000081 2016-05-30
In 2015, the testifier obtained a travel permit by paying bribes to go to a border region so that he/she can receive money sent by his/her older sister in South Korea.	NKHR2017000063 2017-07-31
The testifier was issued a travel permit on two occasions to go to a hospital in Pyongyang in 2015 and offered cigarettes and eight yuan to show gratitude.	NKHR2018000016 2018-04-09
The testifier's uncle died in 2015, so the testifier obtained a travel permit to go to Sinpo, South Hamgyeong Province by paying 20 yuan. It took one to two days to get the permit.	NKHR2018000098 2018-08-27
In January 2015, the testifier obtained a travel permit by offering a pack of cigarettes in order to go to Chongjin from Onsong, North Hamgyeong Province.	NKHR2017000092 2017-09-25
In March 2015, the testifier obtained a travel permit to Chongjin, North Hamgyeong Province after stating the purpose of issuance was to visit his/her younger sibling in Hyesan, Yanggang Province. The testifier applied for it at the Section 2 Office of the MPS city/county branch, and there was no commission fee as it was obtained legally, and it took a month to receive the permit.	NKHR2016000171 2016-11-01
In the spring of 2017, the testifier's father received a travel permit so that he could receive a health examination at a hospital located in Pyongyang. Approximately 30,000-50,000 won was offered as a bribe. There were two red diagonal lines drawn on the travel permit. The travel permit specified the name of the applicant, address in Pyongyang, reasons for travel and duration of travel.	NKHR2019000071 2019-08-26
The testifier obtained a travel permit to attend a wedding of his/her acquaintance living in Pyongyang in April 2017. He/she gave 100 yuan to the person in charge at the Section 2 Office of the People's Committee and received the permit in two days. The travel permit to Pyongyang had a red line drawn diagonally while travel permits to other provinces had a blue line.	NKHR2018000058 2018-07-02

Testimonies	Testifier ID
In 2018, the testifier obtained a travel permit in Yanggang Province for his/her bog bilberry business. It cost 100 yuan to obtain a permit to Pyongyang and 50 yuan to obtain a permit to Hamheung.	NKHR2019000026 2019-05-18
The testifier obtained a travel permit to attend the 70th anniversary of the Day of the Foundation of the Republic in 2018. The testifier gave bribes to six people and received the permit on the day of application. The testifier would not have had the permit processed on the same day had he/she not paid the bribes.	NKHR2019000021 2019-05-07
In November 2018, the testifier obtained a travel permit to go to Pyeongseong from Yanggang Province to do business there. Although the testifier was not requested to provide a specific amount, the testifier gave a pack of cigarettes for expedited processing and received the permit within 24 hours.	NKHR2019000024 2019-05-18
The size of the bribes required for the issuance of travel permits is fixed. A travel permit to Pyongyang costs 200 yuan and one from Chongjin to Sinuiju costs 200 yuan. A travel permit from Sinuiju to Chongjin costs 100 yuan. The amount required to obtain a travel permit to travel from a special area/border region to a general area is relatively low.	NKHR2022000014-2 2022-07-29
The testifier obtained a travel permit to travel from Sinuiju to Pyongyang for sightseeing by paying 200 yuan. When arrived in Pyongyang, he/she met many people from Sinuiju and Nampo with whom he/she exchanged names. While restrictions on clothing is strictly exercised in Sinuiju because the city is near the border, clothing restrictions seemed to be less strict in Pyongyang as women were allowed to wear shorter skirts. The entrance fee was 20,000 won for a water park, 60,000 won for a racecourse, and 30,000 won for Pyongyang Kaeson Youth Park.	NKHR2022000015-3 2022-08-31

B. Restrictions of Access to Certain Areas and Forced Deportation

With respect to the right to freedom of movement and residence, Article 12, paragraph 3 of the ICCPR stipulates that “the above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals

or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.” The UN Human Rights Committee stated in its General Comments that the right to freedom of movement and residence may be restricted only when the conditions for restriction are clearly indicated in domestic laws, and facts such as an individual being a holder of state secrets or the individual not having a specific permit should not constitute grounds to restrict such individual’s right to freedom of movement and residence.¹⁵⁶ In effect, Article 12, paragraph 3 of the ICCPR implies that the right to freedom of movement and residence can be restricted only when there are legitimate and valid reasons in terms of national policy.

In North Korea, however, the problem is that such provisions are interpreted arbitrarily by the authorities. North Korea has designated certain areas, such as Pyongyang, border areas, areas near the Military Demarcation Line (*jeonyeonjidae*) and free trade zones, including Rajin and Sonbong, as approval number areas and prohibits access to the general public. In order to travel to these regions, one needs to be in possession of a travel permit issued by the county of one’s residence, marked with the approval number of the Section 2 Office of the local People’s Committee of such regions (e.g., North Hamgyeong Province, Jagang Province, Yanggang Province, North Pyeongan Province, Pyongyang, etc.).

156_ UNHRC, “CCPR General Comment No. 27: Article 12 (Freedom of Movement),” 2 November, 1999, paras. 12, 16.

A travel permit for approval number areas is clearly differentiated from other certificates since it has many lines drawn with different colors and the MSS codes written on it.¹⁵⁷

Obtaining a travel permit to Pyongyang is more difficult and requires a higher bribe amount; it is impossible to have such permit issued without paying bribes.¹⁵⁸ This permit is not issued at all when important events are scheduled in Pyongyang or when the political situation is unstable, but exceptions may be made when the purpose of travel is to receive medical treatment.¹⁵⁹ It is impossible for one to travel to Pyongyang carrying only his/her People's Registration Card even if he/she pays bribes to MPS officers; one must carry his/her travel permit.¹⁶⁰

However, recent testimonies have claimed that, because the size of the bribes required for the issuance of travel permits has been fixed since 2015, obtaining a travel permit to travel to Pyongyang is possible as long as the bribes are paid. In particular, various entertainment facilities have been established since Kim Jong Un came to power under the policy to promote tourism, which resulted in the development of the concept of tourism among ordinary citizens. Relatedly, testimony stating that North Koreans have obtained a travel permit to visit Pyongyang for

157_Dong-ho Han *et al.*, *Freedom of Movement in North Korea* (Seoul: KINU, 2017), pp. 21-22; NKHR2018000058 2018-07-02; NKHR2019000071 2019-08-26.

158_NKHR2018000058 2018-07-02; NKHR2018000110 2018-10-06.

159_NKHR2018000016 2018-04-09.

160_NKHR2018000092 2018-08-27.

sightseeing has been received. A North Korean defector who defected in 2019 testified that, in 2018, he/she spent 200 yuan to obtain a travel permit for Pyongyang and, while traveling in Pyongyang, he/she met many tourists from across North Korea, particularly those from Sinuiju and Nampo, with whom he/she exchanged names. The testifier said that, although he/she had to spend money, Pyongyang was worth visiting, and he/she enjoyed talking about the visit to his/her friends and wanted to revisit Pyongyang.¹⁶¹ On the other hand, the control is stricter in border areas than in Pyongyang,¹⁶² and obtaining a travel permit is more difficult when moving from inland areas to border regions than moving from border regions to inland areas.¹⁶³

Such broad restrictions on public access to various special districts constitute a violation of the right to freedom of movement and residence. Although the North Korean authorities argue that access to certain districts is controlled for national security reasons, this restriction is an unreasonable claim. For example, there is no other country that controls and regulates its own people's visit to the capital city.

Restricting access to certain areas through a strict and complicated travel permit issuing process and carrying out forced deportation are acts infringing upon the right to freedom of

161_NKHR2022000015-3 2022-08-31.

162_NKHR2018000041 2018-06-04.

163_NKHR2014000127 2014-08-26; NKHR2018000003 2018-03-12.

movement and residence. The UN Human Rights Committee interpreted in its General Comments that the right to freedom of residence includes protection from “all forms of forced internal displacement” and “precludes preventing the entry or stay of persons in a defined part of the territory.”¹⁶⁴ Forced deportation carried out by the North Korean authorities constitutes a representative example of forced displacement by a state.

The North Korean authorities have used forced deportation as a political tool against political reactionaries and anti-government dissidents and their families. In particular, they have expelled people with disreputable backgrounds (*songbun*) from Pyongyang to remote provinces. To begin with, it has been claimed that the Kim Jong Un regime has reduced the population in Pyongyang to expand benefits such as food rations to its residents and has forcibly deported ex-convicts and unemployed persons from Pyongyang in order to strengthen its control by effectively identifying and expelling anti-government individuals.¹⁶⁵ Moreover, forced deportation for similar reasons was also witnessed in Samjiyeon, Yanggang Province. Samjiyeon is the birthplace of Kim Jong Un and is also referred to as the “Holy Land of Revolution” and the “Second Pyongyang.” As such, former prisoners (ex-convicts) and their families are in principle forcibly moved out of Samjiyeon.

164_ UNHRC, General Comment, No. 27 (1999), para. 7.

165_ Dong-ho Han *et al.*, *Freedom of Movement in North Korea*, p. 34.

Testimony was collected stating that because Samjiyeon is located in the border region, most of the former prisoners residing there are people who have attempted to defect from North Korea, and thus, those former prisoners are forcibly deported out of Samjiyeon in order to prevent them from committing future border-crossing attempts.¹⁶⁶

Since Kim Jong Un came to power, there have been reports that residents of border areas were forcibly moved in the process of tightening control over defection. Among the border regions, it is relatively easier to cross the river in Samjiyeon, Yanggang Province compared to Hyesan or Bocheon County because of the thick woods growing behind the houses near the river. In 2015, in order to effectively control defection, around 200 households in the border areas near Samjiyeon were forced to move and the existing houses were demolished.¹⁶⁷ While the forced movement policy that has been used as a tool for political retaliation is a traditional form of forced deportation, the forced movement policy that is carried out to control border regions can be understood as a new form of forced deportation.

On the other hand, it seems that cases of forced deportation of people who were caught in the process of defecting from North Korea or forcibly repatriated from China have decreased.¹⁶⁸ In

166_NKHR2017000122 2017-11-20.

167_NKHR2016000025 2016-03-08.

particular, there had been no testimony in the 2019 survey concerning deportation as a result of family members' defection from North Korea. This finding does not necessarily mean punishment for defection has weakened; rather, it appears that the decrease is a result of the practical difficulty in deporting all of those who have attempted to defect from North Korea and their families. In particular, with respect to Yanggang Province, where many defection attempts occur as it is close to the border, a problem arises where there are too many deportees to be housed in a limited space as non-border regions within the province need to be designated as relocation areas.¹⁶⁹

There were testimonies in the 2019 survey about cases in which those who committed “anti-socialist” crimes that disturb the socialist order, such as prostitution, use of narcotics and fraud, were punished for their offense while their family members were deported. A North Korean defector who defected in 2017 testified that he/she witnessed a case in which a mother was deported to Goksan, North Hwanghae Province due to her son committing fraud in 2014–2015. The testifier also said that he/she heard of a case in which a woman who was running a prostitution business during the same period was executed and her son was deported.¹⁷⁰ A North Korean defector who defected in 2016

168_NKHR2017000011 2017-04-10; NKHR2017000060 2017-07-31; NKHR2018000040 2018-05-08.

169_Dong-ho Han *et al.*, *Freedom of Movement in North Korea*, p. 36.

testified that he/she witnessed a case in 2014–2015 in which the whole family was deported for helping a kidnapper.¹⁷¹

Table II-26 Cases Related to Forced Deportation

Testimonies	Testifier ID
Around 2014–2015, the testifier witnessed a case in which a mother was deported to Goksan, North Hwanghae Province since her son committed fraud, and the son was imprisoned in a prison camp (<i>kyohwaso</i>).	NKHR2019000054 2019-07-29
Around 2014–2015, the testifier heard that a woman running a prostitution business was executed, and her son who helped her business was forcibly deported.	NKHR2019000054 2019-07-29
A Party worker, who was ordered to be deported in 2015 for divorcing his/her spouse, defected from North Korea.	NKHR2017000033 2017-06-05
In 2015, the testifier witnessed two members from Unhasu Orchestra being forcibly deported to Kwibong-ri, Pungso County, Yanggang Province, from Pyongyang.	NKHR2017000097 2017-10-23
In spring 2015, around 10 households from Rimyongsu-gu, Samjiyeon, Yanggang Province were forcibly deported after they were caught smuggling items from China. They were mostly deported to the Pungso and Baekam regions.	NKHR2016000063 2016-05-03
In September 2015, the testifier was deported from Bocheon County, Yanggang Province to Sinchang-ri, Pungso County, Yanggang Province due to a crime committed by his/her spouse. The enforcement institution was the MPS county branch, and the MPS officers came suddenly in the early morning and packed up all the furniture and moved them.	NKHR2016000194 2016-12-27
In October 2016, a Provincial Party official of Yanggang Province was forcibly deported to Unheung County, Yanggang Province for commenting that the performance by an artist, whom Kim Jong Un complimented, was not very good.	NKHR2017000126 2017-12-18
In 2018, a truck driver who was living in Sinuiju was deported for selling the national flag to China. The driver's family members were also deported to rural areas with poor living conditions such as Pihyeon County.	NKHR2022000014-3 2022-08-31

170_NKHR2019000054 2019-07-29.

171_NKHR2019000063 2019-07-29.

C. Restrictions on Entry to Border Areas and Prohibition against the Freedom to Leave

Article 12, paragraph 2 of the ICCPR stipulates “everyone shall be free to leave any country, including his own.” Here, “his own” (country) can be interpreted more broadly than just one’s own country, and “free to leave” means that procedural legitimacy and freedom to leave the country should be guaranteed. The UN Human Rights Committee interprets Article 12, paragraph 2 of the ICCPR that a country has an obligation to properly provide required documents, including a passport, for individuals who wish to leave their country.¹⁷²

However, the North Korean authorities do not allow the freedom to leave North Korea and move to another country by strictly controlling the issuance of documents required for leaving the country. Most North Korean people cannot obtain passports to travel to other countries. According to the North Korean Immigration Law of 2013, North Korean residents can obtain passports and visas for official or private affairs (Article 11). There are three types of passports: diplomatic passports, government official passports and traveler passports. Diplomats are issued diplomatic passports, government officials working at Party organizations or espionage divisions are issued government

172_ UNHRC, General Comment, No. 27 (1999), para. 9.

official passports and residents traveling abroad, for example, to visit relatives, are issued traveler passports.

The issuance of traveler passports is limited to those who are visiting their relatives in China. Their personal documentation should provide basic information, such as the name and address of the relatives in China. There has been testimony reporting that there is an internal regulation within the foreign affairs section of the Ministry of State Security that states passports can be issued only for people aged 50 or older.¹⁷³ However, this regulation is not observed as there are many cases where people offer bribes.¹⁷⁴ To be issued a passport, a letter of invitation from China is required, and this invitation letter needs to be validated by the manager of the applicant's enterprise/organization, MPS officers and MSS agents in charge, etc. The process is followed by the final validation by a foreign affairs officer of the MSS city branch and the final approval by the vice leader of the Ministry of State Security, which requires a written statement from the applicant promising not to damage the reputation of North Korea and to come back within the authorized period of time.

In reality, however, passports are issued to people of special ranks, such as diplomats, public officials, people working

173_NKHR2015000043 2015-02-24.

174_A North Korean defector ○○○ testified that he/she was 35 years old by the time he/she obtained the passport and thus had to bribe the Ministry of State Security agent in charge to get the passport issued. NKHR2015000070 2015-04-07.

overseas and students studying overseas, and it is not common for ordinary residents to obtain passports. A North Korean defector who had lived near the North Korea-China border and defected in 2019 testified that he/she had been unaware of the concept or existence of a passport.¹⁷⁵ However, it seems that it is easy for ethnic Chinese and their families to obtain passports to visit China. A North Korean defector who defected in 2017 testified that his/her spouse was an ethnic Chinese and he/she had his/her passport issued as many as four times as it was relatively easy for families of ethnic Chinese to obtain passports; the testifier claimed that while the official permitted period of stay in China is two months, ethnic Chinese are allowed to stay in China up to two years.¹⁷⁶

In North Korea, there is a document called a “border area immigration document” in addition to passports. North Korean residents living in border regions can obtain this document when they want to go abroad (China) for a short period of time to visit their relatives or carry out small-scale trading. According to Article 13 of the Immigration Law, North Korean residents can be issued a border area immigration document for official or private affairs. If the purpose of travel is to visit relatives in China, a letter of invitation is required as is the case with traveler passports. A

175_NKHR2022000015-3 2022-08-31.

176_NKHR2019000054 2019-07-29.

North Korean defector who defected in 2019 said that he/she had applied for a border pass in 2015 and received it four years later, and in the process, he/she paid 15,000 yuan or more as a bribe.¹⁷⁷

A North Korean defector who defected in 2019 testified that, in 2018 and 2019, his/her younger sibling's mother-in-law was required by the authorities to pay 1,500 dollars when she travelled to China.¹⁷⁸ According to the testifier, due to the high cost of obtaining a border pass, more and more people are unable to repay the debt after their return from China. Furthermore, the testifier responded that since 2017, the authorities have been limiting the issuance of river-crossing passes (*dogangjeung*) even with a letter of invitation from China. In border regions such as Yanggang Province, it is said that the Ministry of State Security restricts the issuance of border passes as there are only a few people returning after going to China with a legally issued border pass.¹⁷⁹

People engaged in border trade can obtain a river-crossing pass (*dogangjeung*), which is issued without a letter of invitation from China. A river-crossing pass (*dogangjeung*) is known as a short-term pass that allows crossing of the border for 24 to 48 hours.

177_NKHR2019000035 2019-06-03.

178_NKHR2022000014-3 2022-08-31.

179_NKHR2019000035 2019-06-03.

One aspect that differentiates border area immigration documents from passports is that the former are issued by a city/province-level Ministry of State Security branch, not by the central organization of the Ministry of State Security. In this respect, it appears that obtaining a border area immigration document is somewhat easier than obtaining a passport.

Those who cross the border illegally without obtaining legitimate immigration documents will be subject to a fine or forbidden to leave the country (Article 55 of the Immigration Law) and punished according to the Criminal Law. Article 221 of the North Korean Criminal Law (Crime of Illegal Border-Crossing) states that those who commit the crime of illegal border-crossing are subject to “labor training punishment of one year or less.” If the offense is serious, they will be subject to “correctional labor punishment of five years or less.” Despite these provisions on the prohibition of and punishment for illegal border-crossings, defection continues as there is no other legal way to cross the border. This practice ultimately leads to an increase in the price of border-crossing, resulting in a situation in which North Korean people who went to China end up staying in China longer than originally scheduled in order to earn more money to make up for the costs. In the process, many of these people end up staying in China as illegal aliens. The border control implemented by the North Korean authorities, which is inconsistent with its obligation as a state to provide required

documents for individuals who wish to leave their country, can be regarded as a serious violation of the freedom of movement.

D. Evaluation

North Korean authorities seriously infringe upon the right to freedom of movement and residence of North Korean people. The people's right to movement is restricted by the travel permit system and the imposition of zone-based crackdowns. However, the size of the bribes required for the issuance of travel permits has been fixed since 2015, enabling North Korean people to overcome these institutional barriers with money, and the introduction of various means of transportation has further eased the restrictions on movement. This introduction of a variety of transportation options seems to have contributed to preventing the price of domestic products from rising sharply in North Korea during COVID-19 to a certain extent. However, what is most noteworthy is that the policy-based emphasis on tourism and the establishment of various entertainment facilities under the Kim Jong Un regime have led to the development of tourism as a concept among North Korean residents. As a result, North Koreans have started to travel to famous domestic tourist destinations such as Pyongyang.

In North Korea, the freedom of movement is still granted in a discriminatory and restrictive manner given that only those who

can afford to offer bribes are able to circumvent the control of the North Korean authorities. In addition, measures such as forced deportation of reactionaries designated by the authorities and restriction of access to certain areas continue to occur. It seems that the forced deportation of defectors and their families, which has been imposed as a punishment for defection, has decreased. However, this does not mean that the human rights situation in North Korea has been improving; rather, it is assessed that the decrease is a result of the insufficient capacity of the North Korean authorities to relocate the deported residents. In fact, the decrease in forced deportation as a punishment for defectors has led to the tightening of border control, the purpose of which is to prevent defection in advance. In this respect, the freedom of movement for North Korean people is still seriously violated.

The North Korean authorities rigorously restrict the crossing of the border. Except in special cases, people rarely obtain passports or border passes in a legitimate manner, and the procedure of obtaining a passport is complicated and entails many restrictions that the applicant must pay bribes to complete the process. The international community should make efforts to improve the freedom of movement and residence in North Korea not only because it is a basic human right, but also because it would provide opportunities for North Korean people to change their way of thinking through contact with the outside world.

7

Right to a Fair Trial

Article 10 of the UDHR stipulates that “everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.” Article 14 of the ICCPR also stipulates that States Parties shall guarantee the right to a fair trial through each state’s judicial system. The right to a fair trial is a key element in protecting human rights and plays a role as a procedural tool to advocate the rule of law.¹⁸⁰ Article 14, paragraph 1 guarantees the right to equality in trials, the right to a fair trial in all kinds of lawsuits, and the right to public trials. Articles 14, paragraphs 2 to 7 stipulate the minimum rights that should be granted to suspects and defendants in the procedure of criminal trials.

180_ UNHRC, “General comment no. 32, Article 14, Right to equality before courts and tribunals and to fair trial,” 23 August, 2007, para. 2.

Table II-27 Article 14 of the ICCPR

Paragraph 1	All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. (The rest is omitted)
Paragraph 2	Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
Paragraph 3	In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; (The rest is omitted) (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; (g) Not to be compelled to testify against himself or to confess guilt.
Paragraph 4	In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
Paragraph 5	Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
Paragraph 6	When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law. (The rest is omitted)
Paragraph 7	No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

In North Korea, courts are established in accordance with the Constitution and the Law on the Constitution of the Courts of 2011. However, trials in North Korea are not fair. This chapter will examine the major issues related to the right to a fair trial in North Korea.

A. Denial of Judicial Independence

Article 14, paragraph 1 of the ICCPR stipulates that all persons have the right to be tried by an “independent and impartial tribunal.” North Korea establishes its courts based on its Constitution and the Law on the Constitution of the Courts. The judicial system in North Korea consists of the Central Court, provincial (direct-controlled municipality) courts, city (district) and county people’s courts and special courts (Article 159 of the Constitution). Special courts consist of military courts, railroad courts and military logistics courts (Article 3 of the Law on the Constitution of the Courts, Article 52 of the Criminal Procedure Law). North Korea has a three-level court and two-level trial system. Under North Korean law, judges are elected through elections. In other words, the head of the Central Court is elected by the SPA (Article 91, subparagraph 12 of the Constitution); other Central Court judges by the Presidium of the SPA; and provincial (direct-controlled municipality) court judges and people’s court judges by the respective local People’s Assembly

(Article 4 of the Law on the Constitution of the Courts). Moreover, the Central Court is accountable to the SPA and the Presidium of the SPA when the SPA is in recess (Article 168 of the Constitution).

However, based on the principle of Party supremacy and centralism, the WPK exercises *de facto* control over all institutions and organizations including the SPA, which is nominally the highest sovereign body in North Korea. Thus, North Korea's judicial institutions seem to function as delegated bodies with limited power that are managed and supervised by higher authorities, the SPA and the WPK.¹⁸¹ While there are provisions stating that “courts shall be independent in the process of trials and conduct trials in accordance with law” (Article 166 of the Constitution, Article 271 of the Criminal Procedure Law), they only declare the independence of individual courts in their organizational system, rather than guaranteeing the independence of individual judges; the provisions cannot be regarded as providing the independence of the judiciary in its true sense.¹⁸² The role of judges in trials is not significant, and prosecutors of Prosecutors' Offices always supervise trials.¹⁸³

North Korea has adopted the people's jury system. Under the

181_ Kyu Chang Lee and Gwang-jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice* (Seoul: KINU, 2011), p. 49.

182_ *Ibid.*, pp. 49-53.

183_ NKHR2020000032 2020-08-04.

system, laymen, who are not legal experts, form an *en banc* court together with a professional judge to conduct a trial, fully participate in trial proceedings as full members of the court, exercise equal rights to judges and decide a case through majority vote. People's jurors participate in first instance trials (Article 9 of the Law on the Constitution of the Courts). Judgments and decisions are adopted by majority vote of the judges and people's jurors participating in a trial (Article 17 of the Law on the Constitution of the Courts). Like judges, people's jurors are also elected through elections. People's jurors of the Central Court are elected by the Presidium of the SPA, while people's jurors at provincial (direct-controlled municipality) courts and people's courts are elected by the respective People's Assembly (Article 4 of the Law on the Constitution of the Courts). In practice, only those who are loyal to the WPK are elected as people's jurors, and the elected people's jurors inevitably follow the direction of the WPK; against this backdrop, the people's jury system can be viewed as a means for the WPK to systematically control the courts.¹⁸⁴

B. Unfair and Perfunctory Trials

Article 14, paragraph 1 of the ICCPR stipulates that all persons

184_Kyu Chang Lee and Gwang-jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, p. 54.

are equal before the courts and have the right to a fair trial. However, trials in North Korea are not fair. This is well demonstrated in the perfunctory nature of the trials. Moreover, corruption that exists within the trial process also serves as one of the major factors that undermine the fairness of trials.

North Korea has a unique system of a preliminary examination held between the investigation and prosecution phases. The purpose of a preliminary examination is to determine the preliminary examinee and reveal the entire story of the crime completely and accurately (Article 147 of the Criminal Procedure Law). However, contrary to the relevant provisions of the law, testimonies indicate that sentences are decided prior to trials by preliminary examination officers, without the participation of judges and people's jurors. A North Korean defector who underwent the preliminary examination and trial process in Onsong County, North Hamgyeong Province from March to July 2010 testified that the MPS county branch's preliminary examination officers normally decide what the sentence will be. According to the testifier, when the preliminary examination was almost finished, a prosecutor came from the courthouse and asked whether he/she experienced any violence and whether a sanitary environment was provided during the preliminary examination as well as if there was any other issue that he/she wanted to raise. The defector testified that he/she was unable to raise objections because the correctional officers (*gyehowon*) had already

intimidated him/her prior to the prosecutor's arrival.¹⁸⁵

The first instance trial proceeds in five phases: the commencement of hearing, factual inquiry, prosecutor's presentation of arguments and defense counsel's defense, defendant's final testimony and pronouncement of judgment (Article 300 of the Criminal Procedure Law). In North Korea, criminal trials in general are conducted as a mere formality. A representative case is one in which the trial only took 15 minutes in total for the defendant to be sentenced to five years of correctional labor punishment. The North Korean defector who was the defendant in this case testified that although he/she tried to protest, the correctional officers (*gyehowon*) interrupted.¹⁸⁶ Sentences are also decided during the preliminary examination stage. A North Korean defector who defected in 2018 testified that his/her mother received a criminal trial while carrying out businesses, and her sentence was decided during the preliminary examination stage. She was also not allowed to read the relevant records.¹⁸⁷

In the interviews, most of the North Korean defectors who have experienced trials said that judges, prosecutors, defense counsels and people's jurors attended the trials, but their role was very passive.¹⁸⁸ However, some testimonies provided a different story.

185_NKHR2016000102 2016-06-28.

186_ *Ibid.*

187_NKHR2022000006 2022-05-25.

188_NKHR2017000005 2017-04-10; NKHR2017000103 2017-10-23.

A North Korean defector who was tried for economic offenses in Kimjongsuk County, Yanggang Province in December 2011 commented that the judge was the most active and that the defense counsel and people's jurors were somewhat active, and the prosecutors were average in their participation during the trial. The testifier said that he/she was sentenced to five years of correctional labor punishment in the preliminary examination but was sentenced to one year of labor training punishment after the trial.¹⁸⁹ A North Korean defector who went through a trial for illegal border-crossing in Hyesan, Yanggang Province in August 2012 replied that the role of the judge was average, but that of the prosecutor, defense counsel and people's jurors was very active; the testifier explained that there was a witness testimony, and the testifier was sentenced to one and a half years of correctional labor punishment.¹⁹⁰ Considering that the maximum statutory sentence for a person convicted of illegal border-crossing is five years of correctional labor punishment (Article 221 of the Criminal Law), one can presume that the discussions during the trial process might have affected the final sentence.

Meanwhile, North Korea operates a public trial system, under which trials are locally organized to raise public awareness and prevent crimes. Heads of agencies, enterprises and organizations

189_NKHR2016000113 2016-07-12.

190_NKHR2016000189 2016-12-27.

may expose and condemn the wrongdoing of criminals (Article 285 of the Criminal Procedure Law). Public trials are used as a tool for political propaganda or education for residents.¹⁹¹

The said public trial system can be positively evaluated in that a trial can be conveniently carried out at the local level. However, the on-site public trial system in North Korea is not a genuine trial system but used as a means of controlling North Korean people by instilling awareness and inducing fear by exposing and condemning crimes. In this respect, public trials are sometimes called “public disclosure gatherings” among North Korean residents.¹⁹²

It is not clear which crimes are subject to public trial. Recently, public trials on narcotics trading, such as those involving drugs (*bingdu*) and opium, have increased.¹⁹³ Public trials on possessing or watching impure video recordings, including watching South Korean movies or dramas, have also been witnessed many times.¹⁹⁴ In addition, public trials are conducted on charges of illegal border-crossing,¹⁹⁵ murder,¹⁹⁶ human trafficking,¹⁹⁷ calling China

191_ NKHR2018000099 2018-10-01; NKHR2018000102 2018-10-01; NKHR2019000050 2019-07-20.

192_ NKHR2019000013 2019-06-07.

193_ NKHR2019000021 2019-05-07; NKHR2019000045 2019-07-01; NKHR2019000062 2019-07-29; NKHR2019000097 2019-10-21; NKHR2020000035 2020-09-05; NKHR2022000010 2022-06-09; NKHR2022000024 2022-06-23.

194_ NKHR2019000063 2019-07-29; NKHR2019000021 2019-05-07; NKHR2019000064 2019-08-17; NKHR2019000104 2019-11-09; NKHR2019000116 2019-11-30; NKHR2020000005 2020-05-15.

195_ NKHR2019000064 2019-08-17; NKHR2019000096 2019-10-21; NKHR2019000110 2019-11-18; NKHR2020000005 2020-05-15.

or South Korea,¹⁹⁸ and being involved in acts of superstition.¹⁹⁹ Testimony has claimed that public trials are carried out mainly on policy-related cases (i.e., major cases for which Kim Jong Un issued a policy).²⁰⁰

It has been reported that public trials are also held in the military. A North Korean defector who defected in 2020 testified that, in 2012, he/she witnessed a platoon leader of the ○○ Brigade undergoing a public trial for beating a soldier who eventually died. The testifier said that a military judge and prosecutors attended the trial, which was held as a public trial on the grounds of the brigade where people had gathered.²⁰¹

The public trial system goes against the fair trial principle. There have been inconsistent testimonies from North Korean defectors as to whether judges, prosecutors, defense counsels and people's jurors attended the trials. However, testimonies indicated that even if they are present, they do not play a significant role.²⁰² A North Korean defector who defected in 2019 testified that prosecutors and defense counsels attend public trials only for perfunctory reasons, and defense counsels do not properly defend

196_NKHR2019000024 2019-05-18; NKHR2012000021 2012-06-21.

197_NKHR2019000082 2019-09-25.

198_NKHR2020000005 2020-05-15.

199_NKHR2022000012 2022-06-10.

200_NKHR2022000009 2022-06-05.

201_NKHR2021000023-2 2022-05-31.

202_NKHR2018000014 2018-04-09; NKHR2018000095 2018-08-27.

the accused; the testifier also said that the accused cannot defend himself/herself against the offenses he/she is charged with.²⁰³ Another North Korean defector testified that in many cases, judges and prosecutors do not attend public trials.²⁰⁴ A North Korean defector who defected in 2019 testified that when the case is serious, officers from a Prosecutor's Office, an MSS provincial bureau or an MSS city branch attend the trial.²⁰⁵

Moreover, the right to life and the right to liberty and security of person are violated in the process of public trials. During public trials, those who have committed the most serious crimes are sometimes executed by shooting.²⁰⁶ A North Korean defector who underwent a public trial in front of a culture center in Potae District, Samjiyeon, Yanggang Province in 2014 for illegal border-crossing testified that he/she was severely beaten in an MSS detention center (*guryujang*) for 20 days and was tried at a public trial without preliminary examination with no judges, prosecutors, defense counsels or people's jurors in attendance.²⁰⁷ Violation of the right to life occurs in public trials as those who have committed the most serious crimes are publicly executed. For example, a North Korean defector testified that in January

203_NKHR2020000035 2020-09-05.

204_NKHR2020000022 2020-07-06.

205_NKHR2020000005 2020-05-15.

206_NKHR2018000009 2018-03-12; NKHR2018000095 2018-08-27; NKHR2018000124 2018-10-27.

207_NKHR2018000081 2018-07-30.

2018, a criminal who had murdered the son of the Party chief secretary of Onsong County, North Hamgyeong Province was publicly executed immediately after a public trial.²⁰⁸ Details about public executions are examined in the section on public executions in II. The Reality of Civil and Political Rights, 2. Right Not to Be Tortured or Receive Inhuman Treatment. On the other hand, a North Korean defector who had lived in Kimjongsuk County, Yanggang Province and defected in 2019 testified that public trials, which were conducted in the past, are no longer carried out.²⁰⁹ Whether this is a phenomenon confined to certain regions or a common trend across North Korea is not clear. Additional surveys and defector testimonies are needed.

C. Operation of Quasi-Judicial Systems

Article 14, paragraph 1 of the ICCPR stipulates that all persons have the right to be tried by a “tribunal established by law.” However, North Korea operates quasi-trial systems, which are not the official court-based trial system. Comrade trials and the Ministry of State Security’s political criminal trials fall into this category, and many organizations other than judicial institutions impose administrative penalties. North Korea’s operation of quasi-judicial systems constitutes a violation of the ICCPR.

208_NKHR2019000111 2019-11-18.

209_NKHR2012000019 2012-06-16.

(1) Comrade Trial System

North Korea has an independent and unique form of a trial system called the comrade trial system, which is a social institution designed to control the population without having to go through formal trial organizations and proceedings. North Korea has abolished the crowd trial system, which was temporarily enforced during the Korean War, and began to operate the regional-level comrade trial system around 1972. The legal grounds for the system can be found in the Prosecution and Surveillance Law of 2012. Article 40, subparagraph 3 of the Law stipulates that a prosecutor may declare a comrade trial to rectify violations of law or inquire into legal accountability when he/she intends to refer lawbreakers to the Socialist Law-Abiding Life Guidance Committee or the Comrade Trial Board.

Economic crimes, cases in which loss has occurred as a result of negligence, minor incidents involving acts that hinder Kim Il Sung's unitary ideology and other relevant crimes are subject to a comrade trial. At a comrade trial, people who have committed the said crimes may be subject to unpaid labor discipline of six months or less, while those who have committed economic improprieties may be subject to an administrative fine equal to 10 to 20 times the undue gain in the form of deduction from their salaries, suspension of exercise of administrative rights, demotion, self-criticism, stern warning or admonition; however, there seems to be no appellate procedure in place.²¹⁰

The relationship between comrade trials and criminal trials is not clear. Defector testimony claims that a comrade trial ultimately leads to a criminal trial. A North Korean defector said that comrade trials were held on every regular market day (once every 10 days) in Yeonsa County, North Hamgyeong Province, and as a result, most of the accused (90%) were sent to labor training camps (*rodongdanryundae*), and some (10%) were sent to prison camps (*kyohwaso*).²¹¹

It is recognized that the comrade trial system is primarily implemented in the military.²¹² A North Korean defector testified that a soldier who was caught deserting from a military unit in Cheonnae County, Gangwon Province for three years was brought to a comrade trial in February 2019.²¹³ With respect to comrade trials, another North Korean defector responded that their purpose is “to criticize those who fail to do military service well.”²¹⁴

Comrade trials in the military are conducted starting from the battalion level and always with the presence of an immediate superior. Trial results are predetermined by a higher department,

210_Court Administration Agency, *An Overview of North Korea's Juridical System* (Seoul: Court Administration Agency, 1996), pp. 630-637.

211_NKHR2016000188 2016-12-27.

212_NKHR2016000029 2016-03-08; NKHR2017000073 2017-08-28; NKHR2018000107 2018-10-01; NKHR2019000012 2019-04-20.

213_NKHR2019000115 2019-11-30.

214_NKHR2016000001 2016-01-12.

and a comrade trial is carried out to set an example. Most comrade trials end with education or criticism, but in serious cases can lead to the dishonorable discharge of the accused.²¹⁵ North Korean people regard dishonorable discharge as a disgrace and perceive it as a heavy punishment.²¹⁶ Those who are dishonorably discharged from the military are relocated to mines or farming villages with their families.²¹⁷ Punishment is not imposed on-site at comrade trials. Preliminary examination procedures take place after comrade trials, and punishment is imposed thereafter based on the Criminal Law.²¹⁸ For instance, those causing a social disturbance are forcibly expelled from the military and sent to a prison camp (*kyohwaso*).²¹⁹

(2) Political Criminal Trails by State Security Institutions

North Korea implements a policy that strictly differentiates political crimes from general crimes and imposes punishments according to this distinction. The North Korean Criminal Procedure Law stipulates that cases involving crimes against the state and the people shall be subject to investigation and

215_NKHR2018000107 2018-10-01; NKHR2019000115 2019-11-30.

216_NKHR2019000012 2019-04-20.

217_NKHR2015000069 2015-04-07.

218_NKHR2015000119 2015-09-08; NKHR2015000131 2015-09-22; NKHR2015000172 2015-12-01.

219_NKHR2016000001 2016-01-12.

preliminary examination conducted by state security institutions, and the first instance trial for such crimes shall be held in a provincial (direct-controlled municipality) court. As such, cases involving crimes against the state and the people are handled differently than cases of general crime (Articles 46, 48 and 51).

However, testimonies have been collected indicating that contrary to the applicable provisions of the Criminal Procedure Law, trials are conducted by state security institutions. A North Korean defector who is a former MSS agent testified that if the facts of a crime are determined to be accurate in a preliminary examination, which includes interrogation of a suspect by an MSS provincial bureau, such finding is reported to the MSS prosecution bureau. According to the testifier, if the prosecution bureau determines that the suspect has in fact committed the criminal act, he/she is tried at the location where the preliminary examination was carried out, and in that trial, a prosecutor from the MSS prosecution bureau renders a judgment in the name of the Central Court. The testifier said that such a trial is held behind closed doors, and a sentence is decided pursuant to the Criminal Law. According to the testifier, the Ministry of State Security also determines whether it would be appropriate to imprison all of the family members of the convicted as well as whether the convicted should be imprisoned for life, and there is no literature that provides a basis for such determination; relevant officials of the ministry hold a case council meeting to decide how to handle a

case, including the scope and duration of imprisonment.²²⁰ Likewise, a North Korean defector who had carried out relevant work at the Ministry of State Security said that after a preliminary examination, a prosecutor from the MSS prosecution bureau comes to render the final judgment. The testifier said that in sum, political prisoners do not undergo formal trial procedures.²²¹

(3) Imposition of Administrative Penalties by Various Institutions

In North Korea, administrative penalties are imposed for illegal acts that are not serious enough to be punished under the Criminal Law. Here, illegal acts refer to acts violating domestic legal order that are dangerous enough to be subjected to administrative penalties (Article 8 of the Administrative Penalty Law). Administrative penalties include admonitions/stern warnings, unpaid labor or re-educational labor discipline, demotion/dismissal/removal from jobs, fines, demand for compensation, confiscation, suspensions and suspension/degradation/deprivation of qualifications (Article 15 of the Administrative Penalty Law). Administrative penalties may be imposed not only by judicial institutions, but also by other institutions, such as the Socialist Law-Abiding Life Guidance Committees of various levels, the

220_North Korean defector ○○○, 19 April 2005, interviewed in Seoul.

221_North Korean defector ○○○, 10 October 2005, interviewed in Seoul.

Cabinet, prosecutorial institutions, arbitral institutions, people's security institutions, censorship and supervision institutions and qualification-granting institutions. Agencies, enterprises and organizations can also impose administrative penalties within the scope prescribed by laws (Article 332 of the Administrative Penalty Law). Administrative penalties are also stipulated in the People's Security Enforcement Law and the Prosecution and Surveillance Law. People's security institutions and the Responsible Workers' Association can impose re-educational labor, suspension/ degradation/deprivation of qualifications, suspensions and confiscations for acts violating the legal order (Article 57 of the People's Security Enforcement Law). Prosecutors can also impose labor training (Article 40, paragraph 3 of the Prosecution and Surveillance Law).

In North Korea, a variety of administrative penalties under the Administrative Penalty Law, the People's Security Enforcement Law and the Prosecution and Surveillance Law are used as a means of exercising strict social control over the North Korean people. Among these administrative penalties, unpaid labor, re-educational labor and labor training disciplines in particular cannot be simply regarded as a form of administrative restriction. Rather, they must be understood to exhibit characteristics of punitive action.

D. Infringement of the Right to Defense

Article 164 of the North Korean Constitution stipulates that “a trial shall be open and public, and the right to defense of a person accused of a crime shall be guaranteed.” Moreover, the Criminal Procedure Law stipulates that “in handling a criminal case, the right to defense of a preliminary examinee or a person accused of a crime shall be guaranteed” (Article 58). The Criminal Procedure Law also stipulates, “a preliminary examinee or a person accused of a crime shall be entitled to legal assistance from a defense counsel of his/her choice” (Article 60). If a preliminary examinee who has not chosen a defense counsel is prosecuted, the judge shall request the Lawyers’ Association to appoint an attorney (Article 63). The Law on the Protection of the Rights of Children also stipulates that children aged 14 or older shall be entitled to assistance from an attorney (Article 50).

North Korean defectors have testified that trials are attended by defense attorneys. A North Korean defector who had worked at a provincial Prosecutors’ Office as a prosecutor until 2013 testified that according to the law, a trial cannot proceed without an attorney present.²²² There are two types of attorneys who participate in trials: private attorneys and public attorneys. Attorneys affiliated with the Central Bar Association are public

222_NKHR2020000032 2020-08-04.

attorneys, and private attorneys refer to those who have studied and practiced law without being employed. It has been reported that private defense is not accepted in cases of murder or crimes punishable by life imprisonment. If the occurrence of murder is confirmed during trial, the defense counsel is required to stop defending the defendant and resign.²²³

Testimonies have been collected stating that defense attorneys spoke in favor of the accused. In particular, it appears that defense attorneys tend to play a more active role when the accused is from a good family background (*todae*) or pays a bribe. A North Korean defector who was on trial in 2015 after being forcibly repatriated to North Korea from China testified that he/she was defended by a private attorney in the trial process. According to the testifier, the attorney actively defended him/her and sought forgiveness, emphasizing that the testifier went to China because he/she was deceived, and the testifier received a lesser sentence than what the prosecutor had proposed.²²⁴ A North Korean defector who was caught illegally crossing the border in July 2016 said that he/she was able to avoid correctional labor punishment because he/she came from a good family background (*todae*) and did some “business (*saeop*).” According to the testifier, his/her counsel made an argument that the testifier had been devoted to

223_ *Ibid.*

224_ NKHR2019000043 2019-07-01.

society and community and presented a certificate of state assistance to the judge as evidence, all of which worked in favor of the testifier.²²⁵ Some attorneys have a high success rate, and there are cases in which the defense contributes to a defendant's acquittal.²²⁶

However, other testimonies have stated that, in general, even when defense counsels are present during the trial process, they do not provide assistance or actually defend the accused. A North Korean defector who went through a trial in Samjiyeon, Yanggang Province in 2015 testified that the counsel and prosecutor together had hired a false witness.²²⁷ The testifier said that in North Korea, defense counsels work in favor of the state, not defendants. In March 2018, two brothers were accused of murder and the younger brother was caught and sentenced to five years of correctional labor punishment while the older brother ran away to China; it was testified that during the younger brother's trial, the lawyer did not do much to reduce the sentence the defendant was to receive.²²⁸

Perfunctory operation of the right to be assisted by an attorney is also apparent in the case of public trials. That is, even if a defense counsel attends a public trial, in most cases, he/she would

225_ NKHR2017000125 2017-11-20.

226_ NKHR2020000032 2020-08-04.

227_ NKHR2017000005 2017-04-10.

228_ NKHR2018000107 2018-10-01.

not actively plead for the accused.²²⁹ According to the North Korean Criminal Procedure Law, the duty of a defense counsel is to “ensure that criminal cases are handled accurately and the rights of a preliminary examinee or a person accused of a crime are guaranteed according to law” (Article 59). In addition, the Lawyer’s Law of 1993 stipulates the rights and duties of defense counsels, stating that “when a lawyer serves as a defense counsel in a criminal case at the request of a preliminary examinee or a person accused of a crime or as commissioned by a court, he/she shall disclose the facts of the case accurately, help judges conduct an accurate analysis and render a fair judgment, and guarantee the rights and interests of the preliminary examinee or the person accused of a crime” (Article 12). However, North Korean lawyers are mandated to uphold and carry out the policy of the state or the WPK, rather than protect the rights and interests of individuals. In other words, the role of a lawyer has more to do with persuading or inducing the accused to admit their crimes, rather than defending them.

To receive assistance from a defense counsel, the right of access to a defense counsel must be guaranteed. The North Korean Criminal Procedure Law stipulates that “the selected defense counsel may meet and speak with a preliminary examinee

229_NKHR2018000014 2018-04-09; NKHR2018000095 2018-08-27; NKHR2019000020 2019-05-07; NKHR2019000097 2019-10-21.

or a person accused of a crime” and “a preliminary examination officer, judge or court shall allow the defense counsel and the preliminary examinee or the person accused of a crime to meet each other upon request” (Article 69). Moreover, the North Korean Lawyer’s Law states that a defense counsel is entitled to converse or correspond with a preliminary examinee or a person accused of a crime (Article 9, paragraph 1). It has been found that the right to access a defense counsel is implemented in some cases, but only in a perfunctory manner. A North Korean defector who had been detained in an MPS branch detention center (*guryujang*) in South Pyeongan Province from September 2016 to February 2017 testified that an MPS officer told him/her to meet the defense counsel during the preliminary examination, but threatened “I will kill you if you do anything foolish.”²³⁰ The testifier met with the defense counsel 10 days before the trial, and the counsel confirmed with the testifier that the testifier had been beaten and had not been fed well while detained in the center. According to the testifier, upon hearing what had happened, the defense counsel asked the testifier to pay bribes through his/her family, saying that he would reduce the sentence by presenting such facts to the court. The testifier said that when he/she told the defense counsel that he/she could not afford to offer bribes, the counsel sided with the prosecutor during the trial.

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230_NKHR2017000096 2017-10-23.

E. Insufficient Guarantee of the Right to Appeal and Perfunctory Operation of the Appellate System

Article 14, paragraph 5 of the ICCPR stipulates that anyone who is convicted of a crime shall have the right to appeal his/her conviction or sentence. In North Korea, judgments in criminal cases can be appealed. The North Korean Criminal Procedure Law stipulates that a person accused of a crime, a lawyer or a claimant for compensation who has an objection to a judgment or decision by the court of first instance may file an appeal with a higher court (Article 356). However, the Central Court may, if necessary, directly preside over cases of first instance that are under the jurisdiction of any court (Article 53), and judgments and decisions adopted by the Central Court in trials of first instance cannot be appealed (Article 358). These provisions are in violation of the ICCPR, which stipulates the right to appeal.

It has been found that North Korean residents are aware of the appellate system but do not use it out of concern for possible disadvantages. A North Korean defector who had been tried in Samjiyeon, Yanggang Province in May 2012 testified that he/she had been aware of the appeal procedure but gave up appealing because appealing often leads to harming the appellant.²³¹ Some testifiers said that they did not appeal their convictions, thinking

231_NKHR2016000014 2016-01-26.

that they would not be able to stand staying in the detention center (*guryujang*) during the process of appeal. A North Korean defector who had been tried in Samjiyeon, Yanggang Province in August 2014 did not appeal his/her conviction because he/she thought that the appeal process might take another one or two years and that staying for a long time in the detention center (*guryujang*) where proper meals are not provided would cause him/her to suffer from malnutrition.²³² A North Korean defector who underwent a trial in Kimjongsuk County, Yanggang Province in April 2014 testified that he/she gave up an appeal because the process would require three to four months of detention, and he/she was not sure if he/she would be able to stand it.²³³ It has been identified that appeals are rarely filed for these reasons. North Koreans perceive that appeals are meaningless.²³⁴

It is understood that appeals are generally not filed in the case of defection from North Korea. However, it is not clear whether this is because an appeal itself is impossible or because the appeal would lead to no practical benefit. There was testimony indicating that those convicted of illegal border-crossing are not allowed to file an appeal,²³⁵ while another testimony stated that those convicted of illegal border-crossing do not appeal their

232_NKHR2016000114 2016-07-12.

233_NKHR2016000104 2016-06-28.

234_NKHR2015000031 2015-02-10; NKHR2016000055 2016-05-03.

235_NKHR2012000184 2012-09-11.

convictions in order to complete their prison term as quickly as possible since there is no ambiguity in admitting a charge of illegal border-crossing and therefore no room for dispute.²³⁶

F. Infringement of Foreigners’ Right to Trial

As of September 2022, 11 foreigners involved in 9 cases have been put on criminal trials in North Korea: U.S. citizens including Euna Lee, Laura Ling, Aijalon Mali Gomes, Kenneth Bae (Korean name: Jun-ho Bae), Matthew Todd Miller, Otto Frederick Warmbier and Dong-chul Kim; South Korean citizens including Jeong-uk Kim, Guk-gi Kim and Chun-gil Choi; and Canadian citizen Hyun-soo Lim.

Table II-28 Trials and Enforcement of Judgments Involving Foreigners in North Korea (as of September 2022)

Name	Nationality	Date of Arrest	Date of Trial	Charges	Punishment	Enforcement
Euna Lee, Laura Ling	U.S.A.	17 Mar. 2009	4 June 2009	Hostile acts against the North Korean people, illegal border-crossing	12 years of correctional labor punishment	Specially pardoned and released after the trial (Aug. 2009)
Aijalon Mahli Gomes	U.S.A.	25 Jan. 2010	6 Apr. 2010	Hostile acts against the North Korean people, illegal border-crossing	8 years of correctional labor punishment, 70 million won fine	Specially pardoned and released after the trial (Aug. 2010)
Kenneth Bae	U.S.A.	3 Nov. 2012	30 Apr. 2013	Conspiracy to overturn the state	15 years of correctional labor punishment	Specially pardoned and released while serving in prison (Nov. 2014)

236_ NKHR2014000151 2014-09-23.

Name	Nationality	Date of Arrest	Date of Trial	Charges	Punishment	Enforcement
Jeong-uk Kim	S. Korea	8 Oct. 2013	30 May 2014	Conspiracy to overturn the state, espionage, instigation of anti-state propaganda, illegal border-crossing	Unlimited-term correctional labor punishment	Serving in prison
Matthew Todd Miller	U.S.A.	Apr. 2014	14 Sep. 2014	Hostile acts against North Korea	6 years of correctional labor punishment	Specially pardoned and released while serving in prison (Nov. 2014)
Guk-gi Kim	S. Korea	1 Oct. 2014	23 Jun. 2015	Conspiracy to overturn the state, espionage, clandestine destruction, illegal border-crossing	Unlimited-term correctional labor punishment	Serving in prison
Chun-gil Choi		Dec. 2014				
Hyun-soo Lim	Canada	2 Feb. 2015	16 Dec. 2015	Conspiracy to overturn the state	Unlimited-term correctional labor punishment	Specially pardoned and released while serving in prison (Aug. 2017)
Otto Frederick Warmbier	U.S.A.	22 Jan. 2016	16 Mar. 2016	Conspiracy to overturn the state	15 years of correctional labor punishment	Specially pardoned and released while serving in prison, died after 6 days (Jun. 2017)
Dong-chul Kim	U.S.A.	2 Oct. 2015	29 Apr. 2016	Conspiracy to overturn the state, espionage	10 years of correctional labor punishment	Specially pardoned and released while serving in prison (May 2018)

Trials of foreigners in North Korea have the following characteristics:

First, as a formality, the North Korean authorities inform defendants of their right to receive legal assistance from an

attorney. However, in most cases, foreigners do not appoint an attorney because they suspect that North Korean defense counsels will not provide any substantive aid. In the case of Euna Lee, North Korean officials had informed her of her right to legal assistance. However, she declined the offer because she was convinced that no North Korean attorney would stand by her side and properly defend her.²³⁷ Kenneth Bae also declined legal assistance.²³⁸ As for the others, their choices remain unknown as related information has not been released. Putting foreigners in a situation where they have to give up an appointed lawyer is a violation of the right to freely receive defense counsel, as stipulated in Article 14, paragraph 3 (b) of the ICCPR and ultimately violates the overall right to a fair trial.

Second, trials of foreigners are always held under the Central Court as the court of first instance, the decisions of which are final and cannot be appealed. The reason seems to be that there is a political intention to quickly close these cases considering the impact they may have on the North Korean people. However, concluding a case based on the decision from the first instance trial violates foreigners' right to trial because all individuals are entitled to the right to appeal (Article 14, paragraph 5 of the ICCPR).

237_ Euna Lee, *The World is Bigger Now* (New York: Broadway Books, 2010), p. 187.

238_ Korean Central News Agency, 9 May 2013.

The third characteristic is the arbitrary limitation of the right of foreigners to consult a consular officer while in detention. Article 36, paragraph 1 of the Vienna Convention on Consular Relations stipulates that when a national of a sending state is in prison, custody or detention within the consular district of a receiving state, upon the request of the national, the authorities of the receiving state shall inform the consular post of the sending state of such facts without delay, and any communication addressed to the consular post shall be forwarded without delay. In the process of investigation and trial, the right to consultation with a consular officer is very important for protecting the human rights of individuals. The right to consular access is a right of individuals and also of a state recognized by customary international law.²³⁹ The International Court of Justice (hereinafter ICJ) has ruled that the Vienna Convention on Consular Relations is a codification of existing customary international law on consular relations.²⁴⁰

239_ ICJ, "LaGrand Case (Germany v. U. S. A.)," *Judgment of 27 June 2001*, paras. 89, 128(3).

240_ "Case Concerning United States Diplomatic and Consular Staff in Tehran (USA v. Iran)," *ICJ Reports 1980* (24 May 1980), p. 24 (para. 45).

Table II-29 Regulations on the Right to Consular Access in the Vienna Convention on Consular Relations

Article 36, paragraph 1	<p>With a view to facilitating the exercise of consular functions relating to nationals of the sending State:</p> <p>(a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State;</p> <p>(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph.</p>
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North Korea restricts the right to consular access in an arbitrary manner; that is, it grants the right in some cases but not in others. With no established consular relations between the U.S. and North Korea, Sweden provides consular responsibilities as a protecting power for the U.S. North Korea allowed meetings between the Swedish ambassador and the two female American reporters, Euna Lee and Laura Ling, on 30 March, 15 May, 1 June and 23 June 2009. Representatives of the Swedish embassy in North Korea were also present at the trial for Aijalon Mahli Gomes.²⁴¹ In the case of Kenneth Bae, it was said that the Swedish embassy was notified of his detention and that he was able meet with the consul.²⁴² However, while he was detained in

241_ Korean Central News Agency, 7 April 2010.

a prison camp (*kyohwaso*) for foreigners near Pyongyang and negotiations for his repatriation were carried out, there were times when the exchange of letters though the embassy was restricted and meetings with embassy representatives were restricted without notification.²⁴³ Otto Frederick Warmbier, who died in June 2017, met with representatives of the Swedish embassy once on 2 March 2016; however, subsequent meetings were not granted. Canadian pastor Hyun-soo Lim had his first consultation with a Canadian diplomat on 18 December 2015, two days after he was sentenced to unlimited-term correctional labor punishment. Since the Kenneth Bae incident, foreigners' right to consular access has been hampered.²⁴⁴

The right to consular access is not at all guaranteed for South Koreans. Such restrictions on the right may ultimately violate the right to a fair trial stipulated in Article 14 of the ICCPR, which must be guaranteed not only to one's nationals but also to foreigners. As of September 2022, 6 South Koreans are detained in North Korea.

242_ *Voice of America*, 1 June 2013.

243_ Kenneth Bae, 7 November 2016, interviewed in Seoul.

244_ "Treatment of the Americans detained in North Korean worsens...The longest blocking of consular access," *Voice of America*, 8 August 2016; "The U.S. Department of State failed to detect the location of Americans detained in North Korea...Consular access blocked for one year and three months," *Voice of America*, 3 June 2017.

G. Evaluation

North Korea guarantees judicial independence in its law but denies it in practice. Judicial institutions in North Korea are only delegated bodies with limited power that are managed and supervised by higher authorities (i.e., the SPA and the WPK). This could constitute a violation of the right to be tried by an “independent” tribunal. Considering that trials are held in a perfunctory manner and that the roles of judges, prosecutors, lawyers and people’s jurors are merely passive, it is difficult to say that trials are conducted fairly in North Korea. The current on-site public trial system is also assessed to be contrary to the principle of a fair trial. Moreover, the operation of quasi-judicial systems, including the comrade trial system, the Ministry of State Security’s political criminal trials and the Socialist Law-Abiding Life Guidance Committee, causes a violation of the right to be tried by a “tribunal established by law.” The perfunctory operation of the appeals system continues as well. In addition, with respect to the right of foreigners to a fair trial, North Korea allows the appointment of a defense counsel only as a formality, infringes upon the individuals’ right to receive legal assistance from a defense counsel of one’s own choosing stipulated in Article 14, paragraph 3 of the ICCPR, and violates the right to a fair trial stipulated in Article 14 of the ICCPR by arbitrarily restricting foreigners’ right to consular access while in detention.

Moreover, North Korea also infringes upon the right to appeal as stipulated in Article 14, paragraph 5 by not allowing foreigners to appeal their convictions.

8

Right to Privacy

Every human being has the right to privacy. This right encompasses the right not to be subjected to interference with or attacks on one’s personal life, space and information. Article 12 of the UDHR stipulates the right to privacy as follows: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attacks.” Article 17 of the ICCPR also stipulates the right to privacy.

Table II-30 Article 17 of the ICCPR

Paragraph 1	No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
Paragraph 2	Everyone has the right to the protection of the law against such interference or attacks.

As such, international norms on human rights state the right to prevent others from interfering with one’s own space, the right not to be forced to disclose information that one does not wish to

disclose and the right to prevent one's personal information from being leaked and distributed without permission. The concept of the right to privacy can be understood passively as a legal guarantee to protect one's private affairs from being arbitrarily disclosed and to demand the tranquility and confidentiality of one's private life. It can be understood actively as the legal ability to manage and control information about oneself.

However, in North Korea, the privacy of people is routinely infringed upon in a systematic and overlapping manner. Laws related to the protection of privacy exist in North Korea, but they are easily ignored in practice. In this chapter, the invasion of privacy in North Korea will be examined, focusing on the resident monitoring system, illegal home searches and communication interference.

A. Infringement of Privacy through the Resident Monitoring System

With regard to the right to privacy, the ICCPR stipulates that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence” (Article 17). The most important factor in ensuring the overall protection the right to privacy is the existence and operation of a resident monitoring system through state organizations and institutions. Infringement of privacy through state organizations and institutions

can be viewed as a serious human rights violation comparable to physical violence by the state, if not worse. Organizational and institutional surveillance by a state of people's privacy, which is the fundamental basis of human life, constitutes a serious threat to the independence, autonomy and unique personality of individuals and constitutes a form of psychological violence that leads to self-censorship.

North Korea prohibits the invasion of privacy in Article 79 of its Constitution, which stipulates that “the inviolability of person and home and the secrecy of correspondence of citizens shall be guaranteed. Citizens shall not be detained or arrested, and their homes shall not be searched except in accordance with law.” To this end, an illegal search of one's house by law enforcement personnel is defined as a criminal offense (Article 241 of the Criminal Law), and search and seizure are required to be subjected to the approval of a prosecutor (Article 216 of the Criminal Procedure Law). In addition, with respect to the freedom of communication, mail correspondence and electronic communications are guaranteed by law (Articles 5 and 11 of the Communications Law of 2001), the violations of which shall be subjected to administrative penalties and/or criminal punishment (Article 164 of the Administrative Penalty Law, Article 158 of the Criminal Law). However, contrary to these legal guarantees, in reality, the state has been extensively monitoring and controlling the daily lives of people in an organized and systematic manner.

Representative examples of such monitoring and control are the five-household surveillance system (*oho damdangje*), the People's Unit (*inminban*) system and the Life Review Sessions (*saenghwalchonghwa*) system.

The first and most representative example of resident monitoring is the five-household surveillance system (*oho damdangje*). Under this system, five households are grouped into one unit, and the head of one household that is most loyal to the Party is designated as the propagandist in charge of the five households, having the authority to intervene and control all aspects of the family life of the rest of the households, including affection between husband and wife and problems between parents and their children. This system originated from a statement by Kim Il Sung made in early July 1958 during his visit to the Democratic Propaganda Office in Yaksu-ri, Changseong County, North Pyeongan Province. He said, "A paid official should assume responsibility over just five households and promote village (*ri*)-level projects by giving them guidance on all kinds of educational projects and economic tasks, and if the Party Committee of a village (*ri*) gathers the households around and assigns tasks and manages their performance, things will go well." This system was implemented throughout North Korea under the name "Red Family Creation Campaign" in the 1960s. Since early 1974, it has been implemented as the "People's Unit (*inminban*) sub-work group system," under which the number of

households within a unit subject to joint responsibility is 10 instead of five. North Korea uses the five-household surveillance system (*oho damdangje*) as a means not only of exploiting labor but also of interfering in people's private lives.

The second example is the People's Unit (*inminban*) system. The Resident Administration Law enacted in 2010 specifies in Article 9 that "a People's Unit (*inminban*) is the basic unit of the state and society and the base of residents' life in North Korea." The People's Unit (*inminban*) system first started as a nationwide social cooperation unit of the People's Committee in the early stages of land reform in 1946.²⁴⁵ In North Korea, everyone registered as resident is automatically registered to a local People's Unit (*inminban*). According to Article 9 of the Resident Administration Law, the number of households to be grouped in a People's Unit (*inminban*) shall be determined by the Cabinet. In general, a People's Unit (*inminban*) consists of 30 to 40 households; in the case of apartments in large cities where 70 to 80 households live in one building, all households in one building are often grouped into one People's Unit (*inminban*).

In North Korea, a People's Unit (*inminban*) is the base of residents' life and the lowest unit in the administrative structure. In particular, the monitoring role of People's Units (*inminban*) has

²⁴⁵ National Institute for Unification Education ed., *Dictionary of Knowledge on North Korea* (Seoul: Ministry of Unification, 2021), p. 617.

been further strengthened under the Kim Jong Un regime. A People's Unit (*inminban*) provides life guidance for its member residents, identifies ideological trends among such residents and engages in the surveillance of external visitors. A People's Unit (*inminban*) has a chief, a vice chief, a chief of the heads of households, a chief of sanitation, instigation agents and security officers (an MPS officer and an MSS agent).²⁴⁶ A People's Unit (*inminban*) handles diverse issues within the residential area concerned, including childcare, labor mobilization, cleaning, maintenance of public order and dissemination of news on events and accidents and acts as a channel to deliver relevant instructions.²⁴⁷

Article 30 of the Resident Administration Law stipulates that “people shall voluntarily participate in the activities of their People's Unit (*inminban*) and make their family life sound and humble and consistent with the socialist lifestyle.” North Korean

246_ According to Article 10 of the Resident Administration Law, the chief and the vice chief of a People's Unit (*inminban*) are elected through elections at a People's Unit (*inminban*) meeting. The People's Unit (*inminban*) chief is responsible for the surveillance of the movements of all residents of his/her People's Unit (*inminban*). The chief of the heads of households is appointed directly by the Party and is in charge of monitoring husbands separately. The chief of the heads of households holds meetings and lectures for husbands, mobilizes husbands for events, controls the affiliated People's Unit (*inminban*) during elections and monitors the movements of husbands after work. The sanitation chief is in charge of the People's Unit (*inminban*) environment, while instigation agents are in charge of ideology education for member residents and take responsibility for managing the Party sub-work group, which is composed of Party members of the affiliated People's Unit (*inminban*). The security officers (an MPS officer and an MSS agent) are surveillance agents dispatched by the Ministry of Social Security and the Ministry of State Security.

247_ NKHR2015000014 2015-01-27.

people's life as People's Unit (*inminban*) members is closely linked with their family life. The People's Unit (*inminban*) chief usually visits each household without warning to carry out sanitary inspections, portrait inspections and inspections of books related to Kim Il Sung's family. This technically constitutes an illegal home search. Moreover, the People's Unit (*inminban*) system forces people to publicly criticize the misdeeds of each household through numerous meetings, monitors and controls ideological trends and the intimate privacy of families and imposes tasks on people, such as road cleaning, labor mobilization in farming villages and military support. The People's Unit (*inminban*) system is a representative example of surveillance and control of people's privacy.

The third example is the Life Review Sessions (*saenghwalchonghwa*) system. Life Review Sessions (*saenghwalchonghwa*) are used as a means of thoroughly dominating and controlling people's privacy. Life Review Sessions (*saenghwalchonghwa*) are weekly, monthly, quarterly or annual meetings that are held within the organizations people are affiliated with, such as the Party or a labor group, where they conduct self and mutual criticism regarding their work and public and private life.²⁴⁸ The system of "new Party Life Review Sessions" re-established by Kim Jong Il

²⁴⁸ National Institute for Unification Education ed., *Dictionary of Knowledge on North Korea*, p. 492.

in 1967 was devised as a means of strictly dominating and controlling people's privacy. In the "Ten Principles for the Establishment of the Party's Unitary Ideology System" (hereinafter the Ten Principles of Unitary Ideology)²⁴⁹ declared in 1974, North Korea further strengthened its control over the people by specifying that people should actively participate in these sessions. All North Korean people in the second year of elementary school or older must unconditionally participate in Life Review Sessions (*saenghwalchonghwa*), regardless of their age and gender.²⁵⁰ In Life Review Sessions (*saenghwalchonghwa*), people criticize and reflect on their mistakes through self-criticism and criticism of others. Life Review Sessions (*saenghwalchonghwa*), where people self-inspect and self-criticize how they have led their lives over the past week as part of an organization or the People's Unit (*inminban*) and point out others' mistakes, function as a system under which people are forced to disclose and criticize their private life. Right after a Life Review Session (*saenghwalchonghwa*), people are instructed to write what was criticized on that day based on the "message of Kim Il Sung and Kim Jong Il" in a Life Review Sessions (*saenghwalchonghwa*) notebook.²⁵¹ If someone is absent, sometimes that person has to

249_ The Ten Principles of Unitary Ideology was amended and renamed the Ten Principles for the Establishment of the Party's Unitary Leadership System in June 2013.

250_ National Institute for Unification Education ed., *Dictionary of Knowledge on North Korea*, p. 493.

have a one-on-one “individual session (*gaebiyulchonghwa*)” with the Party cell secretary.²⁵²

Although Life Review Sessions (*saenghwalchonghwa*) have become somewhat of a formality or irregular in operation after the 1990s food crisis, they still work as a strong mechanism to control people’s lives. In particular, Life Review Sessions (*saenghwalchonghwa*) for those working in military logistics are intense compared to those for general workers.²⁵³ The right to privacy of the North Korean people is seriously infringed upon as each Life Review Session (*saenghwalchonghwa*) forces them to self-inspect, disclose and receive criticism on their private life throughout their lives.

In addition, invasions of privacy also occur by “safety agents” who secretly monitor North Korean people. In North Korea, these so-called “safety agents” operate in secret in all organizations and routinely monitor colleagues and people of the organization with which they are affiliated. People mostly call them “spies” or “informers.”²⁵⁴ Safety agents are secretly selected from among people belonging to state agencies, factories and enterprises, farms or People’s Units (*inminban*). In every organization, one

251_NKHR2015000102 2015-05-19.

252_NKHR2015000053 2015-03-10.

253_NKHR2019000070 2019-08-26.

254_Safety agents are said to be divided into informers who take a written oath and those who take a verbal oath. NKHR2015000040 2015-02-24.

out of every 20 to 30 people is a safety agent. People who are secretly selected as safety agents take a written or verbal oath that they will report each and every irregularity in the organization to which they belong. Approximately every 15 days, secret agents submit policy and trend reports of approximately half of an A4 piece of paper to their superiors through secret contact. They secretly report all the trends found in the words and actions of people, such as who said what during the labor mobilization period in farming villages, who made excessive profit by doing business or which section head or committee chairman embezzled subsidies. These safety agents serve as a powerful means of maintaining the regime. Through these safety agents, all actions as well as the overall private life of the people are monitored and controlled.

It has been found that the surveillance of residents and invasion of privacy through People's Units (*inminban*) and Life Review Sessions (*saenghwalchonghwa*) have intensified since Kim Jong Un came to power. Similar testimonies have continuously been reported in recent surveys. In particular, the monitoring and wiretapping of residents whose family members are missing or have defected to or reside in South Korea, residents who smuggle goods and individuals dispatched to foreign countries are more intensively carried out.

Testifiers whose family members were defectors when they lived in North Korea commonly said that monitoring by neighbors

such as the chief and members of their People's Unit (*inminban*) was routinely carried out and that direct surveillance by MPS officers and MSS agents was also overtly conducted.²⁵⁵ A North Korean defector who defected in 2017 testified that he/she lived under constant surveillance after his/her mother was sent to a prison camp (*kyohwaso*); for instance, a neighbor living next door watched him/her over the fence and constantly asked him/her how he/she was doing, and after that neighbor defected, the testifier was followed by someone (who appeared to be the same person) wherever he/she went.²⁵⁶ People who travel frequently to China are also subject to surveillance. A North Korean defector who defected from Bocheon County, Yanggang Province in 2019 who had been engaged in smuggling goods from China said that he/she had always been monitored by MSS agents. According to the testifier, things like what he/she ate for meals and what he/she bought from a market were monitored, and some of the smugglers were selected as monitors so that the smugglers could watch each other.²⁵⁷ Overseas dispatched workers are also not free from surveillance. A testifier who had been dispatched to Russia from 2013 to 2019 said that he/she did not make any phone calls nor write specific details in letters since it was 100% certain that all

255_NKHR202000006 2020-05-15; NKHR202000014 2020-06-15; NKHR202000028 2020-07-06; NKHR202000024 2020-07-06; NKHR202200006 2022-05-25.

256_NKHR202100008-2 2022-05-26.

257_NKHR202000006 2020-05-15.

letters exchanged with his/her family would be censored by the Ministry of State Security.²⁵⁸

Table II-31 Cases of Resident Monitoring and Social Control

Testimonies	Testifier ID
After being caught during his/her river-crossing attempt in 2013, the testifier was constantly monitored by the Ministry of State Security. The testifier's mobile phone calls were always wiretapped, and every time a new chief of his/her People's Unit (<i>inminban</i>) was elected and the MSS agents were replaced, his/her home was the first to be visited and monitored by the newly elected chief and newly assigned MSS agents.	NKHR2021000026 2021-11-10
The testifier had been dispatched to Russia from 2013 to 2019. While in Russia, the testifier did not make any phone calls nor write specific details in letters since all letters exchanged with his/her family would be censored by the Ministry of State Security.	NKHR2020000050 2020-11-28
Monitoring intensified after the testifier's daughter entered South Korea in 2017. The neighbors next door frequently monitored and wiretapped the testifier's house and reported to the MSS city branch. One day, the testifier was away from his/her home for one night because his/her mother-in-law died; the neighbor spread the rumor that the testifier had fled to China, and as a result, the MSS agents visited to check on him/her.	NKHR2020000028 2020-07-06
The Ministry of State Security began to monitor the testifier in 2018 as his/her spouse went missing. When the testifier was away from home, the chief of his/her People's Unit (<i>inminban</i>) came over to the house to find out what was going on. The MSS agents asked about the testifier's spouse and told the testifier to turn himself/herself in.	NKHR2020000026 2020-07-06
The testifier had been engaged in smuggling goods from China. People who travel frequently to China are routinely monitored by the Ministry of State Security. Things like what one eats for meals and what one buys from a market are also monitored. The MSS agents select some smugglers as monitors so that smugglers watch over each other.	NKHR2020000006 2020-05-15
The testifier, who was a family member of a defector, was monitored by the Ministry of State Security. Every time the MSS agents were replaced, newly assigned agents visited the testifier's home to make a list of his/her assets.	NKHR2020000012 2020-06-15

258_NKHR2020000050 2020-11-28.

Testimonies	Testifier ID
Due to his/her aunt's defection from North Korea, the testifier was continuously monitored in daily life by the chief and members of his/her People's Unit (<i>inminban</i>). The testifier was directly monitored by the MSS agents, and sometimes, the agents came to see the testifier's face while he/she was working on the farm.	NKHR2020000014 2020-06-15
The broker who helped the testifier's son enter South Korea was arrested. As a result, the testifier was monitored by the Ministry of State Security up until April 2019.	NKHR2020000024 2020-07-06
The testifier lived under constant surveillance after his/her mother was sent to a prison camp (<i>kyohwaso</i>). A neighbor living next door constantly asked the testifier how he/she was doing and, after that neighbor defected, monitoring intensified, with the testifier followed by someone (who appeared to be the same person) wherever he/she went.	NKHR2021000008-2 2022-05-26
Families of defectors are forcibly deported to outskirts areas and constantly monitored. The Ministry of State Security registers the family living next door to defector families as surveillance agents who report to MSS agents on an hourly basis.	NKHR2022000006 2022-05-25
The system of monitoring each other is well established in North Korea. The chief of the People's Unit (<i>inminban</i>) with which people are affiliated monitor People's Unit (<i>inminban</i>) members, and the chief entices People's Unit (<i>inminban</i>) members to monitor each other; as a result, people spy on each other and report any irregularities. Because North Korean authorities do not respect human rights, they march into people's homes and ransack everything whenever something suspicious is reported. There is no expectation that the authorities will present the reasons for these home searches.	NKHR2022000010 2022-06-09
There are MSS informers within People's Units (<i>inminban</i>) who monitor all People's Unit (<i>inminban</i>) members. Accordingly, people should not show others that they are well off or well fed.	NKHR2022000014 2022-06-10
In every village, there is a person who acts as a guard, sitting in the center of the village, wearing an armband, and monitoring the entire village. There also are people who secretly monitor others called "nukal-yi." The MSS agents asked the testifier whether he/she would like to do monitoring work.	NKHR2022000015 2022-06-10
MSS agents and MPS officers frequently visited the testifier's home and asked questions after his/her sister went missing. The testifier suspected that people he/she knew and his/her next-door neighbor were MSS informers. MSS agents snuck in and out of the testifier's house and monitored him/her intensely.	NKHR2022000020 2022-06-18

B. Invasion of Privacy through Illegal Home Searches and Communications Interference

Article 17, paragraph 1 of the ICCPR stipulates that no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence. The right to prevent others from entering into one's private space without permission is the most fundamental element in guaranteeing and protecting the confidentiality of one's private life. In particular, illegal home searches conducted by the state in an organized manner constitute a serious infringement of the inviolability of personal residential space. Article 79 of the North Korean Constitution guarantees the inviolability of residential space by stipulating that home searches that are not based on the law shall not be conducted.

There is a wide gap between legal provisions and reality, as has been confirmed by multiple testimonies. In North Korea, illegal home searches by judicial and police agents of the Ministry of Social Security (formerly the MPS), the Ministry of State Security, the Prosecutors' Office and permanent and non-permanent investigation organizations (*geuruppa*) have long been common practice.

Many North Korean defectors have testified that illegal home searches are common. In North Korea, home searches are supposedly only possible when a search warrant is issued by the Director of the Prosecutors' Office and approved by the local

Safety Committee. However, in most cases, MPS officers, MSS agents or Group 109 (109 Permanent Committee) members enter and search homes without a warrant and prior notice for the purpose of censoring “impure” video recordings or smuggled items.²⁵⁹ Cases of home searches conducted under the guise of accommodation inspections have also been reported.²⁶⁰ For example, a North Korean defector who defected from Sinuiju in 2019 testified that Group 109 members randomly stopped by his/her house while passing by or came inside his/her house if he/she left the front door open during a hot summer’s day. According to the testifier, the Group 109 members opened all the drawers and took cash in foreign currency if they found any, or checked to see if the television was warm and if it was, demanded the testifier to hand over the electronic chips.²⁶¹

Under the Kim Jong Un regime, there are frequent cases where crackdowns are covered up by providing bribes or meals after home searches. A North Korean defector who defected from South Hamgyeong Province in 2019 testified that his/her house was searched by a search squad in October 2018 to inspect

259_NKHR2019000013 2019-05-07; NKHR2019000044 2019-07-01; NKHR2019000045 2019-07-01; NKHR2019000046 2019-07-01; NKHR2019000052 2019-07-20; NKHR2020000011 2020-06-15; NKHR2020000023 2020-07-06; NKHR2020000030 2020-08-03; NKHR2020000048 2020-11-28; NKHR2022000006 2022-05-25; NKHR2022000012 2022-06-10; NKHR2022000015 2022-06-10; NKHR2022000024 2022-06-23 and many other testimonies.

260_NKHR2022000001 2022-05-13; NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10.

261_NKHR2022000015 2022-06-10.

whether the testifier possessed stolen crops; after impure video recordings (Indian and Chinese films) were found, the testifier covered up the case by giving the search squad 30,000 won.²⁶² A testifier whose house was searched in May 2018 also said that Korean music on his/her computer was discovered, but he/she sent the Group 109 members away by giving them meals and cigarettes.²⁶³

A North Korean defector who defected from North Hamgyeong Province in 2019 explained that, because search squads earn a living from bribes and must meet their quota assigned by their affiliated agencies, any problems arising during a home search can be solved by “doing business (*saeop*)” (i.e., providing bribes).²⁶⁴ In addition, a North Korean defector who defected from Gangwon Province in 2019 testified that he/she had been regularly inspected by MSS agents, whose aim was to earn money through crackdowns, not to arrest people.²⁶⁵

Beginning in approximately 2015, cases have been reported where people raised objections or protested against illegal home searches. It has been found that in some cases, when strongly protested against for not showing a warrant or searching for items not on the search item list, the search squad gives up the search

262_NKHR2019000045 2019-07-01.

263_NKHR2019000071 2019-08-26.

264_NKHR2020000030 2020-08-03.

265_NKHR2021000026-2 2022-05-18.

and returns to its station.

A North Korean defector who defected in 2019 testified that his/her house had been searched by Group 109 members in 2017 and 2018 and that he/she protested because the search squad did not show a search warrant and recklessly searched the house; according to the testifier, he/she knew that there is a regulation stipulating that in a home search, a search squad may look at items that are only shown to them by the homeowner.²⁶⁶ Another North Korean defector who defected in 2019 testified that he/she underwent a sudden home search by six MSS agents in November 2018, and the agents demanded the testifier give them his/her mobile phone, saying that the testifier was engaged in smuggling; the testifier said that he/she strongly protested and told the agents that he/she did not have a mobile phone because he/she knew that it was illegal to conduct a home search without an inspection ticket of the MSS agents in charge, the attendance of the People's Unit (*inminban*) chief and a search warrant.²⁶⁷

266_NKHR2019000085 2019-10-05.

267_NKHR2019000095 2019-10-21.

Table II-32 Cases of Being Subject to Illegal Home Searches

Testimonies	Testifier ID
One cannot protest when Group 109 members search his/her house without a warrant. In a home search, Group 109 members check to see if the television is warm or if there are flash memory devices; mobile phones are inspected as well if found.	NKHR2020000023 2020-07-06
Group 109 members come to one's house unannounced to conduct spot checks to crack down on foreign recordings. The testifier always felt insecure as he/she could not know when they would come to his/her house. If one does not let Group 109 members into his/her house, they would knock on the door or climb over the walls.	NKHR2020000026 2020-07-06
Group 109 members come into one's house without a warrant to inspect his/her computer and books. Even if some irregularities are found in the process, they can be covered up by doing "business (<i>saeop</i>)" (providing bribes) with the search squad before the squad leaves the house. Any problems can be solved by doing "business (<i>saeop</i>)" since search squads earn a living from bribes.	NKHR2020000030 2020-08-03
The testifier said that MPS officers came to his/her house to inspect the accommodation and search for impure video recordings, but the testifier was never presented with a warrant. Home searches involve the People's Unit (<i>inminban</i>) chief knocking on the door and MPS officers conducting crackdowns; however, there were cases in which the search squad was not accompanied by the People's Unit (<i>inminban</i>) chief.	NKHR2020000048 2020-11-28
Home searches were common, and the testifier had been regularly inspected by MSS agents, whose aim was to earn money through crackdowns, not to arrest people. MSS agents turn a blind eye in exchange for bribes if they believe it is acceptable to disregard the case.	NKHR2021000026-2 2022-05-18.
One evening, the authorities entered the testifier's house under the guise of accommodation inspection but searched the house including the bookshelves, asking where the testifier obtained certain books from, which was beyond the extent of a typical accommodation inspection.	NKHR2022000001 2022-05-13
Accommodation inspections were common in Sinuiju because it is located near the border. However, accommodation inspections often turned into home searches during which everything in the house is searched.	NKHR2022000014 2022-06-10
Group 109 members enter houses at random to conduct searches. Group 109 members randomly stopped by the testifier's house while passing by or came inside his/her house if he/she left the front door open during a hot summer's day; then, the	NKHR2022000015 2022-06-10

Part I

Part II
The Reality of Civil and Political Rights

Part III

Part IV

Part V

Testimonies	Testifier ID
<p>Group 109 members opened all the drawers and took cash in foreign currency if they found any. The testifier heard that a warrant is presented for a search of the house of a person accused of a crime; however, home searches conducted by Group 109 members under the guise of accommodation inspections are often carried out without the presentation of a warrant.</p>	
<p>The testifier experienced many regular home searches, but they were not solely because he/she was a member of a defector family. The testifier experienced home searches up until he/she defected.</p>	<p>NKHR2022000018 2022-06-15</p>
<p>In 2017, Group 109 members suddenly came into the testifier's house to conduct a search when the testifier was doing laundry, listening to a song stored on his/her daughter's USB drive. The testifier gave two cartons of cigarettes to the Group 109 members to cover up the case. However, the Group 109 member in charge came to his/her house again three months later and informed the testifier that he/she has been sentenced to one-month imprisonment in a labor training camp (<i>rodongdanryundae</i>) and should first go to a detention center (<i>guryujang</i>). The testifier gave the Group 109 member 500 yuan and gave cash to a doctor at a hospital so that he/she could be processed as a patient. The testifier was ultimately sentenced to re-educational labor.</p>	<p>NKHR2022000019 2022-06-16</p>
<p>Crackdowns on drugs (<i>bingdu</i>) and South Korean dramas became so severe that Group 109 members would conduct random home searches to check for USB drives.</p>	<p>NKHR2022000024 2022-06-23</p>

C. Evaluation

Although the right to privacy is stipulated in the Constitution, in reality, the privacy of North Korean people is not properly protected. Since Kim Jong Un came to power, not only has surveillance along the border regions been intensified but also daily social control has been tightly maintained. Illegal home searches and arbitrary communication interference are carried out to track down fugitives, uncover illegal recordings and crack

down on illegal economic activities.

Moreover, the extensive and organized surveillance and control over the people's private lives by the state have been in place for a long time, demonstrating the seriousness of the invasion of privacy in North Korea. Privacy surveillance systems still exist at an institutional level as seen in the five-household surveillance system (*oho damdangje*), the People's Unit (*inminban*) system, and the Life Review Sessions (*saenghwalchonghwa*) system. In particular, numerous testimonies regarding illegal home searches of people's residential spaces show that the inviolability of residential space is seriously infringed upon in everyday life. Moreover, with regard to the increase in the number of illegal home searches under the Kim Jong Un regime, many testifiers perceived that home searches have been degenerating into a means of stealing money and valuables by public safety agency workers. This shows increasing distrust in public power.

The Reactionary Ideology and Culture Rejection Act²⁶⁸ was adopted at the 12th Plenary Meeting of the 14th Standing Committee of the Presidium of the SPA held in December 2020, and the report to the 8th Party Congress of the WPK put an emphasis on carrying out a powerful mass struggle against “non-socialist and anti-socialist practices” and “the practices unfit

268. “Progress of the 12th Plenary Meeting of the 14th Standing Committee of the Presidium of the SPA of the DPRK,” *Rodong Sinmun*, 5 December 2020.

for the socialist lifestyle” as well as on the role of law enforcement authorities, social safety institutions and state security institutions. In addition, the Youth Education Security Act²⁶⁹ was adopted at the Fifth Session of the 14th SPA held in September 2021 with the aim of strengthening ideological control over young people. Taking these measures into consideration, invasions of privacy by public authorities are expected to be intensified throughout society, particularly for the youth, under the pretext of establishing a law-abiding ethos and a socialist lifestyle.

269_ “Progress of the First Day of the Fifth Session of the 14th SPA of the DPRK,” *Rodong Sinmun*, 29 September 2021.

9

Right to Freedom of Thought, Conscience and Religion

The right to freedom of thought, conscience and religion, which is a right related to the liberty of one’s inner world, is one of the most basic human rights. The basic rights of citizens in a democracy, including the right to freely express their beliefs and the freedom to make decisions based on their conscience, are closely related to the right to freedom of thought, conscience and religion. Article 18 of the UDHR stipulates that “everyone has the right to freedom of thought, conscience and religion,” and Article 18 of the ICCPR refers to the right to freedom of thought, conscience and religion.

Table II-33 Article 18 of the ICCPR

Paragraph 1	Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
Paragraph 2	No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
Paragraph 3	Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
Paragraph 4	The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

In this chapter, the situation in North Korea related to the right to freedom of thought, conscience and religion will be examined through major issues.

A. Maintaining the Unitary *Suryeong* Ruling System and the Ten Principles

Article 18, paragraph 2 of the ICCPR stipulates that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” The UN Human Rights Committee has stated that if a set of beliefs is treated as official ideology in a state, this shall not result in any disadvantage or any discrimination against persons who do not accept the official ideology.²⁷⁰ In a state-individual relationship, individuals’ inherent right to freedom of thought must be

guaranteed. Whereas a state may establish an official ideology, the very existence of such ideology should not be used as grounds to infringe upon the freedom of thought and conscience of individuals. North Korea does not currently allow any ideology other than *Juche* ideology, which is the official ideology of the state. In addition, North Korea further infringes upon individuals' freedom of ideology and conscience by not tolerating any exception to the official ideology of the state ever since the Ten Principles of Unitary Ideology was declared in 1974.

Freedom of thought and conscience does not exist in North Korea. Even the basic concepts of such freedom have not been established in the laws or institutions. The key reason North Korea does not guarantee freedom of thought and conscience is because of the cult of personality that originated from the Unitary *Suryeong* Ruling System. Any ideology other than *Juche* ideology centered around *Suryeong* is regarded as a serious threat to the Unitary *Suryeong* Ruling System. The North Korean Constitution declares that *Juche* ideology is the one and only “basic guarantee” for the operation of the state (Preamble), and that *Juche* ideology is a leading principle for all state activities (Article 3).

The reinforcement and idolization of the Unitary *Suryeong* Ruling System are embodied through the Ten Principles of

270_UNHRC, “CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion),” 30 July 1993, para. 10.

Unitary Ideology. Spelled out in this document are the principles that mandate that everyone owes unconditional loyalty to Kim Il Sung and shall follow Kim Il Sung's instructions as absolute guidance. Since they were first announced in 1974, the Ten Principles of Unitary Ideology have sought to deify "the Great Leader" Kim Il Sung and have spiritually commanded the behaviors of North Koreans more than any other law and regulation. In June 2013, North Korea revised the Ten Principles of Unitary Ideology for the first time in the 39 years since it was enacted on 14 April 1974. The name was changed to "Ten Principles for the Establishment of the Party's Unitary Leadership System" (hereinafter the Ten Principles). In North Korea, the Ten Principles have superiority over the Constitution or the Statutes of the WPK and govern the rules that systematically safeguard Kim Jong Un's unitary dictatorship. The Ten Principles can be considered guidelines that ideologically govern the North Korean system.²⁷¹

The revised Ten Principles focuses on the unitary leadership of Kim Jong Un. It demands that the entire Party strengthen its "unified ideological resolve and revolutionary unity around the leader" (Principle No. 6) in order to safeguard the unitary leadership system. Kim Jong Un himself gave a speech on

²⁷¹ Lee Ki-woo, *North Korea's Propaganda and Rodong Sinmun* (Seoul: Paradigm, 2015), p. 80.

safeguarding the unitary leadership system on 19 June 2013 in front of high-ranking officials of the Party, the military and the Cabinet. The WPK has published a collection of his speeches in a booklet titled *On Absolutely Safeguarding the Unitary Leadership System Befitting the Needs for Revolutionary Development*.²⁷² The revised Ten Principles are particularly noteworthy because they seek to tighten ideological control over North Korean people.

Table II-34 Ten Principles for the Establishment of the Party's Unitary Leadership System (Ten Principles)

Principle No. 1	All must struggle whole-heartedly to remake the entire society into "Kim Il Sung-Kim Jong Il-ism."
Principle No. 2	All must greatly revere Great Leader Kim Il Sung and Dear Leader Kim Jong Il as eternal Supreme Leader (<i>Suryeong</i>) of our Party and people and as the sun.
Principle No. 3	All must safeguard with their lives and accept as absolute the authority of Great Leader Kim Il Sung and Dear Leader Kim Jong Il and the authority of the Party.
Principle No. 4	All must absolutely arm themselves with the revolutionary ideology of Great Leader Kim Il Sung and Dear Leader Kim Jong Il and with the Party's lines and policies, which are the specifics of that ideology.
Principle No. 5	All must absolutely observe the principle of unconditional obedience in pursuing the teachings of Great Leader Kim Il Sung and Dear Leader Kim Jong Il and the Party's lines and policies.
Principle No. 6	All must strengthen in every possible way the Party's ideological unity and revolutionary cohesion centered on the Leader.
Principle No. 7	All must learn after Great Leader Kim Il Sung and Dear Leader Kim Jong Il and maintain refined mental and moral postures, revolutionary working methods and people-oriented working styles.

272. In this booklet, Kim Jong Un emphasizes that the Ten Principles for the Establishment of the Party's Unitary Leadership System is newly "enacted," succeeding and further developing the "Ten Principles for the Establishment of the Party's Unitary Ideology System." See Kim Jong Un, *On Absolutely Safeguarding the Party's Unitary Leadership System Befitting the Needs for Party Development* (Pyongyang: WPK Publisher, 2013), pp. 5-6.

Principle No. 8	All must cherish the political life handed down by the Party and Supreme Leader (<i>Suryeong</i>) and must repay the Party's trust and consideration with enhanced political awareness and productive output.
Principle No. 9	All must build strong organizational rules so that the entire Party, the nation and the military can move together as one under the unitary leadership of the Party.
Principle No. 10	To the end, all must succeed in and complete the great achievement of the <i>Juche</i> revolution and the great achievement of military-first revolution that Great Leader Kim Il Sung launched and Great Leader Kim Il Sung and Dear Leader Kim Jong Il implemented.

Since the Ten Principles are open to arbitrary interpretation, North Korean authorities actively use them to penalize those who are politically dissatisfied by labeling them as political or ideological criminals. The Ten Principles made it possible for an entire family to disappear because a second-grade elementary school student (nine years old) scribbled on the faces of Kim Il Sung and Kim Jong Il in his/her textbook or because an elderly woman used pages of the *Rodong Sinmun*, which contained pictures of Kim Il Sung and Kim Jong Il, as wallpaper.

However, in spite of North Korean authorities' emphasis on the Ten Principles, it seems rare that ordinary people, who are not Party members, are systematically taught about the Ten Principles. There also were testimonies claiming that no special education is provided for the Ten Principles that have been revised since Kim Jong Un took office.²⁷³ Most North Korean defectors testified that they learned about the Ten Principles

273_NKHR2019000014 2019-05-07; NKHR2019000016 2019-05-07.

during Life Review Sessions (*saenghwalchonghwa*) held at schools or enterprises but no longer remember their details.²⁷⁴

Nevertheless, the Ten Principles affect the real life of North Korean people as North Korean authorities carry out portrait inspections. A North Korean defector who defected in 2019 testified that portrait inspections have intensified since 2019. According to the testifier, inspectors crack down on people who do not wear portrait badges on the street, and officials select one or two households for portrait inspections.²⁷⁵ In some cases, portrait inspections were carried out only as a formality. A North Korean defector testified that, in 2018, portrait inspections were announced in advance so the residents could be prepared.²⁷⁶ A North Korean defector who defected in 2019 testified that the People's Unit (*inminban*) had announced a few times it would carry out portrait inspections, but the testifier had never been subjected to one,²⁷⁷ and another defector testified that residents are not punished as severely compared to the past.²⁷⁸

It seems that North Korean people do not actively apply the Ten Principles in real life. There were many testimonies reporting that

274_ NKHR2019000008 2019-04-08; NKHR2019000012 2019-04-20; NKHR2020000005 2020-05-15; NKHR2020000026 2020-07-06 and many other testimonies.

275_ NKHR2020000022 2020-07-06.

276_ NKHR2020000024 2020-07-06.

277_ NKHR2020000013 2020-06-15.

278_ NKHR2020000021 2020-07-06.

there are no cases in which the Ten Principles are observed in real life.²⁷⁹ On the other hand, the situation is different in the military. A North Korean defector who defected in 2019 testified that the Ten Principles are to be memorized by heart by members of the military.²⁸⁰ Intensive education on the Ten Principles is given to North Korean people who are dispatched to foreign countries for the purpose of ideological control. For instance, a North Korean defector said that he/she memorized each and every line of the Ten Principles before being dispatched to Oman.²⁸¹

Table II-35 Cases Related to the Ten Principles

Testimonies	Testifier ID
The testifier learned the Ten Principles in the military and labor training camp (<i>rodongdanryundae</i>) instead of schools.	NKHR2016000167 2016-11-01
The testifier recited the Ten Principles while he/she was in the military before joining the Party.	NKHR2016000178 2016-11-29
The testifier does not remember the Ten Principles well. The testifier studied them twice a year by organizing a study review session in a question-and-answer format.	NKHR2017000053 2017-07-31
The testifier did learn the Ten Principles at the Women's Union after its revision but does not remember them. People do not actively apply the Ten Principles in real life.	NKHR2017000060 2017-07-31
The testifier referred to the Ten Principles during Life Review Sessions (<i>saenghwalchonghwa</i>) and studied them with related materials. People tend to work hard to learn them in the military.	NKHR2017000087 2017-09-25
A book on the Ten Principles was distributed in the workplace, but the testifier can barely remember anything.	NKHR2018000056 2018-07-02
The testifier learned the Ten Principles in a question-and-answer format, and although the testifier worked hard to memorize them, he/she does not remember much.	NKHR2018000070 2018-07-14

279_NKHR2020000021 2020-07-06; NKHR2020000022 2020-07-06; NKHR2020000026 2020-07-06; NKHR2020000048 2020-11-28.

280_NKHR2020000035 2020-09-05.

281_NKHR2018000113 2018-10-13.

Testimonies	Testifier ID
The testifier had never read the Ten Principles that were revised since Kim Jong Un came to power. Only the Party member candidates receive education on the Ten Principles before they join the Party.	NKHR2019000013 2019-05-07
There was no special education on the revised Ten Principles.	NKHR2019000014 2019-05-07
Education on the Ten Principles was intense in the past, but today, even schools do not teach them to the students.	NKHR2019000016 2019-05-07

B. Restriction of Religious Freedom

Article 18, paragraph 1 of the ICCPR stipulates that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Article 68 of the North Korean Constitution stipulates that “citizens shall have freedom of religion,” and it elaborates that “this right is guaranteed through allowing the construction of religious buildings and religious rituals, etc.” However, the provision also stipulates that “religion cannot be used for involving foreign powers or harming the social order of the state,” which is used as the grounds for suppressing freedom of religion. As a matter of fact, North Korea regards all religion-related acts as acts to overthrow the North Korean system. It is practically impossible for North Korean people to practice religion. Many North Korean defectors testified that either they had never heard of religion or witnessed

religious practices when they were in North Korea or that, although there is some awareness of Catholicism and Cheondoism in North Korea, they exist only in form.²⁸²

The North Korean authorities monitor the people to prevent them from practicing religion. A North Korean defector who defected in 2019 testified that the Ministry of State Security always monitors people who travel frequently to China and that if anything “strange” is detected, the resident concerned is immediately reported.²⁸³ Another North Korean defector who defected in 2019 testified that he/she was told at a lecture meeting that if a copy of the Bible was found in a certain place, the person concerned would be subjected to a certain kind of punishment and that he/she must not read it.²⁸⁴ A North Korean defector who defected in 2020 testified that, when he/she was in the military, he/she was told that reading the Bible makes one’s brain rot.²⁸⁵

Suppression of Christianity is particularly severe. In some cases, people are regarded as political criminals and sent to political prison camps (*kwanliso*) or executed simply for possessing the Bible.²⁸⁶ Several North Korean defectors who

282_ NKHR2020000014 2020-06-15; NKHR2020000021 2020-07-06; NKHR2020000023 2020-07-06; NKHR2020000040 2020-10-31; NKHR2021000026-2 2022-05-18; NKHR2021000023-2 2022-05-31; NKHR2022000001 2022-05-13; NKHR2022000007 2022-05-25.

283_ NKHR2020000006 2020-05-15.

284_ NKHR2020000023 2020-07-06.

285_ NKHR2021000023-2 2022-05-31.

286_ NKHR2019000054 2019-07-29; NKHR2019000051 2019-07-20; NKHR2019000021

defected in 2019 testified that they heard that Christians who were caught while praying in a basement in Seoncheon County, North Pyeongan Province, in the early 2000s were shot to death.²⁸⁷ A North Korean defector who defected in 2019 testified that he/she witnessed two people being publicly executed for possessing the Bible in Pyeongseong, South Pyeongan Province in 2018.²⁸⁸ A North Korean defector who defected in 2018 testified that people are punished as political criminals or sentenced to life imprisonment just for their personal religious life even if they do not attempt to spread Christianity.²⁸⁹

Religious freedom in North Korea can be evaluated from three different perspectives. First, there are no religious facilities, including Protestant and Catholic churches, in North Korea except in Pyongyang. This reflects the reality that religious freedom is *de facto* restricted in North Korea. As for the family churches that the North Korean authorities claim to exist, it is questionable how freely they are actually being operated in provincial towns. Not one North Korean defector among those who have been interviewed knew about a family church.

The reason religious activities are restricted in North Korea is because the authorities have consistently persecuted religion since

2019-05-07.

287_NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10.

288_NKHR2019000024 2019-05-18.

289_NKHR2019000020 2019-05-07; NKHR2022000017 2022-06-13.

the founding of the state based on Kim Il Sung's instruction that "religion is the opiate of the people."²⁹⁰ North Korea views religion as an "imperialistic tool for invasion," which helps the ruling class to exploit the masses. The North Korean Dictionary on Philosophy specifies "Religion has historically been seized by the ruling class and used as a tool to deceive, exploit and oppress the people, and in modern times, it is used by the imperialists as an ideological tool to invade the people of underdeveloped countries."²⁹¹

Based on this perception, many religiously active people in North Korea have been branded as disloyal and tortured or executed for their beliefs. Religious people have been mostly categorized as anti-state and counter-revolutionary hostile elements who are subjected to persecution. In particular, many Christians have been purged as Christianity is regarded as a tool for imperialist invasion. Moreover, taking advantage of anti-American sentiment that has developed during the Korean War, North Korea strengthened its religious persecution and conducted personal background (*songbun*) checks to stigmatize and oppose all religious persons and their families as anti-revolutionary elements.

290_ "Religion is a reactionary and unscientific world view. Religion is like an opium." See, Korean Workers' Party Publishers, *Selections from Kim Il Sung's Writings* (Pyongyang: Korean Workers' Party Publishers, 1972), p. 154.

291_ The Academy of Social Science Philosophy Institute, *The Dictionary of Philosophy* (Pyongyang: The Academy of Social Science Press Philosophy Institute, 1985), p. 490.

Second, while North Korea continues its religious persecution, it uses Protestant churches, Catholic churches and temples as facilities for political propaganda targeting religious people and visitors from abroad. According to testimonies, entry or access to the newly established religious facilities by local citizens is strictly prohibited, and ordinary citizens generally perceive these religious places as “sightseeing spots for foreigners.” In the case of Bongsu Protestant Church in Pyongyang, which was built in September 1988, it is said that usually only the building manager and his/her family live there, but when foreign guests come to visit, several hundred citizens aged 40 to 50 years old are carefully selected and gathered to participate in fake church services. Foreign Christians who visited North Korea testified that they witnessed the door of the church being closed on Easter Sunday when they visited the church without prior consultation. Many foreign visitors said that church activities seemed to be staged.

Third, all North Korean defectors consistently testified that practicing religion on a personal level is harshly persecuted. As stated in the Constitution, the fundamental reason that religious freedom is not guaranteed in North Korea is the perception that religion is abused as a means of foreign encroachment and that religion inflicts harm on North Korea’s social disciplines. In particular, in the 1990s when the movement of people increased due to the food crisis, North Korea strictly suppressed Christian

mission activities on the belief that the religion had a detrimental impact on the maintenance of the North Korean system.

The fact that freedom of religion is restricted is also reflected in punishments imposed on the residents and defectors who are forcibly repatriated to North Korea. Increased control over defection under the Kim Jong Un regime reflects the concern that the North Korean system will grow unstable due to the inflow of external influence. It is also said that the punishment is heavier for those who had been in contact with Christians in China or South Koreans. Several North Korean defectors have said that they did not get a chance to experience religion in North Korea, but by the time they defected from North Korea, they came to realize that punishment is severe when caught getting involved in religious activities.²⁹²

Table II-36 Cases of Infringement on the Freedom of Religion

Testimonies	Testifier ID
In the early 2000s, approximately 70 Christians who were caught while praying in a basement in Seoncheon County, North Pyeongan Province, were accused of being traitors and shot to death.	NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10
In 2013, the testifier’s colleague’s father, who learned about Buddhism from South Korea and believed in it for around 10 years, introduced it to the people around him. Of the 1,200 employees who had worked with the testifier, 70% visited the colleague’s house to practice Buddhism, bowing and praying every night. Sometimes the colleague’s father read people’s fortunes by physiognomy. The testifier also saw books on Buddhism in that house. The colleague’s father	NKHR2016000056 2016-05-03

292_NKHR2017000106 2017-11-11; NKHR2017000109 2017-11-20.

Testimonies	Testifier ID
was sentenced to one year of correctional labor punishment and sent to Wonsan <i>Kyohwaso</i> , but he continued to believe in Buddhism after returning from the prison camp (<i>kyohwaso</i>). In 2015, a computer file of the Bible was circulated in Kimhyeongjik County, Yanggang Province, and the testifier understood religion as “an organization that follows God.”	NKHR2015000091 2015-05-12
In December 2015 in Samjiyeon, Yanggang Province, the testifier witnessed a neighbor getting arrested by the MSS provincial bureau after the Bible was found during a home search. The testifier assumes the neighbor was sent to a political prison camp (<i>kwanliso</i>) as the testifier did not get any news about the neighbor thereafter.	NKHR2017000012 2017-04-10
In 2018, the testifier witnessed two people being publicly executed for the charge of spreading Christianity in Gilseongpo Port, North Hwanghae Province. Public trials and public executions were conducted together, and the trials were held by the Ministry of State Security.	NKHR2019000054 2019-07-29
In April 2018, the testifier’s cousin was caught by the Ministry of State Security for receiving copies of the Bible from China and distributing them to people for missionary purposes and was sent to a political prison camp (<i>kwanliso</i>).	NKHR2019000051 2019-07-20
Regarding smuggling, there have been cases in which copies of the Bible were included among the smuggled items. Smugglers caught possessing the Bible were mostly given correctional labor punishment.	NKHR2015000067 2015-04-07
The testifier first learned about religion during an interrogation at the Ministry of State Security. There were many cases in which forcibly repatriated people were interrogated at the Ministry of State Security for charges related to Christianity.	NKHR2015000122 2015-09-08

C. Punishment for Acts of Superstition

As freedom of religion is *de facto* restricted in North Korea, superstitions are prevalent among the general public. North Korean defectors testified that acts of superstition such as divination have been increasing.²⁹³ According to the North

293_NKHR2020000013 2020-06-15; NKHR2020000021 2020-07-06; NKHR2020000028

Korean Criminal Law, a person who commits acts of superstition shall be subject to labor training punishment of one year or less, and a person who teaches superstition or causes serious consequences shall be subject to correctional labor punishment of three years or less; in cases where the act committed by the person is serious, the person shall be subject to three years or more and up to seven years of correctional labor punishment (Article 256). In addition, the Youth Education Security Act stipulates religious activities and acts of superstition as acts that young people must not commit (Article 41, paragraph 3). However, in reality, the North Korean authorities do not punish acts of superstition at the same level as acts of practicing other religions. It has been found that most North Korean residents or defectors who are caught engaged in acts of superstition receive labor training punishment of up to one year.²⁹⁴ Such punishment can even be avoided by offering bribes.²⁹⁵ A North Korean defector who defected in 2019 testified that those who engage in minor superstitious acts are not severely punished when caught because they do not perform such acts openly and, in some cases, only a warning is issued if they pay a bribe.²⁹⁶

2020-07-06.

294_NKHR2017000040 2017-06-05; NKHR2018000094 2018-08-27 and many other testimonies.

295_NKHR2017000046 2017-07-03; NKHR2017000133 2017-12-18; NKHR2018000107 2018-10-01.

296_NKHR2022000003 2022-05-19.

However, there are cases in which people who directly commit acts of superstition are heavily punished. A North Korean defector who defected in 2019 testified that crackdowns on acts of superstition have intensified since Kim Jong Un came to power,²⁹⁷ and another defector testified that, in July 2018, an order was issued to report any acts of superstition.²⁹⁸ A North Korean defector who defected in 2019 testified that the punishment for fortune tellers is more severe than the punishment for those who ask for their fortune to be told. According to the testifier, as crackdowns on acts of superstition are severe, avoiding punishment is difficult once caught, and in some cases, the accused are executed by shooting. The testifier said that many fortune tellers were arrested in Hyesan in 2019, with two female fortune tellers executed by shooting.²⁹⁹ Another North Korean defector who defected in 2019 testified that crackdowns on acts of superstition have intensified since 2019. The testifier said that those who told fortunes for others were arrested and sent to prison camps (*kyohwaso*), while those who asked for their fortune to be told were also punished although not as severely.³⁰⁰

A North Korean defector who defected in 2019 testified that crackdowns on acts of superstition have intensified around 2017

297_NKHR2022000010 2022-06-09.

298_NKHR2022000002 2022-05-18.

299_NKHR2020000024 2020-07-06.

300_NKHR2020000013 2020-06-15.

and 2018. The testifier said that, because people who commit acts of superstition could be subjected to correctional labor punishment, the number of people engaged in fortune telling largely decreased and that he/she was told that some were sentenced to three years of imprisonment, while others were released after paying bribes. The testifier also said that those who asked for their fortune to be told are also subject to legal punishment.³⁰¹ Another North Korean defector who defected in 2019 testified that, in 2015, he/she was arrested by Group 109 members and detained for a month for lending a South Korean book on fortune telling to his/her cousin's sister-in-law but was released after paying bribes.³⁰² A North Korean defector who also defected in 2019 testified that, in 2017, he/she witnessed two to three people undergoing a public trial after being caught committing acts of superstition. The testifier said that one was sentenced to five years of correctional labor punishment while the other was sentenced to eight years of correctional labor punishment, and the people who asked for their fortune to be told were sentenced to labor training punishment.³⁰³

There are many testimonies about cases in which people were punished for committing acts of superstition. Reports of fortune

301_NKHR2020000005 2020-05-15.

302_NKHR2020000024 2020-07-06.

303_NKHR2020000022 2020-07-06.

tellers being sentenced to correctional labor punishment after public trials in 2018,³⁰⁴ a woman in her 70s being caught and shot to death for passing on superstitions to 20 pupils in 2018,³⁰⁵ and a person practicing *bangto* (a kind of exorcism) being sentenced to unlimited-term correctional labor punishment in 2018³⁰⁶ are representative examples of these testimonies.

D. Evaluation

The right to freedom of thought, conscience and religion of North Korean people is seriously violated. Above all, the *Juche* ideology and the Ten Principles are fundamentally incompatible with the right to freedom of thought, conscience and religion. As can be seen from North Korea's legal reality, in which the Constitution makes no reference to freedom of thought and conscience, it is clear that the concept of freedom of thought and conscience itself is unfamiliar to North Korean people.

Although freedom of religion is stipulated as a legal right in the Constitution, it is severely restricted, which can be seen from the fact that most North Korean people have never heard the word "religion." In reality, North Korea maintains its policy of restricting freedom of religion and imposes strong punishment

304_ NKHR2019000033 2019-06-03; NKHR2022000025 2022-06-23.

305_ NKHR2019000071 2019-08-26.

306_ *Ibid.*

and control over certain religions, such as Christianity. Meanwhile, acts of superstition including fortune telling and *gut* (a kind of exorcism) are prevalent in North Korea, and the level of punishment against those engaging in acts of superstition seems very high.

10

Right to Freedom of Expression

Freedom of expression, which is an essential right necessary for the full development of a democratic and free society and the person, is one of the most basic rights.³⁰⁷ Article 19 of the UDHR stipulates that everyone has the right to freedom of opinion and expression, and this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 19 of the ICCPR also stipulates that freedom of opinion and expression can be realized in diverse manners.

³⁰⁷_ UNHRC, “General comment No. 34, Article 19: Freedoms of Opinion and Expression,” 12 September 2011, para. 2.

Table II-37 Article 19 of the ICCPR

Paragraph 1	Everyone shall have the right to hold opinions without interference.
Paragraph 2	Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
Paragraph 3	The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

This chapter will examine the major issues related to the situation in North Korea regarding the right to freedom of expression.

A. Restrictions on Forming and Expressing Political Opinions

Article 19, paragraph 1 of the ICCPR stipulates the right to have opinions without interference. All forms of opinion are protected, including opinions of a political, scientific, historic, moral or religious nature, and any form of effort to coerce the holding or not holding of any opinion is prohibited.³⁰⁸ In general, the right to hold an opinion is infringed upon when a person is under undue influence while forming an opinion, and when this is carried out by coercion, threat or other similar means.³⁰⁹

308_ UNHRC, General Comment, No. 34 (2011), paras. 9-10.

Article 67 of the North Korean Constitution provides for freedom of the press and publication. In addition, the “DPRK Association for Human Rights Studies Report” strongly emphasizes that as freedom of the press and publication is an indispensable element of democracy and an important aspect of political rights, all citizens exercise the right to freely express their opinions and intentions in various manners through diverse media.³¹⁰ However, as the North Korean Constitution emphasizes aspects such as the “whole,” “unification of political ideology,” “revolutionary awakening,” and “security of the state” in its Article 10,³¹¹ and Articles 63,³¹² 81³¹³ and 85³¹⁴ that stipulate the basic rights and obligations of citizens, violating the rights specified in Article 19, paragraph 1 of the ICCPR is institutionally possible. North Korean defectors have testified that it is difficult to freely express individual opinions in North Korea because

309_ Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, 2nd revised ed. (Kehl am Rhein: N. P. Engel, 2005), p. 442.

310_ DPRK Association for Human Rights Studies, “DPRK Association for Human Rights Studies Report,” in *Materials by the Center for North Korean Human Rights Studies*, KINU (13 September 2014), p. 49.

311_ “The Democratic People’s Republic of Korea is based on the political and ideological unification of all people based on the Worker–Peasant Alliance led by the labor class. The state revolutionizes all members and turns them into the labor class, and makes the whole of society a single group that is integrated as comrades.”

312_ “In the Democratic People’s Republic of Korea, the rights and duties of the citizens are based on the principle of collectivism of ‘one for all, all for one.’”

313_ “Citizens shall devotedly advocate the political and ideological unification and solidarity of the people.”

314_ “Citizens shall at all times raise the revolutionary alertness and fight with personal devotion for the security of the state.”

people are constantly monitored in daily life.³¹⁵

In reality, expressions of political opinion that differ from those of the North Korean authorities, negative references to the family of Kim Il Sung, Kim Jong Il and Kim Jong Un and positive references to South Korea are all prohibited. There is a perception among people that those who criticize the Supreme Leader (*Suryeong*) or politics will be sent to political prison camps (*kwanliso*).³¹⁶ The fear of political prison camps (*kwanliso*) causes people to speak cautiously.³¹⁷ Given the power of control that political prison camps (*kwanliso*) have in North Korean society, it has been found that the freedom of North Korean people to express political opinions is seriously restricted. The provisions of the North Korean Criminal Law are vaguely written so that harsh sentences can be imposed by criminalizing certain political statements or actions. Such statements or actions identified as constituting an “act of treason against the people” are punishable by unlimited-term correctional labor punishment or death. In addition, because there is fear that anyone speaking negatively about society will be taken by the Ministry of State Security and disappear without being able to let others know what happened,³¹⁸ there is a widespread culture of self-censorship of

315_ NKHR2021000026-2 2022-05-18; NKHR2022000001 2022-05-13; NKHR2022000010 2022-06-09; NKHR2022000014 2022-06-10 and many other testimonies.

316_ NKHR2019000020 2019-05-07.

317_ NKHR2019000020 2019-05-07; NKHR2019000104 2019-11-09 and many other testimonies.

statements and actions that could be viewed as criticizing the state or national policy.³¹⁹ In North Korea, political remarks such as criticism of the regime are fundamentally unacceptable, and even the expression of private opinions by individuals is strictly controlled.

B. Arbitrary Censorship and Control of the Press and Publications

According to Article 19, paragraph 2 of the ICCPR, the press, publications and other media that are used as a means of expression should be free and not be subjected to interference and disturbance. However, in North Korea, publications, the press and broadcasting are used to mobilize the people to idolize Kim Il Sung, Kim Jong Il and Kim Jong Un and reinforce *Juche* ideology.

All North Korean newspapers are mouthpieces for the Party and the Cabinet and are official media published by various state-sponsored propaganda organizations of culture and art. They are written and published under the supervision of the Newspaper Department of the Propaganda and Agitation Division of the WPK and the administrative guidance of the Newspaper

318_NKHR2021000026-2 2022-05-18.

319_Situation of Human Rights in the Democratic People's Republic Korea, Report of the Secretary-General. UN Doc. A/75/271 (2020), para. 20.

Department of the Publication Division of the Cabinet.³²⁰ The content of all articles aims to remind people of the superiority of the North Korean system, and criticism of the WPK or discussion on basic issues is non-existent. In addition, any information that might enhance people's right to information or promote critical thinking is strictly prohibited.

Broadcasting in North Korea is operated under the direction of the Korean Central Broadcasting Committee, which is affiliated with the Cabinet. Similar to newspapers, broadcasting is used for propaganda and reporting of Party policies and domestic and international affairs. The Korean Central Broadcasting Committee is an institution that plans and oversees all broadcasting tasks that performs both broadcasting and regulating functions; with respect to the content of broadcasting, the Committee is under the direction and control of the Propaganda and Agitation Division and the United Front Department of the WPK.³²¹

The North Korean Publication Law of 1999 stipulates that “citizens shall have the right to freely engage in writing or creative activities” (Article 6). However, it limits the purpose of such activities to “safeguarding and promoting great socialist projects based on a revolutionary tradition of publication” (Article 2). In order to operate a publishing business, the publisher must

320_National Institute for Unification Education, *2020 Understanding North Korea* (Seoul: Institute for Unification Education, 2019), pp. 297–298.

321_ *Ibid.*, p. 304.

register with the Cabinet or the Publication Guidance Agency (Article 12); all printing facilities used without registration shall be subject to confiscation (Article 49). The Publication Law controls publications by stipulating that “the Publishing Guidance Agency and related agencies must ensure that state secrets are not leaked and any reactionary ideas, culture and lifestyles are not circulated through publications, and register all public facilities and supervise and control their use” (Article 47). Moreover, by stating that “all publications that can disclose state secrets or spread reactionary ideas, culture and lifestyles shall be confiscated and its production, publication, supply and transportation shall be suspended” (Article 48), it *de facto* allows arbitrary censorship and control of publications by the North Korean authorities.

Individual citizens and responsible workers at agencies, enterprises or organizations, whose actions have caused serious consequences by violating the Publication Law, shall be subject to administrative or criminal responsibility (Article 50). The Administrative Penalty Law mandates the imposition of administrative penalties on those who violate the orders of publishing, printing and circulation (Articles 194 and 195). The North Korean Criminal Law also stipulates that acts that violate publication rules may be punishable by up to one year of labor training punishment (Article 214). Consequently, any work that is written must ultimately be censored by the WPK’s Propaganda and Agitation Division. If a North Korean person publishes

materials in violation of the censorship standards, authorities can charge him/her with the crime of anti-state propaganda and agitation stipulated in Article 62 of the Criminal Law and impose up to five years of correctional labor punishment. If the case is serious, the person may be subject to five years or more and up to 10 years of correctional labor punishment. Consequently, it is practically impossible to publish materials that criticize the WPK or the Supreme Leader (*Suryeong*) through the press or publication.

Meanwhile, in its national report submitted for the third cycle of the UPR in 2019, North Korea stated that there was “a marked increase in the variety and number of publications” that contributed to enhancing the people’s cultural appreciation, various events were held several times every year to give people a chance to show their creative talents and that state commendations and other incentives were awarded to stimulate public enthusiasm for creative activities.³²² However, publications that can actually be accessed by people are those that have been censored and stamped with “Pass,”³²³ and all other publications are subject to crackdowns. A North Korean defector testified that publishing material without state approval is a very dangerous act that could result in three generations of the family being accused of being “sectarian spies.”³²⁴ Moreover, it is impossible to write pieces or

322_ UN Doc. A/HRC/WG.6/33/PRK /1 (2019). para. 32.

323_ NKHR2021000026-2 2022-05-18.

complaints against the state or the Party.³²⁵ Given that the basic requirement for people who participate in contests or various daily events is to act as a faithful mouthpiece of the state and the Party,³²⁶ the freedom of expression that the authorities claim is legally and socially guaranteed is restricted in reality.

Even if North Korean people find censorship before publication inconvenient and unjust, resisting the censorship system implemented by the North Korean authorities is impossible.³²⁷ North Korean people are not allowed to engage in individual creative activities,³²⁸ nor can they read or access non-approved publications. The production, distribution and consumption of publications that are outside the national system that manages the production and distribution of all publications represent illegal acts. A North Korean defector testified that, in 2011, his/her acquaintance's mother was caught making and selling a movie and sentenced to eight years of correctional labor punishment; the testifier also said that people can read only foreign publications approved by the state.³²⁹ A North Korean defector who defected in 2019 testified that it is illegal to possess foreign publications

324_ NKHR2022000006 2022-05-25.

325_ NKHR2021000026-2 2022-05-18.

326_ "The trumpeter of the Party's ideological front line - the broadcasters on broadcast and propaganda vehicles," *Rodong Sinmun*, 28 October 2020.

327_ NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.

328_ NKHR2022000006 2022-05-25; NKHR2022000014 2022-06-10.

329_ NKHR2022000006 2022-05-25.

and such publications will be confiscated if caught.³³⁰ As in the case of a North Korean defector who was punished for a book stored on his/her mobile phone,³³¹ North Koreans have been deprived of the freedom of the press as well as the opportunity to freely choose and read the books they want to due to the strict controls of the political authorities.

Table II-38 Testimonies of Crackdowns on South Korean/Foreign Publications

Testimonies	Testifier ID
In 2015, the testifier was arrested by Group 109 members and detained for a month for lending a South Korean book on fortune telling to his/her cousin's sister-in-law but was released after paying bribes. The testifier would not have been released had he/she been in possession of the entire book. Things were resolved because he/she was caught with only a few pages in his/her possession.	NKHR2020000024 2020-07-06
In 2017, the testifier was cracked down on for a book he/she downloaded and stored on his/her mobile phone. The testifier had thought that all books were published by the Central Publishing House. The testifier was caught by a security platoon, which is a military unit that has the authority to police those who are not affiliated with the military. The soldiers who caught him/her showed him/her the relevant guidelines and pointed out that the book stored on his/her mobile phone was included in the list of non-approved books. The testifier told the soldiers that he/she did not know but ultimately had to offer a small amount of cash as a bribe to avoid punishment.	NKHR2022000018 2022-06-15
The testifier does not know much about works of art but is certain that books and music are censored. People are aware that censorship is wrong but believe that resistance is meaningless. Under the censorship system, every publication is inspected. The first thing to check for all publications is whether messages and instructions from Kim Il Sung and Kim Jong Il, and now from Kim Jong Un, are printed on the first	NKHR2022000001 2022-05-13

330_NKHR2021000026-2 2022-05-18.

331_NKHR2022000018 2022-06-15.

Testimonies	Testifier ID
page. The basic elements to check include whether words are spaced without error and whether commas are used correctly; also, publications are evaluated from a policy point of view. Regardless of their content, publications are approved if the said requirements are met.	
There is no publication that is not subject to censorship, and all publications must pass inspection for release. The testifier is not certain whether a person possessing foreign publications can be punished, but he/she is certain that no one should have foreign publications in their possession.	NKHR2021000026-2 2022-05-18
North Korean people obviously have a negative attitude toward the censorship of publications, but they comply with the censorship system because the state makes them do so. Publication without state approval is a very dangerous act that could result in three generations of the family being accused of being sectarian spies. Foreign publications or works that are available to the public are those approved by the authorities in North Korea. It is impossible to have access to non-approved foreign publications.	NKHR2022000006 2022-05-25

C. Controlling People’s Right to Know by Blocking External Information

Article 19, paragraph 2 of the ICCPR stipulates that freedom of expression includes “freedom to seek, receive and impart information and ideas of all kinds.” The people of North Korea, which is a State Party to the ICCPR, must be able to seek, receive and impart a variety of information and ideas using various media. In the third cycle of the UPR in 2019, North Korea reported that the rights of citizens to freedom of expression and access to information are protected by relevant laws.³³² North Korea also

332_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 4.

reported that it has continued to invest in the IT environment, which made it possible for not only adults but also children to explore and share information of all kinds.³³³ However, in reality, North Korean people cannot freely access external information and are punished if they are found to have acquired and/or transmitted information and ideas (including video recordings) not authorized by the authorities.

Under such circumstances, there is only very limited access to external information. There is the “Blue Sky” device, a television signal converter tuned to four channels that operates like a cable box, and people install it for 200 yuan to watch television; however, people watching channels other than the four are subject to crackdowns.³³⁴ North Korean people have limited communication with the outside world through illegal video recordings and mobile phones, and even this outlet is not free from authorities’ control and surveillance.

(1) Crackdowns and Punishments for Video Recordings

North Korean authorities strictly restrict the distribution of information through images such as illegal video recordings. The North Korean Criminal Law punishes those who bring from

333_ *ibid.*, para. 33.

334_ NKHR2022000014 2022-06-10.

foreign countries or produce, distribute or retain music, dances, paintings, photographs, books, video recordings or electronic media that contain corrupt, sensual or inappropriate content without permission (Article 183), and those who listen to enemy broadcasts or collect, retain or distribute enemy leaflets even without anti-state purposes (Article 185). Acts of introducing, using and distributing corrupt culture are also punishable under the Administrative Penalty Law (Article 208). Offenders are mostly subject to labor training punishment or correctional labor punishment. The North Korean Criminal Law of 2013 stipulates in Article 183 (Crime of introducing/distributing corrupt culture) that up to 10 years of correctional labor punishment may be imposed on acts of introducing corrupt external culture. Considering that the Criminal Law of 2012 had stipulated that the same acts are subject to up to five years of correctional labor punishment, it seems that the North Korean authorities have strengthened overall control on the introduction of external culture since 2013, when Kim Jong Un came to power. In addition, North Korea adopted the Reactionary Ideology and Culture Rejection Act in December 2020.

Table II-39 Changes in the Provisions Related to the Introduction and Distribution of Corrupt Culture in the North Korean Criminal Law

<p>Criminal Law of 2012</p>	<p>Article 183 (Crime of introducing/distributing corrupt culture) A person who brings from foreign countries or produces, distributes or illegally retains paintings, photographs, books, video recordings and/or electronic media that contain corrupt, sensual and/or inappropriate content without permission shall be subject to up to one year of labor training punishment. In cases in which the act in the above paragraph is serious, the person shall be subject to up to five years of correctional labor punishment.</p>
<p>Criminal Law of 2013</p>	<p>Article 183 (Crime of introducing/distributing corrupt culture) A person who brings from foreign countries or produces, distributes or illegally retains paintings, photographs, books, video recordings and/or electronic media that contain corrupt, sensual and/or inappropriate content without permission shall be subject to up to one year of labor training punishment. A person who repeatedly introduces or distributes or retains large amounts of video recordings and/or electronic media that contain corrupt, sensual and/or inappropriate content shall be subject to up to five years of correctional labor punishment. In cases in which such act is serious, the person shall be subject to five years or more and up to 10 years of correctional labor punishment.</p>
<p>Criminal Law of 2015</p>	<p>Article 183 (Crime of introducing/distributing corrupt culture) A person who brings from foreign countries or produces, distributes or illegally retains paintings, photographs, books, music and/or movies that contain corrupt, sensual and/or inappropriate content without permission shall be subject to up to one year of labor training punishment. A person who repeatedly introduces, produces, distributes or retains the said materials or introduces, produces, distributes or retains the said materials in large amounts shall be subject to up to five years of correctional labor punishment. In cases in which such act is serious, the person shall be subject to five years or more and up to 10 years of correctional labor punishment.</p>

North Korea defines content introduced from outside as “non-socialist corrupt culture” and has continuously strengthened its censorship and crackdowns against them. The North Korean Criminal Law and Administrative Penalty Law severely punish those who introduce, produce, distribute or retain external cultural content. In addition, Group 109, which is a separate organization

established to regulate foreign media and publications, is allowed to conduct home searches without prior notice or warrant.³³⁵

A North Korean defector testified that Group 109 members frequently search peoples' homes such that people are preoccupied with potential crackdowns.³³⁶ There were testimonies claiming that in home searches, People's Unit (*inminban*) chiefs knock on the door and MPS officers come inside the house without prior notice to inspect the accommodation and search for impure video recordings.³³⁷ A North Korean defector who defected in 2019 testified that his/her house had been inspected only about once a month because his/her family was a model family participating in projects of the People's Unit (*inminban*). According to the testifier, crackdown officers force their way into houses if residents do not open their doors, and while people who are caught during a crackdown can be reported to the Party Committee at minimum, they can be sent to the Ministry of Social Security or Ministry of State Security or even deported if the case is serious. In particular, the testifier said that he/she was extremely careful when secretly watching a drama in which a South Korean character entered North Korea to perform surgery on Kim Il Sung because he/she would have been sent to a political

335_UN Doc. A/75/271 (2020), para. 18.

336_NKHR2020000029 2020-07-05.

337_NKHR2020000029 2020-07-05; NKHR2020000048 2020-11-28.

prison camp (*kwanliso*) if he/she had been caught watching such content.³³⁸ There were many testimonies reporting that the testifiers prepared themselves for crackdowns, such as having North Korean video recordings ready so that they could pretend to have been watching them or blocking sound and light when watching illegal video recordings.³³⁹ The devices used to view video recordings have changed from CDs to memory chips and mobile phones.³⁴⁰ There was testimony claiming that, while people were easily caught in the past because they used CDs to watch illegal video recordings, nowadays people use SD memory cards that are as small as a fingernail, which they easily hide when they hear any sound outside their house.³⁴¹

Crackdowns on video recordings by members of Group 109, which is known as the organization in charge of crackdowns, have been continuously carried out and the punishment has intensified. It has been reported that people cannot avoid crackdowns because Group 109 members carry electric wave detectors that allow them to find out what kind of video recordings people subject to inspections were watching.³⁴² It has been reported that Group

338_NKHR2022000001 2022-05-13.

339_NKHR2022000002 2022-05-18; NKHR2022000007 2022-05-25; NKHR2021000011-2 2022-05-31; NKHR2022000011 2022-06-10; NKHR2022000012 2022-06-10; NKHR2022000014 2022-06-10 and many other testimonies.

340_NKHR2022000015 2022-06-10.

341_NKHR2022000006 2022-05-25.

342_NKHR2019000089 2019-10-19.

109 members walk around the streets wearing plain clothes and randomly search the belongings of people with laptops or people who look well-dressed and well-fed passing them by.³⁴³ Young people or households with young people are frequently subjected to mobile phone and accommodation inspections because the younger generation actively uses mobile phones and computers to watch various videos. In addition, young people often get caught distributing illegal video recordings to others.³⁴⁴ However, many North Korean defectors have consistently testified that the practice of people secretly watching video recordings such as South Korean dramas or movies is spreading. North Korean defectors testified that South Korean society as portrayed in South Korean dramas looked “fantastic,” and that they could not help but compare it to North Korean society.³⁴⁵ In particular, they pondered what it meant to “live like a human being” after watching how South Koreans freely express themselves and wear the clothes of their choice.³⁴⁶ There was also testimony stating that the testifier paid close attention to food, clothing, and particularly housing when watching South Korean dramas, and felt like he/she was living a life inside an iron cage as he/she

343_NKHR2022000004 2022-05-20.

344_NKHR2022000006 2022-05-25; NKHR2022000011 2022-06-10; NKHR2022000012 2022-06-10; NKHR2022000014 2022-06-10.

345_NKHR2021000011-2 2022-05-31.

346_NKHR2021000026-2 2022-05-18.

compared his/her daily routine of cleaning statues and polishing portraits with the life of South Koreans portrayed in the dramas.³⁴⁷ On the other hand, there was testimony stating that the testifier did not think that South Korea was a democratic and advanced society after watching South Korean dramas because he/she believed “art is art.”³⁴⁸ Another testifier stated that watching South Korean dramas enabled him/her to learn about capitalism, although it did not affect the testifier’s perception that there was something wrong with North Korean society.³⁴⁹ In many cases, the testifiers stated that they learned about the “outside world” by watching South Korean dramas.³⁵⁰

In many cases, people who watch and distribute South Korean video recordings are sentenced to labor training punishment. However, testimonies that such people are sentenced to correctional labor punishment have been steadily increasing since the Criminal Law was revised. There were many testimonies indicating that those caught with Chinese music or video recordings are sentenced to labor training punishment, while those caught with South Korean dramas are sentenced to correctional labor punishment.³⁵¹ It is said that once a person is

347_NKHR2022000014 2022-06-10.

348_NKHR2022000006 2022-05-25.

349_NKHR2022000019 2022-06-16.

350_NKHR2022000011 2022-06-10; NKHR2022000012 2022-06-10; NKHR2022000017 2022-06-13.

351_NKHR2020000026 2020-07-06; NKHR2020000029 2020-07-06; NKHR2022000006

caught during a crackdown, the authorities interrogate the person and use all means to force the person to confess who the distributor is.³⁵² There was testimony stating that being caught watching South Korean movies is punished more severely than being caught using drugs (*bingdu*). According to the testimony, the former will be sentenced to correctional labor punishment or forced deportation, or sent to a political prison camp (*kwanliso*).³⁵³ In particular, those who are caught with pornography are sentenced to up to ten years of correctional labor punishment³⁵⁴ or sometimes deported.³⁵⁵ In addition, there was testimony reporting that a proclamation was issued stating that those watching/distributing South Korean video recordings would be sentenced to death³⁵⁶ and testimony claiming that those who are caught would be shot to death.³⁵⁷ There was also testimony indicating that the Criminal Procedure Law was revised in 2018 and those watching Korean dramas or video recordings would be sentenced to five years of imprisonment.³⁵⁸ Testimony was

2022-05-25 and many other testimonies.

352_NKHR202000013 2020-06-15.

353_NKHR202000021 2020-07-06.

354_NKHR201900016 2019-05-07.

355_NKHR201900003 2019-04-08.

356_NKHR201500099 2015-05-19.

357_NKHR201900084 2019-10-05; NKHR202200006 2022-05-25.

358_The text of the relevant provisions cannot be confirmed as the Criminal Procedure Law, which allegedly had been revised in 2018, is currently not available. However, some parts of the said law have been introduced by the press. "North Korea revised part of the Criminal Law on the punishment of human traffickers,"

collected claiming that the punishment has been strengthened since 2019 and, as a result, a person watching a South Korean movie for one hour would be sentenced to one year of correctional labor punishment, and the testifier knew of a person being sentenced to seven years of correctional labor punishment for watching seven hours of South Korean movies.³⁵⁹ According to the testimony of North Korean defectors who defected in 2019, the punishment for watching South Korean video recordings is seven to ten years of imprisonment,³⁶⁰ and one testifier claimed that ten years imprisonment was not particularly severe because there have been cases in which people were sentenced to life imprisonment or sent to a political prison camp (*kwanliso*) because the punishment has been strengthened.³⁶¹ A North Korean defector who defected in 2019 testified that, unlike in the past when there were cases in which authorities turned a blind eye to people watching CDs, today, people who are caught watching South Korean dramas are unconditionally subjected to interrogation by the Ministry of State Security, and anyone found having routinely distributed South Korean dramas are to be shot to death.³⁶²

However, regardless of the authorities' tightened control over

Radio Free Asia, 26 June 2019.

359_NKHR2022000002 2022-05-18.

360_NKHR2022000011 2022-06-10; NKHR2022000015 2022-06-10; NKHR2022000017 2022-06-13.

361_NKHR2022000017 2022-06-13.

362_NKHR2021000026-2 2022-05-18.

illegal video recordings, there are still many cases in which people avoid punishment through personal connections and bribery.³⁶³ A North Korean defector testified that whether a person who is caught with illegal video recordings would be punished depends on whether the person could offer bribes on the spot. According to the testifier, a person who is supposed to be punished by correctional labor punishment could be released within a few days or months, and a person from a rich family could cover up the case with money.³⁶⁴ It is said that the amount to be paid as a bribe is fixed in yuan per movie, and those with money could be set free while those without money would be sent to a prison camp (*kyohwaso*).³⁶⁵ A North Korean defector testified that, in 2018, his/her son, who listened to South Korean music while playing, was caught by Group 109 members and the testifier paid 15,000 yuan to reduce the sentence his/her son was to receive to six months imprisonment in a labor training camp (*rodongdanryundae*).³⁶⁶ On the other hand, another testimony has reported that charges related to South Korean dramas or films cannot be resolved by offering bribes, and people who are caught while watching such video recordings would be sent to a prison camp (*kyohwaso*) or a

363_NKHR2020000005 2020-05-15; NKHR2020000022 2020-07-06 and many other testimonies.

364_NKHR2020000014 2020-06-15.

365_NKHR2022000010 2022-06-09.

366_NKHR2022000003 2022-05-19.

political prison camp (*kwanliso*) no matter how much they paid as a bribe.³⁶⁷ A North Korean defector who defected in 2020 testified that his/her friend who was caught watching a South Korean drama was sentenced to three years of correctional labor punishment.³⁶⁸ Another testimony was collected reporting that adolescents were subject to a criticism meeting and sent to a prison camp (*kyohwaso*) after undergoing a public trial.³⁶⁹

Table II-40 Testimonies on the Segregation of Persons with Nanocormia

Testimonies	Testifier ID
In 2016, the testifier’s acquaintance who was caught watching a drama was sentenced to five years imprisonment.	NKHR2022000011 2022-06-10
In 2016, the year the testifier graduated from an advanced middle school, the testifier witnessed adolescents participating in a criticism meeting. When the case is serious, the adolescents involved are sent to a juvenile prison. Although this punishment is severe, there are many cases in which it is avoided by paying bribes.	NKHR2022000025 2022-06-23
In 2017, a child killed him/herself by drinking a bottle of narcotics because he/she would be forced to give up the names of friends who he/she watched South Korean movies with. If caught, people are not just imprisoned but their entire family is deported. In the past, the punishment was five years imprisonment, but the punishment has been strengthened so that it is 10 years imprisonment today. Because people who are caught watching South Korean movies are sent to prison, there are cases of children who have committed suicide.	NKHR2022000015 2022-06-10
When the testifier was detained in a detention center (<i>guryujang</i>) in 2017, he/she met a person who was detained after being caught with American movies on a used computer he/she had bought, which, according to the person, had been downloaded	NKHR2022000017 2022-06-13

367_NKHR2019000076 2019-08-26; NKHR2019000089 2019-10-19; NKHR2019000097 2019-10-21.

368_NKHR2021000011-2 2022-05-31.

369_NKHR2022000023 2022-06-22; NKHR2022000025 2022-06-23.

Testimonies	Testifier ID
<p>and saved there by the previous owner. In December 2017, the testifier heard from a person who was detained in the same detention center (<i>guryujang</i>) that the person's daughter was caught watching a South Korean drama; according to the person, his/her daughter watched the drama without knowing that it was from South Korea, and she was caught because one of her friends who watched the drama together gave up her name. The testifier heard that the daughter died while being interrogated at the detention center (<i>guryujang</i>).</p>	
<p>In 2017, the testifier was caught by Group 109 members during a crackdown on laptops for possessing Hong Kong and South Korean movies on his/her laptop. He was sent to an MPS branch where he/she was beaten during interrogation; the MPS officers pulled his/her hair and hit his/her head with a book. The testifier could not get him/herself released no matter how much he/she paid as a bribe because there also were American movies on the laptop; the only way to get released was to tell the officers who his/her accomplices were. The testifier thinks the punishment was not severe because he/she was a minor then. The testifier was released after giving up the name of the person who produced and gave him/her the copies of the movies.</p>	<p>NKHR2022000023 2022-06-22</p>
<p>In 2018, one of the testifier's acquaintances was caught watching a South Korean movie during a home search for illegal video recordings. The acquaintance was detained in the Ministry of State Security for about six months but avoided being sent to a labor training camp (<i>rodongdanryundae</i>) by offering a large amount of money as a bribe. People who are caught with South Korean movies could be sent to a prison camp (<i>kyohwaso</i>), and approximately 2,000 dollars must be paid as a bribe in such a case.</p>	<p>NKHR2020000022 2020-07-06</p>
<p>In 2018, the testifier's son was arrested by Group 109 members while at a friend's house for dancing to South Korean music; one of his friends who was there reported him to Group 109. The testifier paid 15,000 yuan so that his/her son could avoid the punishment, and the son was sentenced to six months imprisonment in a labor training camp (<i>rodongdanryundae</i>).</p>	<p>NKHR2022000003 2022-05-19</p>
<p>Even after 2018, people who are caught watching a South Korean drama are sentenced to a minimum of five years imprisonment. In the past, people were easily caught because they used CDs to watch South Korean dramas, but nowadays, people can evade detection more easily because they use micro-SD memory cards the size of a fingernail, which they remove from the device and hold tightly in their hand when they hear someone opening the front door of their house. Punishment varies depending on what was watched; people who are caught watching South Korean movies are unconditionally sentenced to correctional labor punishment.</p>	<p>NKHR2022000006 2022-05-25</p>

Testimonies	Testifier ID
<p>Before defecting from North Korea in 2018, the testifier knew a boy who was sentenced to six months of labor training punishment for listening to South Korean songs; the boy was sentenced to only six months of labor training punishment because his parents paid a bribe. Because the crackdowns are severe, people watch illegal video recordings only after locking the doors of their house and covering the windows with blankets, pretending that there is nobody at home; people do not open the front door of their house even if somebody knocks on it.</p>	<p>NKHR2022000007 2022-05-25</p>
<p>In 2018, the testifier's daughter was arrested by Group 109 members for a USB drive she had lent to a friend. The testifier's daughter was harshly beaten while in custody, and she escaped by telling the officers that she was going to the restroom. The testifier eventually paid 1,800 won as a bribe to save his/her daughter.</p>	<p>NKHR2022000019 2022-06-16</p>
<p>Before defecting from North Korea in 2019, the testifier saw the Youth League carrying out crackdowns on people's mobile phones on the street. According to the testifier, approximately 10,000 yuan must be paid per film to cover up cases involving South Korean movies.</p>	<p>NKHR2020000013 2020-06-15</p>
<p>The testifier had been dispatched to Russia until the end of 2019. The testifier's company prevented the workers from using a mobile phone, but the workers secretly used stick-type mobile phones. The testifier secretly watched numerous YouTube videos using his/her mobile phone. The testifier watched the 2018 Inter-Korean Summit and listened to South Korean music through YouTube. These phones were not censored.</p>	<p>NKHR2020000050 2020-11-28</p>
<p>Before defecting from North Korea in 2019, the testifier watched dramas using a USB drive. In the past, there were cases in which people watching CDs were ignored; however, such cases have decreased. Today, people who are caught watching South Korean dramas are unconditionally subjected to interrogation by the Ministry of State Security. Anyone found to have routinely distributed South Korean dramas is shot to death.</p>	<p>NKHR2021000026-2 2022-05-18</p>
<p>The testifier watched South Korean dramas up until he/she defected in 2019. The testifier was careful because crackdowns were frequently conducted and those who are caught could be deported or sent to a political prison camp (kwanliso). Crackdowns are carried out by Group 109 members accompanied by the People's Unit (<i>inminban</i>) chief. Usually, crackdowns are conducted three to four times a month.</p>	<p>NKHR2022000001 2022-05-13</p>
<p>The punishment has been strengthened since 2019. A person watching a South Korean movie for one hour is sentenced to one year of correctional labor punishment. There was a person</p>	<p>NKHR2022000002 2022-05-18</p>

Testimonies	Testifier ID
who was sentenced to seven years of correctional labor punishment for watching South Korean movies for seven hours. Cases of people sentenced to labor training punishment can be covered up by paying a bribe.	
In 2019, the testifier saw a public trial of three students from his/her school who were caught and tried for watching South Korean video recordings. The students were sent to a prison camp (<i>kyohwaso</i>). It was the first time the testifier saw 18-year-olds being sent to a prison camp (<i>kyohwaso</i>).	NKHR2022000023 2022-06-22
In January 2020, one of the testifier's friends was caught watching a South Korean drama and was sentenced to three years of correctional labor punishment.	NKHR2021000011-2 2022-05-31
Those who are caught are deported unconditionally. In many cases, college students get caught for distributing illegal video recordings.	NKHR2022000014 2022-06-10

(2) Crackdowns on and Punishments for the Illegal Use of Mobile Phones

Mobile phones are a major means through which external information is introduced and transmitted to North Korean people. The number of North Korean people subscribed to wireless communications surpassed 0.5 million in 2010, 1 million in 2012, 3 million in 2013 and 3.7 million in 2017.³⁷⁰ As of 2020, the number of mobile phone subscribers is approximately 6 million, and 3G telecommunication services are provided by three telecommunication companies, including a joint venture between companies from Egypt and Thailand. Considering that one person, such as a person working at a marketplace (*jangmadang*),

370_Young-ja Park *et al.*, *Eight Changes in North Korea's Economy and Society under the Kim Jong Un Era* (Seoul: KINU, 2018), p. 149.

owns multiple mobile phones, the number of actual mobile phone users is estimated at 4.5 million, which is about 20% of the total population. However, North Korea's Internet usage rate has been found to be the lowest in the world because the state does not provide an Internet connection for information control purposes. According to the World Internet Usage Statistics 2022, at the end of July 2022, the number of Internet users in North Korea was estimated to be 20,000 people, accounting for 0.1% (0.07%) of the total population of 25.96 million.³⁷¹

In addition, other restrictions are imposed for information control purposes. For example, wiretapping and security check functions are installed on mobile phones to prevent information leakage.³⁷² While the number of mobile phones supplied in North Korea has increased, most of the calls made are domestic calls. The fact that the authorities have installed equipment and facilities producing electronic jamming signals and conducted crackdowns on mobile phones using hand-held wiretapping equipment has been confirmed in the testimonies of North Korean defectors.³⁷³

Crackdowns are carried out regularly mainly by inspectors,

371_ "North Korea ranks last in the world for the rate of Internet users of 0.1%," *Radio Free Asia*, 18 August 2022.

372_ Min-kwan Kim, *Recent Trends and Implications of Smartphone Use in North Korea* (Seoul: KDB Future Strategy Institute, 2020).

373_ NKHR2021000011-2 2022-05-31; NKHR2022000003 2022-05-19; NKHR2022000008 2022-05-27; NKHR2022000013 2022-06-10.

MSS agents and Group 109 members. Testimony has indicated that crackdowns at work require the submission of a list of mobile phone users.³⁷⁴ It is said that all mobile phones and landline phones are registered and managed by the Ministry of State Security, state-run stores sell mobile phones, and each person can possess one mobile phone.³⁷⁵ Many testimonies have been collected stating that people tend to use Chinese phones because the mobile phones produced in North Korea are traceable.³⁷⁶ A North Korean defector testified that, in 2018, he/she was caught using a Chinese mobile phone by Department 111 of the Ministry of State Security, which is the department in charge of wiretapping mobile phones. According to the testifier, his/her house was searched without a warrant, and he/she chewed up the SIM card and paid a bribe to avoid punishment.³⁷⁷ The ways in which North Korean people evade crackdowns have also diversified. Testimonies have been collected indicating that people usually hide their mobile phones and go to a mountain or the top of an apartment to make short calls,³⁷⁸ use WeChat installed on Chinese smartphones, or use text messages and delete any messages immediately after they have sent or received them.³⁷⁹

374_NKHR2022000001 2022-05-13.

375_NKHR2022000006 2022-05-25.

376_NKHR2022000001 2022-05-13; NKHR2021000011-2 2022-05-31.

377_NKHR2021000011-2 2022-05-31.

378_NKHR2022000003 2022-05-19; NKHR2021000008-2 2022-05-26.

379_NKHR2020000013 2020-06-15; NKHR2020000024 2020-07-06.

Items subject to crackdowns on mobile phones include the content of text messages, the content of calls, and the mobile phone's memory. Mobile Phones are inspected to see whether the alarm sound uses South Korean music³⁸⁰ or whether they have sent text messages with South Korean words or pronunciation.³⁸¹ A North Korean defector whose child went to school in 2020 testified that as the number of students possessing mobile phones has increased, the school inspects students' mobile phones every morning to check if impure video recordings or South Korean songs are stored on them.³⁸² Many North Korean defectors who defected in 2019 have testified that crackdowns on mobile phones have intensified compared to the past. These crackdowns are carried out mainly by MPS officers, but crackdowns on the mobile phones of train passengers are conducted by MSS agents and even by train attendants in some cases. Consequently, North Korean residents are subject to constant mobile phone inspections.³⁸³ Those caught by the Ministry of State Security's electromagnetic wave tracking system three times are sentenced to correctional labor punishment.³⁸⁴ In addition, it has been claimed that those with non-approved movies, strange photographs

380_NKHR2022000001 2022-05-13.

381_NKHR2022000001 2022-05-13; NKHR2022000011 2022-06-10.

382_NKHR2020000038 2020-09-26.

383_NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10.

384_NKHR2022000013 2022-06-10.

or non-approved games on their mobile phones will be caught by MPS officers and sent to a detention center (*guryujang*); then, they could be sent to a labor training camp (*rodongdanryundae*) or sentenced to correctional labor punishment.³⁸⁵ One testifier stated that his/her mobile phone was not really his/hers³⁸⁶ because inspections were frequently conducted.

Punishments for the illegal use of mobile phones vary depending on the situation in each case. However, there were many testimonies reporting that the testifiers were able to lower sentences or avoid punishment through bribery. Young people often get caught in crackdowns because they actively use mobile phones; when the case is serious, those caught are sentenced to correctional labor punishment, but some cases can be covered up by paying a bribe.³⁸⁷ If college students are caught by MSS agents with anti-socialist songs, videos or pictures stored on their mobile phones, their schools impose punishments. However, students from wealthy families avoid punishment by paying a large amount of money as a bribe.³⁸⁸ A North Korean defector who defected in 2019 testified that he/she had been detained in an MPS branch after being caught during a crackdown carried out by inspectors, and when he/she confessed he/she had made a mistake

385_ NKHR2022000014 2022-06-10.

386_ NKHR2022000015 2022-06-10.

387_ NKHR2022000001 2022-05-13; NKHR2022000018 2022-06-15.

388_ NKHR2021000026-2 2022-05-18.

and begged for mercy, the MPS officers bluntly told him/her to bring 100 yuan.³⁸⁹

Table II-41 Crackdowns on Mobile Phone Usage and Related Punishments

Testimonies	Testifier ID
In 2015, the testifier was caught talking to his/her daughter using a Chinese mobile phone at home and sent to a detention center (<i>guryujang</i>). After that, the testifier did not use the phone at home and climbed a mountain whenever he/she had to make a call. The testifier did not believe that wiretapping occurred until he/she experienced the crackdown.	NKHR2022000003 2022-05-19
In 2018, the testifier was caught using his/her Chinese mobile phone at a friend's house. The testifier chewed up the SIM card and threw it away. Officers carry out home searches randomly without a warrant whenever they detect suspicious electromagnetic waves.	NKHR2021000011-2 2022-05-31
The testifier experienced a crackdown in 2018. The testifier was told to show his/her identification, so he/she gave his/her mobile phone. The officers checked whether illegal songs or video recordings were stored on the phone.	NKHR2022000016 2022-06-11
In 2019, one had to pay 1,500-2,000 yuan to avoid punishment related to mobile phone usage. The amount of the bribe one must pay varies from region to region. With respect to Hyesan, one must pay at least 5,000 yuan. When the testifier was caught during a crackdown in 2015, he/she was able to settle the matter for 500 yuan.	NKHR2020000006 2020-05-15
The testifier's brother-in-law was caught during a crackdown on mobile phones in 2019. Mobile phones are strictly monitored even on the street and in markets. The city or district Youth League and Group 109 members carry out inspections, and authorities from different provinces cross-censor mobile phones. Data that have been deleted are restored for inspection. However, punishments for cases involving mobile phones vary depending on how the person who catches the offender reports on the offense concerned.	NKHR2020000030 2020-08-03
Mobile phones were widely used by college students in 2019. Those who are unlucky are caught by the inspectors. Those who are caught with songs or videos stored on mobile phones are considered anti-socialists. College students who are caught	NKHR2021000026-2 2022-05-18

389_ NKHR2022000015 2022-06-10.

Testimonies	Testifier ID
by MSS agents are punished by their affiliated schools, but students from wealthy families avoid punishment by paying a large amount of money as a bribe.	
Before defecting from North Korea in 2019, the testifier experienced crackdowns on mobile phones at work, which were conducted when instructions were issued based on the list of mobile phone users. The testifier was told to bring his/her mobile phone at a designated time. Before submitting his/her phone, the testifier deleted everything stored on the phone that he/she thought should be removed.	NKHR2022000001 2022-05-13
Communication via mobile phones is very difficult in Hyesan because the facilities produce interfering electromagnetic waves. MSS agents walking around the street wearing plain clothes randomly inspect the mobile phones of people passing by.	NKHR2022000008 2022-05-27
The testifier's child went to school until 2020. Every morning, the child's homeroom teacher and the Youth League members inspected students' mobile phones to check for impure video recordings or South Korean songs.	NKHR2020000038 2020-09-26
Department 111 of the Ministry of State Security is the department in charge of wiretapping mobile phones. Officers of Department 111 wiretap mobile phone calls using hand-held wiretapping equipment.	NKHR2021000011-2 2022-05-31
People cannot use mobile phones made in China because of severe crackdowns carried out by the Ministry of State Security; those caught during a crackdown are sent to a prison camp (<i>kyohwaso</i>). People can be released via personal connections or by paying a bribe. Those using mobile phones made in North Korea are not caught unless they have South Korean songs stored on them.	NKHR2022000002 2022-05-18
Officers carrying out crackdowns are from various state agencies including the Ministry of State Security and Group 109. Text messages written in a South Korean writing style (e.g., texts ending with "yo") are subject to crackdowns. Those with videos or images stored on their mobile phones are particularly severely punished. Newly admitted high school students who often have videos or images stored on their mobile phones are easily caught; there are cases in which they are sentenced to one to two years imprisonment.	NKHR2022000011 2022-06-10
An electromagnetic wave tracking system is used to crack down on mobile phones, and those caught three times are sentenced to correctional labor punishment.	NKHR2022000013 2022-06-10
Crackdowns are carried out mainly by MPS officers, but even train attendants can inspect the mobile phones of train passengers in some cases. Those with non-approved movies, strange photographs or non-approved games on their mobile phones are caught by MPS officers and sent to a detention	NKHR2022000014 2022-06-10

Testimonies	Testifier ID
<p>center (<i>guryujang</i>); then they could be sent to a labor training camp (<i>rodongdanryundae</i>) or sentenced to correctional labor punishment.</p>	
<p>Crackdowns are carried out mainly by MPS officers, but crackdowns on train passengers are carried out by MSS agents and the security platoon. Inspectors randomly demand passers-by to show their mobile phones and take their phone if they find something suspicious, telling the owner to come to an MPS branch. When the testifier confessed that he/she had made a mistake and begged for mercy, the MPS officers bluntly told him/her to bring a certain amount of money. The amount of money paid as a bribe depends on what was stored on the mobile phone; people usually pay 100 yuan as a bribe. An individual's mobile phone does not really belong to them.</p>	<p>NKHR2022000015 2022-06-10</p>
<p>Mobile phones are inspected once every three days in Chongjin, North Hamgyeong Province. In the past, Group 109 changed its name temporarily to Group 617 and frequently carried out crackdowns on mobile phones. If the case is serious, those caught are sentenced to correctional labor punishment, but some cases can be covered up by paying a bribe.</p>	<p>NKHR2022000018 2022-06-15</p>
<p>North Koreans begin to use mobile phones at the age of 16-17. Mobile phones cost approximately 2,000 yuan. Many people have mobile phones, but there are many more who do not. Crackdowns on mobile phones are carried out on the street, and students' mobile phones are inspected at school to check if they have South Korean songs, dramas, or movies on them.</p>	<p>NKHR2022000034 2022-08-08</p>

D. Evaluation

The North Korean Constitution stipulates the freedom of expression, and the North Korean authorities claim that they guarantee this right. However, it appears that North Korean people's right to freedom of expression is seriously restricted in reality. The press and publications, which are supposed to function as a means of expressing diverse opinions, are subject to arbitrary censorship and control by North Korean authorities. In particular, crackdowns on and censorship and punishment for the

illegal use of digital devices, such as computers and mobile phones, that can store external cultural content have been continuously strengthened. Due to the revision of the Criminal Law in 2015, the crackdowns on and punishments for the use of mobile phones in border areas have been intensified; and this has been confirmed in the testimonies of North Korean defectors collected in recent surveys. In particular, it has been found that many North Korean residents, regardless of their age, gender, or place of residence, watch South Korean dramas and movies, and that watching these has raised people's awareness of the outside world and increased their yearning for it. The reality of the application of the Reactionary Ideology and Culture Rejection Act adopted in December 2020 has not been clarified in recent surveys. North Korea is expected to further intensify crackdowns on and punishments for the use of mobile phones and various types of content that are regarded as anti-socialist and corrupt – in particular, South Korean broadcasts and video recordings – in order to prevent the relaxation of the ruling system that might occur as a result of the inflow of external culture. It has been found that, despite the strong control, censorship and crackdowns by the authorities, the North Korean people's desire and demand for access to information is not decreasing.

11

Right to Freedom of Assembly and Association

The right to freedom of assembly and association means individuals' freedom to assemble to express their opinions. It is an indispensable part of a democratic society and a right that must be guaranteed for citizens to exercise their sovereignty.

Major international human rights norms refer to the right to freedom of assembly and association. Article 20 of the UDHR stipulates that “everyone has the right to freedom of peaceful assembly and association,” and that “no one may be compelled to belong to an association.” Moreover, Articles 21 and 22 of the ICCPR refer to freedom of assembly and association as follows.

Table II-42 Articles 21 and 22 of the ICCPR

<p>Article 21</p>	<p>The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.</p>
<p>Article 22</p>	<p>Paragraph 1 Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.</p>
	<p>Paragraph 2 No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.</p>
	<p>Paragraph 3 Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.</p>

Opportunities to participate in peaceful assembly or to belong to a trade union or interest groups, which are guaranteed under the right to freedom of assembly and association, should lead to the legal and institutional guarantee of and substantive protection for voluntary assembly and association. Details about trade unions are discussed in III. The Reality of Economic, Social and Cultural Rights, 3. Right to Work. This chapter will examine the right to peaceful assembly and matters related to organizational life.

A. Absence of the Right to Peaceful Assembly

Article 21 of the ICCPR stipulates that “the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.” North Korea, by policy, prioritizes national security and patriotism, and therefore, does not recognize the right to peaceful assembly. The right to peaceful assembly allows individuals to express themselves collectively and to participate in shaping their societies and protects individuals so that they can exercise individual autonomy. A failure to respect and guarantee this right is a marker of repression.³⁹⁰ However, assemblies held in North Korea are mostly group assemblies, which is social mobilization aiming to provide ideological and political education and promote people’s patriotism.

Article 209 of the North Korean Criminal Law stipulates that “any person who does not comply with the instructions of a state agency and causes collective disturbance” shall be subject to

³⁹⁰ Human Rights Committee, General Comment No. 37, Article 21: Right of Peaceful Assembly, Advance Unedited Version. UNHRC Doc. CCPR/C/G/37 (27/July/2020), paras. 1, 2, 9.

criminal penalties even if such acts do not entail an anti-state purpose, providing legal grounds to prevent the possibility of demonstrations in North Korea. The Administrative Penalty Law also stipulates that a person who does not comply with legitimate instructions of a state agency shall be subject to up to three months of re-educational labor discipline; in cases where the act committed by the person is serious, the person shall be subject to three months or more of re-educational labor discipline. (Article 252). The phrase “who does not comply with the (legitimate) instructions of a state agency” in these provisions emphasizes the jurisdiction of the state over individuals. In other words, these provisions can be interpreted as disallowing individuals from having the right to lawfully assemble or protest. It has been confirmed through the testimonies of North Korean defectors that any form of assembly other than government-led assemblies and crowd mobilization is not only disallowed in North Korea but also unthinkable.³⁹¹ Freedom of assembly is not recognized in North Korea because the recognition of such freedom itself can be regarded as an act of denying the system, which adheres to the principle of collectivism and the Unitary *Suryeong* Ruling System. It seems that the very perception of the right to peaceful assembly and to freedom of assembly has not yet been established among North Korean people.

391_NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.

B. Absence of the Freedom of Association and Forceful Imposition of Organizational Life

Regarding freedom of association, Article 22, paragraph 1 of the ICCPR stipulates that “everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.” Article 67 of the North Korean Constitution stipulates that “citizens (···) shall have freedom of assembly/demonstration and association. The state shall guarantee conditions for free activities of democratic parties and social organizations.” However, in reality, only assemblies and associations that are needed by the WPK are allowed, and assemblies or associations that are based on the free will of the general public are not permitted. As a result, the concept of freedom of assembly does not exist in the minds of ordinary North Koreans. In recent surveys, no testimony was reported concerning an association that represents the opinion or interests of North Korean people. However, there were many testimonies claiming that it is impossible for individuals to participate in autonomous assemblies or to demonstrate or protest against the Party or state agencies.³⁹² There was even a report that drinking parties where many people gather are prohibited.³⁹³ A

392_NKHR2021000026-2 2022-05-18; NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25; NKHR2022000014 2022-06-10.

393_NKHR2021000026-2 2022-05-18; NKHR2022000001 2022-05-13.

North Korean defector testified that he/she never considered being involved in autonomous assemblies or demonstrations and there are no processes by which they can be organized.³⁹⁴ There was testimony indicating that in 2018, people paid a lot of money – some even borrowed money – to the immigration office of the MSS provincial bureau in Yanggang Province, but as the issuance of their river-crossing passes (*dogangjeung*) and passports was delayed, people got angry and protested in front of the immigration office. According to the testimony, this incident led the Central Ministry of State Security to carry out an inspection.³⁹⁵ There was also a recent incident in which an entire group of people did not show up to work on the railway as ordered by the authorities, and the authorities launched an investigation to identify which person had triggered this rebellious behavior.³⁹⁶ Assemblies and associations that are not permitted by the state, including ones that are incidental, are strictly censored, and group actions are regulated as group resistance.

While any association based on the free will of individuals or groups is not permitted in North Korea, all the residents are forced to participate in organizational life. All North Korean residents, from the age of six until retirement, are required to join

394_ NKHR2022000006 2022-05-25.

395_ NKHR2019000091 2019-10-21.

396_ "Group absences despite a mobilization order in Yanggang Province, North Korea," *Radio Free Asia*, 24 June 2019.

organizations including those in kindergartens, the Korean Children’s Union (*sonyeondan*), various educational institutions, the Youth League, the General Federation of Trade Unions, the Agricultural Workers’ Union, the Women’s Union and the WPK. With regard to such organizational life, North Korean defectors have consistently testified that the activities and duties in these extra-Party organizations are far from the autonomy one can experience in associations voluntarily organized by individuals with common interests.³⁹⁷

The Report of the Working Group of the UPR on North Korea issued in 2019 states that North Korea has been examining the recommendation to “end the practice of forcing all married women to join the [Women’s Union].”³⁹⁸ However, it is expected that the practices of organizational life that North Korea, which pursues collectivism, has established will continue to be maintained in all sectors, including society, home and work. Considering that forming organizations or groups that are independent from the state and the Party is extremely difficult in North Korea, the organizational life that North Korean authorities forcibly impose on the people cannot be interpreted to be in harmony with the freedom of association.

397_NKHR2022000003 2022-05-19; NKHR2022000011 2022-06-10 and many other testimonies.

398_Report of the Working Group on the Universal Periodic Review, Democratic People’s Republic of Korea. UN Doc. A/HRC/42/10 (2019), para. 127.47.

Table II-43 Cases of Infringement of the Freedom of Assembly and Association

Testimonies	Testifier ID
People mandatorily join the Youth League from the first grade of advanced middle school, and they are required to participate in all assemblies. People attend assemblies only because it is mandatory, not because they like attending assemblies. Most people just shut their mouths and imitate slogans being chanted.	NKHR2019000053 2019-07-29
When there is a missile launch or test, the Party secretary would gather people saying it is an important broadcast and immediately inform them of the situation. People gather in groups to attend rallies organized in a city. Workplaces are closed to guarantee attendance at such rallies. Sometimes, workers complain to the Party secretary since their work is disrupted and get exempted from mobilization. However, it would be unfavorable for people if they missed such rallies one or two times.	NKHR2019000060 2019-07-29
Attending political events is mandatory for students and people working at enterprises. Considering the nature of the North Korean system, the testifier thought that attending such events was necessary.	NKHR2020000017 2020-07-04
Members of the Youth League are mainly mobilized to work in potato fields; they are also mobilized for elections. When the testifier was mobilized by the Women's Union, he/she avoided attendance by giving the chair of the union 100-150 yuan per year.	NKHR2020000038 2020-09-26
In Wonsan, Gangwon Province, a rally is organized for each national holiday. Being absent is allowed as long as one explains to the authorities the reasons for the absence and offer money or compensation. It is impossible for individuals to organize demonstrations to protest against the Party or state agencies; those who organize such demonstrations are arrested and sent to the Ministry of State Security. People are ordered not to gather for drinking or sit face-to-face while drinking or to have birthday parties because people tend to criticize the regime when they gather together and drink. The list of things people are prohibited from doing is increasing gradually.	NKHR2021000026-2 2022-05-18
Assemblies are held at least once a week in Hamheung, South Hamgyeong Province, and attendance is mandatory. It is not possible to be involved in autonomous assemblies, and organizing a protest is unthinkable.	NKHR2022000001 2022-05-13
The Women's Union regularly held Life Review Sessions (<i>saenghwalchonghwa</i>) once a week. The testifier did not attend the sessions after 2016 because she was ill. He/she	NKHR2022000003 2022-05-19

Testimonies	Testifier ID
paid money for nonattendance: 100 yuan was paid each to the People's Unit (<i>inminban</i>) and the Union. Absence was permitted because she was ill.	
The testifier, who is from Hyesan, Yanggang Province, said that he/she attended rallies although attendance was not mandatory because he/she did not want to be criticized by others during Life Review Sessions (<i>saenghwalchonghwa</i>). According to the testifier, there is no disadvantage to not attending rallies, but repeated absences would be recorded by Party cell secretaries, and those who were repeatedly absent from rallies would not be appointed as officials. There is no such thing as assemblies organized by individuals and processes by which they can be organized: the testifier never thought of organizing or being involved in such assemblies.	NKHR2022000006 2022-05-25
The testifier joined the Youth League when he/she was in college. Mandatory Life Review Sessions (<i>saenghwalchonghwa</i>) were held at least once a week, and individual meetings were frequently held.	NKHR2022000011 2022-06-10
In Sinuiju, South Pyeongan Province, there was no such thing as assemblies organized by individuals: rallies were collectively organized by the state.	NKHR2022000014 2022-06-10

It is said that there is no penalty for not attending rallies organized by the state and paying money instead.³⁹⁹ However, considering the testimony that those who are repeatedly absent from rallies will not be appointed as officials or will be criticized by others during Life Review Sessions (*saenghwalchonghwa*), attendance at state-mobilized rallies is essentially mandatory.⁴⁰⁰ While many testimonies have confirmed that control over people's participation in organizational life continues to exist in North Korean society, others have claimed that people only participate in organized events as a formality. Of particular note is

399_NKHR2021000026-2 2022-05-18.

400_NKHR2022000006 2022-05-25.

the testimony reporting that even private gatherings are closely controlled.⁴⁰¹ On the other hand, it has been found that people could avoid participating in rallies on national holidays or anniversaries by paying money, which indicates that control over people's participation in state-mobilized rallies has eased somewhat.⁴⁰² People mandatorily participate in political events but avoid attending events if possible using their economic power. It can be seen that the authority of organizations and groups that unite and integrate North Korean people is weakening.

C. Evaluation

North Korean people are not guaranteed the right to freedom of assembly and association. Based on Articles 21 and 22 of the ICCPR, North Korean people have the right to peaceful assembly and the right to form and join voluntary associations to promote their interests. However, the reality in North Korea is that the right to freedom of assembly and association is not recognized and people are forced to participate in assemblies approved by the authorities and join organizations that are institutionalized. While social control by the state continues to exist, such control is weakening with people using various methods to avoid forced participation. A number of testifiers have claimed that it never

401_NKHR2021000026-2 2022-05-18.

402_ *Ibid.*

occurred to them that they could hold assemblies and form associations to promote their rights. Given that North Korean people have long been living under the control of the state and thus are accustomed to an organizational or group-oriented lifestyle, it seems unlikely that the awareness of freedom of assembly and association will expand among North Korean people.

12

Right to Political Participation

The right to political participation is one of the most important civil rights in a democratic political system. Article 21 of the UDHR stipulates that “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.” Article 25 of the ICCPR also states that the principle of direct, universal, equal and secret ballots should be observed.

Table II-44 Article 25 of the ICCPR

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

North Korea recognizes the right of its people to political participation in its laws. In particular, the principle of universal,

equal, direct, and secret voting, which is the key element of the right to political participation, is stipulated in its laws. Article 4 of the North Korean Constitution stipulates that “the working people shall exercise their sovereign power through their representative organs, which are the Supreme People’s Assembly and the local People’s Assemblies.” Article 6 of the Constitution also stipulates that “organs of state power at all levels, from the County People’s Assemblies to the Supreme People’s Assembly, are elected based on the principle of universal, equal and direct suffrage by secret ballot.” In addition, North Korean Law on the Delegates Election for All Levels of the People’s Assembly of 2010 (hereinafter the Election Law) stipulates the principle of universal, equal, direct and secret votes (Articles 2–5). As such, North Korean Election Law and Constitution stipulate that deputies for the SPA and the People’s Assemblies of provinces, cities and counties, which are its legislative institutions, must be elected in accordance with the principle of democratic elections.⁴⁰³ However, the North Korean Constitution also provides that the SPA and local People’s Assemblies, which are legislative bodies, should be under the control of the WPK. Article 5 of the Constitution states that “all state agencies” in North Korea are organized and operated “in accordance with the principle of democratic centralism.” In

403_The election of deputies to the SPA is held every five years, and the election of deputies to the People’s Assemblies of provinces (direct-controlled municipality), cities (districts) or counties is held every four years (Article 8 of the Election Law).

addition, Article 11 stipulates that state agencies must “conduct all activities under the leadership of the Korean Workers’ Party.” As can be seen above, North Korea’s political system based on a one-party dictatorship inevitably restricts the right to political participation of the North Korean people.

The major issues related to the situation in North Korea regarding the right to political participation will be examined below.

A. Distortion of the Nature of Democratic Elections

Article 25 (a) of the ICCPR stipulates that all citizens shall be guaranteed the right “to take part in the conduct of public affairs, directly or through freely chosen representatives.” The fundamental nature of a democratic election presupposes that voters can freely acquire and distribute information about the representative they elect. While some testifiers said that it was possible to know who the candidates were beforehand as their photographs and names were on the posters displayed at the election site a few days before the election day,⁴⁰⁴ most North Korean people vote without knowing who the candidates are that they are voting for because they do not visit the election site in advance.⁴⁰⁵ As freedom of expression and freedom of assembly

404_ NKHR2019000016 2019-05-07; NKHR2019000069 2019-08-26; NKHR2019000072 2019-08-26; NKHR2021000026-2 2022-05-18.

and association are not guaranteed, access to and dissemination of information about candidates and elections are restricted. In other words, there is a lack of freely formed political opinions on candidates and policies, which are crucial aspects for any election process.

In democratic countries, elections are the processes by which people with diverse views and demands elect their representatives who will express ideas on their behalf. However, in North Korea, elections are only a perfunctory procedure to approve personnel appointments that the WPK wants. In addition, elections are merely a means of political mobilization to elicit people's support for the Party policies and goals. In particular, North Korea has utilized elections of deputies as a process to confirm North Korean people's absolute loyalty towards Kim Jong Un, the continuation of the *Baekdu* bloodline and the regime led by the WPK. Moreover, since the establishment of the regime, North Korea has propagandized the fact that Party candidates receiving 100% of the votes cast as evidence of the absolute support of the North Korean people for the Party. This phenomenon is clearly impossible in a free and competitive election where multiple candidates run for office.

405_NKHR2019000049 2019-07-01; NKHR2021000026-2 2022-05-18 and many other testimonies. It also includes cases where people vote without knowing who the candidates are not only because the North Korean authorities do not actively promote candidates but also because voters do not try to seek information about candidates due to their indifference to politics.

Such election results show that in North Korea, elections are used as a tool to reinforce and legitimize the rule of the WPK, rather than a process through which voters freely choose their political representatives. In other words, in North Korea, the right to participation in elections, which is a representative example of the right to political participation, does not play its role as a procedure conveying people's intentions to the government. Without the freedom and opportunity to choose from various candidates and policies, North Korean people's right to political participation is seriously restricted.

B. Violation of the Principle of Secret and Direct Election

Article 25 (b) of the ICCPR stipulates that all citizens have the right to freely express their opinions at periodic elections based on the principle of universal, equal and secret ballot. North Korea also guarantees in its Constitution a secret ballot based on the principle of universal, equal and direct suffrage. Article 6 of the North Korean Constitution stipulates that “organs of state power at all levels, from the County People's Assemblies to the Supreme People's Assembly, are elected based on the principle of universal, equal and direct suffrage by secret ballot.” The legislative arrangement of the right to political participation in the North Korean Constitution is not very different from that of the ICCPR.

It has been reported that North Korean authorities actively employ administrative power to encourage people to vote. According to the testimonies of several North Korean defectors, election schedules and voting venues are announced on television and in newspapers,⁴⁰⁶ and some People's Unit (*inminban*) chiefs visit each and every house within the unit to inform the residents of the election date and instruct people who had lost their People's Registration Cards to have them reissued before voting.⁴⁰⁷ Prior to the election, each house is visited to check if anyone has gone missing, and photographs of those who have gone missing are posted at MPS branches so that people can report if they see them.⁴⁰⁸ Deaths that have not yet been reported are registered during the election period.⁴⁰⁹

According to a North Korean defector who defected in 2019, the People's Registration Card is an important identification tool that is used for proving that its holder is a registered voter of a certain electoral district and for identifying the number of voters. Those who have lost their People's Registration Cards shortly before an election can get their People's Registration Cards reissued relatively easily. A few days before election day, People's Unit (*inminban*) chiefs visit each household to collect

406_NKHR2019000105 2019-11-09.

407_NKHR2019000072 2019-08-26.

408_NKHR2022000015 2022-06-10.

409_NKHR2019000073 2019-08-26.

People's Registration Cards and return them on the day of the election with certain serial numbers written on the cards. These numbers are identical to the numbers written in the voter registry of the Election Commission.⁴¹⁰

According to the testimonies of many North Korean defectors, in North Korea, those who are eligible to vote must vote, and voting is perceived as a duty, not an individual choice.⁴¹¹ People fear that they might face legal punishments or be accused of being a political criminal (or a spy/traitor) if they do not vote.⁴¹² Mobile voting is guaranteed by law for voters not able to cast their vote on election day at a polling station for personal reasons. Article 67 of the Election Law provides that “if a person is unable to go to a polling place due to reasons such as serious illness, old age or physical disability, members of the Election Commission of the electoral district concerned may visit the person with a mobile ballot card and a sealed mobile ballot box to facilitate his/her vote.” In fact, many testifiers have confirmed that North Korean people are aware of the mobile voting system. The testifiers confirmed that if a person cannot go to a polling place due to illness or disability, Election Commission members personally visit that person with a portable ballot box so that the person could

410_ NKHR2019000072 2019-08-26.

411_ NKHR2019000047 2019-07-01 and many other testimonies.

412_ NKHR2019000037 2019-06-15; NKHR2019000070 2019-08-26; NKHR2019000073 2019-08-26; NKHR2022000020 2022-06-18; NKHR2022000022 2022-06-21.

vote,⁴¹³ and if a person is out of town on a business trip, that person can still vote at a polling place located in the electoral district where they are staying using a mobile ballot card obtained in advance.⁴¹⁴

The North Korean Election Law also guarantees a secret ballot. Article 5 of the Election Law stipulates that “voters are guaranteed the freedom to vote either affirmatively or negatively.” However, most testifiers commonly stated that, in reality, there is no one who would vote negatively toward candidates, and they are afraid of the punishment they would face if they voted negatively.⁴¹⁵

While a secret ballot is guaranteed to some extent, many cases have been reported in which the principle of a secret ballot is violated at different steps in the voting process. When voters go to a polling place, they show their People’s Registration Card to the Election Commission members, check their names on the voter registry and receive their ballots. On a ballot, the word “*seongeopyo*” (vote) and the names of the candidates are written. Then, voters enter a space surrounded by a white cloth screen, bow to the portrait of the Supreme Leader (*Suryeong*) and put

413_ NKHR2020000011 2020-06-15; NKHR2020000021 2020-07-06; NKHR2020000028 2020-07-06; NKHR2022000001 2022-05-13; NKHR2022000002 2022-05-18 and many other testimonies.

414_ NKHR2019000073 2019-08-26; NKHR2019000085 2019-10-05; NKHR2022000022 2022-06-21.

415_ NKHR2020000028 2020-07-06; NKHR2019000086 2019-10-05; NKHR2022000015 2022-06-10 and many other testimonies.

their ballots in the ballot box.⁴¹⁶ As there is only one ballot box installed and each ballot contains serial numbers that are identical to the numbers written in the voter registry, it is possible to know who did not put their ballot in the ballot box.⁴¹⁷

While many testimonies stated that there was no one monitoring inside the screened area, some testimonies reported that there was an observer sitting inside the screened area.⁴¹⁸ There were also testimonies reporting that surveillance cameras were installed in some polling places.⁴¹⁹

A unique case was reported in which voters were instructed to vote either affirmatively or negatively for all of the candidates running for office rather than to cast a vote for one of the listed candidates. In general, there is one candidate in one electoral district, and voters cast a yes or no ballot. However, according to testimony, there was an electoral district where three candidates ran for office in the election of deputies to the SPA held in March 2019, and people put yes votes in the ballot boxes that had the names of the three candidates written.⁴²⁰

There is no ballot box for no votes, expressing opposition on a ballot itself is not possible, and the monitoring system is operated

416_NKHR2019000072 2019-08-26; NKHR2019000073 2019-08-26.

417_NKHR2019000071 2019-08-26; NKHR2019000095 2019-10-21.

418_NKHR2019000068 2019-08-26.

419_NKHR2019000068 2019-08-26; NKHR2019000086 2019-10-05.

420_NKHR2019000069 2019-08-26.

in a polling place. Thus, voters are in principle blocked from voting negatively for candidates.

In summary, whereas universal, equal, direct and secret suffrage is institutionally guaranteed in North Korea and most North Korean people regularly participate in elections, in reality, most North Korean people must vote affirmatively for candidates pre-decided by the authorities, and it is practically impossible for them to express opposition as they fear possible punishments.

In addition, most North Korean people participate in elections only in a perfunctory manner, with little or no knowledge of the candidates (i.e., candidates for the deputies of People's Assemblies at each level). According to various testimonies, although photographs and names of candidates are included in posters displayed near the election site, most people are indifferent to the candidates and vote without knowing who the candidates are.⁴²¹

Furthermore, North Korean people are not guaranteed the right to autonomously decide whether or not to participate in elections. There is widespread fear that there would be legal or political retaliation if one decides not to or refuses to cast a vote. The mobile voting system, which is applied for those having difficulties going to a polling place due to business trips, illness or disabilities, provides convenience when voting but also restricts

421_NKHR2020000005 2020-05-15; NKHR2020000021 2020-07-06; NKHR2020000024 2020-07-06; NKHR2020000048 2020-11-28 and many other testimonies.

people’s freedom because it does not allow people to avoid participation in an election.⁴²² Considering the various factors mentioned above, the principle of secret and free ballots in its true sense is not guaranteed in North Korea.

C. Limited Application of Electoral Eligibility

Article 25 (c) of the ICCPR includes the right “to have access, on general terms of equality, to public service in his country” as a major part of the right to political participation. In a democratic system, every citizen has the right to access public services. However, in North Korea, such right is limited only to those nominated by the WPK. As a result, ordinary North Korean people are not aware of their eligibility to run for elections.

For the general public, deputy candidates are perceived as those “designated by the state.”⁴²³ As shown in a North Korean defector’s testimony that “even Party members cannot run in an election of deputies unless selected by the Supreme Leader (*Suryeong*),”⁴²⁴ the right to political participation cannot be considered fully realized in North Korea. The North Korean

422_ In addition to the mobile voting system, voting by proxy is legally permitted for people who cannot personally cast a vote for reasons such as illness, disability or old age. Article 67 of the Election Law provides that “a person who is unable to cast a vote personally may designate a third person to vote according to his/her intention.”

423_ NKHR2019000085 2019-10-05.

424_ NKHR2019000037 2019-06-15.

Constitution guarantees all citizens aged 17 or older the right to vote and the right to stand for election. However, it can be said that while the right to vote is guaranteed for ordinary North Korean people, the right to be elected (i.e., the right to stand for election) is almost absent.

Although Article 35 of the Election Law provides that “candidates for deputies of the People’s Assembly at each level shall be recommended directly by voters or jointly or independently by political parties or social organizations,” in most cases, such candidates are determined by the Party. In addition, those who are recommended as candidates for deputies must undergo qualification screenings at a voters’ meeting composed of at least one hundred voters before they are registered with the Election Commission as candidates. It is said that it is legally stipulated that voters’ meetings must be held in areas of residence or places such as agencies, enterprises, cooperative farms, schools or military units, but most people are reluctant to attend such meetings.⁴²⁵

425_NKHR2020000011 2020-06-15.

Table II-45 Cases of Infringement of the Right to Political Participation

Testimonies	Testifier ID
The testifier voted on 10 March 2019 and could not talk about the election and was careful about his/her behavior since the MSS agents were watching.	NKHR2019000064 2019-08-17
The testifier voted in the election of deputies to the SPA held in March 2019. Without any knowledge about the candidate, the testifier put his/her ballot in the only ballot box that was installed, which did not have a yes or no mark on it. There was an MPS officer standing beside the voting booth. If the number of people listed in the voter registry and the number of ballots put in the ballot box do not match, those who did not vote are tracked down.	NKHR2019000071 2019-08-26
The testifier participated in the 2019 election and did not have any prior knowledge about the candidate. As there was an observer and a surveillance camera, it was not possible to cast a no vote.	NKHR2019000086 2019-10-05
The testifier participated in the election of deputies to the SPA on 10 March 2019. Since certain numbers are written on each ballot, authorities can check who cast votes and who voted affirmatively. It is not possible to refrain from participating in voting.	NKHR2019000095 2019-10-21
The testifier participated in the election of deputies in 2019. One can simply mark his/her ballot with an "X" and place it in the ballot box if he/she opposes the candidate. However, everyone voted in favor of the candidate because a person casting a no vote could be considered problematic.	NKHR2020000028 2020-07-06
The testifier participated in the election of deputies to the SPA and the regional election held in 2019. People must participate in elections unconditionally and vote affirmatively for the candidates because casting a no vote is not possible.	NKHR2022000022 2022-06-21
A voters' meeting is held one week before the election day to conduct qualification screening for deputy candidates for the SPA. However, the meeting is held only as a formality, and people cannot veto the candidates because those who did so would be accused of being sectarian spies.	NKHR2022000006 2020-05-25
Before the election of deputies, voters' meetings are held to review candidates' qualifications. Most people do not want to attend such meetings.	NKHR2020000011 2020-06-15
Elections are perfunctory in nature and people must vote only affirmatively for the candidates. Photographs are displayed at the election site 10 days before the election day, but many people only get to know who the candidates are on the election day because they do not visit the election site in advance.	NKHR2021000026-2 2022-05-18

D. Evaluation

North Korean people participate in elections in accordance with the Constitution and the Election Law. However, the principle of direct, universal, equal and secret ballots stipulated in the Constitution and the Election Law are not fully upheld. It is difficult for most North Korean people to acquire and exercise the right to stand for election by their own will, and even when exercising the right to vote, most North Korean people are forcibly mobilized by the authorities to cast votes without knowing who the candidates are. Moreover, they only vote in favor of candidates recommended by the Party. As a result, the majority of North Korean people do not even realize that the principle of democratic elections exists. In a democratic society, citizens have the right to vote and the right to run for election through free competition. However, in North Korea, elections are used as a means of reinforcing the regime and legitimizing the system, rather than electing representatives who will speak for the people in the political process.

Many testimonies have been collected stating that, on election day, while there was no observer inside the voting booth, a coercive atmosphere was created as there were MPS officers standing near polling places and surveillance cameras were installed. Testimonies revealing that official media and People's Unit (*inminban*) chiefs actively encourage people to vote, that the

testifiers know about the candidates before the election, and that voters' meetings to review candidates' qualifications are held are noteworthy. However, considering that it is still impossible for people to run for election by their own will, that people are not guaranteed the right to autonomously decide whether or not to participate in elections and that an environment where people could express their opinions for or against candidates is not guaranteed, it cannot be said that the right to political participation is sufficiently guaranteed in North Korea.

13

Right to Equality

The UDHR stipulates that “all are equal before the law and are entitled without any discrimination to equal protection of the law” (Article 7). The ICESCR and the ICCPR also prohibit “all kinds of discrimination.” The right to equality is closely related to the prohibition of discrimination. Non-discrimination, together with “equality before the law” and “equal protection of the law without discrimination,” constitute the basic principle of the protection of human rights.⁴²⁶ The situation in North Korea regarding discrimination based on background (*songbun*) and class, which are the characteristics of the North Korean system, will be examined in this chapter. Classification based on background (*songbun*) and class is a covert discrimination system that infringes on North Korean people’s right to equality and affects the lives of North Korean people, including admission to the Party, enlistment in the military, entrance to schools, employment, promotion, marriage and residence.

426_ UNHRC, General Comment, No. 18 (1989), para. 1.

Table II-46 International Human Rights Norms against Discrimination

Article 7 of the UDHR	All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
Article 2, paragraph 2 of the ICESCR	The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
Article 2, paragraph 1 of the ICCPR	Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
Article 26 of the ICCPR	All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

A. Continued Discrimination Based on Background (*Songbun*) and Class

Article 2 of the ICCPR stipulates that all individuals within the territory of a State Party shall not be discriminated against based on “distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Article 2 of the ICESCR also stipulates that there shall not be “discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” As such, international human rights norms stipulate equal protection by

law for everyone without discrimination of any kind, and particularly prohibit discrimination based on arbitrary and customary divisions, such as those based on social origin, birth or class.

Article 65 of the North Korean Constitution that stipulates “all citizens shall have equal rights in all spheres of state and social life” clearly guarantees equal rights without discrimination. In reality, however, a unique social classification system based on background (*songbun*) or family background (*todae*) exists, according to which all residents are discriminatorily treated. After liberation from Japanese colonial rule, North Korea carried out a series of citizen registration projects to divide its people into three classes and 56 categories and also separately into 25 types of background (*songbun*).⁴²⁷ North Korea proclaims that it defines one’s background (*songbun*) “accurately on the basis of extensive research on the economic conditions at the time of his/her birth, the family background (*todae*) of his/her family and its influence, his/her own social and political activities, the particularities of

427_ It had been previously understood that there were three classes in North Korea: the core class, the wavering class, and the hostile class. However, it has been confirmed by the *Reference Book for Citizen Registration Projects (Strictly Confidential)* published in 1993 by the Ministry of Social Security Press that in North Korea, people are divided into three classes—the basic masses, the complex masses and remnants of the hostile class—which are then subdivided into 56 categories and also separately into 25 types of background (*songbun*). Sang-son Kim and Sang-hui Lee, *Reference Book for Citizen Registration Projects (Strictly Confidential)* (Pyongyang: Ministry of Social Security Press, 1993). Based on this information, In-ae Hyun’s “A Study of North Korea’s Resident Registration System,” (M.A. dissertation, Ewha Womans University, 2008) (In Korean) was published.

[the] nation’s historical development and class relations and class policies that the Party has implemented at each phase of the Revolution.”⁴²⁸ Background (*songbun*) is divided into two types – personal and social – and serves as basic data for determining people’s classes.⁴²⁹ There are three classes: the basic masses, the complex masses and the remnants of the hostile class. Finally, there are 56 categories under these three classes.

Table II-47 North Korea’s Classification of Residents by Class and Background (*Songbun*)

Class and Background (<i>Songbun</i>)	Categories (56 in total)
Three Classes Basic masses	1. Revolutionaries; 2. Families of revolutionaries; 3. Bereaved families of revolutionaries; 4. Honored veterans wounded in service; 5. Honored veterans wounded in action; 6. Persons who have met <i>Suryeong (jeobgyeonja)</i> ; 7. National heroes; 8. Persons of merit; 9. Discharged soldiers; 10. Families of the war dead; 11. Families of civilians who died during the war; 12. Families of patriots who sacrificed for socialism; 13. Others (members of the core masses, including those who have long worked faithfully and played a leading role, always committed to serving the Party at the revolutionary guard post entrusted to them by the Party; and workers, farmers, soldiers and intellectuals with sound class background, family circumstances and socio-political activities)

428_In-ae Hyun, *Ibid.*, p. 25.

429_One’s personal background is determined by the profession that his/her parents had for the longest period of time from his/her time of birth to the point in time when he/she entered a social occupation. If the parents had several jobs for similar periods of time, the child’s personal background is defined by what had the most significant impact on the child’s development of values. Social background, on the other hand, is determined by the profession that one has had for the longest period of time. Likewise, if he/she had several jobs for similar periods of time, the one that had the most significant impact on his/her values will become the basis of the person’s social background.

Class and Background (<i>Songbun</i>)	Categories (56 in total)
Complex masses	1. Draft dodgers from the KPA; 2. Deserters from the KPA; 3. Repatriated soldiers; 4. Repatriated citizens; 5. Those who cooperated with reactionary groups; 6. Those who served in Japanese organizations before liberation; 7. Liberated soldiers (non-repatriated South Korean POWs); 8. Discharged construction workers; 9. Defectors to the North; 10. Personnel associated with No. 10 Guerilla Operations Area; 11. Personnel associated with Geumgang School; 12. Former political prisoners; 13. Religious personnel; 14. Families of traitors who have fled to South Korea; 15. Families of the executed; 16. Families of arrestees; 17. Families of former political prisoners; 18. Families of non-repatriated North Korean POWs; 19. Families of defectors overseas; 20. Families of landowners; 21. Families of rich farmers; 22. Families of comprador capitalists; 23. Families of pro-Japanese collaborators; 24. Families of pro-American collaborators; 25. Families of evil religious personnel; 26. Families of factionalists; 27. Families of those complicit with factionalists; 28. Families of spies; 29. Families of agricultural foremen; 30. Families of entrepreneurs; 31. Families of merchants
Remnants of the hostile class	1. Landowners 2. Rich farmers; 3. Comprador capitalists; 4. Pro-Japanese collaborators; 5. Pro-American collaborators; 6. Evil religious personnel; 7. Factionalists; 8. Those complicit with factionalists; 9. Spies; 10. Agricultural foremen; 11. Entrepreneurs; 12. Merchants
Backgrounds (<i>Songbun</i>) (25 in total)	1. Revolutionaries; 2. Professional revolutionaries; 3. Laborers; 4. Soldiers; 5. Farmhands; 6. Poor farmers; 7. Farmers; 8. Farm managers; 9. Mid-sized farmers; 10. Better-off mid-sized farmers; 11. Agricultural foremen; 12. Rich farmers; 13. Landowners; 14. Office workers; 15. Students; 16. Craftsmen; 17. Foremen; 18. Small- and mid-sized entrepreneurs; 19. Converted businessmen; 20. Entrepreneurs; 21. Petit-bourgeois; 22. Small- and mid-sized merchants; 23. Merchants; 24. Religious personnel; 25. Those who served in Japanese organizations before liberation

Source: In-ae Hyun, "A Study of North Korea's Resident Registration System," pp. 31-35.

North Korean authorities use this class and background (*songbun*)-based classification system to strictly control the people; any movement between classes is also controlled in a very closed manner. One who makes a brilliant achievement, for

example, may see his class upgraded from “remnants of the hostile class” to “the complex masses,” but it is virtually impossible to climb all the way up to “the basic masses” either from “remnants of the hostile class” or “the complex masses.” Those in the “remnants of the hostile class” and “the complex masses” face discriminatory treatment across the entire span of their social life, including their occupation, education, residence and military duties. The problem is that such discriminatory treatment occurs in the form of guilt by association on both horizontal and vertical levels.

In North Korea, discrimination based on guilt by association is mostly directed towards those with experience as South Korean civil police agents after liberation, families of Korean War POWs, families of returnees from Japan and those with records of family members escaping to South Korea. First of all, North Korea treats separated families as part of the complex masses, categorized into “traitors who have fled to South Korea” or “families of traitors who have fled to South Korea.” They are still denied their basic rights or face various disadvantages due to the “wrongdoings” of their ancestors under Japanese colonial rule or during the Korean War. It is said that the children of those who fled to South Korea during the Korean War and people from families of Korean War POWs subject to prisoner exchange cannot even dream of becoming officials; for women, the best thing to happen would be being able to work at a factory and marrying well.⁴³⁰ A testifier

said that his/her family was deported from Gangwon Province where they used to live to Onsong County, North Hamgyeong Province for the reason that his/her grandfather had been a landowner before liberation.⁴³¹

Discrimination based on guilt by association is serious against people involved in important political incidents in North Korea. A North Korean defector who defected in 2019 said that his/her father had been involved in the *Kapsan* Faction incident in the 1960s, and as a result, he/she lived under surveillance for over 30 years and could not enter university.⁴³² Another North Korean defector who defected in 2019 also said that his/her entire family was forcibly deported to Yanggang Province due to a relative's involvement in a sectarian incident called the "Kim Chang-bong incident" in the 1960s. As his/her family was accused of being a reactionary family, the testifier was seriously discriminated against since birth, and although the false accusation was cleared in the early 1970s and the relative was reinstated as an honored veteran of war, the testifier could only work as a clerk.⁴³³

In addition, there are separate medical facilities used only by Party officials and those working in political agencies such as the Ministry of State Security or the Ministry of Social Security, and

430_NKHR2022000003 2022-05-19.

431_NKHR2014000015 2015-01-27.

432_NKHR2019000069 2019-08-26.

433_NKHR2019000074 2019-08-26.

differences exist between these people and the general population in terms of access to medical facilities and treatment.⁴³⁴ As such, discrimination based on background (*songbun*) and family background (*todae*) still continues until today. In this regard, the UNHRC report on North Korea of the UPR in 2019 expresses serious concern in light of the continuous reports of human rights violations such as discrimination based on background (*songbun*).⁴³⁵

B. Discrimination in Social Life by Background (*Songbun*) and Class

According to recent testimonies, it has been found that, since Kim Jong Un came to power, discrimination based on family background (*todae*) has been somewhat mitigated compared to the past with the increasing influence of economic power on social life.⁴³⁶ However, discrimination based on background (*songbun*) and class is an undeniable reality in North Korea. Discrimination is taking place not only in public areas of one's life including appointment as an official, admission to the Party, entrance to college and job placement, but also in private areas such as marriage.

434_ NKHR2021000026-2 2022-05-18; NKHR2022000008 2022-05-27; NKHR2022000016 2022-06-11; NKHR2022000023 2022-06-22.

435_ UNHRC, "Compilation on the Democratic People's Republic of Korea," Working Group on the Universal Periodic Review Thirty-third session, 6-17 (May 2019), p. 3.

436_ NKHR2020000011 2020-06-15 and many other testimonies.

First, one's background (*songbun*) and class play a significant role in being able to join political agencies such as Party organizations, the Ministry of State Security or the Ministry of Social Security as an official. A North Korean defector who defected in 2018 testified that deputies for the SPA, chairmen of various management committees, and Party secretaries typically have favorable backgrounds (*songbun*).⁴³⁷ Another North Korean defector who also defected in 2018 said that, because his/her father was a returnee from a foreign country, the testifier could not enter Kim Il-sung University, could not join agencies under the Ministry of State Security, and could not become a Party worker but only an administrative worker.⁴³⁸ In contrast, a North Korean defector who defected in 2019 testified that he/she could have served in the Supreme Guard Command because he/she had a good family background (*todae*) because his/her grandfather participated in the Korean War as a military officer and because there was no one in his/her family who was sent to a prison camp (*kyohwaso*) or went to South Korea.⁴³⁹ Another North Korean defector who defected in 2018 testified that one's background (*songbun*) plays a significant role in being able to be appointed as an official. According to the testifier, he/she was not appointed as an official because one of his/her relatives – although he/she was

437_NKHR2022000002 2022-05-18.

438_NKHR2019000011 2019-04-20.

439_NKHR2019000086 2019-10-05.

not a direct relative – had been sent to a prison camp (*kyohwaso*) for distributing South Korean movies.⁴⁴⁰ As such, while family background (*todae*) does not matter much in one’s daily life, it remains unchanged that family background (*todae*) plays the most significant role in appointing officials.⁴⁴¹

Second, there were many testimonies indicating that from the mid/late 2000s, people with economic power could join the Party, enter a college or be selected as a lower-level official even if they had an unfavorable background (*songbun*) and class. A testifier said that whereas the influence of family background (*todae*) was 100% in the past, it seems to have decreased to about 50% today.⁴⁴² Many testimonies have been collected revealing that although the influence of family background (*todae*) cannot be said to have completely disappeared, family background (*todae*) is not the most important factor in college admissions, job placements and marriage.⁴⁴³ It is said that people whose parents are officials are more likely to be recommended for college admissions and can easily enter college.⁴⁴⁴ It is also said that, although work ability is considered important in workplaces, bribery acts as the deciding factor.⁴⁴⁵ Another testifier claimed that, while one must have

440_NKHR2022000006 2022-05-25

441_NKHR2020000011 2020-06-15.

442_ *Ibid.*

443_NKHR2020000035 2020-09-05 and many other testimonies.

444_NKHR2022000022 2022-06-10.

445_NKHR2022000002 2022-05-18.

served in the military and have a favorable family background (*todae*) in order to be appointed as an official, the most important factor is money.⁴⁴⁶ A North Korean defector who defected in 2019 said that his/her spouse's family background (*todae*) was very bad because his/her father-in-law was involved in the *Kapsan* Faction incident in the 1960s, but the testifier's spouse could join the Party by handing over 350kg in pigs in 1997, which was the time of the Arduous March.⁴⁴⁷ Another North Korean defector who defected in 2016 testified that his/her father who was originally from Pyongyang was forcibly deported to Yanggang Province due to faults of the grandfather and elder uncle but did not experience difficulties caused by his/her family background (*todae*) in the military, graduation from college or working as a manager.⁴⁴⁸

The level of discrimination based on background (*songbun*) and class in college entrance differs between central universities and local universities. Such difference is found between central universities including Kim Il-sung University, People's Economy College and Pyongyang University of Foreign Studies and general local universities at the provincial/city level. While people with an unfavorable family background (*todae*) can still enter general local universities based on their ability, people cannot enter

446_NKHR2022000034 2022-08-08.

447_NKHR2019000069 2019-08-26.

448_NKHR2019000044 2019-07-01.

central universities without a good family background (*todae*), regardless of their abilities.⁴⁴⁹ The influence of family background (*todae*) has gradually decreased in job placements as well. As such, discrimination based on family background (*todae*) and one's origin has been somewhat eased, but personal background still exerts a significant influence on one's entire life in North Korean society.

A North Korean defector who defected in 2019 testified that under the Kim Jong Un regime, one still needs to have a good family background (*todae*) to join the provincial or city WPK or become a teacher, and those with an unfavorable family background (*todae*) give up applying for good jobs.⁴⁵⁰ Another North Korean defector who defected in 2019 also said that discrimination based on background (*songbun*) or class is common, and people are subject to discrimination not only in joining the Party or appointment as an official but also in being dispatched overseas.⁴⁵¹ Under the Kim Jong Un regime, many private companies have been established; however, even in the trade sector, those without a good family background (*todae*) cannot run a company.⁴⁵² Families of those sent to political prison camps (*kwanliso*) are considered to have a bad personal

449_NKHR2014000015 2015-01-27.

450_NKHR2019000016 2019-05-07.

451_NKHR2019000031 2019-06-03.

452_NKHR2019000108 2019-11-18.

background and are discriminated against in terms of joining the Party, earning a promotion or entering marriage. A North Korean defector who defected in 2018 testified that because his/her uncle had been sent to a prison camp (*kyohwaso*) after being caught selling CDs, his/her spouse, who had done well at school, served in the military, and even joined the Party, experienced limitations in pursuing the work he/she wanted to do.⁴⁵³ A North Korean defector who defected in 2019 even said that his/her father and brother had a difficult social life because the testifier's grandfather committed suicide.⁴⁵⁴

Third, although one's family background (*todae*) or background (*songbun*) still has influence in private areas such as marriage, the influence of economic power has gradually increased. A North Korean defector who defected in 2019 testified that his/her family began to face discrimination after his/her uncle participated in a family reunion for separated families and, as a result, the testifier's nephews/nieces could not become Party workers after graduating from college and the testifier's child could not work at Department No. 5 in the Central Party despite being selected several times. The testifier also said that it was difficult for his/her child to get married because he/she has relatives in South Korea.⁴⁵⁵

453_NKHR2022000002 2022-05-18.

454_NKHR2020000028 2020-07-06.

455_NKHR2022000014 2022-06-10.

Another North Korean defector who defected in 2016 said that people consider money (economic power) as important as background (*songbun*) or family history when choosing a potential spouse to eliminate obstacles to future opportunities.⁴⁵⁶

Another North Korean defector who defected in 2018 also said that these days people consider economic power more than background (*songbun*) in marriage.⁴⁵⁷

C. Discriminatory Assignment of Residential Area by Background (*Songbun*) and Class

North Korean people are assigned residential areas or forcibly deported based on their background (*songbun*) and class. In North Korea, those with an unfavorable background (*songbun*) and class are primarily those formerly from South Korea or those who once belonged to the landowner or capitalist class, and the authorities have concerns that they may escape from North Korea because of their admiration for South Korea. For this reason, North Korean authorities limit the areas of residence for these people to prevent escape. For example, people with unfavorable backgrounds (*songbun*) are not allowed to live in Pyongyang, Nampo, near the coast and areas bordered by the enemy (*jeonyeonjidae*).

The North Korean authorities discriminate against people based

456_NKHR2019000048 2019-07-01.

457_NKHR2019000011 2019-04-20.

on their background (*songbun*) and class more strictly in Pyongyang. The city is divided into central Pyongyang and surrounding districts, and the surrounding districts are further divided into protective zones, satellite cities and farming areas (Article 7 of the Law for the Management of Pyongyang of 2014). In order for a North Korean to live in Pyongyang, he/she must file for residence registration in accordance with the procedures and methods set by the Cabinet (Article 30). In addition, one has to acquire residence approval from relevant authorities in order to move into central Pyongyang from surrounding districts (Article 31). Discrimination even exists between those living in central Pyongyang and those living in surrounding districts. For example, those living in certain surrounding districts, such as Yongseong District, are allowed to pass through central Pyongyang but cannot get a job there.⁴⁵⁸ The authorities strictly examine the background (*songbun*) and class of individuals when granting permission to live in Pyongyang. Even those living in Pyongyang are divided into three groups by background (*songbun*) and class, based on which discriminatory treatment is given. Groups 1 and 2 constitute about 80–90% of Pyongyang residents who have no problems in terms of background (*songbun*), while Group 3 includes Koreans repatriated from Japan, those who had formerly lived in South Korea and those who have missing family

458_NKHR2018000037 2018-05-08.

members, accounting for 10–20% of the city’s population.

The discrimination between residents of Pyongyang and of other regions is also severe. First, there is discrimination with regard to freedom of residence and movement. People living in provinces need to obtain residential approval from relevant authorities to reside in Pyongyang (Article 31 of the Law for the Management of Pyongyang). Second, only citizens of Pyongyang receive Pyongyang citizenship cards, which grant them special status that ensures better treatment than residents of other regions. Pyongyang citizenship cards are issued only to those aged 17 or older (Article 7 of the Citizen Registration Law of 2015). In practice, access to Pyongyang is granted in a discriminatory manner to those living in other cities or provinces as such people must undergo complicated procedures and face a variety of constraints. In contrast, it is said that Pyongyang citizens can more freely move to other cities or provinces. Third, it is said that there is also discrimination with regard to food rations, which is discussed in III. The Reality of Economic, Social and Cultural Rights, 1. Right to Food.

Meanwhile, testimonies have been collected reporting that the movement of people from cities and rural areas has been more strictly controlled since Kim Jong Un came to power. It is said that it was previously possible for someone from a rural area to move to a city for a job as a teacher at a university or for joining the military, and a woman from a rural area could move to a city if

she married a man from a city. Now, however, when a man from a city marries a woman from a rural area, he needs to move to the rural area.⁴⁵⁹ Moreover, in order for people from the provinces to become Pyongyang residents, they need to go through a complicated process involving five to six agencies because of their personal background, and some even get divorced due to disadvantages in job placement.⁴⁶⁰

D. Discrimination against Ethnic Chinese and Returnees from Japan

In the past, there was a perception in North Korea that ethnic Chinese and returnees from Japan have superior economic power and enjoy more affluent lives due to their relatives in China and Japan. However, as trade between North Korea and Japan was terminated and returnees from Japan have lost their connections with Japan, the living conditions of returnees from Japan have deteriorated and how they are viewed in society is changing.⁴⁶¹

Attitudes are mixed toward the treatment of ethnic Chinese. While some testified that people are envious of ethnic Chinese because they generally have higher economic power and enjoy

459_NKHR2015000052 2015-03-10.

460_NKHR2016000054 2016-04-19.

461_NKHR2020000011 2020-06-15; NKHR2020000021 2020-07-06; NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.

comfortable lives,⁴⁶² a testifier said that ethnic Chinese consider themselves superior because they think they are wealthier than other residents.⁴⁶³ It appears that there are two sides to the social discrimination against ethnic Chinese people in North Korea. Some of the North Korean defectors who defected in 2018 and 2019 testified that, while ethnic Chinese in North Korea are not particularly discriminated against in terms of college admission and job placement, they are discriminated against in terms of joining the Party and earning a promotion and face restrictions in being appointed as officials.⁴⁶⁴

A North Korean defector who defected in 2017 said that his/her child could not join the Party because the testifier's parents are from China who migrated to North Korea in the 1960s.⁴⁶⁵ The testimony of a North Korean defector who defected in 2017 shows that discrimination against people with connections to China has been intensifying since Kim Jong Un came to power. A testifier whose spouse is ethnic Chinese said that while it was possible to enter college in the past, his/her children could not enter college as the current relationship with China is sour.⁴⁶⁶

462_NKHR2019000011 2019-04-20; NKHR2020000021 2020-07-06; NKHR2022000025 2022-06-23.

463_NKHR2019000111 2019-11-18; NKHR2022000005 2022-05-25.

464_NKHR2021000026-2 2022-05-18; NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.

465_NKHR2018000017 2018-04-09.

466_NKHR2019000054 2019-07-29.

According to another testimony, while those with cousins in China were subject to discrimination under Kim Jong Il, the scope of people subject to discrimination was expanded to those with second cousins since Kim Jong Un came to power. Those with connections to China are not allowed to serve in military units in border areas and are dispatched to rear guard units.⁴⁶⁷ This case shows the discriminatory perception of North Korean authorities that those with connections to China are likely to defect from North Korea and engage in smuggling, based on which the authorities regard them as potential criminals.

Meanwhile, other defectors have stated that discrimination against returnees from Japan or those with connections to Japan is intensifying. In the past, such people were treated considerably well, but the treatment of returnees from Japan has been recently worsening, and it appears that the major reason is the weakening of such people's financial capability caused by their loss of connection to Japan.⁴⁶⁸ According to a North Korean defector who defected in 2019, those who have lost their connections to Japan are worse off compared to other ordinary North Koreans.⁴⁶⁹ It was also reported that a child whose father is a returnee could not become a Party worker or law enforcement personnel.⁴⁷⁰

467_NKHR2016000146 2016-09-06.

468_NKHR2016000061 2016-05-03; NKHR2016000111 2016-07-12; NKHR2017000113 2017-11-20.

469_NKHR2022000001 2022-05-13.

There are cases where a person having family members who have fled to South Korea experiences disadvantages in joining the Party, getting recommendations for college admission and being selected as an official.⁴⁷¹

A testifier said that his/her brother-in-law, who was born in Japan and later moved to North Korea with his/her sister and graduated from a college in North Korea, was not appointed as an official and was discriminated against in the selection process.⁴⁷² Another North Korean defector who defected in 2019 reported that returnees are eligible to work in the Ministry of Social Security but are ineligible to work in the Ministry of State Security.⁴⁷³ According to testimony, the testifier's father, who was a returnee from Japan, experienced discrimination at work, had his letters to Japan censored and had to endure hostile attitudes and accusations from the people around him.⁴⁷⁴

E. Evaluation

In North Korea, discrimination based on background (*songbun*) and class continues to function as a key system that creates

470_NKHR2019000021 2019-05-07

471_NKHR2019000031 2019-06-03.

472_NKHR2022000013 2022-06-10.

473_NKHR2022000005 2022-05-25.

474_NKHR2016000127 2016-08-09.

inequality in diverse aspects of people's lives. Discrimination by background (*songbun*) and class remains unchanged with regard to admission to the Party, job placement, appointment as and promotion to an official, entrance to schools, enlistment in the military and assignment of their residential area. After Kim Jong Un came to power, the system of discrimination operated on the basis of "family background (*todae*)," on which the classification by background (*songbun*) and class is based, has been partially relaxed. However, in the midst of the intensification of corruption, injustice and the gap between the rich and poor, another form of discrimination, based on economic power, is emerging. One's background (*songbun*) plays a decisive role in appointment as an official, and it still has an influence on promotion, social treatment and relationships. Moreover, given that movement of people between Pyongyang and the provinces is still strictly controlled since Kim Jong Un came to power, and surveillance on and discrimination against ethnic Chinese and returnees from Japan continue to occur, it is difficult to say that the existing discrimination based on family background (*todae*) and background (*songbun*) has been mitigated, but rather, new forms of discrimination and inequality based on economic power coexist with the existing system of discrimination.



White Paper on Human Rights
in North Korea 2022



Part III

The Reality of Economic, Social and Cultural Rights

1. Right to Food
 2. Right to Health
 3. Right to Work
 4. Right to Education
 5. Right to Social Security
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1

Right to Food

The UDHR states that “everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services” (Article 25, paragraph 1). In addition, the ICESCR provides a more specific provision regarding the right to food (Article 11, paragraph 2).

Table III-1 Article 11 of the ICESCR

Paragraph 2	The States Parties to the present Covenant recognize the fundamental right of everyone to be free from hunger.
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Article 7 of the North Korean Food Policy Law of 2015 states that “it is the consistent policy of the DPRK to be responsible for supplying grain foods” and that “the state shall supply food to the people in a timely manner.” In North Korea, the state guarantees the right to food by law while officially maintaining a food rations system. However, in reality, the right to food of North Korean people is not adequately protected. In this chapter, the situation in North Korea regarding the right to food will be examined,

focusing on the continued food shortages, problems in agricultural production methods and discrimination in food distribution.

A. Continued, Chronic Food Shortages

The food situation in North Korea appears to have stabilized since the outset of the Kim Jong Un regime. This is the case when compared to not only the period of the Arduous March when North Korea experienced a serious food crisis that led to mass victims of starvation, but also the 2000s. For instance, one can find by comparing UNICEF’s 2017 DPRK Multiple Indicator Cluster Survey (hereinafter the MICS survey) and the national nutrition survey of 2012 that the nutrition situation of infants and young children has rapidly improved since Kim Jong Un came to power.

However, the outlook on the food situation in North Korea is not very positive. The International Food Security Assessment 2020–30 issued on 13 August 2020 by the Economic Research Service under the U.S. Department of Agriculture estimated that 59.8% of North Korea’s population, or approximately 15.3 million people, would be food insecure in 2020.⁴⁷⁵

Article 11, paragraph 2 (a) of the ICESCR stipulates that there

475_USDA, *International Food Security Assessment, 2020–30*, (Washington DC: USDA, 2020), p. 50.

is a need “to improve methods of production, conservation and distribution of food [...] by developing or reforming agrarian systems in a way to achieve the most efficient development and utilization of natural resources.” Accordingly, the States Parties are required to take active measures to increase food availability in the event of a food shortage. North Korean authorities have also taken legal and policy measures to expand food production. The paddy unit responsibility system introduced after Kim Jong Un took office is a key example. In 2012, North Korea introduced as a pilot program the “paddy unit responsibility system within the framework of the team management system,” under which a small production unit consisting of a minimum of two people, which belongs to a production team (*bunjo*) consisting of 10–25 people, is responsible for farming land of a certain size (*pojeon*) on a cooperative farm. After that, the Farm Law was revised annually in 2013, 2014 and 2015 to institutionalize the paddy unit responsibility system. The Farm Law revised in 2015 stipulates that “Farms shall accurately execute the paddy unit responsibility system and a reward and punishment system within the framework of team management system so that work on land management, agricultural process execution, production plan execution, and procurement plan execution are accurately assigned by team (*bunjo*) and farm members, and that reviews on such work are timely and substantially carried out to ensure the correct distribution and handling of grain products” (Article 22,

paragraph 2).

In the report submitted for the third cycle of the UPR in 2019, North Korea emphasized that it had authorized innovative farm management led by farm members and encouraged farm members to fulfill their responsibilities and roles in production and management by introducing the paddy unit responsibility system in 2015. It assessed that due to this measure, grain production had steadily increased every year and made great progress in resolving food issues.⁴⁷⁶

Furthermore, together with the paddy unit responsibility system, North Korean authorities introduced various policies that would incentivize farmers to increase production. For example, a policy was implemented under which farmers are given the right to freely dispose of the remaining crops harvested once they achieve the amount set by the national production plan and pay back the state the costs for seeds, fertilizer and agricultural equipment in crops.⁴⁷⁷ Accordingly, “the farms have earned the right to manage crops as they wish, as long as they achieve the goal of the national production plan and pay back the state the costs for land, irrigation facilities, farming supplies, fertilizer, etc.”⁴⁷⁸

476_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 49.

477_ *The Choson Sinbo*, 7 June 2013.

478_ *Ibid.*, 19 April 2013.

An important point is whether these measures taken by North Korean authorities to increase food availability actually lead to an increase in food production. Considering the testimonies of North Korean defectors, it seems that the paddy unit responsibility system is being implemented in most cooperative farms.⁴⁷⁹ For example, a North Korean defector who defected in 2021 testified that, in Goseong County, Gangwon Province, the paddy unit responsibility system is implemented in most cooperative farms, and the farms not implementing the system are where the authority of the officials is stronger. According to the testifier, officials prefer not to implement the system because, under the paddy unit responsibility system, officials must also work equally with farm members and receive harvested crops.⁴⁸⁰ While there were some testimonies reporting that the food situation has improved due to the increase in food production following the implementation of the paddy unit responsibility system,⁴⁸¹ there also were testimonies stating that the amount distributed to farm members has decreased after the implementation of the system⁴⁸² and some farms no longer implement the paddy unit responsibility system, having returned to the previous team management

479_NKHR202000022 2020-07-06; NKHR2022000030 2022-07-22 and many other testimonies.

480_NKHR2022000030 2022-07-22.

481_*Ibid.*

482_NKHR2019000029 2019-06-03; NKHR202000022 2020-07-06 and many other testimonies.

system.⁴⁸³ It has been found that the implementation of the paddy unit responsibility system has not contributed much to improving the food situation due to various factors including the unfair allotment of paddies, the insufficient supply of farming materials and excessive government procurement.

One of the reasons that the paddy unit responsibility system has not been very effective is the excessive production plan set by the authorities. A North Korean defector who had worked as a farm member said that the authorities set a plan in advance as to the amount that should be harvested from one's allotted paddies, and since the target is often set too high, there is very little left after one pays back the state and, in some cases, production did not meet the plan so the testifier had to pay for the shortage another way.⁴⁸⁴ The unfair allotment of paddies and insufficient supply of farming materials such as fertilizer are also major factors hindering the effectiveness of the paddy unit responsibility system. A testifier complained that the good land is taken by the People's Unit (*inminban*) chiefs or team (*bunjo*) leaders and barren land is given to general farm members.⁴⁸⁵ In addition, another testifier said that the amount of fertilizer actually distributed to individual farm members is small as officials or

483_NKHR2022000014-2 2022-07-29; NKHR2022000015-2 2022-07-29.

484_NKHR2020000003 2020-05-15.

485_NKHR2019000023 2019-05-18.

transportation agents embezzle and sell the fertilizer supplied by the state. According to the testifier, some farm members sold the supplied fertilizer when they were in need of money or used the supplied fertilizer for their personal farming.⁴⁸⁶

It appears that the North Korean leadership is also aware of the aforementioned drawbacks present in the operation of the paddy unit responsibility system. At the 4th National Meeting of Enthusiasts in Agricultural Field held in Pyongyang during 25–26 December 2018, Pak Pong Ju, the premier of the Cabinet pointed out the drawbacks that prevent people from taking full advantage of the paddy unit responsibility system.

B. Food Shortages for Farmers Due to Excessive Government Collection

It has been confirmed through many testimonies that the paddy unit responsibility system has not contributed much to resolving food shortages for farmers. A testifier who had worked as a farm member explained that although farm members were told that under the paddy unit responsibility system, they would be able to take 30% of the production, in reality, it was difficult for farm members to even take 1% of the amount harvested. According to the testifier, after deducting costs for fertilizer, fuel and labor

486_NKHR2019000057 2019-07-29.

(farm members must pay part of the personnel expenses for people sent by the state), there is actually not much remaining for farm members.⁴⁸⁷

A testifier said that since the production was very low, he/she was only given an amount sufficient for around three to four months,⁴⁸⁸ and another testifier said that as there was little left to be distributed to farm members since the implementation of the paddy unit responsibility system and that it had become more difficult to secure access to food in regions with poor harvests.⁴⁸⁹

Only a few testimonies stated that work efficiency improved as the portion distributed to individuals increased due to the implementation of the paddy unit responsibility system.⁴⁹⁰ It has been found that the paddy unit responsibility system has not been very effective in a considerable number of farms as the system is not enforced by the rules. In particular, the food situation of farm members has hardly improved because official skimming continues to occur under various pretexts such as the Rice for the Military (*gullyangmi*), Patriotic Rice (*aegukmi*), Rice for the Needy (*wonhomi*) and Rice for the Shock Troops (*dolgyeogdae*) campaigns.

487_ NKHR2020000040 2020-10-31.

488_ NKHR2019000046 2019-07-01.

489_ NKHR2019000072 2019-08-26.

490_ NKHR2019000057 2019-07-29; NKHR2019000077 2019-09-25.

A North Korean defector who defected in 2019 testified that even when the production plan is not 100% fulfilled, Rice for the Military (*gullyangmi*) is collected unconditionally, and there was almost nothing left after it was collected.⁴⁹¹ Another North Korean defector who also defected in 2019 said that after Rice for the Military (*gullyangmi*) is collected, usually there is almost nothing left in the output from jointly cultivated farms to be distributed to individual farm members, and if the target quota for Rice for the Military (*gullyangmi*) is not filled with the output from jointly cultivated farms, individual farm members share the burden to fill the quota as the total target quota must be met unconditionally.⁴⁹² Another North Korean defector said that those who used the state land had to submit 40% as Rice for the Military (*gullyangmi*), and even those who did not use the state land had to submit Patriotic Rice (*aegukmi*).⁴⁹³ A North Korean defector who defected in 2019 testified that he/she submitted 15 kg of corn in the name of his/her child, and some rich families submit one to two tons of corn and receive certificates of merit.⁴⁹⁴

In addition to Rice for the Military (*gullyangmi*) and Patriotic Rice (*aegukmi*), farmers submit food under diverse “support” campaigns. There were cases in which around 10–20 kg of grain

491_NKHR2019000025 2019-05-18.

492_NKHR2020000040 2020-10-31.

493_NKHR2019000032 2019-06-03.

494_NKHR2019000057 2019-07-29.

was collected from each farm member under the name of support for the military, school and village,⁴⁹⁵ and cases in which rice and firewood were also collected for the 4.15 Support Project.⁴⁹⁶ A North Korean defector who defected in 2019 said that there were many cases in which each household was instructed to submit a certain amount of cash assigned for national construction projects such as the Baekdusan Samjiyeon construction project, and those who could not submit cash had to provide labor instead.⁴⁹⁷ Another North Korean defector submitted in 2018, 2 kg of corn for a support fund for flood damage in the northern regions, 5,000 won for the Kim Il Sung/Kim Jong Il Fund project, 80 kg of corn as Rice for the Military (*gullyangmi*), 2 kg of beans as Patriotic Rice (*aegukmi*) and 2 kg of scrap metal per month for 005 (the task of submitting scrap metal to produce military supplies), and when there was no scrap metal to submit, he/she paid 1,000 won in cash. In addition, he/she submitted dog fur (30,000 won) and rabbit fur (4,000–5,000 won) once every year.⁴⁹⁸ Under the Kim Jong Un regime, official skimming to support large-scale construction projects has become more frequent. Heavy official skimming is taking place at workplaces, the People’s Unit (*inminban*), the Women’s Union and schools for construction

495_NKHR2019000027 2019-06-03.

496_NKHR2019000041 2019-07-01.

497_NKHR2020000002 2020-07-04.

498_NKHR2019000045 2019-07-01.

support for residences in the Wiyeon Construction District and construction support for the Samjiyeon District.⁴⁹⁹

On the other hand, some testimonies have been collected stating that recently, there is almost no skimming by the state, and if it happens, it is not compulsory. A testifier who defected in 2019 said that people are told to submit Patriotic Rice (*aegukmi*) and Rice for the Capital City (*sudomi*), but collection was not unconditional, and it was more like a suggestion asking those who could submit rice to do so. The testifier said that he/she did not submit anything.⁵⁰⁰ Another testifier said that he/she never experienced skimming by the state but submitted small amounts of cash time to time.⁵⁰¹

Farm members who suffer from excessive collection by the state secure food through personal farming, such as farming vegetable gardens, paddy fields and small plots of land, or raise cash or purchase daily necessities by selling agricultural products.⁵⁰² There were many testimonies stating that procuring food has become difficult as the farmland available for private farming has decreased due to the re-forestation projects recently pursued under the Kim Jong Un regime, under which land where trees are not planted are reclaimed by the state or prohibited for farming.⁵⁰³

499_NKHR2019000039 2019-07-01 and many other testimonies.

500_NKHR2020000044 2020-10-31.

501_NKHR2020000022 2020-07-06.

502_NKHR2020000025 2020-07-06 and many other testimonies.

C. Disparities in Food Rations

North Korea officially maintains a rations system. Although it is difficult to ascertain the exact situation as the North Korean authorities do not disclose relevant statistics, numerous testimonies of North Korean defectors suggest that food rations are provided in a differential and discriminatory manner to specific regions or specific occupational groups and that the supply of food rations is far below the actual demand.

The present food situation faced by North Korean people varies widely. Some can make a living with the rations, some need to make up for the insufficient ration amount by cultivating small plots of land or through market activities, and some rarely receive the rations that they need to be completely self-sustaining. Furthermore, there are variations in the ration amount and distribution cycle with some receiving rations for their own selves, some for the whole family, some regularly and some irregularly. The kinds of foods that are rationed also vary greatly, including non-glutinous rice, corn, potatoes and flour. In particular, recently, there were many cases in several workplaces in which only one potato ration a year was provided.⁵⁰⁴

503_NKHR2020000026 2020-07-06 and many other testimonies.

504_NKHR2020000019 2020-07-04 and many other testimonies.

Table III-2 Recent Receipt of Food Rations

Testimonies	Testifier ID
The testifier worked as an advanced middle school teacher in a city in Yanggang Province from 2000 to 2009 and received 336 kg of potatoes (56 kg per month for six months) once in the fall.	NKHR2020000027 2020-07-06
The testifier worked as a nurse from 2013 to 2015 but did not receive any rations. Doctors also did not receive any.	NKHR2020000023 2020-07-06
The testifier's spouse was an MSS agent, and before the spouse died in 2014, the whole family received about 50 kg of white rice. Special rations for holidays were also sufficient.	NKHR2020000038 2020-09-26
The testifier worked at a food supply station in a coal mine from November 2017 to June 2019 and received 23.25 kg of rice as rations, but it was only enough for 15 days, considering the amount of moisture that would evaporate while transporting the rice and the amount lost while rice is processed.	NKHR2020000042 2020-10-31
The testifier's mother was a doctor, but there was no food ration, so she earned money by secretly giving people injections.	NKHR2020000001 2020-05-15
The testifier worked at an honored veteran's factory, and potatoes were rationed, but the testifier did not take them because the quality was bad. The testifier's son worked at a train station, and some potatoes and corn were given as rations.	NKHR2020000019 2020-07-04
The testifier worked at two different workplaces. When working at a mine under the trade bureau, the testifier received 15-25 kg of soybean oil, ducks, eggs and rice. When working at a food factory under the military, where workers produced gifts for Kim Il Sung, Kim Jong Il and Kim Jong Un's birthdays, the testifier received food rations sufficient for two people.	NKHR2020000021 2020-07-06
The testifier's father was a middle school teacher but did not receive any rations.	NKHR2020000035 2020-09-05
The testifier's spouse was a doctor and received a rice ticket from his/her workplace (hospital), which was to be submitted at a food ration center. Corn and flour were provided as rations. Rations were provided once every 15 days, and each time, approximately a week's worth of food was rationed. As sanctions were imposed on North Korea, rations were not provided many times.	NKHR2020000047 2020-11-28
The testifier worked as an MSS agent at a political prison camp (<i>kwanliso</i>) in a city in South Pyeongan Province and received exactly 15 kg of corn per person once every month. Food rations were provided for farm members in the camp.	NKHR2020000048 2020-11-28
The testifier's spouse was a doctor but did not receive any rations. The testifier's spouse ate lunch with his/her colleagues after treating patients and received food from patients' families.	NKHR2022000005 2022-05-22

Testimonies	Testifier ID
Only those working at the Ministry of State Security and the Ministry of Social Security and Party workers receive normal rations. Because ordinary people do not receive rations, they make hats or wigs to receive rice or soybean oil in return.	NKHR2022000007 2022-05-25
When the testifier worked at a trading company, he/she only had to fulfill the amount of money payable to the state and how the rest was spent was up to the company president to decide. The payment differed depending on workers' abilities or skills. Earnings were good in the summer but somewhat lower in the winter.	NKHR2022000010 2022-06-09
People working at steel mills irregularly received corn, flour, meat, oil and soap as rations because they had to produce military supplies all day long. However, no rations were given at other workplaces.	NKHR2021000017 2022-06-13

(1) Discriminatory Rations Based on Occupation

North Korea's rations system is not functioning properly in general. In areas where it does function, the benefits seem to be centered mainly on elite groups, preferentially to specific sub-groups within the elite group itself.

First of all, it appears that food is well distributed to Party officials, managers, MPS officers and MSS agents compared to general workers and farm members. However, it has been found that within these groups, some are able not only to live off the rations alone but also have enough to share with their relatives,⁵⁰⁵ while some need to make up for the insufficient ration amount by carrying out additional economic activities.⁵⁰⁶ The Party and legal and administrative agencies have their quota (*ppont*),

505_NKHR2022000022 2022-06-21.

506_NKHR2020000048 2020-11-28 and many other testimonies.

according to which food supplied directly from a farm is distributed among their employees.⁵⁰⁷ According to an explanation by a testifier, Party officials receive the largest amount, followed by Ministry of State Security employees, prosecutors and MPS officers, and their ration amount is around three to five times that for doctors or teachers. They also receive subsidiary food as well as staple food.⁵⁰⁸ It is also discriminatory because the elite group mostly receives white rice only.⁵⁰⁹ A North Korean defector who defected in 2019 said that his/her spouse was an MSS agent, and the whole family received about 50 kg of white rice as rations, and special rations for holidays were also sufficient.⁵¹⁰

On the other hand, it has been found that doctors, teachers and researchers, who are generally regarded as professionals, have very poor rations compared to those working for political agencies, despite also belonging to an elite group. Among the testifiers who recently defected from North Korea, many testified that they did not receive any rations although their parents were teachers or doctors.⁵¹¹ Some testifiers said that potatoes were given as rations once in the fall. A North Korean defector who had

507_NKHR2018000006 2018-03-12.

508_NKHR2019000029 2019-06-03.

509_NKHR2019000041 2019-07-01.

510_NKHR2020000038 2020-09-26.

511_NKHR2020000001 2020-05-15; NKHR2022000005 2022-05-25 and many other testimonies.

worked as an advanced middle school teacher in a city in Yanggang Province from 2000 to 2009 said that he/she received 336 kg of potatoes (56 kg per month), which was six months' worth of food, once in the fall.⁵¹² A North Korean defector whose father was a teacher also said that his/her father received one ton of potatoes per year until 2017.⁵¹³ A North Korean defector who had worked as a feldsher at a hospital said that although potato rations were given in fall, the testifier did not receive them because he/she had to bear the transportation cost and the quality of the potatoes was poor.⁵¹⁴ A North Korean defector who had worked as a nurse from 2013 to 2015 also testified that he/she did not receive any rations and the doctors also did not receive any.⁵¹⁵

(2) Differential Rations Based on Enterprise

Given that the food rations system does not function properly, the phenomenon where organizations such as enterprises secure food on their own for rationing has become widespread. As a result, the difference in the amount of rations that workers of each enterprise can receive is widening. Therefore, workers of enterprises that operate well or are in favorable conditions receive relatively more rations. Conversely, workers of poorly performing

512_NKHR2020000027 2020-07-06.

513_NKHR2019000079 2019-09-25.

514_NKHR2019000029 2019-06-03.

515_NKHR2020000023 2020-07-06.

enterprises receive less rations or none at all. Many testimonies have been collected stating that, under the Kim Jong Un regime, it seems that the rations status is relatively secure for workers working at enterprises such as those engaged in businesses that earn foreign currency, exports or trade.⁵¹⁶ However, due to the recent reinforcement of sanctions on North Korea, there are cases in which even enterprises that have provided normal rations are now experiencing a sudden deterioration of their ration situation.⁵¹⁷

Workers in mines receive relatively favorable rations. North Korea has emphasized coal production in order to overcome the energy crisis. With anthracite and iron ore as North Korea's major export items, the management situation at mines has been relatively good. A North Korean defector who defected in 2019 said that he/she had worked at a mine under the provincial trade bureau; the testifier said that he/she received good rations consisting of 15–25 kg of soybean oil, white rice, ducks and eggs, and the monthly wage was about 300,000–500,000 North Korean won.⁵¹⁸ However, in the case of the Musan mine, there was testimony claiming that rations were not provided as the export of iron ore was blocked from 2017 due to sanctions against North Korea.⁵¹⁹

516_NKHR2020000021 2020-07-06; NKHR2022000010 2022-06-09 and many other testimonies.

517_NKHR2019000035 2019-06-03 and many other testimonies.

518_NKHR2020000021 2020-07-06.

Table III-3 Cases of Deteriorating Rations from Enterprises after Sanctions against North Korea

Testimonies	Testifier ID
The testifier worked for an overseas construction enterprise and received 10 kg of rice every month, but the rations' quality worsened, and he/she received corn or potatoes from 2015 with some rotten ones mixed in.	NKHR2019000050 2019-07-20
The testifier was working for the Musan mine, and rations were not properly given as iron ore exports to China were blocked from 2017 due to sanctions	NKHR2019000057 2019-07-29
Due to the souring relationship with China, customs closed, and oil (fuel) was not imported. As a result, the Musan mine did not operate, and there were no rations for workers from winter 2017 due to sanctions.	NKHR2019000065 2019-08-17
The testifier worked at a food supply station in a coal mine from November 2017 to June 2019. During Jang Song-thaek's lifetime, the coal mine was running well as it exported coal. As coal is no longer exported, the quality and quantity of food rations have gradually deteriorated.	NKHR2020000042 2020-10-31
The testifier's spouse worked for a branch office of a tire company, and due to sanctions, the enterprise could not trade lumber and earned money through smuggling to provide food rations to workers. Until 2019, right before defecting from North Korea, the testifier received 55 kg of brown rice every month.	NKHR2019000035 2019-06-03
The testifier who had lived in Hyesan and defected in 2019 said that as the situation worsened after trade with China was blocked, many companies closed and people's lives have deteriorated as factory enterprises are not operating.	NKHR2020000020 2020-07-04

The rations situation has been found to be relatively good in the case of workers at enterprises or factories in some special fields. A North Korean defector who defected in 2019 said that he/she had worked at a food factory under the military, where workers produced gifts for Kim Il Sung, Kim Jong Il and Kim Jong Un's birthdays, and while working there, the testifier received food

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519_NKHR2019000057 2019-07-29.

rations sufficient for his/her family to survive.⁵²⁰ A North Korean defector who had worked for a pine nut seed-gathering enterprise in a city until 2018 said that while rations were only provided once a year in October, the rations were worth around 1,500 yuan, which was enough for daily living without having to have a separate business.⁵²¹ Another North Korean defector also said that his/her spouse was working for a state enterprise and 10 kg of rice, 2 kg of soybean oil, one pack of condiments and one bar each of face soap and laundry soap were given every month until September 2018. In addition, the testifier's spouse received 250 kg of potatoes in the fall.⁵²²

It has been found that, although the rations situation at military supply factories was satisfactory until a few years ago,⁵²³ rations for workers at some military supply factories have worsened recently. A North Korean defector who had worked at a military supply factory said that while it was a rule to receive 14 kg of corn every month, in recent years, wet corn was provided that only amounted to 5–6 kg when dried.⁵²⁴ Hence, working at a military supply factory could in fact be more disadvantageous in terms of securing food. This is because, unlike ordinary workplaces,

520_NKHR2020000021 2020-07-06.

521_NKHR2019000043 2019-07-01.

522_NKHR2019000002 2019-04-08.

523_NKHR2018000083 2018-08-11.

524_NKHR2019000070 2019-08-26.

military supply factories have a strict mandatory attendance policy, so it is impossible for the employees to procure food from private market activities.⁵²⁵

Table III-4 Cases of Satisfactory Rations from Enterprises (Factories)

Testimonies	Testifier ID
The testifier worked for International Tourism Bureau until 2014 and received 21 kg of white rice, 8 kg of pork, one box of frozen seafood, oil, condiments and salt.	NKHR2019000014 2019-05-07
The testifier worked for a pine nut seed-gathering enterprise in a city from 2016 to 2018, and while rations were provided only once a year in October, they were worth around 1,500 yuan, and the testifier could maintain his/her sustenance without having to do a side business.	NKHR2019000043 2019-07-01
The testifier's spouse worked for a state enterprise and received 10 kg of rice, 2 kg of soybean oil, one pack of condiments and a facial and laundry soap every month until September 2018. The testifier also received pollack and pork on every national holiday, as well as fruit in the fruit seasons, one box of 12 cans of beer on major holidays and 250 kg of potatoes in the fall.	NKHR2019000002 2019-04-08
The testifier worked for an export company in Hyesan and received 15 kg of corn and oil every month.	NKHR2019000058 2019-08-26
As the testifier worked as a general manager of a dried grass craft enterprise, the testifier received 50 kg of rice every month.	NKHR2019000079 2019-09-25
When the testifier was working at a mine under the provincial trade bureau, the monthly wage was about 300,000-500,000 won and he/she received good rations consisting of rice, ducks and eggs. In addition, when working at a food factory under the military, where workers produced gifts for Kim II Sung, Kim Jong II and Kim Jong Un's birthdays, the testifier received food rations sufficient for his/her family to survive.	NKHR2020000021 2020-07-06

525_NKHR2022000014-2 2022-07-29.

In the case of most workers who work for general enterprises (factories), there are only a few rations, or only potato rations in the fall, or special rations on holidays. A North Korean defector whose spouse had worked for a telecommunications bureau said that 350 kg of potatoes were given as rations once a year in the fall, and most enterprises in Yanggang Province provided potato rations. In addition, the testifier said that his/her spouse also received oil and 1 kg of meat on January 1, the Lunar New Year holiday, 2·16 and 4·15.⁵²⁶ A North Korean defector whose father was an honored veteran and had worked for the post office said that there were rations only for national holidays (Lunar New Year, 2·16, 4·15, and 4·25), and these rations were comprised of one bottle of liquor, one bottle of oil, 500 g of pork and 1 kg of bean sprouts (as of 2018).⁵²⁷ Another North Korean defector who had worked at an honored veteran's factory said that potato rations were provided, but the testifier did not take them because the potatoes were of poor quality.⁵²⁸ A North Korean defector said that his/her spouse had worked for a province-level enterprise in Hoeryong but had not received any rations up until 2018 when he/she defected.⁵²⁹ A North Korean defector who had worked for a forestation management office, a North Korean defector whose

526_NKHR2019000079 2019-09-25.

527_NKHR2019000070 2019-08-26.

528_NKHR2020000019 2020-07-04.

529_NKHR2019000017 2019-05-07.

father had worked for a road facility office, a North Korean defector who had worked for an engineering research center, a North Korean defector who had worked for a power plant, a North Korean defector whose father had worked for a paper mill, and a North Korean defector who had worked for a medicinal herb factory all had not received rations.⁵³⁰ A North Korean defector who had lived near the border with China and defected in 2019 testified that people who do not receive rations and do not have the means to engage in private business engage in the custom manufacturing of hats and wigs for Chinese clients. According to the testifier, 3 kg of non-glutinous rice is given for a hat and 12 kg of non-glutinous rice is given for a wig, and many high school students who have good eyesight make wigs as a side job after school.⁵³¹

However, even if enterprises offer relatively good rations, workers are bound to cultivate personal land or trade at the marketplace (*jangmadang*) because the rations are insufficient and irregular in many cases. A North Korean defector whose parents were workers on a sideline field (fields that are approved by the state for residents to use for self-farming in order to solve food shortages) of a military unit said that while 30 kg of rice and 70 kg of corn were provided as rations, the family had to cultivate a small plot of around 2,500 *pyeong* to produce corn, beans and

530_NKHR2019000027 2019-06-03; NKHR2019000042 2019-07-01; NKHR2019000047 2019-07-01; NKHR2019000062 2019-07-29; NKHR2019000059 2019-07-29; NKHR2019000077 2019-09-25.

531_NKHR2022000007 2022-05-25.

non-glutinous rice due to the food shortage.⁵³² In particular, many North Korean people make up for the lack of food by purchasing from the market. Due to the poor wages given by enterprises, North Korean people also engage in additional economic activities in the market, among other places, to earn money needed for purchasing food.⁵³³

(3) Discriminatory Rations in the Military

North Korea has utilized the military to advocate Military First (*Seongun*) politics. One of the ways to do this is by granting priority to the military in receiving rations. As a result, the food situation of those in the military is better than that of the population at large. However, the fact that the military has priority in receiving rations does not necessarily mean that all soldiers receive generous rations. This is because differences in amount exist by region and rank.

It seems that the rations status of those working for the Border Security Command, Coast Guard, Supreme Guard Command and submarine force and air force pilots is better than that of soldiers in other military units, and military officers seem to receive relatively good rations, unlike general soldiers. A North Korean defector whose brother-in-law was a military officer with the

532_NKHR2019000118 2019-11-30.

533_NKHR2019000004 2019-04-08 and many other testimonies.

Border Security Command testified that there were normal rations for his family of four, including 16 kg of white rice (8 kg every 15 days) for the military officer himself and 50-60 kg of mixed grains for each of the family members.⁵³⁴ A North Korean defector whose spouse was said to be a Coast Guard military officer also said that 20 kg of food for the officer himself/herself and 34 kg for the other family members were provided, which was enough for survival.⁵³⁵

Table III-5 Cases of Sufficient Rations at Military Units

Testimonies	Testifier ID
(Defected in 2017) OO military unit was where the rations were the best, even among military units, with no problems with the food situation. Submarine units and air force pilots receive preferential treatment, and the 974 Kim Jong Un protective guards also receive favorable treatment.	NKHR2017000069 2017-08-28
(Defected in 2017) As the testifier's spouse was a Coast Guard military officer, the rations were provided regularly. Rations included 20 kg for his/her spouse, 34 kg for the testifier and their son, and 3,000 won in payment.	NKHR2017000087 2017-09-25
When the testifier's spouse served as an army surgeon in 2017, 15 kg of rice and 17 kg of corn were provided for the whole family every month.	NKHR2018000055 2018-07-02
The testifier's brother-in-law was a military officer in the Border Security Command, and rations were normal and provided for all four family members. Monthly rations included 16 kg of white rice for the officer himself and 50-60 kg of mixed grains (corn and flour) for each of the other family members.	NKHR2019000003 2019-04-08
The testifier's spouse was a military officer, and since the food supply from the military was decent, it was possible to live on it without an additional business. The rations were a combination of mixed grains and white rice.	NKHR2019000041 2019-07-01

534_NKHR2019000003 2019-04-08.

535_NKHR2017000087 2017-09-25.

However, in most military units, food is not sufficiently supplied, and furthermore, the rations status is worsening. It has been found that some soldiers engage in deviant behavior to secure food on their own. A testifier said that there were cases in which soldiers went to private houses and asked residents to give them food such as potatoes or stole livestock,⁵³⁶ and a North Korean defector who was a soldier testified that while soldiers were given 600 g of rations per person, they sometimes went to private houses and stole food as they were hungry, and low-level soldiers, in particular, who were given smaller food rations, sometimes stole food or ate grass.⁵³⁷ Another testifier said that soldiers secretly sell rough diamonds produced at military bases to individuals to buy what they need.⁵³⁸ In addition, there were testimonies of soldiers stealing from or looting private houses to obtain the money they needed to purchase military uniforms or hats.⁵³⁹

It seems that the corruption prevalent in the military also plays a role in enlisted soldiers not receiving proper rations. A North Korean defector who had served as a military officer said that low-level soldiers often had their rations amount reduced or ration items changed as officers siphoned off food. For example, if 100 kg of rice was supplied, only 50 kg of corn was rationed to the

536_NKHR2020000001 2020-05-15 and many other testimonies.

537_NKHR2019000065 2019-08-17.

538_NKHR2020000013 2020-06-15.

539_NKHR2019000063 2019-07-29.

low-level soldiers.⁵⁴⁰ Another North Korean defector testified that although each soldier is supposed to receive 750 g of rations per day, he/she only received 300 g, and it turned out that his/her squad leader had siphoned off the rations to sell for him/herself.⁵⁴¹ There was testimony reporting that while it is true that soldiers work at the farm a lot, military officers put much of the harvest in their pockets, and only a small amount is given to soldiers.⁵⁴²

D. Evaluation

The general assessment is that the food situation in North Korea has slightly improved since Kim Jong Un came to power. In fact, according to the results of surveys conducted by international organizations, it appears that the nutritional status of the North Korean people has improved compared to the past. It can be said that, to a certain extent, this improvement is attributable to the increase in domestic agricultural production following institutional improvement and the impact of the growth of individual purchasing power and logistics through marketization. This finding is supported by the fact that rice prices did not rise sharply during the COVID-19 period and regional differences in rice prices were not extreme. However, North Korea still suffers from

540_NKHR2019000049 2019-07-20.

541_NKHR2018000095 2018-08-27.

542_NKHR2018000118 2018-10-22.

chronic food shortages, and the gap between regions and classes has been widening since Kim Jong Un came to power. Accordingly, if faced with an external crisis, economically vulnerable classes and regions in North Korea are more likely to be further exposed to food shortages.

It appears that the reform measures such as the paddy unit responsibility system implemented by North Korean authorities to expand food production have not led to a dramatic increase in food production. The right to food of North Korean farmers is still under threat due to various reasons including unfair allotment of paddy units, the insufficient supply of farming materials such as fertilizer and farming equipment, widespread embezzlement by officials in the distribution process, excessive government procurement and planning and various forms of skimming by the state, all of which disincentivize farm members' desire to work. Some farms are even reported to have returned to the previous team management system. However, it appears that the North Korean authorities will continue to implement the paddy unit responsibility system while correcting the drawbacks arising from the system's operation in a manner suitable for situations on farms.⁵⁴³

543_ In April 2019, Premier Pak Pong Ju ordered the precise and careful implementation of the paddy unit responsibility system within the framework of the team management system during his visit to cooperative farms in Ongjin County, South Hwanghae Province. In addition, despite no direct mentioning of the paddy unit responsibility system, he, at the at the 8th Party Congress of the WPK held in

Under the Kim Jong Un regime, rations are provided in a selective and differential manner based on occupation, institution/enterprise and region. The vast majority of the North Korean population, other than those belonging to special groups such as working for the Party and political agencies or those who are managers, military officers or workers at military supply enterprises, are excluded from the rations system. Professionals including doctors and teachers as well as office clerks are no exception. The rations situation at enterprises related to the businesses earning foreign currency, exports or trade had been relatively decent, but it is also worsening as sanctions against North Korea are tightened.

This reality is pushing most North Korean people to carry out personal economic activities, such as trading in marketplaces and cultivating small plots of land to supplement the shortage of food. In suburban areas, there are middle and high school students who do not attend school and instead engage in low-wage labor. However, procuring food is increasingly difficult as farmland available for private farming has decreased due to the recent re-forestation projects pursued under the Kim Jong Un regime. Taking into consideration that the North Korean border will likely remain closed due to COVID-19 and that the policy of

January 2021, proposed to set the grain production target to the level equivalent to that of the compulsory state procurement plan of 2019 to encourage farm workers' motivation for production as part of the new five-year national economic development plan. Taking the above into consideration, it is expected that the paddy unit responsibility system will continue to be implemented.

self-reliance was adopted at the 8th Party Congress of the WPK held in January 2021 as a national management and development strategy for the next five years, it is projected that food insecurity will worsen for North Korean people.

A comprehensive and long-term approach should be adopted to solve the situation whereby North Korean people's right to food is constantly under threat from various internal and external factors. Approaches such as improving the food security crisis through humanitarian aid and enhancing agricultural productivity by pursuing mid- to long-term development cooperation with North Korea should also be considered. In addition, cooperation in the areas of forestry, environment and disaster prevention/response should be pursued simultaneously with agricultural development cooperation to effectively enhance the improvement of the right to food of the North Korean people. Moreover, it should also be noted that sanctions against North Korea can directly and indirectly impose negative impacts on the North Korean people's right to food. For example, delays or restrictions on food aid, on humanitarian aid for goods necessary for agricultural development cooperation or on imports of fertilizer and various agricultural supplies would damage food security for North Korean people. Therefore, the international community is required to explore the ways to minimize the negative impact that sanctions against North Korea have on the right to food of North Korean people.

2

Right to Health

The UDHR stipulates in Article 25, paragraph 1 that “everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care, and necessary social services.” The ICESCR articulates the right to health more specifically as “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” In this regard, the Preamble of the World Health Organization (WHO) Constitution also contains a comprehensive stipulation, stating that “enjoyment of the highest attainable standard of health is the fundamental right of everyone regardless of race, religion, political beliefs or economic and social conditions.”

Table III-6 Article 12 of the ICESCR

Paragraph 1	The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
Paragraph 2	<p>The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:</p> <ul style="list-style-type: none"> (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

North Korean authorities have long paid attention to protecting the right to health of North Korean people. For example, North Korea maintains a free medical care system and emphasizes preventive medicine. In addition, for the promotion of public health, North Korea has enacted and implemented health-related laws including the Law on Public Sanitation of 2014, the Law on Border Sanitation Inspection of 2007, the Law on Food Hygiene of 2013, the Law on Medical Care of 2012, the Medicine Control Law of 1998, the Narcotics Control Law of 2005, the Law on Medicinal Herbs of 2009, the Public Health Law of 2012, the Law on the Prevention of Epidemics of 2020, the Emergency Quarantine Law, and the Law on the Protection of Persons with Disabilities. Moreover, North Korea stated in the 2019 UPR report that it has established and implemented different plans such as the Mid-Term Strategy for the Development of the Health

Sector (2016–2020), the Malaria Control Strategy (2014–2017) and the Tuberculosis Control Strategy (2014–2017) as efforts to protect the people’s right to health.⁵⁴⁴

In particular, the Kim Jong Un regime is working to further protect the right to health by emphasizing modernization of medical institutions, improvement in the quality of medical services, and the establishment of a telemedicine system as major health care policies. At the 8th Party Congress of the WPK held in January 2021, Kim Jong Un called for efforts to complete the establishment of North Korea’s telemedicine system.⁵⁴⁵

Whereas North Korean authorities appear to actively protect the people’s right to health at the institutional level and implement various related policies, it has been reported in defector testimonies that North Korean people’s right to health is not adequately guaranteed. In the following, based on the testimonies of North Korean defectors, the situation of the right to health in North Korea will be examined, focusing on the imbalance in access to medical services, the prevalence of medical practice by private doctors and insufficient preventive medicine.

544_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), p. 14.

545_ “Benefits of the Socialist Health Care System and the Telemedicine System,” *Rodong Sinmun*, 18 October 2021.

A. Imbalance in Access to Medical Services

In North Korea, clinics, which are primary medical institutions, are set up at the neighborhood and village (dong and ri) levels, and People's Hospitals, which are secondary medical institutions, are set up at the city, county and district levels. Hence, it seems that physical access to medical services for North Korean people is guaranteed to some extent.⁵⁴⁶

However, despite North Korea's claim of a free medical care system, in reality, it is individuals who bear most of the cost of medical services, and as a result, there continues to be a difference in the quantity and quality of medical services that people can receive depending on their economic power. In addition, there have been continuous testimonies that class-based discrimination exists in access to medical facilities and services. In the following, testimonies of North Korean defectors will be reviewed to examine the imbalance in access to medical services based on economic power and class.

Officially, North Korea maintains a free medical care system under which all residents can receive free medical services. However, this free medical care system exists only as a formality, and in reality, it appears that individuals are responsible for most

546_ NKHR2017000110 2017-11-20; NKHR2018000082 2018-07-30; NKHR2020000018 2020-07-04; NKHR2022000002 2022-05-18; NKHR2022000025 2022-06-23; NKHR2022000034 2022-08-08.

of the cost of using medical services.⁵⁴⁷ The costs incurred in the course of medical treatment such as doctor consultation, hospitalization, surgery and medicine purchases are entirely borne by individuals rather than the state.

While basic medicines are sometimes provided by hospitals free of charge, most of the prescription medicines needed for surgery are paid for by patients. People must bring their own food and bedding upon hospitalization and pay for the cost of heating. A North Korean defector who defected in 2020 testified that, unlike in 2005 when he/she worked at a hospital, patients bear almost all of the costs of medical services.⁵⁴⁸ A North Korean defector who defected in 2019 testified that patients are told to buy their own medicine because hospitals are in short supply. According to the testifier, while some people, such as officials, are given medicine supplied by the UN, ordinary patients are told to buy and bring their own medicine such as antibiotics that are required after surgery.⁵⁴⁹ A North Korean defector who defected in 2018 said that he/she paid 200 yuan to have his/her daughter hospitalized for an appendectomy in April 2018, and additionally, he/she personally had to buy the gauze and medical gloves to be used in the hospital and provide firewood for heating.⁵⁵⁰ A North

547_ NKHR2020000004 2020-05-15; NKHR2020000028 2020-07-06; NKHR2022000003 2022-05-19; NKHR2022000007 2022-05-25 and many other testimonies.

548_ NKHR2022000022 2022-06-21.

549_ NKHR2022000005 2022-05-25.

Korean defector who defected in 2020 testified that hospitals instruct patients to buy medicine on their own, and when people bring medicine that they bought from a marketplace (*jangmadang*), doctors would administer them.⁵⁵¹

In addition, it is common practice to provide medical staff with small amounts of cash or meals for their troubles during treatment or surgery. A North Korean defector who defected in 2019 testified that he/she visited an otolaryngologist twice for ear and head pain sometime in July and August 2019, and did not pay for the treatment on his/her first visit but paid 3,000 North Korean won as a token of gratitude on his/her second visit. According to the testifier, the doctor told him/her first that he/she must show some appreciation.⁵⁵²

It seems that the amount patients pay for their treatment is not fixed. A North Korean defector who had worked in the medical field and defected in 2018 said that his/her patients personally paid him/her, but there was no standard on how much patients should pay, and patients who did not have cash paid him/her with goods such as cigarettes or bean sprouts.⁵⁵³ There were even testimonies claiming that doctors decide the level of care based on patients' appearance or living conditions.⁵⁵⁴ A North Korean

550_NKHR2018000115 2018-10-22.

551_NKHR2020000027 2020-07-06.

552_NKHR2020000029 2020-07-06.

553_NKHR2020000018 2020-07-04.

defector who defected in 2018 said that, although medical treatment at hospitals is free, patients can be treated more quickly if they give doctors cigarettes or 5–10 yuan.⁵⁵⁵ Another North Korean defector who defected in 2018 testified that discrimination in medical treatment exists in North Korea, and as a result, priority of treatment is given to those with money while those without money are refused by doctors.⁵⁵⁶

Table III-7 Cases of Patients Charged for Medical Services

Testimonies	Testifier ID
The testifier said that when he/she was hospitalized for one week, he/she had to pay gratitude to the doctor and had to pay for not only medicine but also meals and even medical cotton.	NKHR2018000029 2018-05-08
When the testifier visited the hospital for his/her nephew/niece's appendectomy, the testifier gave the doctor one pack of cigarettes and 100 yuan for the surgery.	NKHR2019000050 2019-07-20
In 2018, the testifier gave 10 yuan and three packs of cigarettes as medical expenses for his/her spouse's X-ray examination.	NKHR2019000006 2019-04-08
The testifier had undergone an appendectomy at Hospital No. 2 in Hyesan and paid 50 yuan for the surgery. In addition, he/she had to personally pay all the costs for medicine, heating and meals.	NKHR2018000124 2018-10-27
The testifier had to give cigarettes or 5–10 yuan so his/her sick mother could receive expedited treatment.	NKHR2022000007 2022-05-25
Patients have to buy penicillin, narcotic analgesics such as morphine, and atropine at their own cost. The testifier heard that appendectomy costs 50 yuan and stomach surgery costs 100 yuan.	NKHR2022000022 2022-06-21
The testifier received acupuncture treatment and bought cold medicine from a doctor near his/her house. This cold medicine cost approximately 2–2.05won.	NKHR2022000034 2022-08-08

554_NKHR2019000003 2019-04-08; NKHR2019000050 2019-07-20.

555_NKHR2022000007 2022-05-25.

556_NKHR2018000105 2018-10-01.

It can be viewed that individuals inevitably bear these costs as support for medical institutions is insufficient, and medical personnel do not receive proper wages or rations. The problem is that in the absence of a medical insurance system, requiring individuals to fully bear the cost of medical services would inevitably lead to a decrease in the access to medical services for vulnerable groups. In fact, it can be confirmed from defector testimonies that there are cases in which patients without money would suffer more and even die as they do not receive medical services. A North Korean defector who defected in 2018 testified that a woman in her 40s who belonged to the same People's Unit (*inminban*) as him/her suffered from uterine cancer and died because she could not afford the medical cost of 300 yuan.⁵⁵⁷ Another North Korean defector who defected in 2018 testified that one of his/her neighbors was a breast cancer patient, and she suffered and died as she could not visit the hospital or use medicine due to her difficult economic situation.⁵⁵⁸

A North Korean defector who defected in 2019 testified that, when people contract infectious diseases such as typhoid or cholera, they purchase medicine from private pharmacies or marketplaces (*jangmadang*) and there is nothing offered by the state.⁵⁵⁹

557_NKHR2018000124 2018-10-27.

558_NKHR2019000006 2019-04-08.

559_NKHR2022000010 2022-06-09.

In addition, a North Korean defector who defected in 2019 testified that between 2017 and 2019, his/her neighbor had swelling in her liver and her stomach was bloated, but she could not go to the hospital in time as she could not afford to pay for the treatment and eventually died.⁵⁶⁰ A North Korean defector who defected in 2019 said that his/her neighbor who had appendicitis was refused surgery when the neighbor told the doctor that it was difficult for him/her to immediately pay for the cost of surgery (100,000 North Korean won) and was able to receive the surgery only after raising the money a week later.⁵⁶¹

Table III-8 Cases of Patients Not Properly Treated Due to a Lack of Money

Testimonies	Testifier ID
The testifier said that his/her mother was so sick even coughing up blood but barely received medical treatment at a hospital since the medical cost was too burdensome. Consequently, she died in 2014.	NKHR2018000100 2018-10-01
In 2016, the testifier's aunt, who had mastitis, died due to a lack of money for treatment. It is common to find people who are ill not being properly treated.	NKHR2019000034 2019-06-03
A woman who had lived in Hyesan, Yanggang Province testified that around 2016, she was recommended to have surgery for uterine fibroids but could not because it cost 500 yuan to buy a list of medications and supplies.	NKHR2020000027 2020-07-06
A North Korean defector who defected in 2019 said that it is difficult for people without money to receive medical treatment.	NKHR2022000010 2022-06-09

560_NKHR2020000005 2020-05-15.

561_NKHR2020000021 2020-07-06.

Furthermore, in North Korea, class-based discrimination seems to exist in terms of access to medical services. Whereas the primary and secondary medical systems accessible by ordinary North Korean people are poorly operated, medical facilities used mainly by officials operate relatively well. It appears that military hospitals and city and provincial hospitals have separate medical facilities used only by Party officials and their families. A North Korean defector who defected in 2018 testified that there are special inpatient rooms used only for officials in city and provincial hospitals.⁵⁶²

A North Korean defector who defected in 2019 testified that patients have to go to city or provincial hospitals or hospitals in Pyongyang for complex surgeries because other hospitals have poor facilities. Therefore, it is difficult for people without money to receive medical treatment.⁵⁶³ Another North Korean defector who defected in 2019 testified that he/she had a subarachnoid hemorrhage in 2016, which was properly treated because his/her son-in-law was the chief of a patrol. According to the testifier, ordinary people cannot be admitted to the Red Cross Hospital or a teaching hospital affiliated with a college and only those with personal connections and money can be admitted to such hospitals.⁵⁶⁴ A North Korean defector who defected in 2019

562_NKHR2018000120 2018-10-22.

563_NKHR2022000010 2022-06-09.

testified that inpatient rooms are assigned based on the patient's class or status, and officials and people with money receive medicine provided by the hospital while ordinary people are instructed to buy their own medicine from pharmacies.⁵⁶⁵ A North Korean defector who defected in 2017 testified that there were special rooms or rooms for officials in each medical department at the hospital where doctors provided extra care since there was "more to get" from the patients staying in these rooms.⁵⁶⁶ In addition, a North Korean defector who defected in 2018 testified that there are medical facilities dedicated to officials, and doctors and nurses working there are selected based on their competency, looks and physical build.⁵⁶⁷ There was also testimony stating that there are special inpatient rooms only for officials in city and provincial hospitals.⁵⁶⁸ A North Korean defector who defected in 2019 also testified that there are separate medical facilities used by Party officials where doctors are also separately assigned.⁵⁶⁹

In addition, there were many testimonies reporting that a gap exists in the physical accessibility to medical facilities based on

564_NKHR2021000017-2 2022-05-26.

565_NKHR2022000010 2022-06-09.

566_NKHR2018000036 2018-05-08.

567_NKHR2018000107 2018-10-01.

568_NKHR2018000120 2018-10-22.

569_NKHR2020000012 2020-06-15.

people’s class. For instance, a testifier has claimed that there are separate inpatient rooms used only for Party officials,⁵⁷⁰ testimony indicating that there are medical treatment departments that can only be used by Party officials and their families,⁵⁷¹ testimony stating that even if there is no separate department, hospitals provide particularly effective medications to Party officials and their families,⁵⁷² testimony claiming that medical services are offered with priority to Party officials,⁵⁷³ and testimony declaring that there are doctors assigned exclusively for Party officials.⁵⁷⁴

Table III-9 Imbalance of Access to Medical Services by Class

Testimonies	Testifier ID
A North Korean defector who defected in 2018 testified that there are special inpatient rooms only for officials in city and provincial hospitals.	NKHR2018000120 2018-10-22
A north Korean who defected in 2018 testified that there are the City Hospital, Hospital No. 2 and Medical University Hospital in Hyesan, and the medical treatment department of the Medical University Hospital is for officials only.	NKHR2018000089 2018-08-27
Medications given in hospitals are mainly from the UN and are supplied only to officials in key positions. The testifier was told that Hyesan Medical University Hospital has separate rooms where only officials can be admitted.	NKHR2019000041 2019-07-01
A North Korean defector who defected in 2019 said that large hospitals, such as city and provincial hospitals, have medical departments (e.g. Medical Department 1, Medical Department 2) where only officials are treated.	NKHR2019000111 2019-11-18

570_ NKHR2022000023 2022-06-22.

571_ NKHR2019000054 2019-07-29; NKHR2019000083 2019-09-25.

572_ NKHR2019000055 2019-07-29; NKHR2019000076 2019-08-26.

573_ NKHR2019000029 2019-06-03.

574_ *Ibid.*

Testimonies	Testifier ID
A North Korean defector who defected in 2019 testified that there are separate medical facilities (medical departments and inpatient rooms) used by Party officials where doctors are also separately assigned.	NKHR2020000012 2020-06-15
A North Korean defector who had lived in Hyesan, Yanggang Province testified that each hospital has a separate department that treats Party officials or secretaries.	NKHR2020000027 2020-07-06
According to the testifier, there is no hospital only for officials, but there are inpatient rooms only for officials that are named differently and kept clean.	NKHR2022000023 2022-06-22

B. Substandard Public Medical Services and Prevalence of Illegal Medical Practices by Individuals

It appears from defector testimonies that North Korean people do not receive sufficient medical services in terms of quantity or quality at medical facilities. First, the quality of medical services provided by the medical staff in medical institutions is very poor. There were many testimonies claiming that medical staff working in medical institutions do not have sufficient skills and that most medical equipment is either outdated or not properly maintained.

A North Korean defector who defected in 2019 said that, whenever he/she felt ill, he/she did not go to a hospital and instead was treated and received medicine prescribed by his/her uncle, who was a doctor at a coal mine.⁵⁷⁵

Another North Korean defector who defected in 2019 said that

575_NKHR2022000025 2022-06-23.

he/she went to a private doctor or private pharmacies for treatment whenever he/she was sick.⁵⁷⁶ In addition, a defector who had been a doctor in Pyongyang testified that misdiagnosis is frequent as diagnoses are not scientific and made at doctors' discretion, and as a result, patients often receive incorrect treatment that worsens their conditions.⁵⁷⁷ For this reason, North Korean people do not trust medical facilities and medical staff, and there is a widespread perception among people that they would not be properly treated even if they go to a hospital.⁵⁷⁸

In fact, many cases have been reported in which patients faced difficulties due to misdiagnosis or incorrect treatment at hospitals. A North Korean defector who defected in 2017 testified that in July 2016, he/she was taken to Sinpo Municipal Hospital unconscious after fainting from pain in his/her stomach, and after an X-ray, the doctor at the hospital misdiagnosed his/her condition as gastric perforation, and only after a laparotomy, the doctor confirmed that what he/she had was actually cholelithiasis. According to the testifier, he/she was still in pain after a gallstone operation performed by the doctor, and it was found that a surgical tool was left inside his/her stomach; the testifier was able to recover only after the tool was removed.⁵⁷⁹ Another North

576_NKHR2022000016 2022-06-11.

577_NKHR2020000018 2020-07-04.

578_NKHR2017000039 2017-06-05; NKHR2020000004 2020-05-15; NKHR2020000023 2020-07-06.

Korean defector testified that one of his/her neighbors, who had been initially misdiagnosed as having tuberculosis, died from liver disease in November 2017 after using the wrong medication for a month.⁵⁸⁰ According to the testimony of a North Korean defector who defected in 2019, a 15-year-old child from his/her neighborhood who had poor eyesight lost his/her sight due to a misdiagnosis at the City Hospital; according to the testifier, nothing was done even though the child was sent to a hospital in Pyongyang.⁵⁸¹

Given the situation in medical institutions, North Korean people prefer to take care of their illness with their own methods rather than visit hospitals. These methods include visiting private doctors to receive treatment and purchasing and taking medicine from pharmacies referred to by those doctors, or conducting self-diagnosis and purchasing and taking medicine from marketplaces (*jangmadang*) or private pharmacies. A North Korean defector who defected in 2019 testified that he/she could not afford to go to a clinic so he/she went to unlicensed doctors instead for diagnosis, and bought medicine from pharmacies based on the diagnoses he/she received from these unlicensed doctors. According to the testifier, there are private pharmacies where

579_NKHR2017000070 2017-08-28.

580_NKHR2019000045 2019-07-01.

581_NKHR2020000004 2020-05-15.

people go to buy medicine and treat themselves at home.⁵⁸² Another North Korean defector who defected in 2019 said that there was sufficient medication at marketplaces (*jangmadang*) while hospitals were short of them. The testifier said that the medication sold at marketplaces (*jangmadang*) were mainly cold and digestive medicine, which were either imported from China or supplied by the UN.⁵⁸³

Private doctors refer to doctors who provide medical services at home. Despite being illegal, it is said that North Korean people tend to prefer private doctors because they perceive private doctors as more skilled than hospital doctors.⁵⁸⁴ A North Korean defector who defected in 2019 testified that his/her father ran a private clinic, and he was very skilled that sometimes he cured illnesses that could not have been treated even at hospitals. The testifier said that people in the neighborhood came to his/her father instead of visiting a hospital.⁵⁸⁵ Another North Korean defector who defected in 2019 testified that hospital doctors are poorly skilled as there is nothing given to them by the state and that many people go to private doctors because they have better skills.⁵⁸⁶

582_NKHR2022000003 2022-05-19.

583_NKHR2020000012 2020-06-15.

584_NKHR2019000093 2019-10-21; NKHR2019000083 2019-09-25; NKHR2020000023 2020-07-06.

585_NKHR2019000051 2019-07-20.

586_NKHR2020000014 2020-06-15.

However, consulting and receiving treatment from a private doctor or taking medications based on self-diagnosis also involve risks. A North Korean defector who defected in 2019 said that he/she usually purchased medicine including intravenous injections from private pharmacies and administered these intravenous injections his/herself at home.⁵⁸⁷ A North Korean defector who defected in 2018 said that he/she personally witnessed his/her younger sister undergo a curettage procedure at a private doctor's house in 2017 , and the operation was carried out without any anesthetic, causing much pain for his/her sister. The testifier was allegedly shocked after knowing that the doctor would reuse the same surgical instruments for other patients after boiling them.⁵⁸⁸

A North Korean defector who defected in 2019 testified that, in North Korea, individuals make their own medicine, such as digestive medicine, and the testifier him/herself bought 3 kg of musk for his/her mother who had a brain hemorrhage, which actually had a therapeutic effect for her.⁵⁸⁹

Moreover, there are cases in which unqualified individuals perform procedures or sell medicine, and such illegal medical practices can have a fatal or adverse effect on the health of the general public. A North Korean defector who defected in 2018

587_NKHR2022000003 2022-05-19.

588_NKHR2018000074 2018-07-30.

589_NKHR2022000005 2022-05-25.

said that he/she ran a private hospital, but the only formal medical education he/she had ever received was six months of studying at a nursing school, and he/she treated patients by teaching him/herself with the help from a manager working for a provincial hospital he/she knew.⁵⁹⁰ A North Korean defector who defected in 2019 testified that there are people who treat patients at home even though they have been to medical school, and there are people who treat others by studying themselves.⁵⁹¹ A defector who had lived in Hyesan and defected in 2019 testified that his/her daughter, who did not graduate from medical school, treated patients at home after learning from another person for 700,000 won.⁵⁹² There were testimonies that crackdowns on medical practices and medicine sales by unqualified persons have increased or strengthened in recent years;⁵⁹³ however, it remains to be seen how effective these measures will be. Recently, it has been reported that the North Korean authorities are controlling the sale of medicine at marketplaces (*jangmadang*).⁵⁹⁴

In addition, it seems that North Korean people continuously tend to use drugs (*bingdu*) and opium for treatment purposes based on incorrect medical knowledge. Many North Korean

590_NKHR2018000101 2018-10-01.

591_NKHR2020000025 2020-07-06.

592_NKHR2020000024 2020-07-06.

593_NKHR2020000018 2020-07-04; NKHR2020000023 2020-07-06.

594_NKHR2022000022 2022-06-21.

defectors who recently defected testified that the use of drugs (*bingdu*) has become common among North Korean people.⁵⁹⁵ A North Korean defector who defected in 2019 testified that his/her father had kidney disease, and he used opium once or twice a month when the pain was too severe.⁵⁹⁶ A North Korean defector who defected in 2018 said that his/her spouse was suffering from bronchiectasis and used opium as medicine.⁵⁹⁷ A defector who defected in 2019 also testified that his/her spouse used drugs (*bingdu*) because he/she showed symptoms of cerebral thrombosis.⁵⁹⁸ Testimonies claiming that even private doctors use drugs (*bingdu*) and opium for treatment purposes have been collected. A North Korean defector who defected in 2018 testified that, when he/she visited a private doctor due to heart problems that he/she began to experience after his/her imprisonment in a prison camp (*kyohwaso*), the doctor told him/her while giving moxa treatment that he/she would be completely cured if he/she took opium injections.⁵⁹⁹ A North Korean defector who defected in 2019 said that people consider drugs (*bingdu*) as an antibiotic and opium as a pain reliever and do not think that they would become addicted to them.⁶⁰⁰

595_NKHR2022000003 2022-05-19; NKHR2022000008 2022-05-27; NKHR2022000010 2022-06-09; NKHR2022000013 2022-06-10; NKHR2022000037 2022-10-18.

596_NKHR2020000020 2020-07-04.

597_NKHR2018000127 2018-11-19.

598_NKHR2020000021 2020-07-06.

599_NKHR2022000017 2022-06-13.

Table III-10 Cases of Drug (*Bingdu*)/Narcotics Abuse

Testimonies	Testifier ID
The use of drugs (<i>bingdu</i>) has become common among people. People greet each other by asking if they want to do drugs (<i>bingdu</i>). For instance, if a People’s Unit (<i>inminban</i>) consists of 23 households, 15 households are doing drugs (<i>bingdu</i>).	NKHR2022000003 2022-05-19
The use of jeongtongpyeon (a Chinese-made narcotic-based pain reliever) and drugs (<i>bingdu</i>) is common in North Korea. In particular, the use of drugs (<i>bingdu</i>) is prevalent among those in the middle class.	NKHR2022000008 2022-05-27
Most North Korean people, especially men, have tried drugs (<i>bingdu</i>) at least once. Those engaged in driving for work or working at night use drugs (<i>bingdu</i>) to stay awake.	NKHR2022000010 2022-06-09
The use of drugs (<i>bingdu</i>) is prevalent in Hyesan. Opium is widely used in Ganggu-dong, where the testifier’s brother lived, which is a village of smugglers.	NKHR2022000017 2022-06-13
Adults take drugs (<i>bingdu</i>) for treatment purposes and children use them out of curiosity. Recently, children with money use narcotics. The testifier was told that the situation is so serious that some children insist that they will not attend school if they are not given drugs (<i>bingdu</i>). The testifier witnessed children doing drugs (<i>bingdu</i>) with their parents.	NKHR2022000018 2022-06-15
People used to take opium in the past but now (up until the testifier’s defection from North Korea) take drugs (<i>bingdu</i>).	NKHR2022000022 2022-06-21
Everyone who has money use drugs (<i>bingdu</i>). People treat narcotics as medicine; they consider drugs (<i>bingdu</i>) as an antibiotic and opium as a pain reliever.	NKHR2022000023 2022-06-22
People with money do drugs (<i>bingdu</i>) for pleasure, and drivers use them because they are too tired.	NKHR2021000025-2 2022-06-30

The use of narcotics for treatment based on false medical knowledge appears to cause considerable side effects, but it is found that North Korean authorities are not taking sufficient measures in this matter. A North Korean defector who defected in 2019 testified that in Bocheon, Yanggang Province, opium is used more often than other drugs (*bingdu*), and there are households

.....
600_NKHR2022000023 2022-06-22.

that secretly sell opium; he/she said that although the punishment is severe if one gets caught selling opium, everything can be resolved through bribery.⁶⁰¹

C. Insufficient Preventive Medicine

North Korea's health care system centers on the idea of universal health care of a socialist nature, including policies that are unique to North Korea. The preventive medicine system is a representative example, which was introduced after Kim Il Sung's speech in 1966, in which he said "Socialist medicine is preventive medicine." The principles of preventive medicine were first issued in the North Korean Constitution of 1972 and the Public Health Law of 1980. North Korean laws stipulate the state's duty to protect lives by preventing diseases before they occur, and North Korea's policy efforts are directed towards implementing various health projects such as thorough quarantine and sanitation education and granting priority to disease prevention over disease treatment. However, the goals of the preventive medicine system have not been achieved in reality.

Based on the testimonies of North Korean defectors, it seems that the vaccination of young children is carried out relatively well in North Korea. A North Korean defector who defected in

601_NKHR2020000006 2020-05-15.

2019 testified that his/her child was vaccinated in 2018–2019 against diseases such as polio, tuberculosis, hepatitis, measles and typhoid at a local clinic at the age of five to six years.⁶⁰² Many other testifiers confirmed that vaccinations are being carried out in North Korea.⁶⁰³ The WHO also reported that the vaccination rate for children in North Korea reached 96–98% as of 2019.⁶⁰⁴ However, the vaccination rate for children decreased significantly due to the extended closure of the border during the COVID-19 pandemic, which rendered vaccine procurement difficult both for COVID-19 and existing vaccination programs. Specifically, according to estimates of North Korea’s vaccination coverage for selected vaccines in 2021 published jointly by the WHO and UNICEF in 2022, North Korea’s vaccination coverage for diphtheria-tetanus-pertussis (DTP1) decreased significantly from 98% in 2020 to 42% in 2021, while that for hepatitis B (HepB3) and *Haemophilus influenzae* type b (Hib3) fell from 97% to 41% and that for meningococcal diseases (MCV1) fell from 99% to 42%. North Korea’s vaccination coverage for polio (IPV1) dropped sharply from 98% in 2020 to 17% in 2021. On the other hand, the vaccination rate against tuberculosis (BCG) in children

602_ NKHR2020000026 2022–07–06.

603_ NKHR2018000059 2018–07–02; NKHR2019000014 2019–05–07; NKHR2019000020 2019–05–07; NKHR2019000030 2019–06–03; NKHR2022000002–2 2022–07–06 and many other testimonies.

604_ “WHO Vaccine-preventable Diseases: Monitoring System. 2020 Global Summary,” 2020, <http://apps.who.int/immunization_monitoring/globalsummary> (Accessed 15 January 2020).

fell only slightly from 99% to 95%.⁶⁰⁵

In addition, it appears that in the event of an epidemic such as typhoid, North Korean authorities take measures to prevent the spread of the infectious disease, such as carrying out region-based vaccinations, encouraging health checkups and implementing isolation measures. A North Korean defector who defected in 2019 testified that regular medical checkups are not conducted in North Korea, but the testifier was vaccinated against paratyphoid in 2014.⁶⁰⁶ A North Korean defector who defected in 2020 said that he/she had been vaccinated against diseases including tuberculosis, hepatitis, and whooping cough.⁶⁰⁷ A North Korean defector who defected in 2018 testified that doctors visit schools to give students free flu or measles vaccinations.⁶⁰⁸

Testimonies have confirmed that residents of Pyongyang are better vaccinated than residents of other regions. A North Korean defector who had lived in Pyongyang and defected in 2019 said that he/she had been vaccinated against tuberculosis, paratyphoid and whooping cough. The testifier said that, in particular, paratyphoid vaccinations are conducted yearly, but people often

605_ "Democratic People's Republic of Korea: WHO and UNICEF estimates of immunization coverage: 2021 revision," <https://cdn.who.int/media/docs/default-source/country-profiles/immunization/2022-country-profiles/immunization_prk_2022.pdf?sfvrsn=fb196045_3&download=true> (Accessed 4 September 2022).

606_ NKHR2022000003 2022-05-19.

607_ NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23.

608_ NKHR2022000034 2022-08-08.

refuse to receive one.⁶⁰⁹

A North Korean defector who defected in 2018 said that when a typhoid epidemic broke out in Hyesan in April 2018, the authorities vaccinated the residents in the area.⁶¹⁰ There was also testimony stating that local clinic staff visited every house early every morning to give vaccination shots when typhoid broke out in 2016–2017.⁶¹¹

Moreover, it seems that North Korean authorities are conducting disease prevention education in the event of an epidemic. A North Korean defector who defected in 2019 testified that, in the event of an outbreak of an infectious disease such as typhoid or avian influenza, the authorities instructed People’s Units (*inminban*) to warn affiliated residents of the disease. The testifier also said that he/she saw the People’s Unit (*inminban*) chief or employees of the neighborhood (*dong*) office attaching large notices stating “Infectious disease outbreak” or “Do not enter” on the front door of the house of patients with infectious diseases.⁶¹²

On the other hand, two North Korean defectors who defected in 2019 testified that in an outbreak of an infectious disease, the

609_ NKHR2022000005 2022-05-25.

610_ NKHR2018000120 2018-10-22.

611_ NKHR2019000059 2019-07-29.

612_ NKHR2021000017-2 2022-05-26.

authorities only propagandized its actions through lecture materials and did not carry out additional measures such as issuing quarantine. It seems that there are differences in the details of measures depending on the region or period.⁶¹³

Meanwhile, infectious diseases such as tuberculosis, malaria and hepatitis B appear to be still prevalent in North Korea. As mentioned above, North Korea has announced that it has implemented the Malaria Control Strategy (2014–2017) and the Tuberculosis Control Strategy (2014–2017). However, it is assessed that no tangible effect has been produced.

Tuberculosis is known to be particularly serious in North Korea. According to the Global Tuberculosis Report 2021, published by the WHO, North Korea has been categorized as a high-burden country for both tuberculosis and multidrug-resistant tuberculosis for the period 2021–2025. In 2020, the number of tuberculosis patients in North Korea was 135,000, which was 523 cases per 100,000 persons, and the tuberculosis mortality rate in North Korea was 16%.⁶¹⁴

Having a supply of clean drinking water is very important in terms of preventing infectious diseases. However, it seems that there are not enough water supply facilities in North Korea, and

613_NKHR2020000027 2020-07-06; NKHR2020000028 2020-07-06.

614_See WHO, "Global Tuberculosis Report 2021," (<https://www.who.int/publications/i/item/9789240037021>) (Accessed 4 September 2022).

the quality of water provided by the existing water supply facilities is assessed to be poor.

A North Korean defector who had lived in Kimchaek, North Hamgyeong Province and defected in 2019 testified that tap water was discolored because the city's water pipes made of iron were outdated and rusty, and thus residents of the apartment where he/she lived built a water system in the basement and used water pumped from the basement water tank.⁶¹⁵

First of all, some North Korean defectors testified that they used well water or river water as drinking water because there is no proper water supply system.⁶¹⁶ A North Korean defector who defected in 2019 said that, when living in Hyesan, he/she drank water from a local well and from Amnok River (*Amnokgang*) when the well froze during winter. According to the testifier, the quality of water from Amnok River (*Amnokgang*) is poor so he/she boiled the water before drinking it, and he/she usually caught colitis when he/she drank the water without boiling it around the time when the ice melted.⁶¹⁷

On the contrary, some defectors bought drinking water from spring water stores.⁶¹⁸ A North Korean defector who had lived in

615_ NKHR2021000017-2 2022-05-26.

616_ NKHR2020000026 2020-07-06; NKHR2020000027 2020-07-06.

617_ NKHR2020000023 2020-07-06.

618_ NKHR2020000012 2020-06-15; NKHR2020000029 2020-07-06.

Hyesan and defected in 2019 said that he/she bought water from a spring water supply station, and the price was not too burdensome.⁶¹⁹ Another North Korean defector who defected in 2019 testified that he/she had lived on the third floor of an apartment and, because there was no running water, he/she bought water from a store, paying 30 North Korean won for 10 liters.⁶²⁰ There are people who said that they had used tap water as drinking water.⁶²¹ Considering that those who had bought drinking water testified that the quality of tap water was not good, it appears that residents who drink tap water are also likely to be exposed to infectious diseases. A North Korean defector who defected in 2019 said that he/she had seen stickers posted at a local clinic that stated, “Drink boiled water” and “Wash your hands.”⁶²² This shows that North Korean authorities are trying to raise residents’ awareness of personal hygiene and disease control.

There were some testimonies saying that the district doctor system, which has been implemented primarily for preventive medicine purposes, fulfills its function at a certain level.⁶²³ Defector testimonies confirmed that district doctors play certain

619_NKHR2020000001 2020-05-15.

620_NKHR2022000016 2022-06-11.

621_NKHR2020000004 2020-05-15; NKHR2020000020 2020-07-04.

622_NKHR2022000005 2022-05-25.

623_NKHR2019000018 2019-05-07; NKHR2019000010 2019-04-08; NKHR2019000062 2019-07-29.

roles, such as giving vaccinations in case of an infectious disease outbreak,⁶²⁴ and checking for sick people in People's Units (*inminban*).⁶²⁵ A North Korean defector who defected in 2019 said that he/she had been to a lecture provided by a district doctor on how to protect oneself from disease in the event of an epidemic.⁶²⁶

However, the majority of North Korean defectors reported that district doctors do not faithfully perform their duty to manage the health of North Korean people.⁶²⁷ Some said they have only heard of district doctors but have never actually met them,⁶²⁸ and an interviewee testified the district doctor system is in operation only as a formality and is not of much use unless one has money.⁶²⁹ A North Korean defector who defected in 2019 testified that district doctors are in charge of vaccination but are not active in fulfilling their duties because there is no money paid to them by the state, and that district doctors personally visit households that have something to give them.⁶³⁰ There were even quite a number

624_NKHR2018000016 2018-04-09; NKHR2020000004 2020-05-15; NKHR2020000029 2020-07-06.

625_NKHR2018000080 2018-07-30; NKHR2019000032 2019-06-03.

626_NKHR2022000023 2022-06-22.

627_NKHR2015000018 2015-01-27; NKHR2015000019 2015-01-27; NKHR2018000084 2018-08-11; NKHR2018000099 2018-10-01; NKHR2019000011 2019-04-20; NKHR2019000019 2019-05-07.

628_NKHR2017000058 2017-07-31; NKHR2017000066 2017-08-28; NKHR2018000018 2018-04-09; NKHR2018000058 2018-07-02.

629_NKHR2017000004 2017-04-10.

630_NKHR2020000014 2020-06-15.

of testimonies reporting that the residents are not well aware of the district doctor system.⁶³¹ A North Korean defector who defected in 2019 testified that he/she had known about district doctors because his/her friend's uncle was a district doctor in charge of his/her house, but there are many people who do not know about the district doctor system.⁶³²

D. Evaluation

North Korea maintains a free medical care system by law. However, in reality, most of the costs incurred in the process of providing medical services are borne by patients. As a result, it seems that economically disadvantaged people do not receive adequate medical care when they are sick or injured, and end up dying in serious cases. In addition, it appears that class-based discrimination continues to exist in terms of access to medical services.

Furthermore, it appears that due to the poor quality of medical services, residents no longer trust medical institutions and tend to visit private doctors or buy medicine themselves instead of going to hospitals when they are ill. However, it is worrisome that such

631_ NKHR2019000009 2019-04-08; NKHR2019000020 2019-05-07; NKHR2019000034 2019-06-03; NKHR2019000038 2019-06-15; NKHR2019000042 2019-07-01; NKHR2019000045 2019-07-01; NKHR2019000046 2019-07-01; NKHR2019000048 2019-07-01 and many other testimonies.

632_ NKHR2020000020 2020-07-04.

illegal medical practices by individuals can lead to misdiagnosis or medical negligence in the process of treatment and procedures. In addition, it appears that North Korean people are using narcotics such as drugs (*bingdu*) or opium for treatment purposes based on incorrect medical knowledge, and narcotics abuse is prevalent in North Korea.

Meanwhile, North Korea places great importance on preventive medicine and appears to actually carry out relevant preventive medical measures including vaccination. There were also testimonies that the district doctor system is partially working, and district doctors perform some of their duties such as providing sanitation education and vaccination in case of an infectious disease outbreak. However, it has been found that the district doctor system is not fully functioning as there were still many testifiers who had never seen or heard of district doctors. In addition, it appears that many residents use poor-quality tap water, well water and river water as drinking water, which is a practice that needs urgent improvement in terms of epidemic prevention.

Due to the border closure imposed since 2020 following the outbreak of COVID-19, children have not been sufficiently vaccinated with essential vaccines. This raises concerns that they may be exposed to various diseases as they grow older.

3

Right to Work

Article 23, paragraph 1 of the UDHR stipulates that “everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Article 24 of the UDHR provides that “everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.” Moreover, the ICESCR also stipulates rights including the right of everyone to freely choose work, the right of everyone to enjoy just and favorable working conditions and the right to form and join trade unions (Articles 6 to 8).

Table III-11 Articles 6, 7 and 8 of the ICESCR

<p>Paragraph 1</p>	<p>The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.</p>
<p>Article 6 Paragraph 2</p>	<p>The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social, and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.</p>
<p>Article 7</p>	<p>The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular:</p> <ul style="list-style-type: none"> (a) Remuneration which provides all workers, as a minimum, with: <ul style="list-style-type: none"> (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.
<p>Article 8 Paragraph 1</p>	<p>The States Parties to the present Covenant undertake to ensure:</p> <ul style="list-style-type: none"> (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

	(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others; (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
Paragraph 2	This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
Paragraph 3	Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

The purpose of guaranteeing the right to work is to ensure the survival of individuals and their families. In general, the right to work is reviewed in terms of freedom to choose jobs,⁶³³ decent work,⁶³⁴ prohibition of forced labor,⁶³⁵ prohibition of unfair

633_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 18: The Right to Work (Art. 6 of the Covenant)," 6 February 2006, para. 6. This right "includes the right of every human being to decide freely to accept or choose work. This implies not being forced in any way whatsoever to exercise or engage in employment and the right of access to a system of protection guaranteeing each worker access to employment. It also implies the right not to be unfairly deprived of employment."

634_ *Ibid.*, para. 7. "Work as specified in Article 6 of the Covenant must be decent work. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families as highlighted in Article 7 of the Covenant. These fundamental rights also include respect for the physical and mental integrity of the workers in the exercise of his/her employment."

635_ *Ibid.*, para. 9. "The International Labour Organization defines forced labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.' The Committee reaffirms the need for States Parties to abolish, forbid and counter all

dismissal,⁶³⁶ and principles of non-discrimination.⁶³⁷ The right to form and engage in trade unions voluntarily and the right to strike are also important aspects of the right to work.⁶³⁸

North Korea clearly prescribes individuals' "right to work" in its Constitution, Labor Law of 2015 and other laws. With respect to the right to work, the North Korean Constitution provides, "Citizens shall have the right to work. All citizens with the ability to engage in labor may select occupations according to their choice and capability and are guaranteed the right to a secure job and labor conditions. Citizens shall work based on their abilities and receive compensation based on the amount and quality of their labor" (Article 70). In addition, the North Korean Labor Law prescribes basic principles, wages, working conditions, protection of workers, social security and other rules of socialist labor. North Korea's Labor Protection Law of 2014 specifies various institutional measures to protect the lives and health of workers.

forms of forced labour as enunciated in Article 4 of the UDHRs, Article 5 of the Slavery Convention and Article 8 of the ICCPR."

636_ *Ibid.*, para. 11. "ILO Convention No. 158 concerning Termination of Employment (1982) defines the lawfulness of dismissal in its Article 4 and in particular imposes the requirement to provide valid grounds for dismissal as well as the right to legal and other redress in the case of unjustified dismissal."

637_ *Ibid.*, para. 12. (b) (i). "Under its Article 2, paragraph 2, and Article 3, the Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status, sexual orientation or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality."

638_ ICESCR, Article 8, para. 1.

However, the reality of the right to work in North Korea is not in accordance with its laws and institutional guarantees. Based on defector testimonies, this chapter confirms that the right to work, including the freedom to choose one's job, provision of quality jobs and freedom to establish and join labor unions, is not guaranteed in North Korea.

A. Violation of Freedom to Choose One's Job

The UDHR stipulates that everyone has the right to freely choose his or her job (Article 23). Furthermore, the ICESCR stipulates that everyone can freely choose his or her work (Article 6). In North Korea, the freedom to choose one's job is stipulated in the Labor Law. In reality, however, the freedom to choose one's job is extremely restricted in North Korea.

In North Korea, workers do not choose jobs or workspaces freely, but rather, the state assigns workers to workplaces. Manpower is allocated by the Ministry of Labor after the State Planning Committee determines the number of workers required for each sector of the economy based on a labor plan.

According to testimonies of North Korean defectors, it seems that one's will and abilities are not important factors in assigning jobs.⁶³⁹ Rather, it has been found that job placement depends on

639_NKHR2020000028 2020-07-06; NKHR2020000029 2020-07-06.

family background (*todae*) and background (*songbun*), personal connections, and bribery (economic power).⁶⁴⁰ Although there were some who responded that one's will or abilities are reflected in job placement,⁶⁴¹ such cases seem to be limited to cases where the person has a good family background (*todae*) and background (*songbun*) or personal connections, or when the person is capable of paying bribes. A North Korean defector who defected in 2019 testified that he/she paid bribes and used his/her father's connections to get a job he/she wanted.⁶⁴²

While having served in the military was one of the key qualifications for job placement under the military-first policy of the Kim Jong Il regime, testimonies have been collected reporting that, under Kim Jong Un, a college diploma has become an important factor, while personal appearance and height have also become important due to the increase in the number of service-oriented jobs such as restaurant workers. For example, a North Korean defector who defected in 2019 testified that a college diploma was definitely needed to get a job at a "private" company or an information technology exchange company. The testifier further stated that he/she had a job interview at a private

640_ NKHR2019000003 2019-04-08; NKHR2019000013 2019-05-07; NKHR2019000054 2019-07-29; NKHR2020000028 2020-07-06; NKHR2020000029 2020-07-06 and many other testimonies.

641_ NKHR2019000004 2019-04-08; NKHR2019000026 2019-05-18; NKHR2019000032 2019-06-03.

642_ NKHR2020000021 2020-07-06.

company in 2018 because he/she was no longer able to work on a production line but did not get the job because he/she did not have a college diploma despite meeting the height requirement (he/she was taller than the required height of 165 cm, which is rare in North Korea). The testifier also stated that he/she was deeply hurt when another company rejected his/her job application for not being a good dancer and when a third company rejected him/her for not being a good singer. According to the testifier, recently, many people take a drug that makes people taller to meet height requirements, but they can become obese as a side effect, and one of his/her friends even had joint surgery to increase their height.⁶⁴³

Nevertheless, family background (*todae*) is still the primary factor considered for job placements. A North Korean defector who defected in 2019 testified that everyone's personal information is documented and stored at MPS branches and people are allowed to view it if they bribe resident registration officers.⁶⁴⁴ Family background (*todae*) seems to play a particularly important role in being assigned to special-grade enterprises or becoming an official.⁶⁴⁵ Another North Korean defector who defected in 2019 testified that family background (*todae*) is

643_ NKHR2022000015-2 2022-07-29.

644_ NKHR2022000014-2 2022-07-29.

645_ NKHR2017000019 2017-05-08; NKHR2017000056 2017-07-31; NKHR2017000073 2017-08-28; NKHR2018000008 2018-03-12.

important for people to be assigned to the Prosecutors' Office, MPS city/county branches, the People's Committee and county Parties, and economic power is important for other occupations.⁶⁴⁶ However, testimonies have been collected claiming that, under the Kim Jong Un regime, positions at MPS branches, the Prosecutors' Office and the Ministry of State Security can be bought illegally, and that the size of the bribes required for these positions is fixed based on rank. For example, a North Korean defector who defected in 2019 testified that one must pay 2,000 dollars to be appointed as an MPS officer and 5,000 dollars to work at the Prosecutors' Office.⁶⁴⁷ It has been reported that people can get a job at a desired restaurant or trading company if they pay approximately 300 dollars as a bribe. According to a testifier, the reason people pay bribes to choose these jobs is because being employed at these institutions/workplaces pays off eventually.⁶⁴⁸

The fact that large bribes must be offered to get a job and the size of the bribe has increased over time means that the financial burden imposed on parents has also increased. Parents of an individual who wants to be employed at a desirable workplace must pay a larger bribe than others.

646_NKHR2019000068 2019-08-26.

647_NKHR2022000014-3 2022-08-31.

648_NKHR2022000015-3 2022-08-31.

In North Korea, the most common example of the violation of one's right to choose his/her job is that most job placements are based on group allocation. Group allocation refers to a situation in which people are forcibly and unilaterally assigned to groups, under the direction of the state and regardless of individual will, and sent to places where there is a shortage of manpower, such as factories, coal mines and various construction sites and workplaces. School graduates and discharged soldiers have been common targets of group allocation, and they are mostly assigned to undesirable workplaces, such as shock troops (*dolgyeogdae*), mines, military supply factories, farms and construction units.⁶⁴⁹ It is said that once a person is assigned to a job based on group allocation, he/she is not permitted to request placement at another workplace.⁶⁵⁰ In particular, in military supply factories, rations are provided but their employees cannot be engaged in extra market activities to enhance their income (e.g., 8·3 payments) due to a strict mandatory attendance policy.⁶⁵¹ It has been reported that the number of cases of group allocation has increased under Kim Jong Un because there are many state-run factory enterprises that have not yet returned to their operating levels since their decline during the 1990s Arduous March period. According to the

649_NKHR2018000030 2018-05-07; NKHR2019000003 2019-04-08; NKHR2019000011 2019-04-20; NKHR2019000036 2019-06-03; NKHR2020000029 2020-07-06.

650_NKHR2020000008 2020-05-16; NKHR2020000010 2020-05-16.

651_NKHR2022000014-3 2022-08-31.

testifier, group allocation for shock troops (*dolgyeogdae*) has also increased due to the growing number of large-scale construction projects at the national level.⁶⁵² The testifier added that those assigned to these undesirable posts are forced into labor at sites with poor food rations and facilities.⁶⁵³

It seems that group allocations are also carried out in a discriminatory manner. North Korean defectors testified that those being subject to group allocation are mainly people without money or power,⁶⁵⁴ while those with power, such as wealthy people or children of officials, are easily exempted from group allocation.⁶⁵⁵ Furthermore, people must have a good family background (*todae*) or offer bribes in order to avoid group allocation.⁶⁵⁶

In North Korea, it is also difficult for workers to change their jobs based on their own will. It is not impossible for one to change jobs, but one cannot freely change his/her occupation, and the procedure is complicated and time-consuming.⁶⁵⁷ A North Korean defector who defected in 2019 explained that one can

652_ *Ibid.*

653_ *Ibid.*

654_ NKHR2018000041 2018-06-04; NKHR2019000043 2019-07-01; NKHR2020000014 2020-06-15.

655_ NKHR2018000027 2018-04-09; NKHR2019000078 2019-09-25; NKHR2019000083 2019-09-25.

656_ NKHR2019000058 2019-07-29; NKHR2019000079 2019-09-25; NKHR2020000014 2020-06-15; NKHR2020000029 2020-07-06.

657_ NKHR2019000064 2019-08-17.

change his/her job if he/she receives an employment certificate from the enterprise that he/she wants to move to and a dispatch certificate from the Ministry of Labor, which is issued based on the said employment certificate.⁶⁵⁸

On the other hand, it appears that changing jobs is easier if bribes or personal connections are used. A North Korean defector testified that he/she had worked at a food factory and moved to a cafeteria within a mine under a provincial trade bureau in 2017, and he/she was able to have his/her documents processed by giving about 20,000 won to a labor officer who worked at the site where he/she wanted to move to.⁶⁵⁹

In addition, North Korean workers must turn up to work where they are assigned to, and anyone who is absent without notice for more than a certain period of time is subject to re-educational labor discipline. It has been found that the amount of time a person is sent to a labor training camp (*rodongdanryundae*) is determined in accordance with the period of time the person has been absent from his/her work without prior notice.⁶⁶⁰ A North Korean defector said that in 2015, he/she witnessed a female worker who had been absent from work for about a month without notice being sentenced to one month of imprisonment in a labor

658_NKHR2020000028 2020-07-06.

659_NKHR2020000021 2020-07-04.

660_NKHR2019000036 2019-06-03; NKHR2019000082 2019-09-25.

training camp (*rodongdanryundae*).⁶⁶¹ In addition, there was testimony claiming that in 2016, the testifier witnessed a person who had been absent from work without notice being caught during an MPS city/county branch crackdown and sent to a labor training camp (*rodongdanryundae*) for three months.⁶⁶² There was also testimony stating that the testifier saw many cases in which people were sent to labor training camps (*rodongdanryundae*) for one to three months for being absent from work on the farm without notice.⁶⁶³ Forcing people to perform labor regardless of their will by imposing disadvantages if they do not carry out the work constitutes a violation of human rights.

However, because corruption is rampant in North Korea, it appears that there are cases in which people evade crackdowns by paying money,⁶⁶⁴ and there are many workers who do not go to work after coming to an agreement with their workplace in which they pay money instead.⁶⁶⁵ The latter phenomenon has been reinforced by the decline in the operating rate of state-run factory enterprises and the increase in the number of 8·3 workers. A

661_NKHR2017000036 2017-06-05.

662_NKHR2019000016 2019-05-07.

663_NKHR2020000022 2020-07-06.

664_NKHR2018000095 2018-08-27; NKHR2019000038 2019-06-15; NKHR2019000052 2019-07-20.

665_NKHR2019000039 2019-07-01; NKHR2019000047 2019-07-01; NKHR2019000057 2019-07-29; NKHR2020000019 2020-07-04.

North Korean defector who defected in 2019 testified that his/her spouse paid his/her workplace 500 yuan per year for not going to work. According to the testifier, the amount one must pay varies depending on the circumstances and workplace, but in general, young people whose families have money often pay part of their profits to their assigned workplaces and miss work. In addition, a testifier reported that, in Sinuiju, the amount an 8·3 worker must pay to their workplace (i.e., 8·3 payments) is fixed at 300 yuan per month, and those intending not to participate in a rural community support project can do so by sending replacements and paying them 10 yuan per day.⁶⁶⁶ Recently, cases have been reported in which people pay money to labor training camps (*rodongdanryundae*) or prison camps (*kyohwaso*) to avoid imprisonment for being absent from work without prior notice, and labor training camps (*rodongdanryundae*) and prison camps (*kyohwaso*) accept this money, which is calculated based on the period of absence, because they have to operate independently without state support.⁶⁶⁷

B. Poor Working Environment and Pay Conditions

The most important factors that must be considered in determining whether work is “decent” are whether the work

666_NKHR2020000006 2020-05-15.

667_NKHR2022000014-2 2022-07-29.

ensures a decent living for the worker and his/her family and whether it guarantees safe and healthy working conditions (Article 7 of the ICESCR). North Korea declares that all workers are guaranteed stable jobs and safe working conditions by the state. However, the reality is quite different from what North Korea claims.

To begin with, it is difficult for a worker and his/her family to maintain a decent life with the income earned from working at an assigned workplace. It has been found that most North Korean people are *de facto* working without pay at their assigned workplaces or farms and that even if wages are paid, in most cases, the amount is so small that it is not conducive to maintaining their family's livelihood.⁶⁶⁸ In some cases, rations are provided, but they too are insufficient to make a living.

A North Korean defector who had worked for a post office testified that the wage was about 2,000–3,000 won per month, and a year's worth of rations was given once a year up until 2017; the testifier said that in the case of Musan, rations were cut since 2018 as operations at mines were suspended due to the economic blockade.⁶⁶⁹ A North Korean defector who had worked at a coal mine in Bukchang County from November 2017 to June 2019 testified that he/she received monthly food rations in exchange for

668_NKHR2019000013 2019-05-07 and many other testimonies.

669_NKHR2019000071 2019-08-26.

his/her work.⁶⁷⁰ Another testifier said that his/her spouse who had worked as a doctor received approximately 4,000 North Korean won per month in addition to food rations, but the testifier's spouse did not care much about the money because the amount was too small.⁶⁷¹

On the other hand, there were some testimonies reporting that the testifiers received wages in a foreign currency (yuan or dollars) in an amount just enough to maintain their livelihood; however, it is understood that such cases occur only exceptionally for those working in enterprises or workplaces involved in exporting or located in special economic zones.⁶⁷²

Table III-12 Wage Payment in North Korea

Testimonies	Testifier ID
When the testifier worked as a nurse from 2015 to 2017, he/she received a wage of 1,000 won approximately once every two months. Originally the testifier was supposed to receive 2,450 won every month, but what he/she actually received was 1,000 won after deductions. The testifier received a monthly ration of 6 kg of corn, which was 15 days worth of food.	NKHR2018000102 2018-10-01
A testifier who had worked as a bookkeeper at a middle school in Yanggang Province in 2016 testified that he/she received a monthly wage of 1,300 won every quarter. The testifier said that he/she also received 300 kg of potatoes every fall as rations.	NKHR2019000044 2019-07-01
The testifier received his/her wage every 15 days in cash, which was enough to buy 500-1,000 g of rice	NKHR2018000042 2018-06-04

670_ NKHR2020000042 2020-10-31.

671_ NKHR2020000047 2020-11-28.

672_ NKHR2019000043 2019-07-01; NKHR2019000060 2019-07-29; NKHR2019000072 2019-08-26; NKHR2020000021 2020-07-06.

Testimonies	Testifier ID
Since the testifier could not make a living and support his/her family with the wage he/she received from work, he/she worked in vegetable gardens or on small farms to make up for the shortage.	NKHR2018000065 2018-07-11
In the case of forestry offices, 5-10 kg of corn and wheat rice were provided on a monthly basis as rations, and 1,500 won was given for living expenses.	NKHR2018000079 2018-07-30
A North Korean defector who had worked at the Ministry of State Security testified that his/her monthly wage was 1,200 won but after deducting Party expenses, there was almost nothing left for him/her to receive. The testifier said that rations were not given separately since he/she had three meals a day at his/her workplace.	NKHR2019000080 2019-09-25
A North Korean defector who had worked as a nurse testified that all staff working at a hospital do not receive rations or wages and live on bribes offered by patients in the process of treatment.	NKHR2019000082 2019-09-25
A testifier born in 1994 who had worked at the Information and Communications Bureau testified that he/she received 1,000 won as a formality, which was just enough to pay for candies.	NKHR2019000083 2019-07-29
A North Korean defector who defected in 2019 testified that he/she had not received anything other than two rations of potatoes while he/she worked at a housing repair company for eight years.	NKHR2020000008 2020-05-16

As it has become difficult for workers to earn a livelihood with the income earned from their official workplace, it became common for workers to engage in various economic activities linked to the market. A North Korean defector testified that although his/her father received wages and rations, they were not enough to make a living, so his/her mother earned cash by selling vegetables at a marketplace (*jangmadang*).⁶⁷³ Another North Korean defector explained that while people receive wages in

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673_ NKHR2018000043 2018-06-04.

return for their labor, they make their living by farming and trading since the wages are not enough to sustain their livelihood.⁶⁷⁴

A North Korean defector in his late 20s who had lived in Pyongyang testified that he was registered as an 8·3 worker at an enterprise and made a living by running a table tennis room after renting a space in the enterprise or by investing in a private factory and receiving proceeds from its operation.⁶⁷⁵

Safe and healthy working conditions are also insufficiently guaranteed. First, it seems that working conditions are extremely poor, and workers are often exposed to danger. A North Korean defector testified that the working environment at his/her workplace was so poor that the clothes he/she wore to work were essentially work uniforms. The testifier also stated that it was unthinkable to receive a safety helmet, and workers were required to buy everything with their own money.⁶⁷⁶ A North Korean defector who defected in 2019 testified that when he/she worked as a heavy equipment driver, he/she was not provided with safety equipment such as a safety helmet and was put into field work without any prior training.⁶⁷⁷ Moreover, a North Korean defector who had participated in a production unit that handled gunpowder testified that although he/she was provided with masks and

674_NKHR2019000029 2019-06-03.

675_NKHR2017000031 2017-06-05.

676_NKHR2018000036 2018-05-08.

677_NKHR2020000016 2020-07-04.

working gloves, he/she did not receive a separate work uniform and that there were many cases in which people developed illnesses after working for two to three years because of the harmful working environment. However, the testifier said that he/she received quarterly training on work safety rules as the unit handled explosives.⁶⁷⁸ A North Korean defector who defected in 2019 testified that workers employed at military supply factories, who are frequently exposed to harmful substances because their tasks include working in underground mines, have access to factory-affiliated hospitals where they can receive tuberculosis vaccinations or medicine free of charge. This means that employees at military supply factories are more prone to contracting tuberculosis. The testifier said that he/she had been originally assigned to a factory that produced military uniforms, but his/her mother offered 50 dollars worth of cigarettes as a bribe to have him/her transferred to another workplace because of the intensity of the labor at the factory and the risk of harm to the health.⁶⁷⁹

While North Korea stipulates working conditions such as working hours and rest breaks by law,⁶⁸⁰ it appears, based on

678_NKHR2019000070 2019-08-26.

679_NKHR2022000015-2 2022-07-29.

680_Article 36 of the North Korean Labor Protection Law stipulates that the daily working hours for workers is eight hours, provided that it may be reduced for workers in physically demanding sectors or under special conditions. Article 39 of the Labor Protection Law dictates that institutions, enterprises and organizations shall guarantee their employees rest on holidays such as national holidays and

defector testimonies, that such rules are well observed in some areas but not in others. First of all, average daily working hours stipulated in the law have become more or less meaningless at many workplaces. These include companies that do not have much work as their factory operation rate has decreased significantly due to shortages of electricity and raw materials and deterioration of facilities.⁶⁸¹ There have been many testimonies reporting that the daily working hours of a company with a high utilization rate is approximately eight hours.⁶⁸² A North Korean defector who had worked at a post office said that he/she had worked seven hours a day,⁶⁸³ and another defector who had worked for a company testified that he/she had worked a total of eight hours a day.⁶⁸⁴ A North Korean defector who had worked as a bookkeeper at a seed-gathering company testified that he/she worked from 8 am to 3 pm.⁶⁸⁵

In contrast, some North Korean defectors have claimed that they had to work long hours. A North Korean defector who had worked for a factory to manufacture military supplies said that

Sundays and, in the event workers provide labor on a rest day for unavoidable reasons, an alternative day off must be provided within a week.

681_ NKHR2016000103 2016-06-28; NKHR2016000135 2016-08-22.

682_ NKHR2018000036 2018-05-08; NKHR2019000003 2019-04-08; NKHR2019000070 2019-08-26; NKHR2019000082 2019-09-25.

683_ NKHR2018000026 2018-04-09.

684_ NKHR2018000043 2018-06-04.

685_ NKHR2019000043 2019-07-01.

he/she had to work for 15–16 hours a day,⁶⁸⁶ and a North Korean defector who had worked in a mine said that there were no set working hours, and he/she worked from 5 am when he/she work up to 7 pm at the earliest and 10 pm at the latest.⁶⁸⁷ A North Korean defector who defected in 2019 testified that he/she worked 12–13 hours a day when he/she worked as a heavy equipment driver but received no compensation for overtime hours.⁶⁸⁸ There was also a testifier who claimed that he/she worked from 4 am to 11:30 pm when he/she worked in a mine between 2016 and 2017.⁶⁸⁹ A North Korean defector who had worked from 2002 to 2019 at a clothing factory that produced clothes for export and defected in 2019 also said that he/she worked from 7 am to 10–12 pm and worked for approximately two more hours when a deadline was approaching.⁶⁹⁰ In addition, many testimonies have been collected reporting that the eight-hour workday rule is also not applied to farm members and that farm members have to work late at night or early before breakfast during busy farming seasons.⁶⁹¹

Similar to working hours, rest breaks for workers also differ from

686_NKHR2018000003 2018-03-12.

687_NKHR2018000005 2018-03-12.

688_NKHR2020000016 2020-07-04.

689_NKHR2020000021 2020-07-06.

690_NKHR2022000015-2 2022-07-29.

691_NKHR2019000008 2019-04-08; NKHR2019000027 2019-06-03; NKHR2019000046 2019-07-01.

workplace to workplace. Among North Korean defectors, some were able to use the legally guaranteed 15-day annual leave,⁶⁹² while others could not actually use it although there were relevant regulations.⁶⁹³ There was testimony reporting that 15 days of paid leave was given only to those who had not been absent until October or November.⁶⁹⁴ There was also testimony stating that there was no concept of annual leave at the testifier's workplace because workers often did not show up for work as they were busy earning money at other places.⁶⁹⁵

C. Restrictions on Freedom to Form, Join and Withdraw from Trade Unions

Article 8, paragraph 1 of the ICESCR stipulates that State Parties must ensure the right to form and join trade unions as well as the right to strike. However, free labor unions that protect and represent the interests of workers do not exist in North Korea. Although there is the General Federation of Trade Unions of Korea (hereinafter the Federation of Trade Unions), the Federation of Trade Unions, which is under the control of the

692_NKHR2019000019 2019-05-07; NKHR2020000021 2020-07-06; NKHR2020000027 2020-07-06.

693_NKHR2019000023 2019-05-18; NKHR2019000045 2019-07-01; NKHR2019000065 2019-08-17.

694_NKHR2019000070 2019-08-26.

695_NKHR2017000135 2017-12-18.

WPK, is an organization that is different from trade unions in capitalist societies in that it carries out labor control functions, such as implementing projects for labor protection or worker education, promoting productivity and strengthening labor discipline.⁶⁹⁶ Furthermore, North Korean workers are not guaranteed the right to independent association, the right to collective bargaining or the right to collective action.

Given the circumstances, it appears that there are no meetings or activities that represent the opinions of workers in workplaces. North Korean defectors testified that this kind of gathering is unimaginable⁶⁹⁷ and that forming a labor union or negotiating wages is impossible.⁶⁹⁸ Testimonies have been collected indicating that workers' unions other than those approved by the state are not allowed⁶⁹⁹ and that people would not even try to establish one as they would be punished for it.⁷⁰⁰ There was also testimony claiming that the testifier had never witnessed people complaining in a group about their work life.⁷⁰¹ Therefore, it is difficult to find a case in which a representative of workers and the manager of a workplace engage in discussions to improve the

696_Gang-sik Kim, *Labor in North Korea* (Seoul: Jipmoon, 2003), p.155

697_NKHR2019000011 2019-04-10 and many other testimonies.

698_NKHR2018000005 2018-03-12.

699_NKHR2019000055 2019-07-29.

700_NKHR2019000008 2019-04-08.

701_NKHR2019000068 2019-08-26.

working environment, and the level of awareness among North Korean people of related rights is also estimated to be very low.⁷⁰²

D. Evaluation

It appears that North Korean workers are not sufficiently guaranteed their labor rights. First of all, as clearly indicated in the practice of group allocation, North Korean authorities unilaterally assign people to workplaces without guaranteeing them the freedom to choose jobs according to their abilities and desires. Moreover, it is not easy for workers to leave their assigned workplaces at will. However, under the Kim Jong Un regime, as a result of marketization and an increase in the number of social groups with economic power, the number of cases in which people pay bribes to get desirable jobs is on the rise. In addition, the qualifications that need to be met to get a desirable job have gradually changed. While having military experience was an essential qualification for job placement under the military-first policy of the Kim Jong Il regime, under Kim Jong Un, having a college diploma has become an important qualification, which indicates that individual abilities have become an important factor in job placement. Moreover, personal appearance has also become a significant qualification due to the increase in the

702_NKHR2017000019 2017-05-08 and many other testimonies.

number of service-oriented jobs. As a result, it appears that the financial burden, in particular the need to pay bribes, which parents must bear to help their children obtain desirable jobs has increased. This ultimately means the introduction of another form of inequality in North Korea, with wealthy people more likely to land a desired job. Nevertheless, the fact that family background (*todae*) plays the most important role in job placement remains unchanged.

North Korea also does not ensure the right to work under favorable working conditions and the right to receive just compensation for work performed. In reality, wages are not paid to workers, and since workers are not able to stably support their families with the income from their official workplace, they are forced to engage in separate economic activities to sustain their lives and the lives of their families. As a result, the number of 8·3 workers who make an agreement with their assigned workplace that they do not have to go to work on the condition that they pay on a monthly basis part of their income from unofficial, private economic activities (i.e., 8·3 payments) has increased. However, only those with a certain level of financial power or ability are able to become 8·3 workers, and those without this power or ability are forced to work at assigned workplaces because to do otherwise will lead to punishment. Rules concerning working conditions, such as working hours or periodic holidays, are also not sufficiently adhered to. In addition, freedom to form, join and

withdraw from trade unions is also not protected, and as a result, workers are put in a situation in which they cannot demand that their workplaces improve the working environment or unreasonable treatment imposed on them.

Part I

Part II

Part III
The Reality of Economic, Social and Cultural Rights

Part IV

Part V

4

Right to Education

The right to education is a right for everyone, not only children. The right to education includes not only the right to public or regular education but also the right to private or non-traditional education. It also includes the right of all members of society to receive lifelong education. Article 26 of the UDHR stipulates that “everyone has the right to education,” and Article 13 of the ICESCR, to which North Korea is a State Party, refers to the right to education as follows:

Table III-13 Article 13 of the ICESCR

Paragraph 1	The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
Paragraph 2	The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

	<ul style="list-style-type: none"> (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
Paragraph 3	The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
Paragraph 4	No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 73 of the North Korean Constitution stipulates that “citizens have the right to education. This right is ensured by the education system and educational policies enacted by the state for the benefit of the people.” In addition, the Education Law of 2015, the Law on General Education of 2015 and the Higher Education Law of 2015 specify matters pertaining to the free compulsory education system based on socialist pedagogy. However, the reality is far different from what is stipulated in these regulations.

After Kim Jong Un took power, North Korea enacted and amended laws and established policies in the direction of normalizing public education and improving the quality of

education. In the third cycle of the UPR in 2019, North Korea reported that it had established the 5-Year Strategy for the Development of Education (2016–2020) after developing the National Strategy for the Development of Education (2015–2023) in 2014 and has endeavored to improve the educational environment and conditions under the Action Plan for the Improvement of the Quality of Primary and Secondary Education (2017–2020).⁷⁰³ In addition, at the 4th Plenary Meeting of the 8th Central Committee of the WPK held in 2022, the importance of reducing the gap in the level of education between central and provincial areas and between urban and rural areas was discussed.⁷⁰⁴ Although North Korea has increased its investment in education and implemented policies to reorganize the content and form of education, North Korean defectors testified that educational conditions in North Korea are still poor.

This chapter examines whether the right to education is properly guaranteed in North Korea on the basis of availability, accessibility, acceptability and adaptability.⁷⁰⁵

703_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 44.

704_ *Rodong Sinmun*, 14 January 2022.

705_UN CESCR, General Comment, No. 13 (1999), para. 6.

A. Educational Conditions

Availability in education means that there should be educational institutions and programs of sufficient quality that function normally. In other words, the minimum conditions necessary for education must be met.

Article 7 of the North Korean Education Law legally specifies the state support necessary for education by stipulating “the state shall systematically increase investment in education and smoothly assure educational conditions to strengthen support for the education sector.” In addition, North Korea prescribes the implementation of free compulsory education in Article 12 of the Education Law, which stipulates citizens have “the duty to receive general secondary education⁷⁰⁶ and the right to receive free education.”

In the third cycle of the UPR in 2019, North Korea reported that it has increased investment in education by 8.6% of GDP as it considers education the most important national issue.⁷⁰⁷ Moreover, it reported that in 2017–2018, it had established and expanded “model schools” equipped with facilities such as multifunctional classrooms with multimedia equipment, various laboratories and outdoor study sites, and that it has directed

706_ This includes one year of kindergarten, five years of elementary school, three years of junior middle school and three years of advanced middle school.

707_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 42.

special attention to remove disparities in the level of education between urban and rural areas.⁷⁰⁸ Kim Jong Un has also emphasized the task of improving the educational conditions in provincial and rural areas and modernizing schools.⁷⁰⁹

While North Korean laws guarantee educational conditions and stipulate the implementation of free and compulsory education for its citizens, and North Korean authorities proclaim the specific execution of such rules, the actual state of education in North Korea is extremely dire. Although there was testimony reporting that new school buildings are clean and with improved facilities and environments,⁷¹⁰ it has been found that, in most cases, educational facilities and resources greatly differ between regions and schools. It has been confirmed that significant disparities even exist between schools within Pyongyang in terms of the level of educational facilities available.⁷¹¹ While some have testified that computer labs and sports facilities are in good condition,⁷¹² others have claimed that the costs of building and maintaining these facilities are borne by the students.⁷¹³ In addition, it has been confirmed that, although electricity is

708_ *Ibid.*, paras. 45–46.

709_ *Rodong Sinmun*, 10 January 2022; *Rodong Sinmun*, 21 May 2021.

710_ NKHR202000002 2020-05-15.

711_ NKHR2021000022 2021-10-19; NKHR2021000025 2021-11-09.

712_ NKHR2021000003 2021-08-19; NKHR2021000007 2021-09-06.

713_ NKHR2021000019 2021-10-15; NKHR2021000010 2021-09-08; NKHR2021000029 2021-11-23.

provided, there are restrictions on the use of computer labs due to its limited supply time and possible electricity failures.⁷¹⁴ It is said that many schools do not have an infirmary or library and, even if a school has a library, it was difficult to use.⁷¹⁵

Schools in North Korea lack even the most basic water and sanitation facilities. It has been found that only around 56% of schools in North Korea have access to piped water, and this access differs considerably between regions.⁷¹⁶ In fact, many schools have poor sanitation facilities with outdoor squat toilets and a lack of facilities for washing hands.⁷¹⁷

Although computer education has significantly expanded, it is said that schools do not have computer labs, and even if a school has a computer lab, it is unusable because no computer is installed or the computers are old models. As a result, students practice with paper keyboards or bring their own laptops.⁷¹⁸

714_NKHR2021000029 2021-11-23; NKHR2021000030 2021-11-28.

715_NKHR2021000020 2021-10-16; NKHR2021000019 2021-10-15.

716_UNICEF. 2019. Analysis of the Situation of Women and Children in the Democratic People's Republic of Korea. Pyongyang: UNICEF, p. 81.

717_NKHR2021000006 2021-09-03; NKHR2021000028 2022-07-04; NKHR2021000030 2021-11-28; NKHR2021000008 2021-09-07; NKHR2021000009 2021-09-07; NKHR2021000010 2021-09-08.

718_NKHR2020000003 2020-05-15; NKHR2020000027 2020-07-06; NKHR2020000029 2020-07-06 and many other testimonies.

Table III-14 Reality of Educational Facilities and Environments

Testimonies	Testifier ID
When the testifier went to middle school in North Hamgyeong Province in 2016, the school had a computer lab and sports facilities that were in good condition. The testifier joined a computer group, which is similar to a school club. He/she really liked physical education, like many other students who liked sports but not studying. The testifier remembers that the sports facilities were in good condition because he/she enjoyed playing sports.	NKHR2021000003 2021-08-19
The testifier's children went to school in Pyeongchon District, Pyongyang in 2017. There were computers in the school's computer lab, so each student could use a computer individually.	NKHR2020000047 2020-11-28
The advanced middle school in Yanggang Province the testifier attended for two years from 2018 was in a five-story building with conventional toilets and no facilities for washing hands. The school had a gym and a computer lab but no library. There were old computers, but there were not enough for all students to use a computer individually, so the students had to take turns using one. The students, including the testifier, had laptops at home.	NKHR2021000010 2021-09-08
The testifier's friend and cousin had a laptop in their home in Hyesan, Yanggang Province in 2019. Families with money or mothers who are interested in the education of their children have computers at home. There are many Toshiba computers; some are Lenovo and Apple computers. When the testifier graduated from middle school in 2014, he/she heard that the school would make a computer lab; however, he/she has never heard that students learn about computers at school.	NKHR2020000001 2020-05-15
The middle school that the testifier attended in 2019, located in Chongjin, North Hamgyeong Province, had a restroom, library and computer lab. The restroom was located in the schoolyard, and the facilities were poor, and the students had to pay to borrow a book from the library. The testifier used a computer only during classes. However, he/she did not learn to work on documents but only practiced typing using a keyboard made out of paper. There were 40 students per class, and only about 10 people practiced with real keyboards.	NKHR2020000029 2020-07-06
The testifier attended school in Yanggang Province in 2019. The school had a computer lab, but the lab did not have internal facilities. Schools are not equipped with electrical equipment, and even if they were, it would be unusable because electricity is not supplied.	NKHR2021000001 2021-08-13
In 2020, the testifier bought a laptop for his/her child, so the child could use it during his/her computer class at school. These days, most students carry a laptop; for instance, if there are about 50 students in a class, half of them carry a	NKHR2020000038 2020-09-26

Testimonies	Testifier ID
laptop. Restrooms are usually located outside a school building. The testifier's child's school did not have electricity. Schools usually do not have an infirmary, gym or library.	
As the area near the construction site of the Xinjiang Power Plant in Hyesan, Yanggang Province was flooded, many people moved away from the area to the testifier's neighborhood. As a result, a combined school was built. Recently built schools or hospitals are clean even if the facilities are not fancy. Schools in rural areas are small but neat, but the facilities and teachers of a school in a neighborhood (<i>dong</i>) in Hyesan were not good.	NKHR202000002 2020-05-15
The testifier said that, at regular schools, students attend schools near their homes, but as foreign language schools are located a bit far away, students have to pack lunches. Regular schools usually have only one building. Foreign language schools usually have better school facilities than other types of schools; they have special classrooms such as gyms and libraries and separate buildings for education and sports.	NKHR2020000013 2020-06-15
(Yanggang Province) Kim Jong Un ordered the modernization of education, which meant that televisions, computers and batteries must be placed in each classroom. Students had to pay the entire cost; the total amount was divided by the number of students. There was a computer lab, but no computers. The library had at most 200 books.	NKHR2020000027 2020-07-06
The school the testifier had attended had conventional toilets, but the testifier could not wash his/her hands after going to the toilet because there was no running water. There was a large building called a gym, and the schoolyard was also large. There were approximately 50 computers in the school, which were used only briefly during computer classes.	NKHR2021000007 2021-09-06
The middle school in Yanggang Province the testifier attended was in a three-story building with outdoor squat toilets and no facilities for washing hands or an infirmary. The school did not have a gym or computers, but it did have a schoolyard.	NKHR2021000008 2021-09-07
The school the testifier attended in North Pyeongan Province did not have electricity and had conventional toilets. There was no infirmary or library. There was a computer lab, for which the school collected a large amount of money from students.	NKHR2021000019 2021-10-15
The Pyongyang Geumseong Academy in Pyongyang is connected to the Mangyongdae Children's Palace and has a basketball court and a soccer field in good condition. It is also well-equipped with sanitation facilities. General middle schools in Pyongyang are also well-supplied with water.	NKHR2021000022 2021-10-19
The school in Bukchang County, South Pyeongan Province the testifier attended had conventional toilets but not facilities for washing hands. The students on duty carried a kettle of drinking water to the classroom.	NKHR2021000028 2021-11-13

In the Summary of Stakeholders' Submissions on North Korea for the UPR in 2019, Amnesty International recommended North Korea to “ensure compulsory and genuinely free primary and secondary education for all children.”⁷¹⁹ In this regard, North Korea responded that it has introduced a 12-year free compulsory education system and provides various support, such as textbooks, teaching materials, educational equipment and transportation.⁷²⁰ However, according to defector testimonies, various expenses that people have to pay for schools have become a barrier to regular education.

The reality that teachers are not adequately compensated for their work means that the livelihood of teachers is unstable and has a detrimental effect on the overall educational environment in North Korea. Because teachers cannot make a stable living, North Korean people tend to think that sending their children to school means that parents take responsibility for the teachers' livelihood, and there is a perception that teachers live on the money students offer. Testimonies reporting that teachers offer private lessons and have side jobs and that the number of prospective teachers is extremely low show that teachers are poorly treated.

719_Summary of Stakeholders' Submissions on the Democratic People's Republic of Korea, Report of the Office of the United Nations High Commissioner for Human Rights. UN Doc. A/HRC/WG.6/33/PRK/3 (2019), para. 82.

720_UN Doc. A/HRC/42/10 (2019), para. 78.

Table III-15 Treatment of Teachers

Testimonies	Testifier ID
The testifier's father, who was a middle school teacher in 2019, did farming as a side job as there were no rations provided. The testifier's family consumed most of the crops produced and sold what was left. The testifier heard that teachers in schools in cities sometimes take money from their students; however, this practice is not found among teachers in schools in rural areas.	NKHR2020000035 2020-09-05
Teachers receive more rations than farm members, but they are not paid much. For a school hiking trip, parents pack lunch for their children's teacher out of respect for the person who teaches their children; it would also be troublesome for the teacher if parents do not pack lunch for him/her. The amount of money given to a teacher on a regular basis varies from person to person. If not cash, cigarettes are given to male teachers and soap is given to female teachers.	NKHR2020000002 2020-05-15
There are no rations for teachers, and teachers live on the money their students' parents offer.	NKHR2020000012 2020-06-15
Teachers lead difficult lives. Teachers who offer private tutoring do not work at schools. No one wants to be a teacher.	NKHR2020000017 2020-07-04
Teachers barely make a living by teaching in the morning and even make straw hats in the afternoon.	NKHR2020000027 2020-07-06
A teacher's salary is around 2,000 North Korean won, and almost all of the teachers collect money from students.	NKHR2020000029 2020-07-06
Teachers take some of the money they collect from parents as their wages.	NKHR2020000038 2020-09-26
Kindergarten teachers take turns to rest and do side jobs to make a living. It seems that they do not receive any rations, and parents also do not take responsibility for their livelihood.	NKHR2020000040 2020-10-31
It is safe to assume that teachers live on the money that their students' parents give them because they receive nothing from the state. The only remuneration that is provided by the state, if at all, is one potato ration a year, which is usually given sometime in September or October.	NKHR2021000001 2021-08-13
The testifier's father worked as a teacher for 30 years. Teachers are poorly treated in North Korea. The testifier's father did not have much private time to earn extra income that was necessary to make a living because there was a lot of work to be done at school. He offered private tutoring because his salary did not increase. As he became old, he no longer taught classes because he did not want to be criticized for not being able to pay the money that teachers must pay to the teachers' meeting.	NKHR2021000003 2021-08-19

Testimonies	Testifier ID
Because it is difficult for teachers to live on their salary, teachers from well-to-do families receive money and daily supplies from parents.	NKHR2021000007 2021-09-06
The testifier lived on the bribes he/she obtained from the students' parents for making their child the division leader or class president; he/she also offered private lessons and tutoring.	NKHR2021000008 2021-09-07
Teachers do not receive rations regularly and live on the money students offer. Some students help their teachers to win favor with them.	NKHR2021000011 2021-09-10
Teachers have a lower standard of living compared to other occupations. When the testifier attended school, his/her teacher received 500 yuan from the division leader, 250 yuan from the class president, and 100 yuan from the vice leader for ideology. The amount of money students in these positions must provide to their teacher doubles in city schools. The testifier had a private tutor because his/her parents thought it would be better to hire a tutor than to pay money to the school.	NKHR2021000015 2021-09-16
Teachers receive support from students' parents because they do not receive a salary. Some students receive private tutoring from school teachers.	NKHR2021000021 2021-10-17
The testifier barely made a living when he/she worked as a teacher for 10 years. The testifier could not hold a side job because he/she had to go to school every day and manage students. He/she lived on the support from the parents of the class president.	NKHR2022000028 2022-07-04

In addition to a 12-year free compulsory education, North Korea stipulates in its Education Law that the state must guarantee all expenses necessary for education, such as classes, practical training, field trips and school supplies. However, North Korean defectors testified that although students do not pay tuition, they still have to pay a lot of money to schools under various pretexts. Students have to pay the cost of maintaining classrooms in the summer and pay the cost of firewood in the winter. They are also required to offer scrap iron, paper and rabbit

fur. This becomes a financial burden on parents. Testimonies have reported that, if the goods demanded by the school are not available, students should give cash instead based on their family's economic situation, and those who cannot offer anything are reprimanded by teachers, which is a reason for students not to attend school.⁷²¹ There also were testimonies indicating that although textbooks are provided free of charge, they are mostly used textbooks, and new textbooks are insufficiently supplied and thus have to be purchased separately.⁷²²

Table III-16 Reality of Free Education

Testimonies	Testifier ID
The testifier gave rabbit fur, soybeans and firewood to the school and paid cash for supporting shock troops (<i>dolgyeogdae</i>), classroom maintenance and roof tile work. Parents installed the roof tiles themselves. Textbooks were provided free of charge, but the testifier had to pay 50 North Korean won for new textbooks.	NKHR202000031 2020-08-03
When the testifier attended an advanced middle school in 2016, he/she had to pay for everything that was needed for school. Students with financial difficulties are supported by the school. The testifier remembers students with financial difficulties receiving 7 or 8 notebooks once every two months while other students had to pay approximately 500 North Korean won to the school.	NKHR202100003 2021-08-19

721_ NKHR2022000002 2022-05-18; NKHR2022000010 2022-06-09; NKHR2022000024 2022-06-23; NKHR2021000015 2021-09-16; NKHR2021000019 2021-10-15; NKHR2021000026 2021-11-10; NKHR2021000030 2021-11-28 and many other testimonies.

722_ NKHR2020000012 2020-06-15; NKHR2020000022 2020-07-06; NKHR2020000029 2020-07-06.

Testimonies	Testifier ID
The testifier attended middle school in 2016. He/she did not want to attend school because of the money the school demanded him/her to pay.	NKHR2022000025 2022-06-23
In 2018, the testifier gave his/her child's homeroom teacher 15-20 won to purchase firewood and 10 won for school maintenance. The testifier also paid 5-10 won, which was the amount fixed by the school to fund school projects such as a spring sanitation project.	NKHR2020000002 2020-05-15
The testifier's friend's younger sibling went to middle school in 2019, and he/she said that it is burdensome because he/she had to pay a lot of money. He/she said that he/she had to pay a certain amount of money every day and sometimes said it would be better to pay a fixed tuition fee.	NKHR2020000001 2020-05-15
In 2019, the testifier paid fees in the name of modernization of education (i.e., the cost of purchasing televisions, computers, projectors and batteries). Many children do not go to school because they cannot pay the money their school demands. The attendance rate for sixth-grade students is approximately 20-30%. Students do not go to school due to financial difficulties and because they are reprimanded by teachers for not being able to pay certain fees. Advanced middle schools have a lower attendance rate.	NKHR2020000027 2020-07-06
The testifier's child went to an advanced middle school in 2019. There was no tuition, but students had to give three to four yuan a day in the name of maintaining the school or classroom, which amounted to approximately 100 yuan a month. When the school was assigned to pay a certain amount of money to support the Samjiyeon construction project and road construction projects, the amount was divided and allocated to each class and then to each student. Except for those who could not pay anything due to financial difficulties, each student had to pay three to four yuan. There are many children who do not enter elementary school due to the financial burden.	NKHR2020000038 2020-09-26
Students have to pay for classroom maintenance, school equipment and cleaning tools such as mops. Students have to buy school supplies from the marketplace (<i>jangmadang</i>) as well. Students also have to buy textbooks when they are insufficiently supplied. In reality, attending school is costly.	NKHR2020000012 2020-06-15
The testifier had to pay a lot of money in small installments for "children's planning" projects, scrap paper collection, gathering of wild greens and school maintenance (e.g. repairing desks and chairs, blackboard painting, etc.). Students have to pay money when they fail to complete assignments and when new textbooks are distributed. Students can receive items from older students for free.	NKHR2020000022 2020-07-06

Testimonies	Testifier ID
There was no tuition fee, but there were many school-run projects and assignments the testifier had to pay for, which was difficult for poor students to afford. Students go to school because education is compulsory, but they attend school feeling withdrawn and discouraged.	NKHR2020000023 2020-07-06
There is no tuition fee, but the testifier had to pay a certain amount of money every day. Textbooks were not sufficiently supplied and were distributed unfairly, and school supplies had to be provided by students themselves. The school the testifier attended underwent modernization to participate in the Red Flag Movement. In the process, each student had to pay 300 yuan; students in a sought-after position had to pay more, and students in difficult situations had to pay a small amount.	NKHR2020000029 2020-07-06
Students from families with some money are given sought-after positions, such as the class president, division leader, or vice leader for ideology, who must pay 5 yuan a day unconditionally. Whenever the teachers of the testifier's child sent a letter to the testifier about school projects such as classroom maintenance, he/she sent the money to the school for the sake of his/her child.	NKHR2021000014 2021-09-16
Students who are unable to pay the fees demanded by the school do not attend. The teacher asks them why they cannot pay the fees in front of other students, and they are so embarrassed that they choose not to attend.	NKHR2021000015 2021-09-16
The testifier produced rabbit fur and made winter military uniforms when he/she was a student. He/she also paid fees for school operating expenses in cash every semester. While other students pay 20 yuan for school maintenance, class presidents pay 100 yuan.	NKHR2021000016 2021-09-24
The testifier collected and submitted rabbit fur, scrap iron and acorns for "children's planning" projects. The school demanded that the testifier submit various goods and 3,000-5,000 won to support the school. When he/she was unable to submit rabbit fur or scrap iron, he/she had to submit cash instead. When the testifier was unable to offer anything, the teacher cursed at him/her and made him/her stand up whenever he/she had to answer the teacher's questions during class; the teacher also gave bad evaluations when the testifier graduated from the school.	NKHR2021000019 2021-10-15
Students have to buy textbooks on their own. Textbooks were given free of charge in the past but, these days, students buy textbooks published by individuals because textbook production has significantly declined, with only about five students receiving free textbooks. There were too many things that the school demanded the testifier to submit. Sometimes, he/she had to submit cash in dollars.	NKHR2021000020 2021-10-16

Testimonies	Testifier ID
The school told the testifier to bring things such as scrap iron, plastics, plastic scraps, wastepaper and glass bottles, which was burdensome.	NKHR2021000025-2 2022-06-30
Schools have to carry out classroom maintenance (e.g., blackboard painting) and modernization projects but they lack financial resources; teachers also do not have any money. The testifier’s child’s teacher received money, rations and rice from the parents of the class president and division leader; the teacher paid special attention to the students who offered material support and praised them to others. The testifier’s child did well in school but felt discouraged and frustrated because of the teacher’s favoritism.	NKHR2021000026 2021-11-10
The testifier gave cash to the school for classroom maintenance, paint purchases and firewood for the winter. The school also demanded that the students pay for equipping the computer lab.	NKHR2021000029 2021-11-23
The testifier had to give money for school maintenance. While school crackdowns were a major issue under the Kim Jong Il regime, since Kim Jong Un took office, schools have begun to demand that students offer money under the pretext of “Kim Jong Il’s patriotism.” There are students who submit goods instead of money. Students have to pay for school supplies on their own. The testifier received a school uniform once upon entering elementary school, which was of poor quality.	NKHR2022000002 2022-05-18
There is no tuition, but students have to give a substantial amount of money for support projects such as support for the 618 Shock Troop (<i>dolgyeogdae</i>) and school and classroom maintenance projects.	NKHR2022000022 2022-06-21

B. Discrimination in Educational Opportunity

Accessibility, which is about whether educational institutions and programs are accessible to all people without discrimination, is divided into non-discriminatory accessibility, physical accessibility and economic accessibility.⁷²³ Non-discriminatory

⁷²³ UN CESCR, General Comment, No. 13 (1999), para. 6 (b). Accessibility stipulates, educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State Party. Accessibility has

accessibility means that access to educational opportunities must be legally and practically ensured for everyone, including certain vulnerable groups of people, without discrimination. From a non-discrimination point of view, people's access to education is not guaranteed in North Korea. In particular, North Korean authorities do not allow access to normal education and educational programs to children of those regarded as potential reactionaries, including political criminals. The 12-year free compulsory education, which is guaranteed under the North Korean education system, is not permitted inside political prison camps (*kwanliso*). Although primary education courses are offered inside camps, it has not been confirmed whether the situation in which the curriculum is different from schools outside the camps has improved.

In this regard, in 2017, the UN Committee on the Rights of the Child urged North Korea to “promote gender equality [...] at all levels of the education system.”⁷²⁴ In 2017, the UN Committee on the Elimination of Discrimination against Women also

three overlapping dimensions: Non-discrimination – education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds. Physical accessibility – education has to be within safe physical reach, either by attendance at some reasonably convenient, geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a “distance learning” programme); and Economic accessibility – education has to be affordable to all. This dimension of accessibility is subject to the differential wording of Article 13 (2) in relation to primary, secondary and higher education. Primary education shall be available “free to all.”

724. Concluding observations on the fifth periodic report of the DPR Korea, Committee on the Rights of the Child, UN Doc. CRC/C/PRK/CO/5 (2017), para. 46.

recommended that North Korea improve the traditional perceptions and structural constraints, which have prevented female students from entering schools in such fields as science.⁷²⁵ North Korea reported in the third cycle of the UPR in 2019 the number of women taking remote learning courses provided by major universities has increased.⁷²⁶ However, it is still difficult to conclude that the gender gap in access to education has fully been resolved.

Regarding physical accessibility, while the North Korean Education Law and the Law on General Education guarantee compulsory education for children in remote areas and for children with disabilities, the international community has expressed concerns about unequal educational opportunities for children with disabilities and children living in rural and mountainous areas arising from their restricted physical access to education.⁷²⁷ In 2020, the Distance Education Law was newly established to promote a system to eliminate geographical barriers to education. However, it is difficult to say that this system actually ensures the accessibility of education for children living in isolated regions as the system is implemented focusing on university education and as differences exist in the provision of

725_ Concluding observations on the combined second to fourth periodic reports of the DPR Korea, Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/PRK/CO/2-4 (2017), para. 34.

726_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 67.

727_ UN Doc. A/HRC/WG.6/33/PRK/2 (2019), para 73, 96.

educational equipment among regions. In addition, the fact that there are many testimonies reporting that students' long-term absences or withdrawal from schools are due to financial difficulties and burdens indicates that economic accessibility, rather than geographical barriers, is the major cause of the inequality in educational opportunity in North Korea.

Table III-17 Accessibility to Education for Children of Vulnerable Groups

Testimonies	Testifier ID
When the testifier attended an advanced middle school in 2016, he/she often skipped school because he/she had to help his/her mother with housework and his/her father with farming. Another reason for not attending school was because there were so many things he/she had to submit to school. The testifier's homeroom teacher tried to make the testifier attend school at first, but later, the teacher did not say anything as he/she knew everything about the testifier's situation.	NKHR2020000041 2020-10-31
Children who are really poor only place their name on the school register and do not attend school. They stay at home to help their parents farm or dig gold from mines.	NKHR2020000002 2020-05-15
Schools do not do anything for students not attending school for financial reasons.	NKHR2020000003 2020-05-15
There are many students who are absent from school for a long time due to financial difficulties. However, the number of students not attending school is on the decline because the living conditions of people are improving.	NKHR2020000017 2020-07-04
Students who cannot afford miscellaneous fees demanded by the school often do not attend school. There were one to two students absent per class.	NKHR2020000023 2020-07-06
There are students who do not attend school at all because of the expenses they have to pay. A class usually consists of about 50 students, and about 10 people do not show up. If there is a student absent from school, his/her teacher would send another student to that student's neighborhood to check on him/her. If a student is absent for a long time, his/her teacher would visit the student's home; if the student says that he/she cannot attend school due to economic reasons, the teacher would try to persuade the student, saying that the student would be exempted from various fees. Teachers make	NKHR2020000038 2020-09-26

Testimonies	Testifier ID
home visits because they would receive disciplinary measures if student attendance drops. However, there are no benefits for poor students.	
Students who are able to pay school expenses pay a little more to make up for the shortage caused by those who are unable to offer anything. Those who are unable to offer anything may feel embarrassed but are not disciplined or socially condemned. If a student is absent from school, other students are sent to the student's home to check on him/her; each village is divided into subgroups, and the students who are sent to check on the absent student knock on the door and call out the absent student's name. If a student misses school and says he/she is ill, other students visit to confirm if the student is actually sick. Home visits by fellow students are common because there are many children who miss school to help their parents with work.	NKHR2021000003 2021-08-19
It is rare that students miss school in cities; in urban areas, there is a perception that students must complete middle/high school. In rural areas, however, completing middle/high school is difficult because of economic hardship.	NKHR2021000005 2021-08-20
There are one or two students who are unable to submit the goods or fees demanded by the school (e.g., for "children's planning" projects), and teachers embarrass them in front of other children or instruct them to do other work, such as carrying bags of sand or cleaning school facilities.	NKHR2021000008 2021-09-07
When he/she attended school, the testifier could not pay fees for "children's planning" projects because of his/her mother's low income. The teacher frequently beat him/her for not paying the fees, so the testifier missed school and spent time in other places.	NKHR2021000023 2021-10-24
The school told the testifier to bring things such as scrap iron, plastics, plastic scraps, wastepaper and glass bottles, which was burdensome. Students living in provincial areas often miss school due to food shortages. The testifier went to the mountains to find something edible instead of going to school.	NKHR2021000025-2 2022-06-30
There are some students living in the outskirts of Hyesan who cannot attend school because of difficult living conditions. If a student assigned to the class does not show up, the teacher visits the student's home to find him/her.	NKHR2022000002 2022-05-18
Students who are unable to pay the fees demanded by the school feel embarrassed and end up not attending school. Measures are taken if groups of students are absent from school: if there are only a few students who are absent, they are left uncared for.	NKHR2022000010 2022-06-09

Actual accessibility to education by students who are geographically isolated is assessed to be substantially low due to the general condition of roads, mass transit systems and difficulties in distance learning. Furthermore, these students are mostly living in absolute poverty, and inequality in educational opportunity caused by geographical isolation tends to coincide with poor economic accessibility. Students living in provincial, rural or mountainous areas who are from households in financial difficulty are often unable to bear the financial burden imposed by the school and tend to take long absences because they are psychologically affected and not eager to attend school.

Accessibility to education for economically disadvantaged students is still very low. There were many testimonies claiming that students in difficult living conditions are reprimanded and punished by teachers for failing to pay the fees demanded by schools and eventually drop out of school after long absences as they are unable to endure the burden.⁷²⁸ It has been reported that students from economically affluent families are more likely to be selected as class leaders and receive more attention from teachers.⁷²⁹ A North Korean defector who defected in 2020 testified that students are overtly treated differently based on their

728_ NKHR202000001 2020-05-15; NKHR202000027 2020-07-06; NKHR202000029 2020-07-06; NKHR2022000010 2022-06-09; NKHR2021000010 2021-09-08; NKHR2021000015 2021-09-16; NKHR2021000023 2021-10-24 and many other testimonies.

729_ NKHR2021000026 2021-11-10; NKHR2021000028 2021-11-13.

family's economic situation, although this does not necessarily amount to public discrimination.⁷³⁰

In many cases, children from poor families do farm work or help with housework instead of entering school,⁷³¹ and some teachers encourage attendance by exempting students from financial burdens⁷³² but only temporarily. The state or schools do not seem to take proactive measures in this regard.⁷³³

C. Emphasis on Socialist Education

Acceptability is an important factor in determining whether the form and nature of education, including educational programs and instructional styles, are suitable for students, who are both the recipients of education and direct beneficiaries of the right to education.

Article 29 of the CRC states that the goal of education should be well-rounded in terms of acceptability and stresses its importance in children's education. In its fifth periodic report

730_NKHR2021000025 2021-11-09.

731_NKHR2020000031 2020-08-03; NKHR2020000038 2020-09-26; NKHR2020000041 2020-10-31; NKHR2021000005 2021-08-20; NKHR2022000002 2022-05-18; NKHR2021000025-2 2022-06-30 and many other testimonies.

732_NKHR2021000018 2021-02-20; NKHR2021000003 2021-08-19; NKHR2021000007 2021-09-06; NKHR2022000022 2022-06-21.

733_NKHR2020000013 2020-06-15; NKHR2020000017 2020-07-04; NKHR2022000002 2022-05-18; NKHR2022000010 2022-06-09; NKHR2021000009 2021-09-07 and many other testimonies.

submitted to the UN Committee on the Rights of the Child in 2016, North Korea proclaimed that it has revised its education programs to comply with the goals of child education stipulated in the CRC. However, the reality seems far from such an argument. The Summary of Stakeholders' Submissions on North Korea for the third UPR report in 2019 referred to the fact that school lessons in North Korea focus on the state's ruling political ideology and propaganda and recommended North Korea to immediately de-politicize the curriculum.⁷³⁴ North Korea also stipulates in Article 3 of the Education Law that "raising trustworthy personalities who possess sound ideological awareness, deep scientific-technological knowledge, and strong physical capability is the basic principle of Socialist pedagogy" and puts emphasis on the importance of teaching political ideology in Article 29.⁷³⁵ Consequently, it seems that North Korea has yet to change its education system to a universal and well-rounded education. A North Korean defector who defected in 2019 testified that his/her child, who was in kindergarten in 2018, learned the childhood stories of Kim Il Sung, Kim Jong Il and Kim Jong Un like a fairy tale.⁷³⁶ <Table III-18> describes the

734_ UN Doc. A/HRC/WG.6/33/PRK/3 (2019), paras. 85, 87.

735_ "Educational institutions shall infuse students with sound thoughts, ethics and in-depth knowledge, prioritize political ideology education to ensure sound body and rich sentiment of students, provide in-depth science and technology education, and combine them with physical and art education."

736_ NKHR202000010 2020-05-16.

subjects students are currently required to take in primary and secondary schools, which shows that the subjects on the Kim Il Sung/Kim Jong Il/Kim Jong Un family are provided throughout the entire curriculum. Excessive education in political ideology, mobilization of students for political events and regime propaganda campaigns and compulsory military training indicate that North Korea is far from realizing the goal of education for children.

Table III-18 Subjects in Primary/Secondary Schools

Education Level	Subjects
Elementary School	Childhood of Supreme Leader (<i>Suryeong</i>) Kim Il Sung, Childhood of great leader Kim Jong Il, Childhood of anti-Japan heroine Kim Jong-Suk, Childhood of admirable leader Kim Jong Un, Socialist ethics, North Korean language, English, Mathematics, Nature, IT, PE, Music and dance, and Art.
Junior Middle School	Revolutionary activities of Supreme Leader (<i>Suryeong</i>) Kim Il Sung, Revolutionary activities of great leader Kim Jong Il, Revolutionary activities of anti-Japan heroine Kim Jong-Suk, Revolutionary activities of admirable leader Kim Jong Un, Socialist ethics, Geography, North Korean language, English, Mathematics, Nature, IT, Basic technology, PE, Music and dance, and Art.
Advanced Middle School	Revolutionary history of Supreme Leader (<i>Suryeong</i>) Kim Il Sung, Revolutionary history of great leader Kim Jong Il, Revolutionary history of anti-Japan heroine Kim Jong-Suk, Revolutionary history of admirable leader Kim Jong Un, Current Party policy, Socialist ethics and law, History, Geography, Psychology and logic, Language and literature, Chinese characters, English, Mathematics, Physics, Chemistry, Biology, IT, Basic technology, Basics of industry (agriculture), PE, Art, and Military activity for beginners.

Source: Yeongja Park *et al.*, *Eight Changes in the Economy and Society under the Kim Jong Un Regime* (Seoul: KINU, 2018), p. 165.

Article 32 of the CRC stipulates that children shall be protected from labor that threatens their health, education and development.

However, North Korean students are frequently mobilized for various labor tasks, such as farming and construction, under the pretext that the tasks are part of education. Supplementing the shortage of labor by mobilizing students goes beyond the meaning of education.⁷³⁷ In this regard, the UN Committee on the Rights of the Child urged North Korea in 2017 to “ensure that children are not required to perform labor tasks that interfere with their learning, their rights to rest and leisure and their physical and mental well-being.”⁷³⁸

D. Restrictions on Learners’ Right to Choose

Adaptability in education refers to the degree to which an appropriate educational environment is guaranteed from the perspective of the recipients of education and the degree of appropriateness of educational content provided for each developmental stage. It also refers to the degree to which the changing social environment is adequately reflected in education. Whether North Korean students receive adequate education that is also appropriate according to the above standards varies according to family environment, social status and economic capability.

737_ The issue of the lack of acceptability in education is examined in more detail in IV. Vulnerable Groups, 2. Children.

738_ UN Doc. CRC/C/PRK/CO/5 (2017), para. 46.

In addition to state-run educational institutions, workplaces, social organizations and various social facilities are in charge of providing education. However, the state, particularly the Party, determines the basic system, direction, content and methods of education. The state selects the content and develops curricula and textbooks for all types of education, from school education to social education and education for adults. The operation of the curricula is also centralized and uniform. As a result, the autonomy of schools and teachers and students' right of choice for learning are significantly restricted. As the national curriculum was revised in 2013, some region-specific elective subjects were introduced to advanced middle schools.⁷³⁹ However, students are not given the right to choose subjects.

Except for exceptionally talented students enrolled in special education institutions, all students follow the same curriculum. In addition, all educational institutions, from kindergarten to primary and secondary schools to college, are established and run by the state, and no private educational institution exists in North Korea. In other words, the opinions of parents and students are not reflected in schools or school curricula.

Such rigidity in education caused by the state-led educational system serves as a constraint that fundamentally prevents North

⁷³⁹Ji-soo Kim *et al.*, *Analysis of Primary and Secondary Education in the Kim Jong Un Era* (KEDI, 2019), p. 198.

Korea's educational curriculum and system from reflecting the changes in thinking and innovations of the times.

E. Evaluation

In the third cycle of the UPR in 2019, North Korea reported that it has been making efforts to improve its educational conditions and environment, including the content, form and methods of education,⁷⁴⁰ and accepted the recommendation made in the UPR report to substantially realize free education and improve the overall right to education.⁷⁴¹ In the VNR on the Implementation of the 2030 Agenda for Sustainable Development published in 2021, North Korea emphasized that its investment in and support of education has led to the improvement of the educational environment and a practical and comprehensive update of the educational content.⁷⁴² However, when analyzed in terms of availability, accessibility, acceptability and adaptability, North Korea's education system is found to be insufficient in meeting all of the criteria above, despite some improvements in each criterion. In particular, ideological education that North Korean

740_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), paras. 42-44.

741_UN Doc. A/HRC/42/10 (2019), paras. 126.150-126.153; UN Doc. A/HRC/42/10/Add.1 (2019), para. 9(a).

742 DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda," The United Nations, June 2021, p. 22, <https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf> (Accessed July 6, 2021).

authorities continue to emphasize seriously infringes on students' right to autonomous learning and to choose what to learn.

North Korean authorities should make efforts to provide a more universal and creative educational environment for students. Although North Korea claims to advocate a free education system, this has long since become obsolete, and the distribution of resources for basic school operations and teacher remuneration has not been achieved at the state level. Due to the financial burden imposed on students and parents, students continue to drop out of school and suspend their studies, which indicates that students' educational opportunities may be restricted depending on their family's economic situation. Moreover, students' education continues to be severely impeded as they are mobilized for various labor tasks, such as agriculture and construction projects and political events. Close attention needs to be paid to the North Korean authorities' measures to improve the right to education.

5

Right to Social Security

The UDHR stipulates that everyone, as a member of society, has the right to social security (Article 22). The ICESCR also stipulates that the States Parties shall recognize the right of everyone to social security (Article 9). The right to social security is very important in keeping the human dignity of people who face difficulties in realizing the rights of the ICESCR.⁷⁴³ Moreover, the right to social security contributes to reducing and mitigating poverty, preventing social exclusion and promoting social cohesion.⁷⁴⁴

Table III-19 International Agreements Related to Social Security

	Provision	Details
UDHR	Article 22	Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
ICESCR	Article 9	The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

743_UN CESCR, General Comment, No. 19 (2007), para. 1.

744_*Ibid.*, para. 3.

As illustrated in <Table III-20>, North Korea has legislated various laws and regulations related to social security. However, given the big gap between North Korea’s system and the reality of social security, it would be difficult to say that the existence of social security systems actually guarantees social security for people. In this light, it is necessary to confirm whether these institutions are fulfilling their role. This chapter examines whether North Korean authorities adequately guarantee people’s right to social security in four categories: old age, family and child support, diseases and disabilities, and industrial accidents.

Table III-20 North Korean Laws on Social Security

Category of Social Security	Relevant Laws	
	Framework Law	Special Laws
Health Care	Social Security Law	Law on Public Sanitation, Law on Food Hygiene, Law on Prevention of Epidemics
Sickness		Public Health Law, Law on Medical Care, Medicine Control Law
Old Age		Law on the Protection of Elderly Persons
Unemployment		Social Insurance Law, Labor Law, Labor Protection Law
Industrial Accident		Law on the Nursing and Upbringing of Children, Law on the Protection of the Rights of Children, Law on the Protection and Promotion of the Rights of Women
Family and Child Support		Law on the Protection of Persons with Disabilities
Maternity		Social Insurance Law
Disability		
Bereaved Families and Orphans		

A. Elderly Pensions Insufficient to Sustain Life

In North Korea, elderly pensions are provided monthly for men over the age of 60 and women over the age of 55. It appears that, in North Korea, before the Arduous March of the mid-1990s, elderly pensions had been paid in an amount sufficient for pensioners to make a living, although the actual amount might not have been much.⁷⁴⁵ However, after the Arduous March, there have been cases in which this pension was not paid.⁷⁴⁶ Even when this pension is paid, the amount is insufficient for elderly people to sustain their livelihood, and it appears that the elderly pension is little help for the elderly.⁷⁴⁷ As a result, it is said that there are cases in which people choose not to receive a pension.⁷⁴⁸ In addition, it is said that many elderly women are not eligible for a pension as they often do not fulfill the 25 years of service required to receive one.⁷⁴⁹

A North Korean defector who defected in 2019 testified that his/her grandmother received 350 North Korean won per month as an elderly pension, which was only enough to buy a couple of

745_NKHR2013000065 2013-04-02; NKHR2021000002 2021-08-13.

746_NKHR2019000018 2019-05-07; NKHR2019000081 2019-09-25.

747_NKHR2019000002 2019-04-08; NKHR2020000010 2020-05-16, NKHR2020000011 2020-06-15; NKHR2020000044 2020-10-31; NKHR2021000005 2021-08-20 and many other testimonies.

748_NKHR2020000012 2020-06-15.

749_NKHR2020000024 2020-07-06; NKHR2020000044 2020-10-31.

candies.⁷⁵⁰ Another North Korean defector who defected in 2019 testified that his/her father received 700 North Korean won every month, which was not enough to buy a single meal.⁷⁵¹

A North Korean defector who defected in 2020 said that, in North Korea, women over the age of 55 and men over the age of 60 are eligible to receive an elderly pension of approximately 500–600 North Korean won per year from the community service center, which is not even enough to buy 1 kg of rice. The testifier said that, as a result, elderly people depend on their children for day-to-day living.⁷⁵²

A North Korean defector who defected in 2017 testified that his/her mother received 600 won per month as an elderly pension,⁷⁵³ and another defector who also defected in 2017 said that his/her father received an elderly pension of 1,600 won per month, but the payment was delayed so that he would receive his January pension in April, and so on.⁷⁵⁴ In addition, a North Korean defector who defected in 2019 testified that approximately 800–1,500 won is given every month as a pension.⁷⁵⁵ Another North Korean defector who defected in 2019 testified that his/her grandparents had received an elderly pension of 870 won every

750_NKHR2022000018 2022-06-15.

751_NKHR2022000025 2022-06-23.

752_NKHR2022000022 2022-06-21.

753_NKHR2017000055 2017-07-31.

754_NKHR2018000040 2018-05-08.

755_NKHR2019000035 2019-06-03.

month until they defected from North Korea, but only after a certain amount was deducted by their People's Unit (*inminban*) chief as the amount assigned to the People's Unit (*inminban*).⁷⁵⁶

Table III-21 Testimonies on Insufficient Elderly Pensions

Testimonies	Testifier ID
A North Korean defector who defected in 2017 testified that those qualified to receive a pension would receive approximately 6,000 won per month at most, which is only one to two days' worth of living expenses.	NKHR2018000002 2018-03-12
A North Korean defector who defected in 2017 testified that he/she was eligible to receive 700 won, which was calculated based on past national standards and thus did not match the real market price.	NKHR2018000006 2018-03-12
A North Korean defector who defected in 2018 testified that he/she received 700 won per month, which was not even enough to buy a block of tofu.	NKHR2019000016 2019-05-07
A North Korean defector who defected in 2019 testified that his/her mother received 700 won once a month until she died.	NKHR2019000025 2019-05-18
A North Korean defector who defected in 2019 testified that approximately 800-1,500 won is given as an elderly pension.	NKHR2019000035 2019-06-03
A North Korean defector who defected in 2019 testified that his/her spouse was eligible to receive an elderly pension of approximately 850 won. The testifier said that one time, they did not receive the pension for several months and received 4,000-5,000 won at once to buy a bottle of alcohol.	NKHR2020000025 2020-07-06

According to some testimonies, pension payments appear to vary depending on the level of merit. Honored veterans are provided with various forms of state support. A North Korean defector who defected in 2018 said that honored veterans receive a variety of benefits, including support for medical treatment and medicine.⁷⁵⁷ However, since the actual amount of the pension is

756_NKHR2020000017 2020-07-04.

too small, such differentiation in the amount provided does not seem to have practical meaning. For example, a North Korean defector who defected in 2019 testified that, although ordinary residents do not receive elderly pensions, his/her father was eligible to receive an elderly pension because he had been awarded a medal.⁷⁵⁸ However, according to testifiers, the elderly cannot make a living without support from their children because an elderly pension is often only one to two days' worth of food.⁷⁵⁹ A North Korean defector who defected in 2017 testified that his/her mother-in-law received a higher pension as she was awarded a medal and called a person of merit, but the amount of the monthly pension was only 2,700 won.⁷⁶⁰ A North Korean defector who defected in 2019 said that he/she had received a higher monthly pension than other people as he/she received 4,000 won until 2015 due to his/her grade of merit (1st Class National Order of Merit) but that his/her elderly pension was not very helpful for maintaining his/her livelihood.⁷⁶¹

On the other hand, there were also testimonies claiming that there are cases in which, instead of pensions, land is distributed to the elderly, which they can manage and keep any harvested crops.

757_NKHR2021000005 2021-08-20.

758_NKHR2022000003 2022-05-19.

759_NKHR2022000003 2022-05-19; NKHR2022000002-2 2022-07-06.

760_NKHR2017000092 2017-09-25.

761_NKHR2019000013 2019-05-07.

A North Korean defector who defected in 2017 testified that even though his/her mother did not receive a pension, elderly people including his/her mother were given 100–150 *pyeong* of land on a farm and allowed to keep the crops harvested from the land.⁷⁶² Another North Korean defector who defected in 2017 also testified that in rural areas, land is distributed to the elderly as part of their pension plan.⁷⁶³ A North Korean defector who defected in 2019 testified that 200 *pyeong* of land was distributed to each person in addition to an elderly pension, and his/her parents were given 400 *pyeong* of fine flat land where they grew soybeans.⁷⁶⁴ However, considering that there were North Korean defectors who testified that they had never heard of such a case,⁷⁶⁵ distributing land to the elderly instead of providing elderly pensions does not seem to be a common practice, and it appears that the measure is taken at the regional rather than national level.

Since elderly pensions do not help seniors secure their living, the elderly maintain their livelihood by either financially depending on their children or by earning a small income through economic activities. Those who cannot do either seem to enter nursing homes. A North Korean defector who defected in 2018 said that his/her mother-in-law sold medicine in a marketplace

762_NKHR2017000004 2017-04-10.

763_NKHR2017000016 2017-05-08.

764_NKHR2020000040 2020-10-31.

765_NKHR2020000016 2020-07-04; NKHR2020000017 2020-07-04.

(*jangmadang*) as she was not able to live on her pension and received food sent by her son/daughter.⁷⁶⁶ A North Korean defector who defected in 2017 testified that the elderly pension plan is offered only as a formality and that old people must work on small farms until the day they die unless they have children who are officials. The testifier said that those who are unable to work end up in nursing homes.⁷⁶⁷ A North Korean defector who defected in 2019 also testified that he/she made a living with the money sent by his/her children in China as the amount of the elderly pension payment given to his/her spouse was too small.⁷⁶⁸ Another North Korean defector who defected in 2019 testified that in North Korea, the elderly are mostly supported by their families as the amount of an elderly pension is too small and that not many people go to nursing homes as there is a perception that nursing homes are places where old grandmothers having nowhere to go end up.⁷⁶⁹

Cases have been reported in which parents-in-law go to nursing homes as a result of conflict with their daughter-in-law. A North Korean defector who defected in 2018 testified that, while a daughter looks after her mother, a son is often not able to take care of his mother because of his wife, so he sends his mother to a

766_NKHR2018000055 2018-07-02.

767_NKHR2017000043 2017-07-03.

768_NKHR2020000025 2020-07-06.

769_NKHR2020000023 2020-07-06.

nursing home. According to the testifier, there is a legal provision stating that those who have a daughter cannot enter a nursing home.⁷⁷⁰ A North Korean defector who defected in 2019 testified that he/she was told that elderly people who do not have a good relationship with their children prefer to live in a nursing home, and he/she thought that nursing home residents in a photograph he/she took looked happier.⁷⁷¹

It appears that the attitudes toward elderly people in North Korea are somewhat negative. A North Korean defector who defected in 2020 testified that he/she had no respect for the elderly and did not have compassion for them.⁷⁷² A North Korean defector who defected in 2019 testified that, although he/she knows that he/she should respect and look after the elderly, as life has become difficult for many people, conflict with the elderly occurs frequently.⁷⁷³

B. Absence of an Emergency Welfare Support System

It appears that in North Korea, the emergency welfare support system is not adequately accessible at the national level for

770_NKHR2022000002-2 2022-07-06.

771_NKHR2022000025 2022-06-23.

772_NKHR2022000022 2022-06-21.

773_NKHR2022000025 2022-06-23.

families whose primary income earner is unable to make a living for his/her family due to illness or death. As a result, when such situation arises, it seems that people are left to be defenselessly exposed to considerable economic hardships.

A North Korean defector who defected in 2015 testified that people in financial difficulties ask their parents or siblings for help but cannot expect any help from the state.⁷⁷⁴ A North Korean defector who defected in 2017 said he/she had nowhere to turn to if he/she suddenly fell ill or faced danger while doing business in the marketplace (*jangmadang*).⁷⁷⁵ A North Korean defector who defected in 2018 testified that there is no state support for households at financial risk.⁷⁷⁶ Another North Korean defector who defected in 2018 said that he/she had never received help from the state when his/her family's economic situation suddenly worsened.⁷⁷⁷ A North Korean defector who defected in 2019 also said that there is no support from the state for households in financial difficulties.⁷⁷⁸

Some testified that the state provides emergency welfare support to a certain degree, but it appears that even in such a case, the support would not be provided in a systematic manner and the

774_NKHR2017000060 2017-07-31.

775_NKHR2017000063 2017-07-31.

776_NKHR2018000093 2018-08-27.

777_NKHR2019000030 2019-06-03.

778_NKHR2020000029 2020-07-06.

scale of the support would be insufficient. A North Korean defector who defected in 2014 testified that there are cases in which families facing financial difficulties ask their People's Unit (*inminban*) for help, and the neighbors collect small portions of rice to help them once or twice, but there is no state support available.⁷⁷⁹ In addition, a North Korean defector who defected in 2015 testified that the state provides food or meal tickets to households in financial distress, so families can have noodles free of charge and that sometimes, town (*eup*) offices manage such households when local People's Units (*inminban*) conduct surveys and report the survey results.⁷⁸⁰

C. Inadequate Support System for People Suffering from Illness or Disability

Cash benefits must be provided for people who are unable to work for health reasons, and people suffering from long-term illnesses should be eligible for disability benefits.⁷⁸¹

However, it appears that in North Korea, the state does not provide adequate support for people who are not able to engage in economic activities for a long time due to illness or disability. It has been found that there is no separate support even for those

779_NKHR2017000052 2017-07-03.

780_NKHR2018000094 2018-08-27.

781_CESCR, General Comment, No. 19 (2007), para. 14.

registered in the social security system.

A North Korean defector who defected in 2019 testified that there was no support from the state for his/her younger brother who has a slight limp from a leg injury he had when he was young.⁷⁸² The testifier said that, rather, his/her brother was sent to a workplace with light duties to which people with disabilities are assigned.⁷⁸³ Another North Korean defector who defected in 2019 also said that people with disabilities are assigned to work at light-duty workplaces, but earnings from these workplaces are not sufficient to make a living.⁷⁸⁴

A North Korean defector who defected in 2018 testified that his/her brother-in-law lost his eyesight due to a disease and registered with the social security system; according to the testifier, he would have been considered as an unemployed person had he not registered with the system. The testifier said that nevertheless, there was no financial support from the state, and consequently, the testifier and his/her spouse took care of him.⁷⁸⁵ There was similar testimony by a North Korean defector who defected in 2019. The testifier said that his/her father walked with a limp because he suffered from polio when he was a child and registered with the social security system after receiving a

782_NKHR2022000003 2022-05-19; NKHR2022000007 2022-05-25.

783_NKHR2022000003 2022-05-19.

784_NKHR2022000025 2022-06-23.

785_NKHR2018000101 2018-10-01.

medical report from hospital. According to the testifier, his/her father did not receive any additional support from his workplace for being disabled.⁷⁸⁶

On the other hand, there was testimony claiming that some support had been provided. A North Korean defector who defected in 2017 testified that patients who had been registered with the social security system did not have to work on the farms as long as the farm confirmed with their hospitals about their registration and were still given half of the farm yields distributed to ordinary farm members.⁷⁸⁷ However, it is understood that this practice is not common. In general, support for people who are unable to engage in economic activities due to illness or disability appears to be absent or provided only in a perfunctory manner. In addition, support for honored veterans is explored in IV. Vulnerable Groups, 3. Persons with Disabilities.

D. Insufficient Protection System for Workers Injured in Industrial Accidents

Compensation for those who have lost their ability to work due to industrial accidents also does not appear to be adequate. There are cases in which compensation is not made at all. It has been found that even in cases in which compensation is provided, it is

786_NKHR2019000045 2019-07-01.

787_NKHR2017000092 2017-09-25.

not provided in a practical and continuous manner.

A North Korean defector who defected in 2019 said that, although a disability subsidy is provided for those who become disabled while working at a coal mine, it is only meager amounts.⁷⁸⁸

A North Korean defector who defected in 2016 said that there were accidents involving agricultural machines in which people injured their hands or lost their feet, but no compensation was made to those who were injured in such accidents, such as paying a pension for incapacity to work.⁷⁸⁹ A North Korean defector who defected in 2019 also testified that the state does not provide financial compensation to those who are injured and lose their fingers while working at a factory, and even where financial compensation is provided, people do not make efforts to receive it since the amount is usually only about 3,000–5,000 North Korean won.⁷⁹⁰

In addition, a North Korean defector who defected in 2017 said that his/her father who had worked for a railroad construction unit severely injured his leg in 2014–2015 but did not receive any support for living expenses or hospital costs.⁷⁹¹ A North Korean defector who defected in 2019 testified that people are often injured while working in factories, but receive no state compensation.

788_NKHR2021000006 2021-09-03.

789_NKHR2019000046 2019-07-01.

790_NKHR2020000021 2020-07-06.

791_NKHR2018000038 2018-05-08.

According to the testifier, injured people's factories or work units provide compensation in small amounts.⁷⁹²

It seems that the cost of medical treatment incurred by industrial accidents must also be borne by the injured workers themselves. Although there were testimonies reporting that the state provides small amounts of support for injuries caused by accidents in mines,⁷⁹³ or even for injuries incurred as a result of negligence during work,⁷⁹⁴ North Korean defectors have mostly testified that the costs of medical treatment are usually borne by the injured workers themselves.

A North Korean defector who defected in 2018 testified that he/she heard that there was an accident in June 2018 at an apartment construction site where a stone fell on a person's head, and the injured person was taken to a hospital for surgery and he/she paid the bill by himself/herself.⁷⁹⁵ In addition, a North Korean defector who defected in 2018 testified that when he/she worked at a hospital, he/she saw five workers who fell from the fifth floor of a building at an apartment construction site being transported to the hospital. The testifier said that two of the workers died and the others developed walking disabilities, and from what he/she knew, the workers paid for their own hospital

792_NKHR2020000005 2020-05-15.

793_NKHR2017000098 2017-10-23.

794_NKHR2017000111 2017-11-20.

795_NKHR2018000130 2018-11-19.

bills and medicine costs.⁷⁹⁶ Another North Korean defector who defected in 2019 testified that factories do not pay for the treatment of their workers who get injured and lose their fingers while working. According to the testifier, factory managers with kind personalities would give cash to injured workers to buy some medication.⁷⁹⁷

On the other hand, it appears that there are cases in which enterprises or factories with relatively good conditions subsidize part of the medical expenses for workers who are injured in industrial accidents.⁷⁹⁸ However, factors such as whether the amount of support is adequate and the proportion of workers receiving such support among workers injured in industrial accidents should be confirmed in the future.

No adequate compensation is given to those who die from industrial accidents. A North Korean defector who defected in 2017 testified that one of his/her neighbors who was in his/her early 20s died after being crushed under the machines of the 618 Shock Troop (*dolgyeogdae*) in 2011, but only 200 kg of corn was given to his/her parents.⁷⁹⁹ A North Korean defector who defected in 2017 testified that eight people were killed while working when a train tunnel collapsed in May 2017, but from

796_NKHR2018000102 2018-10-01.

797_NKHR2020000021 2020-07-06.

798_NKHR2020000016 2020-07-04.

799_NKHR2017000018 2017-05-08.

what he/she knows, no compensation was given.⁸⁰⁰ There was also testimony stating that a student fell off a building while working at an apartment construction site and died in 2017, but the authorities did not provide any compensation.⁸⁰¹ A North Korean defector who defected in 2019 also testified that there was a person who fell while doing construction work in 2018, but the person had to bear his/her own medical costs since the state does not support one's medical costs even when the person breaks his/her leg or gets injured.⁸⁰²

Some testifiers have confirmed that the state provides a lump sum as compensation to the bereaved family of overseas dispatched workers who die while working. A North Korean defector who had been dispatched to Russia for six years testified that the amount of compensation given to the family of those who die while working abroad is only 3,000 dollars.⁸⁰³

It has also been confirmed that, in some cases, measures are taken to honor those who died from industrial accidents instead of giving appropriate compensation, but this does not seem to contribute much to the survival of the bereaved family. A North Korean defector who defected in 2020 testified that, in 2015, when he/she was a soldier and worked at a construction site on

800_NKHR2017000111 2017-11-20.

801_NKHR2018000130 2018-11-19.

802_NKHR2019000045 2019-07-01.

803_NKHR2021000020 2021-10-16.

Yeomyeong Street in Pyongyang, fatal accidents occurred every day and the family of those who died were merely given a medal.⁸⁰⁴ A North Korean defector who defected in 2017 said that a 22-year-old man died from standing against falling rocks while serving in a shock troop (*dolgyeogdae*) where the testifier was working, and as far as the testifier knows, the man was rewarded with Kim Jong Il honorable man's award, but his family was given only a small amount of monetary compensation.⁸⁰⁵ In addition, a North Korean defector who defected in 2016 testified that when a worker dies from an industrial accident, a title commemorating his/her heroic efforts is awarded to the deceased, but no financial compensation is given to the bereaved family.⁸⁰⁶

E. Evaluation

From a legal perspective, North Korea's social security system is well established. In reality, however, it fails to fulfill its function properly. This is not only because the North Korean authorities lack the will to respect, protect and realize social security but also because the state is in a poor financial situation. Elderly pensions are provided in only small amounts, being of little help for the elderly in sustaining their lives. In addition, the

804_NKHR2021000023 2021-10-24.

805_NKHR2017000111 2017-11-20.

806_NKHR2017000051 2017-07-03.

lack of an emergency welfare system makes households vulnerable to financial crises if their breadwinner is not able to engage in economic activities due to unexpected illness or death. The welfare system for residents who are unable to engage in economic activities due to illness or disability either does not exist or remains operating in a perfunctory manner, threatening the very survival of the people in need. Lastly, the situation is the same for people injured in industrial accidents. Although there are laws stipulating that pensions or subsidies shall be provided for those injured in industrial accidents, they either are not provided or are provided in such small quantities that they offer no substantive assistance, making it difficult for injured workers and their families to make a living. North Korean authorities have been implementing policies such as providing subsidies to multi-child households and establishing childcare facilities to overcome the low birth rate; however, their effect is yet to be observed due to a shortage in funding.

The primary responsibility to protect the right to social security of North Korean people lies with the North Korean authorities. However, considering the financial situation of North Korea, it seems difficult to expect that such issues will be greatly improved within a short period of time with the efforts of the North Korean authorities alone. Therefore, the interest and support of the international community for the vulnerable groups in North Korea need to be further expanded in the future.



White Paper on Human Rights
in North Korea 2022



Part IV

Vulnerable Groups

1. Women
 2. Children
 3. Persons with Disabilities
-

1

Women

The Preamble of the UDHR reaffirms the equal rights of men and women along with human dignity and value. Article 2 emphasizes that everyone is entitled to all the rights and freedoms set forth in the UDHR, without distinction of any kind, including gender. In addition, Article 25, paragraph 2 stipulates that motherhood and childhood are entitled to special care and assistance. There are also provisions related to the rights of women in the ICCPR and the ICESCR. However, the UDHR, the ICCPR and the ICESCR are limited in that they only attempt to guarantee the rights of women in relation to the rights of men, rather than understanding women's rights according to their distinct characteristics. The CEDAW, which entered into effect on 3 September 1981, is distinguished from existing international documents on women in that it overcomes such limitations and reflects gender-sensitive perspectives and recognition of the special characteristics of women's issues that might arise in the private sector.⁸⁰⁷

North Korea ratified the CEDAW on 27 February 2001. In a

report which combined the second, third and fourth periodic reports submitted to the UN Committee on the Elimination of Discrimination against Women (hereinafter in this chapter the Committee) in 2016, North Korea self-evaluated that North Korean women, “as full-fledged masters of the society, with fully exercised equal rights with men in all fields of politics, the economy, social and cultural life, [perform] great feats in the efforts for the prosperity of the country.”⁸⁰⁸ North Korea announced that it has guaranteed gender equality both by law and in practice and that it explicitly stipulates in its Constitution and Family Law that women shall be accorded equal rights with men in terms of political and social participation and family life.⁸⁰⁹ Moreover, North Korea emphasized in the report that it has adopted the Law on the Protection and Promotion of the Rights of Women in 2010 to further enhance the status and role of women by more thoroughly ensuring women’s rights in all areas of social life, has pursued consistent policies to guarantee gender equality, and strictly prevents all forms of discrimination against women.⁸¹⁰

807_ The CEDAW is composed of a preamble, six parts and a total of 30 articles. Part 1 (Articles 1–6) stipulates the duties of States Parties to eliminate discrimination, Part 2 (Articles 7–9) stipulates civil and political rights, Part 3 (Articles 10–14) stipulates economic, social and cultural rights, Part 4 (Articles 15–16) stipulates legal abilities and the rights on marriage and family life, Part 5 (Articles 17–22) prescribes the UN Committee on the Elimination of Discrimination against Women and the country report system, and Part 6 (Articles 23–30) sets forth conditions for the CEDAW to enter into force and its revision procedures, etc.

808_ UN Doc. CEDAW/C/PRK/2–4 (2016), para. 2.

809_ *Ibid.*, paras. 9–10.

810_ *Ibid.*, para. 11.

North Korea stated in the 2019 UPR report that overall maternal health in North Korea has improved. In addition, in the VNR Report submitted in June 2021, North Korea presented gender equality and ensuring the rights of all women and girls as one of its national SDG goals.⁸¹¹ However, the UNHRC condemned the unequal access to employment for women and discriminatory laws and regulations against North Korean women in its resolution adopted at the 49th session held in 2022,⁸¹² and the UN General Assembly also expressed very serious concerns about violence and discrimination against women in North Korea in the resolution on North Korean human rights adopted at the 76th session held in 2022.⁸¹³

North Korea emphasizes that many institutional improvements have been made in terms of women's rights. In this chapter, whether women's rights have actually improved in North Korea will be examined based on the testimonies of North Korean defectors.

A. Discrimination against Women

North Korea prohibits “all forms of discrimination against

811_DPRK, “Democratic People’s Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda,” pp. 23-24.

812_UN Doc. A/HRC/RES/49/22 (11 April 2022), para. 1 (b).

813_UN Doc. A/RES/76/177 (10 January 2022), para. 2 (a) (xiii).

women” through the Law on the Protection and Promotion of the Rights of Women. However, the customary distinction and exclusion based on gender still seem to directly and indirectly restrict North Korean women from exercising their basic freedoms on an equal basis with men.

(1) Stereotype of Male Superiority and Fixed Gender Roles

In its 2019 UPR report and 2021 VNR report, North Korea consistently claimed that it guarantees various rights for women with the goal of achieving gender equality. However, the stereotype of male superiority and fixed gender roles are deeply rooted in the perceptions of North Korean people.⁸¹⁴ It has been found that, despite North Korea’s claims of institutional efforts to mitigate or abolish discriminatory customs and practices against women, fixed gender roles, particularly for women, remain ingrained in the minds of North Koreans regardless of gender.

A North Korean defector in his 20s who defected in 2020 separated men’s roles from women’s roles, saying that women should be good at housework, give birth to and raise children well and respect their husbands, while men should have the ability to

814_ NKHR2021000017-2 2022-05-26; NKHR2021000019-2 2022-06-26; NKHR2021000025-2 2022-06-30; NKHR2021000026-2 2022-05-18; NKHR2022000002 2022-05-18; NKHR2022000008 2022-05-27; NKHR2022000011 2022-06-10; NKHR2022000013 2022-06-10; NKHR2022000021 2022-06-21; NKHR2022000027 2022-07-01; NKHR2022000028 2022-07-04.

earn money and lead their family.⁸¹⁵ A North Korean defector in his 20s who defected in 2021 testified that there is a widespread perception in North Korean society that women should be gentle and take good care of men.⁸¹⁶ A North Korean defector in his 40s who defected in 2022 testified that a husband and wife should not talk impolitely to each other and women should respect their husbands even if they fail to perform the duties of a man.⁸¹⁷

Women also have perceptions of fixed gender roles. A North Korean defector in her 30s who defected in 2019 testified that women are responsible for housework,⁸¹⁸ and for women, marrying well is better than obtaining three college degrees.⁸¹⁹ Several female North Korean defectors who had engaged in economic activities in North Korea testified that feudal ways of thinking continue to exist among North Korean people although some aspects of their lives have improved after they acquired economic power.⁸²⁰ It is said that women who earn a living are still responsible for child-rearing,⁸²¹ and women are criticized when male family members work in the kitchen.⁸²² On the other

815_NKHR2021000019-2 2022-06-26.

816_NKHR2022000030 2022-07-22.

817_NKHR2022000032 2022-07-23.

818_NKHR2022000028 2022-07-04.

819_NKHR2022000026 2022-06-26.

820_NKHR2022000013 2022-06-10; NKHR2022000019 2022-06-16; NKHR2022000034 2022-08-08.

821_NKHR2022000013 2022-06-10.

822_NKHR2022000019 2022-06-16.

hand, testimony has been collected stating that some women refuse to allow men to participate in household chores.⁸²³

Gender discrimination in education has been found to be closely related to stereotypes and social perceptions of the roles of men and women and is not grounded in laws or institutions. For example, a North Korean defector in her 20s who defected in 2019 testified that her married aunt was criticized by others as being a “crazy woman” when she entered and studied at a graduate school in Pyongyang.⁸²⁴ On the other hand, testifiers have reported cases in which social conventions have been challenged. A North Korean defector in her 50s who defected in 2019 testified that she let both her son and daughter study,⁸²⁵ and a North Korean defector in her 20s who defected in 2019 testified that her father, who used to say that he wished he had a son when the testifier was a child, told her that his daughters, college graduates whom he raised and is proud of, are worth as much as a son.⁸²⁶

It has been found that stereotypes of women prevent them from enjoying cultural life to a certain extent. A North Korean defector in her 20s who defected in 2020 testified that, except in Pyongyang, women are not allowed to drive cars or motorcycles,

823_NKHR2022000034 2022-08-08.

824_NKHR2022000021 2022-06-21.

825_NKHR2022000012 2022-06-10.

826_NKHR2022000026 2022-06-26.

and even women riding bicycles are caught and fined.⁸²⁷ A North Korean in his 20s who defected in 2020 also testified that women riding bicycles are punished when caught.⁸²⁸ On the other hand, it has been reported that participation in leisure and recreational activities such as going on hot spring trips and skiing depends on financial capabilities⁸²⁹ and is not related to gender discrimination.⁸³⁰ However, rural areas have been found to be less open to changes in gender stereotypes and social perceptions toward women. It is said that feudal ways of thinking remain unchanged in rural areas, ultimately leading to severe gender discrimination against women.⁸³¹

Many testimonies have been collected reporting that the increase in women's economic power has weakened the idea of male superiority to some extent. It is said that, these days, more women are engaged in economic activities and more men participate in childcare as well as housework, such as cooking and doing laundry.⁸³² In particular, a North Korean defector in her 50s who defected in 2018 testified that there is a growing view in

827_NKHR2022000027 2022-07-01.

828_NKHR2021000019-2 2022-06-26.

829_NKHR2022000026 2022-06-26.

830_NKHR2022000018 2022-06-15; NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23; NKHR2022000028 2022-07-04.

831_NKHR2021000019-2 2022-06-26.

832_NKHR2022000004 2022-05-20; NKHR2022000005 2022-05-25; NKHR2022000008 2022-05-27; NKHR2022000022 2022-06-21; NKHR2021000024-2 2022-06-28.

society that the various roles of women should be respected.⁸³³ Several testifiers have commented that the preference for sons over daughters has significantly decreased recently.⁸³⁴ A North Korean defector in her 60s who defected in 2019 testified that people’s negative attitudes toward having daughters have changed greatly and there is even a saying “giving birth to a daughter is like giving birth to a heart and giving birth to a son is like giving birth to an appendix”; however, the testifier also said that there are still people who prefer having a son because it is the son who takes care of their parents when they grow old.⁸³⁵ In addition, some testifiers have reported that institutional protection of the rights of women has been promoted since Kim Jong Un came to power. Lectures and sermons on gender equality are conducted on 3 July (the date on which the Gender Equality Law was promulgated) and on International Women’s Day (8 March) to promote gender equality,⁸³⁶ and it is understood that Mother’s Day (6 November) was established as a policy to show respect for women and raise awareness of women-related issues.⁸³⁷ On the other hand, a testifier criticized the Women’s Union, saying it is using women like shock troops (*dolgyeogdae*) for the Party rather

833_NKHR2022000007 2022-05-25.

834_NKHR2022000005 2022-05-25; NKHR2022000013 2022-06-10.

835_NKHR2021000017-2 2022-05-26.

836_ *Ibid.*

837_NKHR2021000024-2 2022-06-28.

than implementing projects for women.⁸³⁸

Of note is that the perception of gender roles of the younger generation is gradually becoming differentiated from that of the older generation in North Korea. It has been found that the younger generation believes that both men and women should do housework together.⁸³⁹ Moreover, testimony was collected claiming that the general perception of male–female relationships has changed due to the influence of South Korean dramas.⁸⁴⁰ It can be inferred from defector testimonies that attitudes toward gender roles and male dominance over women have been weakening in North Korea due to the influence of the younger generation. Several testifiers have said that the younger generation in North Korea is different from their parents’ generation,⁸⁴¹ North Korean society has changed to one where men can no longer ignore women because women have become breadwinners,⁸⁴² and although stereotypes remain, many men and women do housework together.⁸⁴³ In addition, an increase in the number of women engaging in economic activities and men

838_NKHR2021000017-2 2022-05-26.

839_NKHR2022000002 2022-05-18; NKHR2021000023-2 2022-05-31; NKHR2022000010 2022-06-09; NKHR2022000025 2022-06-23.

840_NKHR2021000019-2 2022-06-26.

841_NKHR2022000007 2022-05-25; NKHR2022000010 2022-06-09; NKHR2022000034 2022-08-08.

842_NKHR2019000077 2019-09-25; NKHR2022000008 2022-05-27.

843_NKHR2022000007 2022-05-25; NKHR2022000008 2022-05-27; NKHR2021000019-2 2022-06-26; NKHR2022000034 2022-08-08.

participating in housework has led to a change in the attitudes of the older generation to a certain extent.

Table IV-1 Testimonies on Stereotypes of Male Superiority and Fixed Gender Roles

Testimonies	Testifier ID
A North Korean defector in her 50s who defected in 2018 testified that feudal ways of thinking still prevail in North Korea and thus people tend to look down on men doing business in a marketplace (<i>jangmadang</i>). When the testifier sees her son, who is married and has a child, she can feel that the younger generation is different. Kim Jong Un issued a policy stating that women protect the family and men protect socialism. There is a growing view in society that the various roles of women should be respected, which can be seen in the establishment of International Women’s Day and Mother’s Day.	NKHR2022000007 2022-05-25
A North Korean defector in her 60s who defected in 2019 testified that a family cannot be maintained without women. In North Korea, there is a saying “giving birth to a daughter is like giving birth to a heart and giving birth to a son is like giving birth to an appendix.” However, there are still people who prefer having a son because it is the son who takes care of their parents when they grow old. It is said that women represent a force that pushes ahead one of the two wheels of the revolution, but this is to encourage women to act as shock troops (<i>dolgyeogdae</i>) for the Party, not to guarantee freedom for women.	NKHR2021000017-2 2022-05-26
A North Korean defector in her 30s who defected in 2019 testified that North Korean people prefer daughters these days, but there is still a feudal attitude that women should take care of the housework and men should earn money from work. Today, there are men who participate in housework because there is a growing belief that women can be breadwinners instead of men. The testifier’s father cleaned but did not cook. Her brother-in-law is even good at cooking.	NKHR2022000008 2022-05-27
A North Korean defector in her 20s who defected in 2019 testified that the younger generation in North Korea is different from their parents’ generation. Women not only have to do the housework, such as cooking and doing laundry but also have to earn money. Men think that this is natural, but their attitude has changed to some extent, and many help women with housework, but they consider helping with the housework to be a big deal. The idea that household chores should be shared is not fixed, but there has definitely been a change.	NKHR2022000010 2022-06-09

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Testimonies	Testifier ID
<p>A North Korean defector in her 30s who defected in 2019 testified that her parents did not treat her differently from her brother and raised and educated them equally. However, when she was in college, she was told that cleaning the classroom was a woman's job and, because she was the only female student, she cleaned the classroom all by herself.</p>	<p>NKHR2022000011 2022-06-10</p>
<p>A North Korean defector in her 40s who defected in 2019 testified that, although women's lives have improved in general as women's economic power has grown stronger, in reality, women's lives are still difficult. Despite growing authority and economic power, some women have the desire to live comfortably in the shadow of men. Feudal ways of thinking remain in North Korea; for example, when a man carries a child on his back, people laugh at him and call him an idiot. There are men who clean or cook, but people think that mothers are responsible for taking care of their children.</p>	<p>NKHR2022000013 2022-06-10</p>
<p>A North Korean defector in her 50s who defected in 2019 testified that, when people of her generation see a man doing housework or kitchen work, they criticize female family members, saying that there is something wrong with them.</p>	<p>NKHR2022000019 2022-06-16</p>
<p>A North Korean defector who defected in 2019 said that her parents were not happy with her because they wanted a son. North Korea is still a patriarchal society, so people prefer having a son.</p>	<p>NKHR2022000021 2022-06-21</p>
<p>A North Korean defector in her 30s who defected in 2019 testified that there are people in North Korea who think men clearly have things to do, such as serving in the military or studying at a college, and she believed that marrying well was better than obtaining three college degrees for women.</p>	<p>NKHR2022000026 2022-06-26</p>
<p>A North Korean defector in his 20s who defected in 2020 said that he thought men and women have separate roles. Women should be good at housework, give birth to and raise children well, and respect their husbands, while men should have the ability to earn money and lead their family. Men have a strong voice within the family even if women make a living because they have authority. Men should have authority over women, and women should be obedient to men, but the attitudes of members of his generation, including his hometown friends, have changed due to South Korean dramas.</p>	<p>NKHR2021000019 -2 2022-06-26</p>
<p>A North Korean defector in his 30s who defected in 2020 testified that women lead more demanding lives than men because they not only have to take care of their home but also have to earn money through trading. It is inevitable for women to engage in trading because they have to make a living while men attend the work to which they have been</p>	<p>NKHR2021000025 -2 2022-06-30</p>

Testimonies	Testifier ID
<p>assigned. There is no belief in North Korean society that women should be more respected or preferentially treated.</p> <p>A North Korean defector in his 40s who defected in 2018 testified that women's status has not improved in North Korean society. However, when a woman earns money, male members of the family are bound to be obedient to her.</p>	NKHR2022000029 2022-07-22
<p>A North Korean defector in his 20s who defected in 2021 testified that there is a widespread belief in North Korean society that women should be gentle and take good care of men. Gender stereotypes still exist in North Korea, but they have changed because women also earn money. It is common for men living in cities to make both breakfast and dinner while, in Gangwon Province, it is common for women to prepare breakfast and men to prepare dinner. While some men take part in parenting, women mostly take care of children because children require their mother's care up until a certain age.</p>	NKHR2022000030 2022-07-22
<p>A North Korean defector in his 40s who defected in 2022 testified that people still think a husband and wife should not talk impolitely to each other and women should respect their husbands even if they fail to perform the duties of a man. During the Kim Il Sung era, men had more authority because food rations were provided to the male heads of the household, but the world has changed since the Arduous March. There is no rule that housework must be shared by both men and women, but, unlike in the past, men help women because women suffer from the burden of excessive labor caused by economic activities and housework.</p>	NKHR2022000032 2022-07-23
<p>A North Korean defector in her 40s who defected in 2018 testified that North Korean women experience discrimination to a certain extent in their family and social lives: according to the testifier, women are told they should not drink and should not interrupt during a conversation.</p>	NKHR2022000033 2022-08-08
<p>A North Korean defector in her 20s who defected in 2018 testified that, while people used to prefer having a son in the past, people prefer having a daughter these days because they think a mother should have a daughter. People of her parents' generation, unlike people of her generation, believe that only women should work in the kitchen. Her father wanted to do kitchen work, but her mother did not like him doing it. Some women think women should prepare meals, so they return home before mealtime to prepare food for their husband. Things have changed significantly for the younger generation. A boyfriend she dated in North Korea did kitchen work, washed dishes and did the laundry when he visited her house.</p>	NKHR2022000034 2022-08-08

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(2) Restrictions on Women’s Political Participation and Social Entry

In the report combining the second, third and fourth periodic reports submitted to the Committee in 2016, North Korea emphasized that North Korean women enjoy equal status with men in political and public life.⁸⁴⁴ In addition, North Korea claimed in the 2019 UPR report that it has implemented measures to appoint competent women to lead posts and that the proportion of women leaders at departments of ministries and ministry-level institutions significantly increased in 2018.⁸⁴⁵ In the 2021 VNR report, North Korea stated that the proportion of seats held by female deputies was 20.2% in the 13th SPA (2015), 17.6% in the 14th SPA (2019), and more than 25% in the local People’s Assemblies.⁸⁴⁶

However, the 2021 Report of the Secretary-General on the situation of human rights in North Korea submitted to the UN General Assembly pointed out that there is “an overwhelming lack of women in the country’s highest decision-making bodies, including the Central Committee of the Worker’s Party [...] and the Cabinet,”⁸⁴⁷ and recommended North Korea to take necessary measures “to increase the number of women within the state’s

844_ UN Doc. CEDAW/C/PRK/2-4 (2016), paras. 75-83.

845_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 66.

846_ DPRK, “Democratic People’s Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda,” p. 24.

847_ UN Doc. A/76/242 (28 July 2021), para. 26.

highest decision-making bodies.”⁸⁴⁸ In the report on the human rights situation in North Korea submitted to the 46th session of the UNHRC, Tomás Ohea Quintana, the former UN Special Rapporteur on the situation of human rights in the DPRK, stated that there are no women among the new members of the Cabinet appointed on 18 January 2021.⁸⁴⁹

Meanwhile, key female figures in high-level positions who entered North Korea’s political stage after 2018 are Kim Yo Jong, then First Vice Director of the Organization and Guidance Department of the WPK, Choe Son Hui, then First Vice Minister of Foreign Affairs, Kim Song Hye, then head of the United Front Strategy Office of the United Front Department, and Hyon Song Wol, Vice Director of the Propaganda and Agitation Department of the WPK. Choe Son Hui was appointed Minister of Foreign Affairs at the 5th Enlarged Plenary Meeting of the 8th Central Committee of the WPK held in June 2022. Choe was the first North Korean woman to be appointed to a ministerial position. Although only a handful of women have been appointed as members of the Cabinet with political and administrative authority and responsibilities, they serve as a symbol of women’s social advancement in North Korea. In addition, many North Korean defectors have reported that an increasing number of

848_UN Doc. A/76/242 (28 July 2021), para. 55 (i).

849_UN Doc. A/HRC/46/51 (2 July 2021), para. 10.

women are now appointed as officials in North Korea.

According to defector testimonies, the entry of women into political and public spheres has become more active since Kim Jong Un came to power. North Korean defectors have testified that women with Party membership are unconditionally appointed as officials,⁸⁵⁰ with many women serving as judges, MSS agents, MPS officers,⁸⁵¹ and military officers,⁸⁵² and the number of female deputies in the SPA has also increased.⁸⁵³ In addition, many testimonies have been collected reporting that there are many women who work as managers, work unit heads, or team (*bunjo*) leaders at enterprises and cooperative farms because anyone can take these positions as long as they have the work ability.⁸⁵⁴ A North Korean defector who defected in 2020 testified that the number of women who serve as secretaries, Party workers, and entry-level Party secretaries in Chongjin North Hamgyeong Province has increased. According to the testifier, the approval rating for female candidates for positions such as team leaders and managers is high and approximately 30% of managers

850_ NKHR2022000003 2022-05-19.

851_ NKHR2021000023-2 2022-05-31; NKHR2022000012 2022-06-10; NKHR2022000022 2022-06-21; NKHR2021000019-2 2022-06-26; NKHR2021000024-2 2022-06-28 and many other testimonies.

852_ NKHR2022000028 2022-07-04.

853_ NKHR2022000016 2022-06-11; NKHR2022000022 2022-06-21; NKHR2022000023 2022-06-22; NKHR2022000027 2022-07-01; NKHR2022000028 2022-07-04 and many other testimonies.

854_ NKHR2022000026 2022-06-26; NKHR2022000028 2022-07-04.

working in the city are women.⁸⁵⁵

According to North Korean defectors, the reasons for the strengthening of women's social participation can be found in state policy to appoint female officials,⁸⁵⁶ but also the changes in social perceptions derived from social discussions about gender equality and the higher social status of women,⁸⁵⁷ an increase in the number of women with superior abilities,⁸⁵⁸ and the newly emerged social attitude that women can do anything that men can do.⁸⁵⁹ However, considering testimony that women are not allowed to participate in certain types of work, such as driving, it appears that restrictions on a woman's choice of occupation still remain.⁸⁶⁰

The existence of a discriminatory belief that factors such as appearance and personal connections, rather than work ability, affect women's appointment as officials and the fact that North Korean women tend to internalize gender-discriminatory attitudes are problematic. A North Korean defector in her 40s who defected in 2019 testified that, although she had been an official herself, she thinks that many women are appointed as managers or

855_NKHR2021000024-2 2022-06-28.

856_NKHR2022000012 2022-06-10; NKHR2022000022 2022-06-21; NKHR2022000030 2022-07-22.

857_NKHR2022000012 2022-06-10.

858_NKHR2022000028 2022-07-04; NKHR2022000030 2022-07-22.

859_NKHR2021000019-2 2022-06-26.

860_NKHR2022000026 2022-06-26.

officials because “they are good at flattering and pleasing authorities.”⁸⁶¹ In particular, male North Korean defectors have testified that the more attractive a woman is, the more successful she will be in her business,⁸⁶² and female North Korean defectors have reported that women can be appointed as officials only when they have a good background (*songbun*) and have a family member who is trusted by the Party (e.g. her husband in a high position).⁸⁶³ Testimonies stating that appearance and personal connections play an important role in the appointment of female officials indicate that discriminatory attitudes exist in response to women’s social advancement.

Nevertheless, many testimonies have been collected reporting that, although workers are treated differently based on their rank and ability, gender discrimination does not exist in relation to remuneration or wages⁸⁶⁴ or the consideration and determination of a worker’s technical qualifications.⁸⁶⁵ On the other hand, it has been reported that women are often not promoted at work,⁸⁶⁶ which indicates that they have relatively fewer opportunities for promotion.

861_ NKHR2022000016 2022-06-11.

862_ NKHR2021000024-2 2022-06-28; NKHR2022000032 2022-07-23.

863_ NKHR2022000002 2022-05-18; NKHR2021000017-2 2022-05-26.

864_ NKHR2022000005 2022-05-25; NKHR2022000010 2022-06-09; NKHR2022000016 2022-06-11; NKHR2022000026 2022-06-26.

865_ NKHR2022000010 2022-06-09; NKHR2022000025 2022-06-23.

866_ NKHR2022000010 2022-06-09.

Table IV-2 Political Participation and Social Entry of Women

Testimonies	Testifier ID
<p>A North Korean defector who defected in 2020 testified that a large number of MPS officers and judges working in Pyongyang are men, and women are occasionally selected as People’s jurors. There are women who serve as the chair of the Women’s Union, the chairs of the Urban and Rural Management Committees, and the directors of Commercial Management Offices. Women serving as the chairman of local People’s Committees are not unheard of. In 2016, the chairman of the local People’s Committee of ○○ County was a woman. The number of female soldiers in Unit 131 stationed in Pyongyang has been increasing. The number of female military officers is also on the rise, and there are even female generals. The number of women in the military is somewhat limited because female soldiers are discharged at the age of 26. There are a few female majors, lieutenant colonels and colonels; most women are discharged at the rank of second or first lieutenant.</p>	NKHR2021000025-2 2022-06-30
<p>A North Korean defector in her 20s who defected in 2019 testified that she has not seen a female prosecutor but has seen many female judges. Since Kim Jong Un came to power, the number of female MSS agents and MPS officers has increased, and women’s social participation has been encouraged. There were many female candidates running in the election of deputies for the SPA and the regional election held in 2019.</p>	NKHR2022000021 2022-06-21
<p>A North Korean defector who defected in 2018 testified that he/she wanted to work in politics, and although he/she was a better candidate compared to others because of his/her knowledge and ability, his/her background (<i>songbun</i>) held him/her back. There is a movie about Jung Chun-sil, who had been the head of a work unit of farm members and the chair of a farm management committee and run a store that produced 8·3 products. The “Jung Chun-sil Movement” was launched to encourage the employment of talented women. Women who are not entry-level Party secretaries or managers, i.e., women employed at a general company as a department head, often quit their jobs because the wages they received were not sufficient to support them. If the wages they received from the company were sufficient to make a living, women would continue working at the company, but if not, they had no choice but to resign.</p>	NKHR2022000002 2022-05-18
<p>A North Korean defector in her 50s who defected in 2019 testified that the proportion of female officials working in politics has increased. According to the testifier, women with</p>	NKHR2022000003 2022-05-19

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Testimonies	Testifier ID
<p>Party membership are unconditionally appointed as officials and actively participate in politics. Because women are said to be a force that pushes ahead one of the two wheels of the state, people accept that women can be officials; women serve as the heads of neighborhood (<i>dong</i>) offices and the chairman of the Women's Union. It appears that the proportion of female officials in Provincial Party Committees has been gradually increasing.</p>	
<p>A North Korean defector in her 60s who defected in 2019 testified that it is difficult for women to take high-level positions. Women from a good social class and with a good background (<i>songbun</i>) may be appointed as an official; whether they have met Kim Il Sung or Kim Jong Il (<i>jeobgyeonja</i>) is a factor that is also taken into account in the appointment process. There are only a few women officials. Women with a good family background (<i>tadae</i>) or whose family member is highly trusted by the Party are occasionally appointed as officials. In North Korea, people believe that women are inferior to men in terms of business skills, and people tend to look down on women.</p>	<p>NKHR2021000017-2 2022-05-26</p>
<p>A North Korean defector who defected in 2020 testified that the judge of a military trial that the testifier had attended in 2012 was a woman. The judge was sent from Pyongyang for the trial, and while others were wearing military uniforms, she was wearing plain clothes.</p>	<p>NKHR2021000023-2 2022-05-31</p>
<p>A North Korean defector in her 50s who defected in 2019 testified that there are many women working at Party organizations thanks to increased social discussion about gender equality and the higher social status of women. The testifier's female schoolmate from college worked at the Provincial Party of ○○ County, the Organization and Guidance Department of the WPK, and then became the dean of a teachers' college.</p>	<p>NKHR2022000012 2022-06-10</p>
<p>A North Korean defector in her 40s who defected in 2019 testified that, while there were no female officials in the past, there are some these days, although not many. The testifier had not seen a female judge or female prosecutor, but there were female MPS officers and female candidates running in the election for deputies.</p>	<p>NKHR2022000013 2022-06-10</p>
<p>A North Korean defector in her 40s who defected in 2019 testified that there are female managers and appointed officials in North Korea. When the testifier attended meetings for the heads of various institutions, there were many women in high-level positions and a few men. It seems that many women are appointed as managers or officials because they are smart and good at flattering and pleasing the authorities.</p>	<p>NKHR2022000016 2022-06-11</p>

Testimonies	Testifier ID
There was a female candidate running in the election for deputies to the People's Assembly of Chongjin, North Hamgyeong Province; in addition, the chairman of the People's Committee of Chongjin was a woman. Nurses including the head nurse are women, but the directors of hospitals are men.	NKHR2022000023 2022-06-22
The testifier saw female MPS officers and MSS agents in Heryong, North Hamgyeong Province, but not many.	NKHR2022000025 2022-06-23
A North Korean defector who defected in 2020 testified that there are female battalion commanders and high-ranking female officers in the military. There are many female MPS officers, but not many female MSS agents. The number of women working in the military and political agencies has increased compared to the past. In the past, there was a belief that women should not work in these areas, but today, there is a perception that women can do anything that men can do. There are a few women who are the chair of farm management committees; there are also female managers running state-run enterprises.	NKHR2021000019-2 2022-06-26
A North Korean defector in his 30s who defected in 2020 testified that he has not seen a female judge or prosecutor but has seen female lawyers. There are women working in the Ministry of State Security, and women are employed at a Prosecutors' Office to work as bookkeepers who support prosecutors. Today, approximately 30% of employees of political agencies are women. There are many female managers, Party secretaries, Party workers, and entry-level Party secretaries. Appearance is an important factor in doing business or working as a woman. Women are good at doing business. The approval rating for female candidates for positions such as team leaders and managers is high.	NKHR2021000024-2 2022-06-28
There are many team (<i>bunjo</i>) leaders at farms in Sinuiju, North Pyeongan Province. Team (<i>bunjo</i>) leaders are responsible for managing the assets of cooperative farms, which women are good at. There are many women who chair farm management committees, which are in charge of the farms in a village (<i>ri</i>). The testifier has seen many female deputies in the SPA.	NKHR2022000028 2022-07-04
The head of the Management Committee of Hyesan, Yanggang Province was a woman. There were no other heads of institutions who were women. There were female managers and female unit heads in charge of implementing projects established and carried out by the chair of the local Party Committee.	NKHR2022000029 2022-07-22
A North Korean defector in his 20s who defected in 2021 testified that, today, women are recommended to various positions mainly because of Kim Jong Un's policy. It seems	NKHR2022000030 2022-07-22

Part I

Part II

Part III

Part IV
Vulnerable Groups

Part V

Testimonies	Testifier ID
<p>that the change began with Kim Yo Jung’s appearance on the political scene. Women are good at doing business, so restaurants are mostly run by women and high-level positions in most state-run enterprises are held by women.</p>	
<p>A North Korean defector in his 40s who defected in 2022 testified that it is not easy for women to hold high-level positions at work. For women to be promoted, they should have good looks and personal connections with officials who can support them.</p>	<p>NKHR2022000032 2022-07-23</p>
<p>A North Korean defector in her 20s who defected in 2018 testified that, in North Korea, one must have served in the military and graduated from a school for training Provincial Party officials or the State Political Security University to become an official, and there are many female officials. A large number of women work as the heads of neighborhood (<i>dong</i>) offices, managers, and employees of Provincial Party schools for officials. The number of female officials has increased since Kim Jong Un came to power with the implementation of a policy to appoint female officials. With the new social attitude that women can become officials as long as they try hard and acquire the necessary qualifications, many parents encourage their daughters to serve in the military so that they can become officials. Having a favorable family background (<i>todae</i>) and money is the minimum qualification for becoming an official. The testifier thinks that Kim Jong Un accepts women officials because he studied abroad.</p>	<p>NKHR2022000034 2022-08-08</p>

(3) Family Life Centered on Male Heads of Household

A traditional patriarchal structure is maintained in North Korean family life. In North Korea, only men can become the “head of the household,” and it is found that overall family life is carried out centered on the male “head of the household.”

However, recently, many testimonies have documented that the patriarchal characteristics of North Korean families have weakened, and the status of the head of a household (husband) is changing. It appears that these changes are due to an increase in

women's voices in family life that results from the increase in their economic activities and cases in which women function as breadwinners for their families, rather than institutional factors such as the enactment of the Law on the Protection and Promotion of the Rights of Women.⁸⁶⁷ Many testimonies have been collected reporting that women's authority to maintain the family has grown⁸⁶⁸ and that men take part in housework.⁸⁶⁹

A North Korean defector who defected in 2019 testified that although the perception of gender equality differs from family to family, the status of women has been rising recently as women financially provide for their families.⁸⁷⁰ There was testimony stating that while divorce had been perceived as taboo in the past, it is no longer considered a serious issue, and nowadays, more men are afraid that their wives would divorce them if they do not treat their wives well.⁸⁷¹ It seems that women's economic power is creating a small rift in the solid patriarchal structure of North Korean society.

It is said that divorce is possible when married life becomes impossible due to a spouse's adultery, alcohol, violence, or opium

867_ NKHR2021000026-2 2022-05-18; NKHR2021000023-2 2022-05-31; NKHR2022000012 2022-06-10; NKHR2022000019 2022-06-16; NKHR2021000019-2 2022-06-26. NKHR2022000028 2022-07-04.

868_ NKHR2021000023-2 2022-05-31.

869_ NKHR2021000026-2 2022-05-18; NKHR2022000013 2022-06-10; NKHR2022000016 2022-06-11; NKHR2022000024 2022-06-23; NKHR2021000019-2 2022-06-26.

870_ NKHR2020000019 2020-07-04.

871_ NKHR2020000024 2020-07-06; NKHR2022000004 2022-05-20.

or drug (*bingdu*) abuse.⁸⁷² Many testifiers have reported that, while getting a divorce is very difficult due to the complicated process,⁸⁷³ it can be expedited if money is paid as a bribe.⁸⁷⁴ A North Korean defector in his/her 30s who had lived in Sinuiju, North Pyeongan Province and defected in 2019, testified that one can get divorced if he/she pays 300 dollars to the court, which will then prepare all the necessary documentation.⁸⁷⁵ While the amount required to be paid is not fixed, with one testifier saying 30 million North Korean won⁸⁷⁶ and another saying 700 dollars,⁸⁷⁷ what is true is that a large amount of money is required. In North Korea, women are usually considered at fault for getting a divorce regardless of which party is actually responsible for it, and there is a social climate that condemns divorced women.⁸⁷⁸ Accordingly, North Korean women prefer to enter a common-law relationship rather than a formal marriage; cases of “contract marriages” in which two people get married after living together for a few years have also been reported.⁸⁷⁹

872_ NKHR2021000017-2 2022-05-26.

873_ NKHR2022000009 2022-06-05; NKHR2021000025-2 2022-06-30.

874_ NKHR2022000004 2022-05-20; NKHR2022000016 2022-06-11; NKHR2022000021 2022-06-21; NKHR2021000024-2 2022-06-28; NKHR2021000025-2 2022-06-30 and many other testimonies.

875_ NKHR2022000028 2022-07-04.

876_ NKHR2021000011-2 2022-05-31.

877_ NKHR2022000008 2022-05-27.

878_ NKHR2022000007 2022-05-25.

879_ NKHR2022000008 2022-05-27; NKHR2022000016 2022-06-11.

However, testimony has been collected reporting that, due to the social climate, women in common-law marriages are expected to take care of their male partners until they graduate from college.⁸⁸⁰ In addition, it has been found that the age of marriage has increased.⁸⁸¹ It is said that economically affluent people tend to get married, if ever, at an older age because they do not feel the need to get married or are not interested in getting married.⁸⁸²

For North Korean women, marriage entails the responsibility to take care of the husband's livelihood, and above all, getting a divorce is not only very difficult but also likely to cause social disadvantages.⁸⁸³ As a result, North Korean women prefer to maintain a common-law marriage instead of a formal marriage and choose to end their union if the relationship deteriorates or certain circumstances arise.⁸⁸⁴ A North Korean defector in her 30s who defected in 2019 testified that North Korean couples tend to postpone the registration of their marriage because divorcees are not allowed to join the Party and are unfavorably treated in the appointment of officials. The testifier further stated that couples

880_ NKHR2022000027 2022-07-01.

881_ NKHR2019000008 2019-04-08; NKHR2019000033 2019-06-03; NKHR2019000035 2019-06-03; NKHR2019000077 2019-09-25; NKHR2019000067 2019-08-26; NKHR2020000006 2020-05-15; NKHR2020000045 2020-10-31; NKHR2022000011 2022-06-10.

882_ NKHR2022000008 2022-05-27; NKHR2022000018 2022-06-15.

883_ NKHR2020000047 2020-11-28; NKHR2022000026 2022-06-26.

884_ NKHR2022000003 2022-05-19; NKHR2022000019 2022-06-16; NKHR2022000025 2022-06-23; NKHR2021000025-2 2022-06-30.

tend to register their marriage without delay if men have a stable job, such as being a military officer or doctor.⁸⁸⁵

A North Korean defector who defected in 2019 testified that it is common for young couples to cohabitate and then break up, and the trend among young couples today is to cohabitate two to three years and register their marriage only when they think they could continue living together.⁸⁸⁶ There was also testimony claiming that half of those who get married do not register their marriage.⁸⁸⁷ Testimony was documented that due to a rapid increase in the number of children born out of wedlock, Kim Jong Un issued a policy in June 2018 that instructed birth certificates to be issued for all children born out of wedlock.⁸⁸⁸

(4) Double Burden of Housework and Social Labor

North Korean authorities claim that they have ensured the conditions for women's equal social entry through the social welfarization of housework and childcare. The authorities also claim that efforts have been made to provide women with good working conditions and welfare facilities in factories and enterprises so that women could do their work without any

885_ NKHR2022000026 2022-06-26.

886_ NKHR2020000025 2020-07-06.

887_ NKHR2019000077 2019-09-25.

888_ NKHR2019000035 2019-06-03.

inconvenience.⁸⁸⁹

According to defector testimonies, North Korean men share the burden of housework because they are dependent on women's economic power, and not because the social welfare infrastructure has expanded to support women's equal opportunity and status. It has also been found that the phenomenon of women bearing the double burden of housework and participating in economic activities to maintain a livelihood persists in North Korea. While women's decision-making power has expanded with their increased engagement in economic activities through marketplaces (*jangmadang*), their burden has also increased with the increased responsibility of running a business,⁸⁹⁰ and the perception that women, regardless of their hard work in the workforce, still have to respect and obey their husbands continues to be influential in North Korean society.⁸⁹¹ A North Korean defector in her 40s who defected in 2020 said that she had taken full responsibility for childbirth, housework and child-rearing while working as a nurse without any help from her husband, who had been in public office.⁸⁹² Cases have been reported of women quitting good jobs because of the perception that the first priority for women should be taking care of household chores.⁸⁹³

889_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 69.

890_NKHR2022000028 2022-07-04.

891_NKHR2022000019 2022-06-16.

892_NKHR2022000022 2022-06-21.

While economic activities and housework already represent a substantial labor burden, North Korean women have little free time to rest. This is because they need to participate in Life Review Sessions (*saenghwalchonghwa*), study sessions and labor mobilization campaigns carried out on a daily basis by organizations such as the Women's Union.⁸⁹⁴ A North Korean defector in her 50s who defected in 2019 testified that women's lives are difficult in North Korea because they not only have to raise children and manage their households, but also have to carry out trading in marketplaces (*jangmadang*) and are mobilized by the Women's Union (in the case of housewives) or the Federation of Trade Unions (in the case of female workers) to participate in various activities.⁸⁹⁵ A North Korean defector in his 20s who defected in 2021 testified that People's Units (*inminban*) comprised only of women and the Women's Unit particularly impose a heavy burden on women because these organizations send their members to shock troops (*dolgyeogdae*) or power plant construction sites to work.⁸⁹⁶ A North Korean defector in his 40s who defected in 2022 testified that some women tend to prefer having a job over being a dependent housewife because the work

893_NKHR2022000018 2022-06-15; NKHR2022000021 2022-06-21.

894_Kyung-ok Do *et al.*, *Human Rights Situation of Women and Children in North Korea*, p. 16.

895_NKHR2022000005 2022-05-25.

896_NKHR2022000030 2022-07-22.

housewives are ordered to carry out by their affiliated People's Units (*inminban*) is demanding.⁸⁹⁷

B. Violence against Women

(1) Domestic Violence

The Committee had expressed concern that North Korea does not recognize the seriousness of domestic violence and is not taking any protective or preventive measures against such violence. In response, North Korea enacted in the Law on the Protection and Promotion of the Rights of Women provisions that prohibit domestic violence and stipulate protective measures. However, no specific amendments to the Criminal Law have been made on this matter, and no major changes have appeared in reality.

Most North Korean defectors testified that although domestic violence is widely common, it is rare for public authorities to intervene due to the social climate in North Korea that defines domestic violence as a problem that needs to be resolved within the household. Domestic violence against women is widespread in North Korea due to reasons such as economic hardship, adultery, alcohol, and the use of narcotics,⁸⁹⁸ while children are also exposed to domestic violence.⁸⁹⁹ A North Korean defector in

897_ NKHR2022000032 2022-07-23.

898_ NKHR2021000011-2 2022-05-31; NKHR2021000025-2 2022-06-30; NKHR2021000026-2 2022-05-18; NKHR2022000005 2022-05-25; NKHR2022000034 2022-08-08.

her 30s who defected in 2018 testified that she was a victim of domestic violence, but the law and station officers from the Ministry of Social Security were of no help.⁹⁰⁰ A North Korean defector in her 50s who defected in 2019 testified that she was told by her acquaintance that her husband began to abuse her after getting into debt and beginning to experience financial difficulties.⁹⁰¹ According to many testimonies, when domestic violence occurs, the People's Unit chief or MPS officers pay a visit to stop the fight, but nothing much is done beside that and the family members are left to resolve the problem themselves.⁹⁰² In North Korea, people tend to be indifferent to the issue of domestic violence because they consider it a matter to be resolved within individual families,⁹⁰³ and there is little awareness among people about reporting domestic violence.⁹⁰⁴

On the other hand, testimony was collected stating that an abuser will be sent to a prison camp (*kyohwaso*) for one to two months on the grounds of domestic violence if the victim sustains

899_ NKHR2021000011-2 2022-05-31; NKHR2022000023 2022-06-22; NKHR2022000027 2022-07-01.

900_ NKHR2021000011-2 2022-05-31.

901_ NKHR2022000005 2022-05-25.

902_ NKHR2021000008-2 2022-05-26; NKHR2021000017-2 2022-05-26; NKHR2022000005 2022-05-25; NKHR2022000008 2022-05-27; NKHR2022000010 2022-06-09; NKHR2022000013 2022-06-10; NKHR2022000028 2022-07-04 and many other testimonies.

903_ NKHR2022000010 2022-06-09; NKHR2022000013 2022-06-10; NKHR2022000032 2022-07-23.

904_ NKHR2021000025-2 2022-06-30; NKHR2022000016 2022-06-11; NKHR2022000034 2022-08-08.

a serious injury, such as a head injury or a broken arm or leg,⁹⁰⁵ and another testimony was collected reporting that an abuser will be punished if the victim becomes disabled as a result of the abuser's use of a weapon.⁹⁰⁶ Testimony has been collected stating that there are some women who have been severely beaten by their husbands and still do not want to have them punished.⁹⁰⁷

There is a deeply rooted distorted belief that domestic violence and family discord is the fault of the woman involved.⁹⁰⁸ The Women's Union that proclaims to enhance women's empowerment is also not very helpful in resolving domestic violence issues.⁹⁰⁹ There are no shelters for victims of domestic violence. As such, it has been found that women exposed to domestic violence are not protected by the state or society.

However, recently, there were some testimonies claiming that domestic violence is on the decline as women's economic power and their voice within the family have grown stronger. It is said that men tend to restrain themselves from using violence since the livelihood of families is possible mostly due to women's economic activities, and women no longer tend to endure abuse but rather end their marriage.⁹¹⁰ It is said that, while women were

905_ NKHR2022000026 2022-06-26.

906_ NKHR2022000029 2022-07-22.

907_ NKHR2022000018 2022-06-15.

908_ NKHR2021000017-2 2022-05-26; NKHR2021000019-2 2022-06-26.

909_ Kyung-ok Do *et al.*, *Human Rights Situation of Women and Children in North Korea*, p. 19.

ashamed of exposing family troubles to others in the past and chose to endure abuse believing that everything would be fine if they stayed quiet, today, women have a stronger voice because they make money by doing business.⁹¹¹ A North Korean defector in her 50s who defected in 2019 testified that domestic violence has significantly decreased as women tend to end their marriage if severe domestic violence occurs.⁹¹²

While female North Korean defectors hold the position that the greater economic power of women was the major reason for the decline in domestic violence against women in North Korea, male North Korean defectors hold the position that the decline is a result of the change in people's perceptions due to "civilization." A North Korean defector in his 40s who defected in 2018 testified that, although people in rural areas have not changed, cases of domestic violence have decreased in urban areas as "the people living in cities have become a little more civilized."⁹¹³ A North Korean defector in his 30s who defected in 2020 also testified that cases of domestic violence have decreased "because people are enlightened."⁹¹⁴

The difference in perception between people in urban and rural

910_ NKHR202000016 2020-07-04; NKHR2022000004 2022-05-20; NKHR2022000028 2022-07-04.

911_ NKHR2022000026 2022-06-26.

912_ NKHR2022000004 2022-05-20.

913_ NKHR2022000029 2022-07-22.

914_ NKHR2021000024-2 2022-06-28.

areas can also be found on the issue of violence. A North Korean defector in her 50s who defected in 2019 testified that, unlike in the countryside, in cities, women have greater influence in various decision-making situations, thus cases of women being victims of domestic violence have decreased.⁹¹⁵

Testimonies have been collected reporting that the younger generation regards violence as an uncivilized behavior and tends to refuse marriage. A North Korean defector in her 30s who defected in 2019 testified that younger North Korean men are slightly better behaved as they came to regard destroying property and beating their family members as “low-level behavior.”⁹¹⁶ A North Korean defector in her 20s who defected in 2019 also testified that a perception that alcohol is bad has developed due to many domestic violence cases involving alcohol, and men tend to drink in moderation today because it is difficult for them to get married if they cannot keep pace with women’s standards for marriage or dating.⁹¹⁷

There were also testimonies reporting that while it is difficult to divorce in North Korea, it is possible to divorce because of domestic violence.⁹¹⁸ Even if women who have been enduring

915_NKHR2022000012 2022-06-10.

916_NKHR2022000026 2022-06-26.

917_NKHR2022000010 2022-06-09.

918_NKHR2022000010 2022-06-09; NKHR2022000016 2022-06-11; NKHR2022000028 2022-07-04.

domestic violence for a long time decide to get a divorce, they have to overcome the perception that getting a divorce is very difficult because it is a complex and costly process. As a result, some women in North Korea leave their spouses via separation instead of filing for a legal divorce.⁹¹⁹ A North Korean defector in her 50s who had lived in Pyongyang and defected in 2019 testified that, while it usually takes four to five years to get a divorce in North Korea, it took three years for her acquaintance to finalize her divorce because she bribed the relevant authorities to expedite the process.⁹²⁰ A North Korean defector in her 20s who defected in 2019 testified that the newlyweds who had lived next door and had a baby aged less than one year old got divorced due to domestic violence.⁹²¹ A North Korean defector who defected in 2019 testified that he/she witnessed many people printing photographs of themselves at his/her photo studio that could be used as evidence of domestic violence.⁹²² These photographs, together with the relevant medical certificates, can be used in finalizing a divorce.⁹²³

While it has been found that domestic violence is still prevalent in North Korea, it has also been reported that the perception of

919_NKHR2022000004 2022-05-20; NKHR2022000005 2022-05-25.

920_NKHR2022000005 2022-05-25.

921_NKHR2022000010 2022-06-09.

922_NKHR2022000025 2022-06-23.

923_NKHR2022000016 2022-06-11.

violence has changed across genders and different age groups. It would be necessary to continuously observe the relationship between women's economic power and the reduction of violence and changes in the attitudes toward violence in North Korea.

(2) Sexual Exploitation and Violence

In the combined second, third, and fourth periodic reports published in 2016, North Korea emphasized that sexual exploitation and violence against women are strictly addressed based on relevant provisions in the Criminal Law (Article 249 of the Criminal Law on the crime of prostitution, Article 279 of the Criminal Law on the crime of rape, and Article 281 of the Criminal Law on the crime of sexual intercourse with a minor) and that the crime of introducing and distributing corrupt culture (Article 183 of the Criminal Law) is heavily punished to prevent any encouragement of sexual exploitation.⁹²⁴ Moreover, North Korea stated that it guarantees the protection of the identities of victims of sexual violence and provides relief for damages in accordance with the Law on Compensation for Damages.⁹²⁵ However, it has been found that North Korea still does not properly recognize the seriousness of violence against women, and as a result, protective and preventive measures for victims are

924_ UN Doc. CEDAW/C/PRK/2-4 (2016), paras. 66-70.

925_ *Ibid.*, para. 71.

not functioning properly.

In fact, it is very difficult to identify the actual cases of sexual violence in North Korea as sexual violence mostly occurs in secret, and victims are highly likely to be reluctant to disclose their case. In addition, cases have been reported in which the parties involved in sexual violence did not recognize that sexual violence had occurred because of a lack of awareness. However, in this regard, defector testimonies confirm a number of concerns.

First of all, sexual harassment is not considered a serious offense in North Korea. A North Korean defector in her 20s who defected in 2018 testified that she had been frequently sexually harassed on her way home in the evening but she had never seen any of the men punished.⁹²⁶ A North Korean defector in his 30s who defected in 2020 testified that sexual harassment is considered a common occurrence in North Korea.⁹²⁷ There are cases in which rape cases are not disclosed to the public in consideration of the victims' future.⁹²⁸ On the other hand, it has been reported that rape victims often experience secondary victimization by people who sneer at them or spread rumors about them and cases occur in which rape victims report their cases as assaults because due to feelings of shame and social

926_NKHR2022000016 2022-06-11.

927_NKHR2021000024-2 2022-06-28.

928_NKHR2021000017-2 2022-05-26.

stigmatization.⁹²⁹ Many testimonies have been collected stating that rape is recognized only when the act is accompanied by physical violence and occurs between strangers and is not recognized when the act takes place between acquaintances.⁹³⁰ It is said that if women do not expressly say that they have been sexually assaulted, they will be treated as if nothing has happened to them.⁹³¹ In addition, it has been reported that sexual violence against female civilians by soldiers is widespread in areas where troops are stationed,⁹³² and women assigned to shock troops (*dolgyeogdae*) to work at construction sites are constantly raped.⁹³³

Some cases have been reported in which perpetrators were punished. A North Korean defector in her 20s who defected in 2017 testified that men who raped women are punished, but they are only sent to a labor training camp (*rodongdanryundae*) or assigned to a shock troop (*dolgyeogdae*), even though their crime should be punishable by correctional labor punishment.⁹³⁴ A North Korean defector in his 20s who defected in 2020 testified that, in 2019, a soldier of a unit stationed in Sonchon Country, North Pyeongan Province who raped a female civilian was

929_NKHR2021000008-2 2022-05-26.

930_NKHR2022000011 2022-06-10; NKHR2022000021 2022-06-21; NKHR2022000023 2022-06-22; NKHR2022000024 2022-06-23.

931_NKHR2022000029 2022-07-22.

932_NKHR2021000019-2 2022-06-26.

933_NKHR2022000034 2022-08-08.

934_NKHR2021000008-2 2022-05-26.

dishonorably discharged and sent to a labor training camp (*rodongdanryundae*) for seven months after a military trial.⁹³⁵ As reported above, whereas the statutory punishment for rape is a minimum of five years of correctional labor punishment, punishment for perpetrators of sexual assault has been reduced to imprisonment in a labor training camp (*rodongdanryundae*) or assignment to a shock troop (*dolgyeogdae*).

Although physical violence is not involved, it seems that there are many cases in which women experience sexual exploitation or suffer damage as a result of hierarchies of power. A North Korean defector in her 30s who defected in 2019 testified that although she thought sexual abuse by a superior using his occupational authority was an unjust and wrongful act, she did not consider it rape in legal terms.⁹³⁶ A North Korean defector in his 20s who defected in 2020 testified that, in the military, when a male superior rapes a female subordinate, only the female soldier is transferred to another unit or discharged. According to the testifier, “the incident becomes an issue only when the female victim dies, and surviving rape victims usually are not able to complain anywhere or hold their assailant accountable.”⁹³⁷ On the other hand, a North Korean defector in his 40s who defected in

935_NKHR2021000019-2 2022-06-26.

936_NKHR2022000011 2022-06-10.

937_NKHR2021000019-2 2022-06-26.

2018 testified that “since officials must set an example for everyone, if an official is accused of having sexually assaulted or abused someone, the Party will deal with the case seriously.”⁹³⁸ However, it has been claimed that sexual abuse cases are rarely reported, and even if they are reported, having the perpetrators sentenced for reported cases is a costly process.⁹³⁹ It is said that, as a result, cases are often quietly settled, “with MPS officers instructing the individuals involved to write a few pages-long criticism report.”⁹⁴⁰

Another problem that should be noted is the lack of education to prevent sexual violence. As a result, it seems that some North Korean women do not sufficiently perceive the seriousness of the issue although they themselves have experienced or witnessed sexual violence or were exposed to the risks of sexual violence.

C. Treatment of Repatriated Female Defectors

(1) Punishment for Repatriated Female Defectors

In 2014, the COI recommended North Korea to “respond immediately and effectively to trafficking in women and address the structural causes that make women vulnerable to” these

938_NKHR2022000029 2022-07-22.

939_NKHR2022000034 2022-08-08.

940_NKHR2022000030 2022-07-22.

violations.⁹⁴¹ In addition, in 2017, the Committee expressed concern over repatriated female defectors for being punished for illegal border-crossing, being subject to sexual violence and forced abortions and being deprived of a fair trial, and recommended that North Korea take corrective measures.⁹⁴²

However, it has been found that North Korean authorities make no effort to address the structural causes that make female defectors vulnerable to human trafficking (i.e., the inevitability of using human trafficking as a means to cross the border) and continue to punish women who have been the victims of human trafficking.⁹⁴³ It is understood that this is because North Korean authorities consider these women “criminals” who have committed the crime of illegal border-crossing and not victims of human trafficking based on the fact that these women had been aware in advance that they would be subjects of human trafficking.⁹⁴⁴ Many testimonies have been collected stating that those who have committed illegal border-crossings are punished without exception.⁹⁴⁵ Even in cases where they are not sentenced to legal punishment, they receive cruel treatment during the

941_UN Doc. A/HRC/25/63 (2014), para. 89(i).

942_UN Doc. CEDAW/C/PRK/CO/2-4 (2017), para. 46.

943_NKHR2016000117 2016-07-26.

944_NKHR2017000014 2017-04-10; NKHR2017000058 2017-07-31; NKHR2017000094 2017-10-23; NKHR2017000100 2017-10-23; NKHR2018000020 2018-04-09; NKHR2018000021 2018-04-09; NKHR2018000025 2018-04-09; NKHR2019000042 2019-07-01.

945_NKHR2016000143 2016-08-23; NKHR2016000134 2016-08-09.

investigation process because they are treated like criminals.⁹⁴⁶

In general, the level of punishment is determined based on the length of the defectors' stay in China.⁹⁴⁷ It has been found from the testimonies of female defectors who have recently defected from North Korea that the severity of punishment for forcibly repatriated female defectors has increased since Kim Jong Un came to power. A North Korean defector in her 50s who defected in 2019 said that victims of human trafficking used to be sent to labor training camps (*rodongdanryundae*), but recently they are sent to prison camps (*kyohwaso*) for five to ten years.⁹⁴⁸ A North Korean defector in her 30s who defected in 2015 testified that the punishment for those who were victims of human trafficking and forcibly repatriated varies depending on the offense, and those who have been engaged in prostitution while staying in China or those who were caught while trying to go to South Korea are sent to political prison camps (*kwanliso*).⁹⁴⁹ While the punishment imposed on the victims of human trafficking is severe, testimonies have been collected reporting that it can be avoided through bribery. A North Korean defector who defected in 2018 testified that cases of human trafficking have decreased since 2010.⁹⁵⁰ A

946_NKHR2016000148 2016-09-06; NKHR2017000124 2017-11-20.

947_NKHR2016000131 2016-08-09; NKHR2016000133 2016-08-09.

948_NKHR2019000076 2019-08-26.

949_NKHR2019000041 2019-07-01.

950_NKHR2022000002 2022-05-18.

North Korean defector who defected in 2019 testified that even the issue of human trafficking can be solved by paying bribes.⁹⁵¹

(2) Human Rights Violations in the Process of Forced Repatriation and Investigation

One of the most serious human rights violations against women conducted by North Korean authorities is the practice of forced abortions during the forced repatriation process as well as inhuman treatment in the investigation process. As criticism by the international community grew over cases in which forcibly repatriated pregnant female defectors were forced to have abortions and to leave their newborn children unattended to die, North Korea is found to have allowed such women to give birth in some regions and attempted to hand over the newborn children to their Chinese fathers. However, cases have been reported in which testifiers have witnessed or heard of incidents where forcibly repatriated female defectors who are pregnant with the babies of Chinese men were forced to undergo an abortion in the process of repatriation.⁹⁵²

951_NKHR2020000006 2020-05-15.

952_NKHR2017000047 2017-07-03; NKHR2017000099 2017-10-23; NKHR2017000128 2017-12-18; NKHR2017000058 2017-07-31; NKHR2017000104 2017-10-23; NKHR2017000130 2017-12-18.

Table IV-3 Cases of Human Rights Violations of Forcibly Repatriated Pregnant Women

Testimonies	Testifier ID
In October 2016, at the holding center (<i>jipkyulso</i>) in Songpyeong District in Chongjin, North Hamgyeong Province, a pregnant woman was injected with a drug for abortion.	NKHR201700009 9 2017-10-23
In November 2016, at the MSS city detention center (<i>guryujang</i>) in Hyesan, Yanggang Province, a woman under investigation who was four months pregnant was taken to the hospital to receive curettage.	NKHR201700012 8 2017-12-18

Cases of sexual violence at detention facilities have also been reported. A North Korean defector testified that she was sexually assaulted by a correctional officer (*gyehowon*) when she was in an MPS holding center (*jipkyulso*) in July 2016 and heard the officer saying, “this does not constitute sexual assault because you are dead here, and a dead person cannot say she is assaulted.” The testifier commented that she wanted to die after hearing this.⁹⁵³

Another serious problem is the so-called “uterus examination,” which is not only humiliating but also very unsanitary. The examination is conducted during a body search for money, secret letters or secret documents. A substantial number of female North Korean defectors who have experienced forcible repatriation testified that they received such an examination at detention facilities such as the MSS detention centers (*guryujang*) and the MSS holding centers (*jipkyulso*).⁹⁵⁴ It has been found that, in

953_ NKHR2017000045 2017-07-03.

954_ NKHR2017000025 2017-05-08; NKHR2017000045 2017-07-03; NKHR2017000104 2017-10-23; NKHR2018000023 2018-04-09; NKHR2018000024 2018-04-09; NKHR2019000041 2019-07-01; NKHR2019000075 2019-08-26.

most cases, body searches of women were conducted by women. There was also testimony stating that the person who carried out the examination was not a military officer or medical officer, but a woman who was responsible for filing documents.⁹⁵⁵ In another testimony, the testifier reported that while the body search was conducted by a female, a male MPS officer was watching the process and insulted the female detainee, saying, “you and your ugly body served the Chinese.”⁹⁵⁶ As described above, under the pretext of finding money brought in from China, North Korean investigative agencies not only conduct uterus examinations but also force female detainees to repeatedly sit and stand or forcibly feed them to defecate for examination.⁹⁵⁷

D. Women’s Health and Maternal Health

In its 2019 UPR report, North Korea stated that “the Education Strategy for Reproductive Health (2014–2018) and the Action Programme for Health of Newborns (2015–2016) were implemented with success,” and as a result, “maternal mortality (per 100,000 live births) decreased from 62.7 in 2014 to 53.2 in 2017.”⁹⁵⁸ In the report, North Korea also specified that “the

955_NKHR2017000104 2017–10–23.

956_NKHR2017000130 2017–12–18.

957_NKHR2016000131 2016–08–09; NKHR2016000149 2016–09–06.

958_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 69.

period of maternity leave was extended to 240 days and all provincial maternity hospitals were modernized,” and consequently, “conditions for good health and the recovery of women who gave birth and the nutritional status of the child” have improved.⁹⁵⁹ Thus, North Korea stated that the overall institutional environment for maternal health has improved. However, it is not clear whether such institutional measures have actually led to the improvement of women’s right to health. In this chapter, the details of the actual situation of North Korean women’s right to health will be examined in terms of women’s health and maternal health.

(1) Women’s Health

It is well known that many North Korean women suffer from poor health conditions including malnutrition and anemia resulting from economic difficulties that have continued since the 1990s, excessive labor to support the livelihood of their families, and psychological burden caused by increasing responsibility for their families.

Contraception and abortion also appear to be factors that impair the health of women of childbearing age. According to the 2017 MICS survey, the intrauterine device (IUD) is the most common

959_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 71.

method of contraception used among North Korean women. Some married women choose to get an IUD or so-called “loop” inserted as a means of family planning,⁹⁶⁰ and some married women undergo an IUD procedure thinking that they will “break up with their husbands if things do not work out after living with them for one to two years.”⁹⁶¹ There were many testimonies reporting that unmarried women often get an IUD inserted when they get a boyfriend or they join the military.⁹⁶² However, although IUDs need to be replaced every few years, it seems that many North Korean women use one for a longer period of time, and cases have been reported in which women suffer from gynecological diseases because of this.⁹⁶³ Many testimonies on cases of side effects among women using IUDs, such as vaginal bleeding and pain, have been collected.⁹⁶⁴ In this regard, testimonies have been collected reporting that some women use Implanon, a subdermal implantable contraceptive that is more expensive than an IUD, because it has fewer side effects. A North Korean defector in her 50s who had lived in Pyongyang and

960_NKHR2022000011 2022-06-10; NKHR2022000012 2022-06-10; NKHR2022000026 2022-06-26.

961_NKHR2022000026 2022-06-26.

962_NKHR2022000011 2022-06-10; NKHR2022000018 2022-06-15; NKHR2022000021 2022-06-21; NKHR2022000026 2022-06-26; NKHR2022000027 2022-07-01.

963_Geumsoon Lee *et al.*, *Right to Health in North Korea* (Seoul: KINU, 2018), pp. 38-39.

964_NKHR2022000005 2022-05-25; NKHR2022000007 2022-05-25; NKHR2022000026 2022-06-26.

defected in 2019 testified that her acquaintance had an Implanon inserted and paid 60–70 dollars for the procedure.⁹⁶⁵ A North Korean defector in her 30s who had lived in Chongjin, North Hamgyeong Province and defected in 2019 testified that these days, many North Korean women use Implanon instead of IUDs because the latter often causes bleeding.⁹⁶⁶

In the 2021 VNR report, North Korea stated that the contraceptive prevalence rate was 78.2% in 2014 and 70.3% in 2017, and the unmet need for family planning was 7.0% in 2014 and 6.6% in 2017. North Korea also reported that it has been implementing a five-year National Reproductive Health Strategy since 2017 in collaboration with the United Nations Population Fund (hereinafter UNFPA).⁹⁶⁷ Taking into consideration testimony reporting that there are people in North Korea who are aware of and take birth control pills,⁹⁶⁸ it appears that birth control pills have been introduced to North Korea.

With respect to male contraception, some testimonies have been collected reporting that the testifiers learned about condoms through South Korean dramas or books.⁹⁶⁹ Some testifiers

965_NKHR2022000005 2022-05-25.

966_NKHR2022000018 2022-06-15.

967_DPRK, “Democratic People’s Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda,” The United Nations, June 2021, p. 24.

968_NKHR2022000005 2022-05-25; NKHR2022000011 2022-06-10.

969_NKHR2022000011 2022-06-10; NKHR2021000019-2 2022-06-26.

reported that condoms are available in hospitals.⁹⁷⁰ However, a testifier said that people can buy condoms from pharmacies for 100 North Korean won per condom and he/she had played with them as balloons because he/she did not know how to use them.⁹⁷¹ Another testifier said that he had some “condoms supplied by the UN” but had not been able to use them because they did not fit well.⁹⁷² Most testifiers said that they had never heard of or seen condoms, indicating a very low awareness of male contraception.⁹⁷³

The North Korean Law on Medical Care prohibits abortions except for those necessary to protect the mother (Article 28 of the Law on Medical Care). However, in the report on the human rights situation in North Korea submitted to the 76th session of the UN General Assembly, Tomás Ohea Quintana, the former UN Special Rapporteur on the situation of human rights in the DPRK, stated that North Korean women have limited access to sexual and reproductive health services and abortions are secretly being carried out in North Korea.⁹⁷⁴

Many testimonies have been collected reporting that, because

970_NKHR2022000021 2022-06-21; NKHR2022000024 2022-06-23.

971_NKHR2022000002 2022-05-18.

972_NKHR2022000005 2022-05-25.

973_NKHR2022000008 2022-05-27; NKHR2022000012 2022-06-10; NKHR2022000022 2022-06-21; NKHR2022000026 2022-06-26; NKHR2022000027 2022-07-01.

974_UN Doc. A/76/392 (8 October 2021), para. 10.

abortions are illegal, they are performed by retired doctors at their home or private doctors at patients' homes, rather than in hospitals.⁹⁷⁵ It has also been reported that, while unmarried women tend to have abortions at home because they do not want to leave any record, married women have abortions in hospitals if possible.⁹⁷⁶ A North Korean defector in his 40s who defected in 2018 testified that people have abortions because they barely make ends meet, and abortions are so common in North Korea that having an abortion has become a trend.⁹⁷⁷ Testifiers also said that an increase in the number of women engaged in business who start a relationship with a man to protect their business⁹⁷⁸ and an increase in the number of women having an affair with a financially affluent married man have contributed to a rise in abortions.⁹⁷⁹ It is said that an abortion is the best option in a social environment in which it is difficult for single parents to get married⁹⁸⁰ and for single mothers to raise a child on their own.⁹⁸¹ In addition, cases have been reported in which people who were

975_ NKHR2022000004 2022-05-20; NKHR2022000005 2022-05-25; NKHR2022000006 2022-05-25; NKHR2021000008-2 2022-05-26; NKHR2022000018 2022-06-15; NKHR2022000021 2022-06-21; NKHR2022000022 2022-06-21; NKHR2022000023 2022-06-22; NKHR2022000026 2022-06-26 and many other testimonies.

976_ NKHR2022000021 2022-06-21.

977_ NKHR2022000006 2022-05-25.

978_ NKHR2022000021 2022-06-21.

979_ NKHR2022000008 2022-05-27.

980_ NKHR2022000008 2022-05-27.

981_ NKHR2022000028 2022-07-04.

unable to have an abortion ultimately abandoned the newborn children.⁹⁸²

Meanwhile, some testifiers have claimed that they have heard of cases of women dying during an abortion.⁹⁸³ It has been found that North Korean people do not pay much attention to medical accidents that might occur while having an abortion in a private house with insufficient medical equipment and are not fully aware of the risks of abortion procedures.

It has been found that the situation regarding the use of sanitary pads has improved, with an increase in the number of women using disposable sanitary pads instead of pieces of clothes or gauze cloth. A North Korean defector in her mid-50s who defected in 2019 testified that in the past, people used pieces of gauze cloth as sanitary pads, but now people buy disposable sanitary pads.⁹⁸⁴ A woman in her late 40s who defected in 2019 also testified that young people use disposable sanitary pads.⁹⁸⁵ It has been reported that sanitary pads made in China can be purchased for one to three yuan, and sanitary pads produced in North Korea are sold at various prices, ranging from 2,000 to 7,000 won. While some testifiers said that many North Korean women use pieces of gauze cloth as sanitary pads because

982_NKHR2021000011-2 2022-05-31; NKHR2022000026 2022-06-26

983_NKHR2022000018 2022-06-15.

984_NKHR2020000024 2020-07-06.

985_NKHR2020000028 2020-07-06.

disposable ones are too costly,⁹⁸⁶ most testifiers claimed that most North Korean women today use disposable sanitary pads. Many testimonies have been collected reporting that sanitary pads made in North Korea were expensive and of low quality in the early days of production,⁹⁸⁷ but they are now preferred to those made in China because they are more affordable (approximately 3,000–5,000 North Korean won per pack), functional, and produced in various shapes in neat packaging.⁹⁸⁸ It has been found that women living in cities and/or who are members of the younger generation are more likely to consider disposable sanitary pads a daily necessity.

(2) Maternal Health

North Korea guarantees various institutionalized benefits for pregnant women to ensure maternal health care.⁹⁸⁹ Childbirth is free of charge, maternity leave is guaranteed for women, and there are provisions in law such as one that prohibits night work by women who are pregnant or have newborn children. However, it appears that in reality, North Korean people still do not receive sufficient support during pregnancy and childbirth.

986_NKHR2022000026 2022-06-26

987_NKHR2022000008 2022-05-27; NKHR2022000016 2022-06-11

988_NKHR2022000011 2022-06-10; NKHR2022000016 2022-06-11; NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23 and many other testimonies.

989_Geumsoon Lee *et al.*, *Right to Health in North Korea* (Seoul: KINU, 2018), pp. 34-37.

One of the most important indicators related to maternal health would be the maternal mortality rate. As mentioned earlier, in its national report submitted for the third cycle of the UPR in 2019, North Korea announced that its maternal mortality per 100,000 live births decreased from 62.7 in 2014 to 53.2 in 2017.⁹⁹⁰ It is a positive sign that North Korea's maternal mortality has fallen by nearly 10 deaths per 100,000 over three years, but the number is still high from an international point of view. In addition, according to the Trends in Maternal Mortality (2000–2017) report published by the WHO in 2019, North Korea's maternal mortality was 89 per 100,000 live births in 2017, which is significantly different from that reported by North Korea.⁹⁹¹

The claimed decline in maternal mortality seems to indicate the improvement in the care and support provided for pregnant and childbearing women. First of all, the number of pregnant women receiving antenatal tests is estimated to be higher than in the past. In this regard, the 2017 MICS survey conducted by UNICEF reported that among North Korean women who gave birth sometime between 2015 and 2017, 99.5% said that they had at least one antenatal test during their last pregnancy, and 93.7% responded they had at least four antenatal checkups. While the

990_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 70.

991_WHO, *Trends in Maternal Mortality 2000 to 2017: Estimates by WHO, UNICEF, UNFPA, World Bank Group, and the United Nations Population Division* (Geneva: World Health Organization, 2019).

survey results indicate that most respondents had received antenatal tests during their pregnancy, defector testimonies appear to show that the percentage of women receiving antenatal tests is not as high as that reported in the survey. Nevertheless, in recent KINU surveys, the majority of female testifiers have claimed that they had received medical check-ups during pregnancy while living in North Korea.⁹⁹² While some testifiers said that they had not been given any support from district doctors or necessary nutritional supplements,⁹⁹³ many said that they had received ultrasound exams in hospitals.⁹⁹⁴

A North Korean defector in her 20s who defected in 2019 testified that she witnessed her older sister, who gave birth at a maternity hospital in 2015, receiving an ultrasound screening once every few months and receiving complementary injections or medicine such as vitamins for fetal growth and immunity.⁹⁹⁵ A North Korean defector in her 40s who defected in 2019 testified that she gave birth at a maternity hospital located in Yanggang Province and she had received ultrasound exams and some injections during pregnancy.⁹⁹⁶ Another North Korean defector

992_NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25; NKHR2022000013 2022-06-10; NKHR2022000016 2022-06-11; NKHR2022000026 2022-06-26.

993_NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.

994_NKHR2022000001 2022-05-13; NKHR2022000013 2022-06-10; NKHR2022000016 2022-06-11; NKHR2022000025 2022-06-23; NKHR2022000026 2022-06-26.

995_NKHR2022000025 2022-06-23.

996_NKHR2022000016 2022-06-11.

in her 40s who defected in 2019 said that she did not receive blood or urine tests but received tests to check for fetal abnormalities.⁹⁹⁷

In addition, it has been reported that recently North Korean women mostly give birth at hospitals or maternity hospitals.⁹⁹⁸ On the other hand, testimonies have been collected stating that there are many cases in which women give birth at home.⁹⁹⁹ A North Korean defector who had worked in the medical field and defected in 2018 testified that, although there are regulations obliging pregnant women to take prenatal tests, pregnant women in North Korea seldom visit hospitals to receive these tests, and approximately 70-80% of North Korean women give birth at home while the rest give birth at maternity hospitals. According to the testifier, children of Party officials often give birth at maternity hospitals.¹⁰⁰⁰ In addition, there is a claim that people from well-off families bring a bouquet of flowers on their visit to the hospital to see the newborn baby and the mother.¹⁰⁰¹

Home births are attended by private doctors or unqualified midwives. However, giving birth to a child in an environment that

997_NKHR2021000026-2 2022-05-18.

998_NKHR2022000001 2022-05-13;

999_NKHR2021000026-2 2022-05-18; NKHR2022000004 2022-05-20; NKHR2022000006 2022-05-25; NKHR2022000013 2022-06-10,

1000_NKHR2022000006 2022-05-25.

1001_NKHR2022000008 2022-05-27.

is not properly equipped with necessary medical instruments would inevitably result in a lower emergency response rate than childbirths in hospitals. This practice is considered to be one of the factors that cause the relatively high maternal mortality rate.

Whereas North Korean law stipulates that childbirth is free of charge, North Korean defectors have commonly testified that one must pay certain fees to give birth. A North Korean defector in his 50s who defected in 2019 testified that he gave approximately 100,000 North Korean won to the doctors who performed a caesarean section on his wife for their meal expenses.¹⁰⁰² A North Korean defector in his 40s who defected in 2019 testified that, while the amount of money people pay to their doctors for child delivery varies depending on their financial status, people usually pay 100 yuan.¹⁰⁰³ On the other hand, a North Korean defector in her 30s who defected in 2019 testified that most North Korean women inevitably give birth at home because the cost of childbirth in a hospital is usually more than 300 yuan, including a general fee of 200 yuan and the cost of medication that individuals must bear.¹⁰⁰⁴ While differences have been found regarding the amount depending on the time the testifiers gave birth to their children, the testifiers commonly said that they had

1002_NKHR2022000001 2022-05-13.

1003_NKHR2022000006 2022-05-25.

1004_NKHR2022000008 2022-05-27.

paid a separate fee to doctors for delivering their children.

Lastly, North Korean authorities claim to have extended the period of maternity leave to 240 days from the previous 180 days in 2015 and emphasized the implementation of such revision in its 2019 UPR report.¹⁰⁰⁵ In this regard, many testimonies have been collected reporting that the use of maternity leave is well observed and that pregnant women are exempted from mobilization. A North Korean defector in her 30s who defected in 2018 testified that prenatal and postnatal leave is legally guaranteed in North Korea, but they are obsolete because only around 1% of women keep their job after pregnancy.¹⁰⁰⁶ Another North Korean defector who defected in 2019 testified that maternity leave is provided as prescribed by the law, and food rations are provided during that time.¹⁰⁰⁷ However, taking into consideration testimony reporting that paid prenatal and postnatal leave are meaningless as not many women keep their job after marriage,¹⁰⁰⁸ additional observations are required to identify the effectiveness of maternity leave as a policy to support women.

1005_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 8.

1006_ NKHR2022000002 2022-05-18.

1007_ NKHR2020000048 2020-11-28.

1008_ NKHR2018000057 2018-07-02.

E. Evaluation

As stated in the preamble of the CEDAW, discrimination against women violates the principles of equality of rights and respect for human dignity. Discrimination against women not only impedes women from participating in political, social, economic and cultural life on equal terms with men, but also hinders the prosperity of society and families and the complete development of women's potential. North Korea claims that it has incorporated the concept of discrimination defined in the CEDAW into its Law on the Protection and Promotion of the Rights of Women and prohibits all forms of direct and indirect discrimination against women.

In recent surveys, many testifiers have reported that many North Korean women are now working in various sectors including politics and economics, and the number of women who are appointed as officials has increased. In addition, many testifiers have claimed that all workers, including female workers, are treated differently based on their rank and ability, and gender discrimination does not exist in relation to remuneration or wages. However, restrictions on a woman's choice of occupation still remain, with women not allowed to participate in certain occupations. Testimonies claiming that women's rights have been institutionally promoted in North Korea require continued observation. In addition, in recent surveys, testimonies have been

documented that women's voices have become stronger within the family due to the improvement of their economic power and that values supporting gender equality are gradually spreading among the younger generation. Moreover, there were also testimonies claiming that domestic violence is on the decline as today men are often dependent on women's economic power. The major reason for this decline differs between female and male North Korean defectors; while the former believe that women's increased economic power is the major reason, the latter believe that the decline is a result of the change in people's perceptions. In particular, testimonies have been collected claiming that the perception of violence has changed, especially among the younger generation, and violence is now considered a disqualification for marriage. The change in the perception of violence, which is reportedly found across genders and different age groups, requires continued observation.

Despite North Korea's claims of institutional and legal efforts to mitigate or abolish discriminatory customs and practices against women, fixed gender roles and discrimination against women have been found to remain in the attitudes of North Korean people regardless of gender. This discriminatory mindset and tolerance of domestic violence have been found to be more widespread in rural areas than in cities. Reported cases of people challenging and overcoming these social conventions are a result of individual efforts. North Korean authorities need to continue

their endeavors in resolving the structural problems that cause discrimination and violence against women.

Part I

Part II

Part III

Part IV
Vulnerable Groups

Part V

2

Children

Children require special protection and consideration, including appropriate legal protection, due to their physical and mental immaturity.¹⁰⁰⁹ The UDHR stipulates the protection of motherhood and childhood (Article 25, paragraph 2) and the right to education (Article 26) but does not specifically mention the rights of children. The ICCPR and the ICESCR contain provisions that can be related to the rights of children. However, neither of these two Covenants explicitly recognizes children as the subject of these rights. The CRC, which was unanimously adopted at the UN on 20 November 1989 and took effect on 2 September 1990, is distinct from previous international documents related to children in that it fully recognizes children, who had long remained as the targets of protection, as the subject of these rights. The CRC is

¹⁰⁰⁹ The ICCPR stipulates that “every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State” (Article 24, paragraph 1). The ICESCR stipulates that “special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions” (Article 10, paragraph 3).

composed of a preamble, three parts and a total of 54 articles. Part 1 (Articles 1–41) of the CRC stipulates the rights of children and the duties of the State Parties. Part 2 (Articles 42–45) prescribes the Committee on the Rights of the Child (hereinafter in this chapter the Committee) and country report system and Part 3 (Articles 46–54) sets forth the signature, ratification, accession and amendment procedures, etc. The rights set forth in the CRC are largely composed of the right to survival, protection, development and participation.

Table IV-4 Four Major Rights in the CRC

Right to Survival	Rights of the child required for basic life: right to enjoy adequate living standards; right to live in a safe residence; and right to sufficient nutrition and basic medical services, etc.
Right to Protection	Right of the child to be protected from a harmful environment including all forms of abuse and negligence, discrimination, violence, torture, conscription, unjust criminal punishment, excessive labor and substance and sexual abuse, etc.
Right to Development	Rights of the child to realize his or her maximum potential including the rights to receive education, enjoy leisure, engage in cultural life and acquire information, and enjoy freedom of thought, conscience and religion, etc.
Right to Participation	Rights of the child to actively participate in the activities of a country or local community including the freedom of expression and the right to join organizations or participate in peaceful assemblies, etc.

North Korea ratified the CRC on 21 September 1990, and the CRC took effect with respect to North Korea a month later on 21 October 1990. Moreover, North Korea ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography on 10 November 2014, which took effect on 10 December 2014.

The States Parties to the CRC are required to submit a CRC implementation report to the Committee (Article 44). North Korea submitted its first report in February 1996, its second report in May 2003, its integrated third and fourth reports in December 2007, and its fifth report in April 2016. The Committee completed its preliminary review of North Korea's fifth report in February 2017 and held a main review session in September 2017 to publish the Concluding Observations that address its concerns and recommendations to North Korea.

In the fifth report to the Committee, North Korea stated that “children in the DPRK fully enjoyed their rights and their welfare was promoted at a higher level under the policy of love for children of the Supreme Leader Kim Jong Un.”¹⁰¹⁰ Moreover, the report emphasized that it had implemented several measures, including the enactment of the Law on the Protection of the Rights of Children (2010) and the Law on General Education (2011), the promulgation of the Ordinance on the Enforcement of Universal 12-year Compulsory Education (2012), and the establishment of the Korea Association for Supporting the Children (2013).¹⁰¹¹

One of the core issues of the right of children in North Korea is the legal age of a child. North Korea explained in its fifth report to

1010_UN Doc. CRC/C/PRK/5 (2016), para. 7.

1011_ *Ibid.*, paras. 8-10, 17, 21, 25.

the Committee that the Law on the Protection of the Rights of Children defines a child as a person “up to the age of 16” because under the previous 11-year compulsory education system, children generally finished their education at the age of 16 or 17; North Korea announced that since children are now expected to finish their education at the age of 17 or 18 under the new 12-year compulsory education system, the relevant definition of a child will be revised so that it can be consistent with that of the CRC.¹⁰¹² During the 2019 UPR, the International Child Rights Center pointed out that North Korea’s definition of childhood only includes the period during which a child is under compulsory education and that under North Korea’s age counting system under which a child becomes one year old immediately after his/her birth, a child whose actual age is 14 or 15 years would be understood to have the same duties and responsibility as an adult.¹⁰¹³ North Korea was also recommended to amend the Law on the Protection of the Rights of Children and review relevant domestic laws so that all children under the age of 18 years can be subject to protection, and the minimum age of marriage can be raised to 18 years.¹⁰¹⁴ Since North Korea responded that it accepts such recommendations,¹⁰¹⁵ continued attention should be paid to the

1012_ *Ibid.*, paras. 27–28.

1013_ UN Doc. A/HRC/WG.6/33/PRK/3 (2019), para. 97.

1014_ Questions in Advance Prepared by UN Members States. Advance Questions to the Democratic People’s Republic of Korea (2nd Batch), Belgium, 3 May 2019; UN Doc. A/HRC/42/10 (2019), paras. 126.191, 126.192.

future revision of relevant laws.

According to the CRC, State Parties are obliged to “undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized” in the CRC (Article 4). Most of the rights in the CRC are reflected in North Korea’s Law on the Protection of the Rights of Children. Provisions on civil rights and freedoms, including the freedom of thought, conscience and religion, and the freedom of assembly and association, can be found in the Constitution and other laws. In its Concluding Observations of 2017, the Committee evaluated North Korea’s adoption of the National Plan of Action for the Well-Being of Children (2011–2020) and recommended North Korea to include in the Plan the protection of children from violence, exploitation and poverty so that the scope of the Plan goes beyond education and health-related issues.¹⁰¹⁶

In its 2019 UPR report, North Korea reported that it has successfully implemented measures to promote children’s well-being. North Korea reported that it has provided quality medical service to children, decreased its infant mortality rate and chronic and acute malnutrition rate by providing nutritional care in a scientific way, and built facilities for children’s cultural, recreational and sports activities in various regions to help

1015_ UN Doc. A/HRC/42/10/Add.1 (2019), para. 9(a).

1016_ UN Doc. CRC/C/PRK/CO/5 (2017), para. 7.

children develop their creative thinking.¹⁰¹⁷ In the 2021 VNR on the Implementation of the 2030 Agenda for Sustainable Development, North Korea claimed that “considerable progress has been made in reducing child mortality,” and specified the target of reducing the under-five mortality rate to less than 12 per 1,000 live births by 2030.¹⁰¹⁸ Since Kim Jong Un came to power, North Korea has reported, through various forms of media, that it has improved the educational environment and conditions, expanded modern cultural welfare facilities, and established large children’s hospitals to promote growth and improve the nutrition of children. However, defector testimonies indicate that these policies have not been implemented uniformly.

In this chapter, major issues related to the human rights situation for North Korean children will be examined.

A. Children’s Health and Welfare

(1) Continued Inadequate Protection of Children and Orphans

Low birth rates have become an important social problem in North Korea. To address this problem, North Korean authorities

1017_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), paras. 61–64.

1018_DPRK, “Democratic People’s Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda,” p. 19, <https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf> (Accessed July 6, 2021).

have introduced policies such as providing subsidies to multi-child households and establishing childcare facilities.

A North Korean defector who defected in 2019 testified that households with five or more children receive a subsidy from the state, and he/she was told that, recently, a new subsidy program was launched so that a subsidy is provided to households with three or more children. The testifier added that, in addition to state subsidies, his/her family received notebooks and school supplies from the state on an irregular basis.¹⁰¹⁹

After Kim Jong Un came to power, many facilities for orphans were built in North Korea in an effort to strengthen the state's social responsibility for children and orphans. However, it appears that these facilities have not been managed in a detailed and systematic manner.

A North Korean defector who defected in 2018 testified that many orphanages (*ae-yugwon*) and secondary academies were built in accordance with Kim Jong Un's policy issued in 2017. According to the testifier, the number of children wandering the streets like beggars significantly decreased after that because they were all rounded up by authorities and sent to orphanages (*ae-yugwon*) and secondary academies.¹⁰²⁰ In addition, a North Korean defector who defected in 2020 said that the number of

1019_NKHR2022000003 2022-05-19.

1020_NKHR2022000007 2022-05-25.

kotjebi has significantly decreased because they are now housed at newly established orphanages (*aeugwon*) and secondary academies.¹⁰²¹ On the other hand, some testifiers have claimed that there are still many *kotjebi* in North Korea. A North Korean defector who defected in 2019 said that many *kotjebi* are still found near stations,¹⁰²² and a North Korean defector in his/her 30s who had lived in Yanggang Province testified that there are still many *kotjebi* in North Korea who survive by searching through garbage dumps.¹⁰²³

Meanwhile, some testifiers have claimed that state support for children in need has improved since Kim Jong Un took office with the establishment of well-equipped orphanages (*aeugwon*) and secondary academies. A North Korean defector in his/her 20s who defected in 2019 testified that he/she was told by his/her cousin, who is a teacher, that there are cases in which meat is thrown away because children do not eat it.¹⁰²⁴

1021_NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23; NKHR2021000024-2 2022-06-28; NKHR2022000003 2022-05-19.

1022_NKHR2022000018 2022-06-15.

1023_NKHR2022000016 2022-06-11.

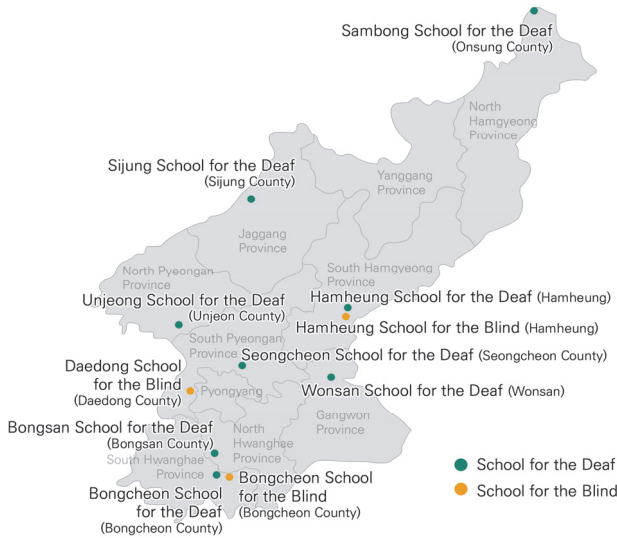
1024_NKHR2022000010 2022-06-09.

(2) Shortage of Educational Facilities for Children with Disabilities

Article 23 of the CRC stipulates that mentally or physically disabled children “should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate [children’s] active participation in the community.” In the Law on the Protection of Persons with Disabilities, North Korea stipulates matters pertaining to the restorative treatment, education, cultural life and labor of disabled people, and the Law on the Protection of the Rights of Children also has provisions on the protection of disabled children (Article 30). In particular, Article 30, paragraph 2 of the Law on the Protection of the Rights of Children provides that “educational supervision institutions, health care supervision institutions and local People’s Committees shall immediately operate schools for the blind and deaf and ensure the conditions necessary for the education, treatment and life of disabled children.” In its fifth report to the Committee, North Korea emphasized that it has organized special classes for disabled students in general schools and established special schools for students with visual/hearing disabilities.

It has been identified that there are eight schools for the deaf and three for the blind in North Korea. In addition, in March 2012, North Korean authorities established the Rehabilitation Center for Children with Disabilities in Pyongyang to provide rehabilitation programs for disabled children.

Figure IV-1 Schools for the Deaf and the Blind in North Korea



Source: Green Tree Korea, <<http://www.greentreekorea.org>>.

In its 2019 UPR report, North Korea reported that it has adopted the Regulations on Schools for the Blind and Deaf to provide relevant legal and institutional grounds.¹⁰²⁵ There were fragmented reports indicating that a kindergarten for children with hearing disabilities has opened on the outskirts of Pyongyang.¹⁰²⁶ However, there are only 11 special schools for children with visual and hearing disabilities across North Korea. In particular, the fact that there are no such schools in Yanggang Province

1025_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 11.

1026_ "North Korea opens kindergarten for hearing-impaired children," UPI, 1 July 2016. <https://upi.com/6352451>.

shows that the situation of special education for children with disabilities is poor in North Korea.¹⁰²⁷

A North Korean defector who defected in 2016 said that there was a school for the deaf in Changchon-dong, Wonsan. Another North Korean defector who defected in 2016 said that there was a school for the deaf in Duksan, Hamheung and that families without money could not afford to pay for the school since students had to bear the financial burden of all school-related costs.¹⁰²⁸

In its 2018 CRPD implementation report, North Korea stated that “children with disabilities of preschool age are brought up in the community kindergartens on the basis of equality with others” and that specialized institutions, such as the Rehabilitation Center for Children with Disabilities, have been set up to provide rehabilitation and special education in a manner appropriate to children’s age, psychology and disability type. North Korea also reported that it is preparing to designate a primary school in Pyongyang as a pilot school for integrated education.¹⁰²⁹ In

1027_ North Korean defectors who had lived in Kimjongsuk County, Yanggang Province responded that they have not heard of the existence of special schools for children with disabilities in the region. NKHR2017000023 2017-05-08; NKHR 2017000049 2017-07-03; NKHR2017000056 2017-07-31. It seems that there are no special schools or special classes for students with disabilities in Hyesan, Yanggang Province. NKHR2017000060 2017-07-31; NKHR2017000025 2017-05-08. North Korean defectors who had lived in Baegam County, Yanggang Province responded that they too have not heard of the existence of a special school or class for children with disabilities. NKHR2017000062 2017-07-31.

1028_ NKHR2017000049 2017-07-03.

addition, North Korea revealed in the 2019 UPR report that its schools for the blind and schools for the deaf revised their curricula to be consistent with the 12-year compulsory education system and to incorporate vocational training in the school program.¹⁰³⁰ However, recent surveys did not collect any testimony about the operation of special classes for the disabled in general schools or the rehabilitation or vocational training for children with disabilities. It can be said that this is because North Korean people do not have much contact with persons with disabilities, and there is little attention and interest in the rehabilitation and education of children with disabilities.

A North Korean defector who defected in 2019 testified that it seems that one of the reasons people have little to no chance to meet disabled people in their neighborhoods is because people without disabilities rudely stare at the disabled, who are conscious of how they are viewed. The testifier added that he/she had never seen any organizations or facilities for persons with disabilities while living in North Korea.¹⁰³¹ In North Korea, there are programs for disabled children being implemented in the fields of education and medical care. However, in reality, only a few enjoy the benefits of such programs. There is a need for North Korea to

1029_Initial Report Submitted by the Democratic People's Republic of Korea under Article 35 of the Convention, due in 2018. UN Doc. CRPD/C/PRK/1 (2018), paras. 143-144.

1030_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 76.

1031_NKHR2022000010 2022-06-09.

initiate social discussions about disabilities and give attention to improving awareness among its people on the issue.

(3) Health Care and Nutrition

Article 24 of the CRC stipulates that children have the right to “enjoyment of the highest attainable standard of health and to facilities for the treatment of illnesses and rehabilitation of health.” In its Public Health Law, North Korea stipulates matters pertaining to the free medical care system and health protection based on preventive medicine. Moreover, the Law on the Protection of the Rights of Children has provisions on children’s right to receive free medical care, voluntary medical services for children, children’s hospitals, nursing facilities for children, and nutritional supplements and supplementary foods (Articles 33–37). The Law on the Nursing and Upbringing of Children stipulates that systematic voluntary medical services be provided to children in daycare centers and kindergartens and that children’s wards be established in daycare centers (Articles 25 and 26).

In the 2019 UPR report, North Korea stated that it has increased state investment and implemented necessary institutional and practical measures to bring key health indicators up to the level of advanced countries and, in the process, improved “public health services to increase the average life expectancy of the population”; it also set a reduction in the infant mortality rate as

one of the main targets of the health sector.¹⁰³² In addition, North Korea stated that it has improved the medical service environment by building modern medical institutions, upgrading medical appliance factories, adopting measures for the capacity-building of medical workers, introducing and operating a telemedicine system that connects central hospitals with hospitals in other regions online, and improving the quality and increasing the variety of medicine¹⁰³³ (See III. The Reality of Economic, Social, and Cultural Rights, 2. Right to Health). In the 2021 VNR, North Korea reported that it has established modern health facilities, including the Breast Tumor Institute of Pyongyang Maternity Hospital, Okryu Children’s Hospital, Ryugyong General Ophthalmic Hospital, and Ryugyong Dental Hospital, and has launched a new construction project in 2020 to build Pyongyang General Hospital.¹⁰³⁴

According to the surveys conducted to date, North Korea’s vaccination rate for disease prevention has improved. However, due to the prolonged COVID-19 pandemic, it is possible that the vaccination of infants and young children has not been conducted as well as it had been before the pandemic. North Korea’s Ministry of Public Health has been implementing vaccination

1032_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 35.

1033_ *Ibid.*, paras. 37~41.

1034_ DPRK, “Democratic People’s Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda,” p. 18.

programs for infants and children in cooperation with international institutions such as UNICEF and the Global Vaccine Immunization Alliance (GAVI); however, North Korea's adoption of closed borders and regional blockades that prohibit the movement of personnel and goods within North Korea has negatively impacted the timely supply of essential vaccines. In October 2020, UNICEF reported that North Korea "experienced its first-ever stock-out of polio vaccines," which led to "Oral Polio Vaccine (OPV3) vaccination coverage decreasing to 84.3% in the third quarter of 2020, compared with 97.3% in the same period of 2019."¹⁰³⁵ With 2.7 million North Korean children already experiencing limited access to quality health services, UNICEF predicts that this situation will worsen if the unavailability of vaccines and stock-outs of tuberculosis diagnostic tools and essential medicine continue.¹⁰³⁶ According to estimates of North Korea's vaccination coverage for selected vaccines in 2021 published jointly by the WHO and UNICEF, between 2020 and 2021, North Korea's vaccination coverage for BCG decreased from 99% to 95%, while that for DTP1 fell from 98% to 42%, that for polio (Pol3) fell from 70% to 0%, that for MCV1 fell from 99% to 42%, and that for HepB3 fell from 97% to 41%.¹⁰³⁷

1035_UNICEF, "UNICEF DRPK Humanitarian Situation Report No. 2," January to December 2020, p. 2.

1036_ *Ibid.*

1037_WFP/UNICEF, "Democratic People's Republic of Korea: WHO and UNICEF estimates of immunization coverage: 2021 revision," p. 3, 4, 6, 8, 12 (July 8,

Considering that vaccination for infants and young children is directly related to disease prevention and the lives of North Korean children, the state's efforts to ensure a stable supply of essential vaccines and constant monitoring of the vaccine supply are required.

Although the situation is not at its worst, it has been found that a significant number of North Korean children still suffer from malnutrition. According to a report by the UN Food and Agricultural Organization (hereinafter FAO), the proportion of the population that was undernourished in North Korea increased from 42.6% in 2018 to 43.0% in 2019 and then decreased to 41.6% in 2020, and approximately 10.7 million people are undernourished in North Korea.¹⁰³⁸ North Korea's proportion of the population that was undernourished in 2020 (41.6%) was higher than that of Africa (19.1%), least developed countries (22.9%), and low-income countries (29.6%).¹⁰³⁹ According to the Joint Rapid Food Security Assessment by the WFP and FAO based on their visit to North Korea in 2019, 15–25% of children between six months of age and less than five years of age were reported to be undernourished in North Korea.¹⁰⁴⁰ North Korea's

2022). <<https://data.unicef.org/resources/immunization-country-profiles/>>.

1038_ FAO, IFAD, UNICEF, WFP and WHO, *The State of Food Security and Nutrition in the World 2022*, (Rome: FAO, 2022).

1039_ *Ibid.*

1040_ WFP/FAO, "Democratic People's Republic Of Korea (DPRK)–FAO/WFP Joint Rapid Food Security Assessment," 2019, p. 42 <<https://www.wfp.org/publications>>

under-five and neonatal mortality rates appear to have improved recently. The mortality rate of children less than five years of age per 1,000 live births decreased from 17.3% in 2019 to 16.5% in 2020, and the neonatal mortality rate per 1,000 live births also decreased from 9.3% in 2019 to 8.9% in 2020. The two indicators show that North Korea has achieved related SDG targets.

Despite improvements in North Korea's child malnutrition rate, it has been reported that in North Korea, "nearly one in 10 children under the age of five is underweight and nearly one in five children is stunted."¹⁰⁴¹ According to a joint report by UNICEF, the WHO and World Bank, 18.2% of North Korean children under the age of five (317,800 children) had stunted growth in 2020, and 2.5% of North Korean children under the age of five (43,500 children) suffered from acute malnutrition in 2017.¹⁰⁴² In particular, it has been reported that "one third of children aged 6–23 months do not receive the minimum acceptable diet";¹⁰⁴³ considering that this finding is based on data

/democratic-peoples-republic-korea-dprk-faowfp-joint-rapid-food-security-assessment).

1041. UNICEF, *Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea* (Pyongyang: UNICEF, 2019), p. 54.

1042. UNICEF, WHO, and The World Bank, *Levels and trends in child malnutrition: key findings of the 2021 edition of the joint child malnutrition estimates*. (New York: UNICEF, 2021), pp. 18–19. According to a 2019 UNICEF report, there were approximately 140,000 children suffering from acute malnutrition in North Korea. UNICEF, *Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea* (Pyongyang: UNICEF, 2019), p. 54.

1043. UNICEF, *Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea*, p. 54

collected before COVID-19, it is highly possible that the situation has become even worse. It has also been found that the rate of stunted growth among children is 10% in Pyongyang and 32% in Yanggang Province, indicating wide variation between regions.¹⁰⁴⁴ The 2021 Report of the Secretary-General on the Situation of Human Rights in North Korea estimated that 10.6 million people in North Korea are in need of humanitarian assistance and stated that “of particular concern are children under the age of five and pregnant and lactating women.”¹⁰⁴⁵ Considering that vaccination against COVID-19 has not been carried out in North Korea and imports of essential medicine and medical devices for vulnerable groups have been suspended, the health situation for North Korean people, including children, is likely to have worsened.

It is highly probable that the border closures adopted by the North Korean authorities since January 2020 following the outbreak of COVID-19 have further disrupted food supplies and worsened food insecurity for North Korean people who have long been suffering from chronic food shortages.

B. Children’s Right to Education

Article 28 of the CRC stipulates that children have the right to education. Article 29 requires that each child’s education be

1044_ UN Doc. A/75/271 (2020), para. 28.

1045_ UN Doc. A/76/242 (2021), para. 34.

directed toward the following goals: (a) The development of the child's personality, talents, and mental and physical abilities to his or her fullest potential; (b) The advancement of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The advancement of respect for the child's parents, his or her own cultural identity, language and values, the national values of the country in which the child is living and the country from which he/she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship, in relations with all people, including all ethnic, national, and religious groups and persons of indigenous origin; and (e) The development of respect for the natural environment. Moreover, Article 31 of the CRC stipulates that children have the right to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and the arts. North Korea has enacted and enforced the Education Law, the Law on General Education and the Law on the Nursing and Upbringing of Children, and includes in its Law on the Protection of the Rights of Children education-related provisions such as those on the right to free compulsory education, the right to develop hope and talents, and the right to have rest and cultural life (Articles 22–28).

(1) Political Ideology Education

In its fifth report to the Committee, North Korea mentioned that it has adopted a universal 12-year compulsory education system and that its educational program has been revised to conform to Article 29 of the CRC, which specifies the goals of child education.¹⁰⁴⁶ Whereas the goal of child education is to cultivate a spirit of respect, peace, tolerance, equality and solidarity, North Korea's educational curriculum leans heavily towards political ideology education and focuses on idolizing the present Supreme Leader and his family. The curriculum revised in 2013 includes classes related to Kim Jong Un for at least one hour a week. The education time allotted for subjects related to Kim Il Sung, Kim Jong Il and Kim Jong Un by grade is presented in <Table IV-5>.

Table IV-5 Time Required Each Year for Students to Learn about Subjects Related to Kim Il Sung, Kim Jong Il and Kim Jong Un

Category		Kim Il Sung	Kim Jong Il	Kim Jong Un
Junior	1 st year	68 hours		34 hours
Middle	2 nd year	68 hours	68 hours	34 hours
School	3 rd year		68 hours	34 hours
Advanced	1 st year	104 hours		27 hours
Middle	2 nd year	56 hours	56 hours	27 hours
School	3 rd year		92 hours	27 hours

The share of subjects on Kim Jong Un in the educational curriculum is less compared to subjects related to Kim Il Sung and

1046_UN Doc. CRC/C/PRK/5 (2016), para. 209.

Kim Jong Il, but they still account for a substantial proportion of the curriculum, given that they are new subjects.¹⁰⁴⁷ The main learning contents of these subjects can be divided into five categories: (i) the greatness of the Party and the Supreme Leader (*Suryeong*), (ii) the principles of *Juche* ideology, (iii) Party policies, (iv) the revolutionary tradition, and (v) revolutionary and communist education; however, they all have one goal, which is to make students recognize the greatness of the Supreme Leader (*Suryeong*).¹⁰⁴⁸ Political ideology education is considered to be an important part of school education, and it appears students accept its importance without question.¹⁰⁴⁹

In North Korea, education on political ideology is routinely carried out not only in the regular school curriculum but also in compulsory organizational life, including through the Korean Children's Union (*sonyeondan*) and Kim Il Sung Socialist Youth League. Children aged 7–13 join the Korean Children's Union (*sonyeondan*) and learn and practice Unitary Ideology through ideology education and organizational activities. Young people aged 14–30 join the Kim Il Sung Socialist Youth League and engage in organizational life. Membership is mandatory for both organizations. The Kim Il Sung Socialist Youth League changed

1047_ Jeong-ah Cho *et al.*, *Educational Policies, Educational Programs and Textbooks under the Kim Jong Un Regime* (Seoul: KINU, 2015), p. 69.

1048_ *Ibid.*, pp. 95–96.

1049_ NKHR2017000115 2017–11–20.

its name to the “Kimilsungist-Kimjongilist Youth League” at the 9th Youth League Congress held in August 2016. Although North Korean defectors who entered South Korea in 2020 were asked about the changes in the nature or activities of the Kimilsungist-Kimjongilist Youth League after the change of its name, no relevant testimony was offered. A teenage North Korean defector who defected in 2019 testified that people join the Korean Children’s Union (*sonyeondan*) and the Youth League only as a formality, and there is a membership fee to join these organizations.¹⁰⁵⁰ According to a North Korean defector in his/her 20s who defected in 2019, it is mandatory for people to join the Youth League from the fourth year of middle school (i.e., the first year of advanced middle school), and joining the Youth League is considered a coming-of-age event.¹⁰⁵¹ Continuous observations should be made through defector testimonies to identify possible changes in the activities of political organizations that students are required to join.

(2) Mobilization for Political Events and Regime Propaganda

In its fifth report to the Committee, North Korea stated that it has implemented diverse measures related to the education and

1050_NKHR2020000029 2020-07-06.

1051_NKHR2021000001 2021-08-13.

leisure of children in response to the relevant provisions in the CRC and the recommendations of the Committee. In its 2019 UPR report, North Korea reported that it has built or remodeled various cultural facilities to provide not only an educational base for children and youths but also an environment where all North Korean people can relax and enjoy leisure activities.¹⁰⁵² In particular, it appears that North Korea has been active in improving the educational conditions and environment by promoting the nationwide construction of “model schools,” implementing modernization projects, and introducing multifunctional classrooms to more schools.¹⁰⁵³ However, despite North Korea’s reporting that it guarantees children’s right to development, children’s right to enjoy rest and leisure is infringed upon in North Korea as students are mobilized for various political events or regime propaganda campaigns. A North Korean defector who defected in 2015 testified that the mobilization of children for political events inevitably has a negative impact on their learning.¹⁰⁵⁴ A North Korean defector who defected in 2019 testified that some students who were mobilized for an outdoor flower-giving event held on a hot summer day fainted during the event.

1052_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), paras. 56~57.

1053_ *Korean Central News Agency*, 6 July 2022; *Rodong Sinmun*, 13 February 2022.

1054_ NKHR2018000121 2018-10-22.

Table IV-6

Cases of Mobilization for Political Events and Regime Propaganda

Testimonies	Testifier ID
The name of the Youth League was “Kim Il Sung Socialist Youth League” when the testifier graduated in 2015, but after one year, it was changed to the “Kimilsungist–Kimjongist Youth League.” A memorial ceremony was held on the anniversary of Kim Jong Il’s death.	NKHR2020000003 2020-05-15
In the winter of 2015 (which could have been 8 March, International Women’s Day), when the testifier was an elementary school student, he/she was mobilized to walk in a row with flowers/fans and sing songs; the testifier walked around the road for about 30 minutes.	NKHR2020000031 2020-08-03
Students were mobilized to carry flowers during election campaigns for the election of deputies to the SPA.	NKHR2017000063 2017-07-31
For every national holiday including Kim Jong Il and Kim Il Sung’s birthdays, students are mobilized to present baskets of flowers. Students from different schools would gather in the square in Hyesan and take part in a solidarity gathering (<i>gyeolyimoim</i>).	NKHR2017000078 2017-08-28
Students are mobilized for welcoming events; they would put flowers in front of Kim Il Sung portraits (<i>taeyangsang</i>). Students are mobilized for welcoming events for the military. They are also mobilized on the anniversary of Kim Jong Il’s death.	NKHR2017000086 2017-09-25
The testifier had been mobilized for Kim Il Sung, Kim Jong Il, and Kim Jong Suk’s birthdays and required to sing.	NKHR2018000103 2018-10-01
When mobilized for political events, students are required to take part 100%. If not, they are treated as reactionaries.	NKHR2018000104 2018-10-01
When students perform mass gymnastics like <i>Arirang</i> at an event hosted by the Party, they usually practice for at least six months. Those who are in the third grade in middle school or older are mobilized. The testifier thought that it was natural that there was a learning gap between children who are mobilized to events and children from rich families who avoid selection by paying money.	NKHR2019000023 2019-05-18
The testifier was mobilized for a reporting convention held on national holidays, including the birthdays of Kim Il Sung and Kim Jong Il, where he/she clapped and sang songs for the Supreme Leader (<i>Suryeong</i>) as well as the national anthem.	NKHR2019000045 2019-07-01
During election seasons, students are mobilized to join a choir team (<i>gachangdae</i>) to sing songs that encourage people to participate in elections.	NKHR2020000022 2020-07-06
According to a North Korean defector who defected in 2019, unlike physically burdensome labor mobilization, children find regime propaganda campaigns amusing and do not think of them as a political activity.	NKHR2020000029 2020-07-06

Part I

Part II

Part III

Part IV
Vulnerable Groups

Part V

Testimonies	Testifier ID
Participation in political events was mandatory, and the work required from participants was demanding. When the testifier was a child, he/she was forced to participate in military parades and reviews held in a big square every day during which he/she had to walk for about one hour.	NKHR2021000001 2021-08-13
The testifier had been mobilized for various events many times. Those who had been forced to participate in the 7th Party Congress had to perform mass gymnastics. The testifier joined a choir/propaganda team (<i>gachangseonjeondae</i>) where he/she had to sing songs and shout slogans.	NKHR2021000004 2021-08-20
There are various political events. A flower-presenting event is held in front of Kim Il Sung portraits (<i>taeyangsang</i>) on Kim Il Sung and Kim Jong Il's birthdays, New Year's Day and national holidays, and those not attending the event are severely punished.	NKHR2021000006 2021-09-03

According to defector testimonies, students are mobilized to participate in marches on national memorial days, to sing songs in a choir team (*gachangdae*) during election season, or to participate in memorial performances on the anniversary of Kim Jong Il's death. It has been found that students mobilized to participate in a mass gymnastics performance suffer from physical burdens or disruptions in learning that are caused by long hours of practice. A North Korean defector in his/her late teens testified that every year, he/she had to practice mass gymnastics from February to prepare for the celebration of the Day of the Sun (15 April); according to the testifier, practice continued in cold weather and even on weekends and sometimes late into the night.¹⁰⁵⁵ Another North Korean defector said that some students faint after

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1055_ NKHR2016000123 2016-07-26.

practicing three to four hours in the mid-summer heatwave.¹⁰⁵⁶ There was testimony revealing that the testifier could not learn properly as he/she was mobilized to practice in the mass gymnastics *Arirang* for more than six months, and there was a learning gap between the testifier and children from rich families who were not selected to perform after paying money to the school.¹⁰⁵⁷ There was also testimony reporting that half of the testifier's class paid money to be excused from participating in political events, and only the other half was mobilized.¹⁰⁵⁸ Although there remains a perception that these events are a duty and that students must participate even if they are burdensome,¹⁰⁵⁹ in most cases, avoiding participation by paying bribes is tolerated. A North Korean defector who defected in 2018 testified that avoiding participation in political events is possible by making excuses, but people feel pressured to participate because they have to make up for their nonparticipation.¹⁰⁶⁰

(3) Compulsory Military Training

Despite the continued concerns expressed by the Committee

1056_NKHR2016000151 2016-09-06.

1057_NKHR2019000023 2019-05-18.

1058_NKHR2019000068 2019-08-26.

1059_NKHR2016000143 2016-08-23; NKHR2016000152 2016-09-06; NKHR2018000103 2018-10-01; NKHR2018000104 2018-10-01; NKHR2019000023 2019-05-18; NKHR2019000053 2019-07-29.

1060_NKHR2021000005 2021-08-20.

regarding compulsory military training, North Korea still maintains a military subject titled “Military Activity for Beginners” in the advanced middle school program. In its fifth report to the Committee, North Korea avoided directly mentioning this issue, stating only that the educational goal of advanced middle school includes “promoting [...] sound body so as to make them fully prepared for military service, social life and campus life.”¹⁰⁶¹ Students in the second year of advanced middle school receive military training for one week at a camp training facility of the Young Red Guards. Third-year students at advanced middle school develop basic military skills through one week of outdoor billeting.¹⁰⁶² According to a testifier who had received military training as a member of the Young Red Guards in the second year of advanced middle school, a one-week training period, the format of which is identical to that of genuine military training, is conducted equally for both male and female students without exception.¹⁰⁶³ According to defector testimonies, military training includes shooting, disassembling and assembling of firearms, crawling, forming ranks, guard duty, and education on military regulations.¹⁰⁶⁴ There was testimony stating that students fire live rounds on the last day of military training.¹⁰⁶⁵

1061_UN Doc. CRC/C/PRK/5 (2016), para. 198.

1062_NKHR2022000022 2022-06-21; NKHR2021000025-2 2022-06-30.

1063_NKHR2021000003 2021-08-19.

1064_NKHR2016000118 2016-07-26; NKHR2016000121 2016-07-26; NKHR2016000123 2016-07-26.

C. Labor Mobilization

Article 32 of the CRC stipulates that children have the right to be protected from labor that threatens their health, education, and development. North Korea prohibits child labor in its Constitution, Labor Law, and Law on the Protection of the Rights of Children. However, as mentioned above, none of these laws is consistent with the CRC, as the current Law on the Protection of the Rights of Children defines a child as a person “up to the age of 16” and the Constitution and the Labor Law stipulate the legal working age as 16.

In the 2019 UPR report, North Korea stated that all forms of child labor are prohibited by law in North Korea, and activities that students carry out on farms are educational in nature and are in line with their school curriculum.¹⁰⁶⁶ In fact, in North Korea, the junior middle school curriculum includes tree-planting and the advanced middle school curriculum includes tree-planting and production labor. In this regard, the Committee has expressed serious concern that mobilizing students for various agricultural and construction projects carried out as part of the education system in North Korea could be a violation of the students’ right to education.¹⁰⁶⁷ In the 2021 VNR, North Korea reported that it

1065_NKHR2020000038 2020-09-26; NKHR2021000007 2021-09-06.

1066_UN Doc. A/HRC/42/10 (2019), para. 79.

1067_UN Doc. A/HRC/WG.6/33/PRK/2 (2019), para. 87, 88.

had already achieved SDG target 8.7 to eradicate all forms of child labor by 2025 because forced labor and child labor do not exist in North Korea.¹⁰⁶⁸

Table IV-7 Reality of Student Labor Mobilization

Testimonies	Testifier ID
The testifier had been mobilized for a forest restoration campaign when he/she was in middle school in 2014-2015, and since then, he/she was mobilized every summer. The testifier had to climb a mountain and plant trees. Work started in the morning and ended in the evening. Manual digging was also included in the list of tasks. One had to pay money to avoid participation.	NKHR2020000029 2020-07-06
The testifier was mobilized to work in rural areas when he/she was in advanced middle school in 2017; he/she participated in rice-planting in spring and potato harvesting in fall.	NKHR2021000016 2021-09-24
The testifier heard that his/her friend's younger sibling, who was in third or fourth grade in elementary school, was mobilized in 2019. Sometimes mothers take the duty of their children. People with money tend to send someone else to do the work. One can avoid participation if he/she pays the teacher. Students in advanced middle school study in the morning and often work in the afternoon. Students are often mobilized to construction sites to move stones or perform railroad construction work.	NKHR2020000001 2020-05-15
In 2020, the testifier paid 200-300 yuan so that his/her child could avoid participating in the annual potato mobilization and focus on studying.	NKHR2020000038 2020-09-26
All students in their fourth year of middle school (i.e., first year in advanced middle school) or older are forced to work in rural areas. Work usually begins at dawn. Students work for about 20 days every year, starting from late May (before planting season) and ending in mid-June (after weeding). The work is physically demanding. Because participation is mandatory, people often feel a severe psychological burden and pressure.	NKHR2020000003 2020-05-15
Labor mobilization is demanding for elementary school children, so they are often exhausted in the evening after work.	NKHR2020000012 2020-06-15

1068_DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda," p. 22.

Testimonies	Testifier ID
During the busy farming season, students are mobilized for weeding. Students who are ill or have other reasons can avoid participation after asking to be excused.	NKHR2020000022 2020-07-06
The testifier was forced to work in rural areas and participate in potato harvesting after entering middle school. The testifier spent two months a year participating in group mobilization.	NKHR2021000002 2021-08-13
The testifier was made every year to work in rural areas far from his/her home for a month in May/June; he/she stayed at a private house while working. The testifier was also forced to work at nearby farms during weeding seasons.	NKHR2021000006 2021-09-03
When the testifier was in the fourth grade of elementary school, he/she had to participate twice in labor mobilization for rural areas, which took about one to two weeks each time. The work was fun but demanding. Some of the students avoided participation by offering the school goods such as rice. When the testifier was in middle school, he/she spent afternoons carrying scrap iron or sand or collecting gravel.	NKHR2021000008 2021-09-07
The testifier was mobilized to work in rural areas during harvesting season. He/she had to bring his/her own food, and the work was demanding. Students were also used at apartment construction sites to carry cement or stones.	NKHR2021000009 2021-09-07
The testifier had been mobilized to work in rural areas when he/she was in middle school; he/she planted rice seedlings and corn and carried loads of rice seedlings and rice sheaves. The work was demanding but the testifier found it fun to work with his/her friends.	NKHR2021000018 2021-02-20
Medical students study in the morning and work in rural areas in the afternoon. Avoiding participation was possible if one paid money. Those without money had to participate in all labor activities, even ones organized during exam periods.	NKHR2022000008 2022-05-27
When the testifier was in middle school, afternoon classes ended before 4 pm. After class, he/she went out to work at various workplaces that required labor, including companies, roads and railroads.	NKHR2022000023 2022-06-22

According to defector testimonies, students are frequently mobilized for various tasks after-school or during school hours. Students are mobilized for weeding and rice-planting in spring and for potato harvesting in fall.¹⁰⁶⁹ It is said that annual rural mobilization, which is mandatory, is physically demanding as it

involves work that mostly starts early in the morning; it is also said that rural mobilization imposes great psychological pressure as it is mandatory.¹⁰⁷⁰ Students are also mobilized for construction work such as transporting sand and pebbles, logging and railroad construction.¹⁰⁷¹ Those who are ill can be exempted from participation,¹⁰⁷² but it has become a custom to pay money to be excused from mobilization.¹⁰⁷³

On the other hand, a testifier reported that he/she had not been mobilized for work when he/she was in elementary school but had been mobilized for potato or blueberry harvesting starting from the first year of middle school.¹⁰⁷⁴ In contrast, there was testimony reporting that elementary school students are subjected to labor mobilization that is excessively physically burdensome for children.¹⁰⁷⁵ Consequently, when elementary school students are mobilized for labor, their mothers take the duty of their

1069_ NKHR2017000002 2017-04-10; NKHR2017000008 2017-04-10; NKHR2017000029 2017-06-05; NKHR2018000008 2018-03-12; NKHR2018000041 2018-06-04; NKHR2018000121 2018-10-22; NKHR2019000023 2019-05-18; NKHR2019000045 2019-07-01; NKHR2021000016 2021-09-24; NKHR2021000025 2021-11-09; NKHR2022000023 2022-06-22.

1070_ NKHR2020000003 2020-05-15.

1071_ NKHR2016000133 2016-08-09; NKHR2018000103 2018-10-01; NKHR2018000123 2018-10-22; NKHR2019000020 2019-05-07; NKHR2019000058 2019-07-29; NKHR2019000083 2019-09-25; NKHR2020000001 2020-05-15; NKHR2021000008 2021-09-07; NKHR2021000009 2021-09-07.

1072_ NKHR2020000022 2020-07-06.

1073_ NKHR2022000008 2022-05-27.

1074_ NKHR2022000002 2022-05-18.

1075_ NKHR2020000012 2020-06-15.

children and do the assigned work,¹⁰⁷⁶ while those with money avoid participation by paying a certain amount of money¹⁰⁷⁷ or hiring someone to do the work instead. Despite North Korea's claim that child labor is prohibited by law, even elementary school students are mobilized for labor.

D. Children in Need of Special Protective Measures

(1) Treatment of Forcibly Repatriated Children

Article 37 of the CRC stipulates that no child shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment, unlawful imprisonment, or deprivation of liberty. Article 39 of the CRC stipulates that State Parties shall take all appropriate measures to promote the recovery and social reintegration of a child victim of torture, abuse, exploitation, etc. North Korea has enacted relevant provisions in its Criminal Law and Criminal Procedure Law. The Law on the Protection of the Rights of Children stipulates the basic requirement for the protection of children's rights in the judicial field, prohibition of the imposition of criminal responsibility and the death penalty on children, application of social educational measures, and respect for the dignity of children in handling cases (Articles 47–49 and 51).

1076_NKHR2020000001 2020-05-15.

1077_NKHR2020000038 2020-09-26.

In its fifth report to the Committee, North Korea stated that returnees who have illegally crossed the border are subject to educational measures.¹⁰⁷⁸ In other words, the principle is to improve returnees' compliance with the law by making them aware of the relevant provisions in the Law on the Protection of the Rights of Children, Immigration Law, and Criminal Law after investigating their motivation and goals for illegal border-crossing.¹⁰⁷⁹ North Korea also explained in the fifth report that schools ensure the adaptation of such children to school life by providing special care and that the local People's Committee continuously contact such children's parents to resolve any issues that parents may face in raising these children.¹⁰⁸⁰

However, during in-depth interviews with North Korean defectors, some testified that children forcibly repatriated from China receive cruel treatment, including verbal abuse and violence, and torture during the interrogation process and that they suffer beatings, hard labor and hunger during detention.¹⁰⁸¹ A North Korean defector who defected in 2018 testified that his/her elder sister and her child were caught while defecting in 2016 and forcibly repatriated. the testifier said that his/her nephew/niece was beaten in front of his/her mother to make her

1078_ UN Doc. CRC/C/PRK/5 (2016), para. 239.

1079_ *Ibid.*

1080_ *Ibid.*

1081_ NKHR2016000121 2016-07-26.

confess.¹⁰⁸²

On the other hand, there also were testimonies stating that repatriated children were released after only receiving educational measures.¹⁰⁸³ Another North Korean defector testified that minors are sent to the 927 Permanent Committee as they cannot be detained in detention centers (*guryujang*) with adults.¹⁰⁸⁴ In recent surveys, cases involving forcibly repatriated children have not been reported. Therefore, it would be necessary to continuously observe how such cases are handled. Additional analysis should be conducted on the details and methods of the educational measures that have been applied in the past.

(2) “*Kotjebi*”

Article 20 of the CRC stipulates that “a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.” North Korea stipulates in the Law on the Protection of the Rights of Children that “children who cannot be cared for by their parents or guardians shall be raised, at a cost paid for by the state, at child-caring institutions (*yugawon*),

1082_NKHR2018000109 2018-10-06.

1083_NKHR2016000112 2016-07-26; NKHR2016000123 2016-07-26.

1084_NKHR2016000143 2016-08-23.

orphanages (*aeugwon*) or other institutions” (Article 31).

In its fifth report to the Committee, North Korea did not explicitly mention *kotjebi*. It only explained that children who are deprived of their family environment due to natural disasters or the death or divorce of their parents are protected and that a suitable living and learning environment are provided for them.¹⁰⁸⁵ According to North Korea’s report, “the very few children who are found wandering the streets” are taken to relief centers operated by local People’s Committees and then transferred to either the homes of individuals capable of looking after them or institutions.¹⁰⁸⁶ Likewise, in its 2019 UPR report, North Korea pointed out that various measures implemented by the state for the care and education of children without parents and children living in remote or disaster-stricken areas are noteworthy achievements.¹⁰⁸⁷

It has not been clearly identified how many *kotjebi* are accepted into orphanages (*aeugwon*) and secondary academies for orphans and to what extent they receive care and education. North Korean authorities are known to send *kotjebi* who are caught to accommodation facilities that are also called “relief centers,” “lodging centers,” “boys’ education centers,” “lodging centers for drifters” or “protection centers” for the purpose of protecting and

1085_UN Doc. CRC/C/PRK/5 (2016), para. 109.

1086_UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), para. 52.

1087_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 65.

managing them.

Conflicting testimonies have been collected as to the existence of *kotjebi*, and thus continued observation is required for this issue. A North Korean defector who defected in 2020 said that *kotjebi* have long disappeared from North Korea.¹⁰⁸⁸ Some have testified that this is related to the accommodation facilities for these children. There has been a claim that the establishment of accommodation facilities for *kotjebi* has contributed to the decrease in the number of these children,¹⁰⁸⁹ and another testifier has stated that people no longer encounter them because most *kotjebi* are sent to middle schools with boarding facilities at a young age.¹⁰⁹⁰ A North Korean defector who defected in 2020 said that, under the Kim Jong Un regime, *kotjebi* are no longer seen on the streets because they are sent to secondary academies or orphanages (*ae-yugwon*) with good facilities at a young age.¹⁰⁹¹ A North Korean defector in his/her 20s who defected in 2019 said that, in the past, when he/she ate street food in marketplaces (*jangmadang*) *kotjebi* would come and steal food from him/her, but it is uncommon to encounter them in marketplaces (*jangmadang*) these days.¹⁰⁹² Another North Korean defector

1088_NKHR2021000024 2021-10-24

1089_NKHR2020000012 2020-06-15.

1090_NKHR2021000030 2021-11-28.

1091_NKHR2022000022 2022-06-21.

1092_NKHR2022000025 2022-06-23.

who defected in 2019 said that there were not many *kotjebi* on the streets. According to the testifier, the price of rice was stable before the outbreak of COVID-19 and there were only one or two *kotjebi* in the marketplace (*jangmadang*).¹⁰⁹³ There have been many testimonies reporting that *kotjebi* are only seen occasionally or rarely near their residences.¹⁰⁹⁴

In contrast, some testifiers have claimed that there are still many *kotjebi* in North Korea.¹⁰⁹⁵ A North Korean defector who defected in 2019 testified that, while the number of *kotjebi* has decreased in the West Sea District (located in South Pyeongan Province) and the East Sea District after accommodation facilities for drifters were built in 2015–2016, the number of *kotjebi* has increased in Nampo due to the sanctions imposed in 2019.¹⁰⁹⁶ It is said that *kotjebi* are still found in front of stations or near marketplaces (*jangmadang*) in border regions or provincial areas.¹⁰⁹⁷ A North Korean defector who had lived in Chongjin, North Hamgyeong Province and defected in 2019 testified that there were many *kotjebi* near the train station and in street alleys

1093_ NKHR2021000014 2021-09-16.

1094_ NKHR2021000024-2 2022-06-28; NKHR2021000003 2021-08-19; NKHR2021000029 2021-11-23; NKHR2022000003 2022-05-19.

1095_ NKHR2021000007 2021-09-06; NKHR2021000008 2021-09-07; NKHR2021000018 2021-02-20; NKHR2021000019 2021-10-15; NKHR2021000025 2021-11-09 and many other testimonies.

1096_ NKHR2020000045 2020-10-31.

1097_ NKHR2022000018 2022-06-15; NKHR2021000010 2021-09-08; NKHR2021000016 2021-09-24; NKHR2020000048 2020-11-28.

and that they looked shabby as they did not wash their face and were wearing winter clothes when it was summer.¹⁰⁹⁸ There was also testimony reporting that there are still many *kotjebi* in North Korea, some of whom rummage through garbage dumps. According to the testifier, *kotjebi* include both young children and fully grown adults.¹⁰⁹⁹

Some testimonies have reported that the criminal behavior of *kotjebi* has become more sophisticated. It is said that, these days, *kotjebi* make money by pickpocketing in marketplaces (*jangmadang*) to buy clothes and drugs (*bingdu*) and feed their family.¹¹⁰⁰ A North Korean defector who defected in 2019 testified that there were cases in which people do not recognize *kotjebi* because they dress better than ordinary people, and some *kotjebi* steal luggage left unattended at stations.¹¹⁰¹

On the other hand, testimonies have been collected indicating that *kotjebi* sent to accommodation facilities eventually decide to leave such facilities. A North Korean defector who defected in 2019 testified that he/she was told that living in accommodation facilities is more difficult than living on the streets as a *kotjebi*.¹¹⁰² A North Korean defector in his/her 20s who defected in 2020

1098_NKHR2020000029 2020-07-06.

1099_NKHR2022000016 2022-06-11.

1100_NKHR2021000004 2021-08-20.

1101_NKHR2021000006 2021-09-03.

1102_NKHR2020000029 2020-07-06.

testified that orphans often choose to leave accommodation facilities and return to the streets because they have experience of living freely on the streets.¹¹⁰³ In light of the previous testimonies that there are many cases in which *kotjebi* decide to leave accommodation facilities because of the poor facilities and environment, harsh discipline and inadequate and poor quality food,¹¹⁰⁴ continued attention must be paid to children in need of special protection and assistance from the state.

E. Evaluation

In its national report submitted for the third cycle of the UPR in 2019, North Korea did not include institutional measures or execution plans to resolve the issues of violence against children, the exploitation of children and children living in poverty. In the 2021 VNR, North Korea claimed to have already achieved SDG target 8.7 by eradicating all forms of child labor.¹¹⁰⁵ The 2021 survey found that the human rights situation of North Korean children still remains poor. The overall level of the health care and welfare of children is low despite various legal and institutional

1103_ NKHR2021000019 2021-10-15.

1104_ NKHR2016000143 2016-08-23; NKHR2016000157 2016-09-20; NKHR2018000041 2018-06-04; NKHR2018000093 2018-08-27; NKHR2018000128 2018-11-19; NKHR2019000047 2019-07-01; NKHR2019000048 2019-07-01; NKHR2019000052 2019-07-20; NKHR2019000064 2019-08-17.

1105_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda," p. 22.

measures in place. Even before the COVID-19 pandemic, North Korean children suffered from “chronic food insecurity and malnutrition,” which translated into “high rates of undernourishment, stunting and anaemia.”¹¹⁰⁶ The right to food and health for North Korean children is likely to be further threatened unless the North Korean authorities decide to ease the border closures or resume the acceptance of support from and cooperation with the international community in terms of food and vaccinations.

Although North Korean authorities reported that they have expanded medical and rehabilitation facilities for children with disabilities, such facilities do not appear to be providing uniform and consistent benefits to all disabled children. In particular, the testimony that disabled children tend to hide their disability for fear of possible disadvantages indicates that North Korean authorities should pay more attention to improving social perceptions of disabilities. In addition, North Korean children receive excessive education on political ideology and are mobilized for political events and propaganda campaigns for the North Korean regime. These situations infringe upon the right of children to receive education that cultivates a spirit of understanding, tolerance, peace and solidarity. In particular, despite North Korea’s reporting that child labor is prohibited by

1106_WFP, “DPR Korea Country Brief,” 2021 <<https://docs.wfp.org/api/documents/WFP-0000135453/download/>>.

law, even elementary school students are mobilized for labor in North Korea.

It appears that there have been some positive changes, such as the modernization of facilities for orphans and the preferential distribution of goods to orphans. Children without parental care appear to be taken care of in child-caring institutions (*yugawon*), orphanages (*ae-yugwon*) or boarding schools.¹¹⁰⁷ However, recent testimonies report that kotjebi are often found on the streets of North Korea. In light of these testimonies, North Korean authorities should pay continued attention to improve the treatment of kotjebi and help them reunite with their families.

1107_ *Ibid.*

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Persons with Disabilities

The CRPD stipulates that “States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability” (Article 4). On 3 July 2013, North Korea became a signatory to the CRPD. By ratifying the Convention on 6 December 2016, North Korea became a State Party to the CRPD. In December 2018, North Korea submitted its initial CRPD implementation report to the UN Committee on the Rights of Persons with Disabilities (hereinafter in this chapter the Committee).

A. Policies on and Population of Persons with Disabilities

(1) Policies on Persons with Disabilities

Taking into consideration the criticism and concerns of the international community regarding discrimination against persons with disabilities, North Korea adopted the Law on the Protection

of Persons with Disabilities in June 2003. This law was enacted “to provide more favorable living environment and conditions for persons with disabilities by firmly establishing systems and order in terms of rehabilitation, education, cultural life and work” (Article 1). Article 2 of the law defines persons with disabilities as “citizens whose normal life is hampered for an extended period of time due to the restriction or loss of physical or mental functions.” It also states, “the state shall respect the personal dignity of all persons with disabilities, and guarantee them social and political rights, freedoms and interests that are equal to those granted to healthy citizens.” The Law on the Protection of Persons with Disabilities also stipulates details concerning rehabilitation (Chapter 2), education (Chapter 3), cultural life (Chapter 4) and work (Chapter 5) of disabled people. Provisions to protect disabled people also exist in the Social Insurance Law, the Labor Law, and the Social Security Law.

The Korean Federation for the Protection of the Disabled (hereinafter KFPD) is an organization in North Korea that advocates for the rights and interests of disabled people. The KFPD carries out important tasks such as conducting surveys on the status of people with disabilities, improving their health and living conditions and developing action programs to enhance social awareness of and interest in people with disabilities. It has branch committees at the province, city and county levels.¹¹⁰⁸ The KFPD considers itself to be an NGO even though the

Ministry of Public Health pays staff salaries and maintenance costs.¹¹⁰⁹ Under the KFPD, the Deaf Association of Korea, the Korean Rehabilitation Center for Children with Disabilities, the Blind Association of Korea, the Korean Company Supporting the Disabled, the Korean Association for Sports of the Disabled, and the Korean Art Association of the Disabled have been established.¹¹¹⁰ In addition, the KFPD established its first mission in Beijing in July 2008, and its Shenyang mission in 2015. Pun-hui Ri, the former secretary-general of the Korean Association for Sports of the Disabled, is serving as the first representative of the Shenyang mission.¹¹¹¹ According to the initial CRPD implementation report by North Korea, North Korean authorities have established and implemented Action Plans for 2008–2010, 2013–2015 and 2016. They have also implemented the Strategic Plan for the Protection of the Rights of Persons with Disabilities for 2018–2020.¹¹¹²

1108_CRC, “Consideration of Reports Submitted by States Parties under Article 44 of the Convention: The Combined Third and Fourth Periodic Reports of States Parties Due in 2007: Democratic People’s Republic of Korea,” UN Doc. CRC/C/PRK/4 (2008), para. 134.

1109_Katharina Zellweger, “People with Disabilities in a Changing North Korea,” *Shorenstein APARC Working Paper* (2014).

1110_ *Rodong Sinmun*, 30 September 2012; *Korean Central News Agency*, 16 December 2014; *Korean Central News Agency*, 3 December 2020.

1111_ *Voice of America*, 13 May 2015.

1112_UN Doc. CRPD/C/PRK/1 (2018), para. 30.

(2) Size of the Population of Persons with Disabilities

North Korea stipulates in the Law on the Protection of Persons with Disabilities that “the state shall regularly investigate the reality of disabled people and accurately evaluate the degree of disability and establish the right standards” (Article 5). However, it has not been identified how often North Korean authorities conduct systematic surveys of the overall reality for persons with disabilities in accordance with this provision.

According to a survey conducted by the Korean Association for Supporting the Disabled (KASD) in 1999, there were 763,237 persons with disabilities in North Korea, accounting for 3.41% of the entire North Korean population. Among them, 296,518 were with physical disabilities, accounting for the largest portion of the total disabled population at 38.8%, followed by 168,141 people with hearing impairment, 165,088 with visual impairment, 68,997 with severe disabilities, and 37,780 with mental disabilities. Approximately 1.75% of the population of Pyongyang was found to be disabled. Persons with disabilities more often lived in cities (64%) than in rural areas (35.4%).¹¹¹³

North Korea added disability-related survey items to its 2008 Population Census, such as the severity of disabilities, age, gender and population distribution of the disabled by region (i.e., rural

1113_ *Yonhap News Agency*, 9 April 2006; *Yonhap News Agency*, 23 November 2006.

areas and cities). North Korea's 2009 Population Census suggests that North Korea's population includes 519,573 people with visual difficulty (2.4%), 374,452 with hearing difficulty (1.73%), 537,496 with mobile difficulty (2.48%), and 334,852 with cognitive difficulty (1.54%). What is noteworthy in the survey results is that the percentage of women with disabilities (62%) far outnumbered that of men (32%).¹¹¹⁴

In November 2011, the KFPD and the Central Bureau of Statistics conducted a sample survey of persons with disabilities in approximately 2,400 households in three provinces (i.e., South Pyeongan Province, South Hwanghae Province and Gangwon Province).¹¹¹⁵ Based on the results of that survey, North Korea claimed, in its fifth report on the implementation of the CRC, that the percentage of children with disabilities who are under the age of 15 is 0.9%.¹¹¹⁶ Findings of the survey were partially disclosed by Mun-chol Kim, Deputy Chairman of the KFPD's Central Committee, who led the North Korean delegation to the 14th Paralympics held in London (30 August–10 September 2012). According to the survey, the number of persons with disabilities in five major categories—sight, hearing, physical movement (limbs), mental abilities (including intelligence) and multiple disabilities—equaled 5.8% of the population.¹¹¹⁷ According to

1114_UN Doc. A/HRC/37/56/Add.1 (2018), para. 10.

1115_ *Rodong Sinmun*, 30 September 2012.

1116_UN Doc. CRC/C/PRK/5 (2016), para. 135.

the 2014 sample survey of people with disabilities conducted in four provinces (i.e., South Hamgyeong Province, Gangwon Province, North Pyeongan Province and South Pyeongan Province), there were roughly 1.5 million people with disabilities, which account for 6.2% of the entire population. Among those people with disabilities, women (55.1%) outnumbered men (44.9%).¹¹¹⁸ A relief group for North Korea known as “Together-Hamheung,” which has its headquarters in Germany, held its 7th Gathering of Deaf Persons in Pyongyang for five days starting 7 August 2015. According to this group, around 350,000 deaf people are said to be registered.¹¹¹⁹

In December 2018, North Korea submitted an initial report to the Committee, which reflects the latest information on the size and characteristics of persons with disabilities in North Korea.¹¹²⁰ According to the report, as of 2016, the disabled population in North Korea accounted for 5.5% of the total population in North Korea. The percentage of the disabled female population (5.9%) was higher than the percentage of the disabled male population (5.1%). The reason for this difference appears to

1117_National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21. *Yonhap News Agency*, 10 September 2012. In its report submitted for the second cycle of the UPR in 2014, North Korea also stated that 5.8% of its population are persons with disabilities. The National Report submitted in accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21.

1118_UN Doc. A/HRC/37/56/Add.1 (2018), para. 10.

1119_ *Voice of America*, 13 August 2015.

1120_UN Doc. CRPD/C/PRK/1 (2018), Annex.

be due to the higher disability rate among women aged 60 years and older. In terms of the types of disability, physical disability accounted for 2.5% of the total population, followed by hearing disability (1.3%), visual disability (1.2%), language disability (0.4%), mental disability (0.4%) and intellectual disability (0.3%). The proportion of persons with disabilities among children aged between 0 and 16 years was 1.8% of the total population, 2.2% for boys and 1.4% for girls.

Table IV-8 Persons with Disabilities by Sex and Age (as of 2016) (Unit: %)

Age	Male	Female	Total
0~4	0.4	0.2	0.3
5~6	0.6	0.4	0.5
7~16	1.2	0.8	1.0
17~59	5.4	4.2	4.8
60+	13.3	19.1	16.9
Total	5.1	5.9	5.5

Source: UN Doc. CRPD/C/PRK/1 (2018).

B. Reality of the Rights of Persons with Disabilities

(1) Training and Rehabilitation

With respect to training and rehabilitation of disabled people, the CRPD stipulates that “States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life” (Article 26, paragraph 1). North Korea also stipulates, in its Law on the

Protection of Persons with Disabilities, that “the state shall organize professional or comprehensive rehabilitation institutions for rehabilitation of persons with disabilities,” (Article 11) and that “health supervision institutions, institutions in charge and enterprises should guarantee the production of assistance devices including alignment apparatus, motor tricycles, glasses and hearing aids in a planned manner” (Article 14).

North Korean authorities have implemented measures for the training and rehabilitation of persons with disabilities in accordance with the Law on the Protection of Persons with Disabilities. To begin with, in March 2013, the Rehabilitation Center for Children with Disabilities was established in Pyongyang on a mission to conduct a project leading to the early detection and rehabilitation of disabilities in children, in particular those with mental disabilities or limb disorders.¹¹²¹ On 6 December 2013, the Munsu Functional Recovery Center was founded in Pyongyang to offer comprehensive services for the functional rehabilitation of persons with disabilities. The Munsu Center functions as the parent hospital for physical therapy departments for the functionally impaired established in provincial, city and county hospitals.¹¹²² Moreover, North Korea has constructed the

1121_ *Rodong Sinmun*, 30 September 2012; *Korean Central News Agency*, 29 March 2013; Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea's Vulnerable People through Humanitarian Assistance* (Seoul: KINU 2013), p. 69.

1122_ *Chosun Shinbo*, 17 December 2013; *Korean Central News Agency*, 16 December

Dongdaewon Gymnasium for the Disabled in Dongdaewon District, Pyongyang for athletes with disabilities.¹¹²³

In North Korea, there are many alignment apparatus manufacturing outlets, such as the Hamheung Alignment Apparatus Factory, Songrim Alignment Apparatus Factory and Pyongyang Honored Veterans' Alignment Apparatus Repair Factory. The Hamheung Alignment Apparatus Factory produces various alignment apparatuses made of polypropylene resin. The employees of each of these factories, many of whom are disabled, provide mobile on-site repair services.¹¹²⁴ However, it is said to be difficult for ordinary disabled people to purchase items such as prosthetic legs and hands as they are expensive.¹¹²⁵

In addition to the Hamheung Physical Rehabilitation Center established in 1952, the Songrim Physical Rehabilitation Center (opened in Songrim, North Hwanghae Province in 2002) and the Rakrang Physical Rehabilitation Center (opened in Pyongyang in 2006), both of which were established in cooperation with the International Committee of the Red Cross (hereinafter ICRC) are in operation in North Korea. According to an ICRC report, the

2014.

1123_ *Tongil News*, 27 February 2016.

1124_ *Chosun Shinbo*, 23 May 2013; Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea's Vulnerable People through Humanitarian Assistance*, p. 71; *Yonhap News Agency*, 3 December 2014; Katharina Zellweger, "People with Disabilities in a Changing North Korea," *Shorenstein APARC Working Paper* (2014), p. 37.

1125_NKHR2015000131 2015-09-22.

Songrim and Rakrang Physical Rehabilitation Centers provided 3,127 services to people with disabilities between January and September 2020.¹¹²⁶

According to North Korea's initial CRPD implementation report, North Korea has implemented a series of "Action Plans" to carry out projects to train and rehabilitate people with disabilities, such as those on the modernization of alignment apparatuses and surgical equipment, promotion of vocational education for the disabled, and establishment of remote education systems for children with disabilities.¹¹²⁷ However, most of the testimonies collected during the interviews showed that there are virtually no training or rehabilitation programs given to those with disabilities.¹¹²⁸

(2) Adequate Living Standards and Employment Situation

The CRPD stipulates that "States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living

1126_ ICRC, "ICRC Activities in the DPRK," December 2020, <https://kr.icrc.org/wp-content/uploads/2021/03/2020-DPRK-Fact-and-Figures_KO.pdf> (Accessed 6 September 2022).

1127_ UN Doc. CRPD/C/PRK/1 (2018), para. 30.

1128_ NKHR2018000017 2018-04-09; NKHR2018000018 2018-04-09; NKHR2018000101 2018-10-01; NKHR2018000007 2018-03-12; NKHR2018000121 2018-10-22; NKHR2018000114 2018-10-13.

conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability” (Article 28, paragraph 1).

North Korea has policies regarding care for persons with disabilities, such as operating factories where they can work, so that persons with disabilities can maintain an appropriate standard of living. In North Korea, the disabled are divided into two groups: “honored veterans,” who receive preferential treatment, and “general persons with disabilities.” There appear to be separate factories for these two groups.¹¹²⁹ Those suffering from nanocormia or polio engage in work that is not labor intensive, such as carving seals and repairing clocks, bicycles, shoes and televisions, at local convenience service centers, while some visually impaired people earn money by playing the guitar.¹¹³⁰ North Korea is also known to provide job opportunities to persons with disabilities through the Botonggang Convenience Complex established in 2007, which is equipped with a sewing workshop, clock repair shop, hair salon and beauty salon.¹¹³¹ A North Korean defector who defected in 2020 testified that there is a factory in Pyongyang where only disabled people work and that he/she heard that the factory produces buttons, simple hinges and

1129_ *Daily NK*, 28 August 2012; Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea’s Vulnerable People through Humanitarian Assistance*, pp. 71–72.

1130_ NKHR2015000036 2015–02–10; NKHR2017000007 2017–04–10.

1131_ Katharina Zellweger, “People with Disabilities in a Changing North Korea,” p. 21.

zippers.¹¹³²

According to North Korea’s initial CRPD implementation report submitted in December 2018, as of 2016, 58.4% of North Koreans with disabilities aged between 17 and 59 years were engaged in economic activities (61.6% males and 54.7% females).¹¹³³ Currently there are more than 60 factories across North Korea that are dedicated to providing work for visually impaired people.¹¹³⁴

Table IV-9 Factory Operation for Honored Veterans

Testimonies	Testifier ID
There is a factory employing honored veterans in Hyesan, Yanggang Province. It used to produce a variety of plates, but now, it does not produce anything.	NKHR2015000043 2015-02-24
There is a communications machinery factory operated by honored veterans in Gilju County, North Hamgyeong Province that provides rations. However, these rations are not provided in regular amounts, but a maximum of six months’ worth of rations is provided per year.	NKHR2015000053 2015-03-10
There are factories employing honored veterans in Yeonbong 1-dong, Yeondu-dong, Songbong-dong and Wiyeon-dong in Hyesan, Yanggang Province. Currently, they are not in regular operation due to issues with electricity and raw materials.	NKHR2015000130 2015-09-22
There is a factory employing blind honored veterans in Seongcheon-dong, Hoeryong, North Hamgyeong Province.	NKHR2016000099 2016-06-14
There was a factory employing honored veterans in Gapsan County, Yanggang Province, which had been in and out of operation.	NKHR2017000046 2017-07-03

1132_NKHR2020000047 2020-11-28.

1133_UN Doc. CRPD/C/PRK/1 (2018), Table 5.

1134_UN Doc. CRPD/C/PRK/1 (2018), para. 169.

Testimonies	Testifier ID
There was a factory employing honored veterans in Gapsan County, Yanggang Province.	NKHR2017000050 2017-07-03
There was a factory employing honored veterans in Namsan-gu, Musan County, North Hamgyeong Province.	NKHR2018000029 2018-05-08
There was a factory employing honored veterans in Yeonbong-dong, Hyesan, Yanggang Province.	NKHR2018000029 2018-05-08

Table IV-10 Factory Operation for General Persons with Disabilities

Testimonies	Testifier ID
In 2014, there was a light-duty workplace for persons with disabilities in Rimyongsu Rodongja-gu, Samjiyeon, but it was not in operation.	NKHR2016000030 2016-03-08
There is a factory employing visually impaired people in Suseong District, Chongjin, North Hamgyeong Province.	NKHR2013000036 2013-02-19
There is a light-duty workplace for persons with disabilities in Seongcheon-dong, Hoeryong, North Hamgyeong Province. Currently, it is not in regular operation.	NKHR2013000095 2013-05-14 NKHR2015000131 2015-03-22
There was a factory employing persons with disabilities in Musan County, North Hamgyeong Province, but it is currently not maintained due to a lack of equipment.	NKHR2013000116 2013-06-11
There are light-duty workplaces for people with hearing impairment and people with physical disabilities.	NKHR2013000186 2013-09-17
There are factories employing people with hearing, visual and physical disabilities in Samsu County, Yanggang Province.	NKHR2016000083 2016-05-31
There is a medium-sized factory employing persons with disabilities in Chukjeon-dong, Pyongyang.	NKHR2016000170 2016-11-01
There were two light-duty workplaces for persons with disabilities in Wonsan, South Hamgyeong Province. However, there were no disabled people who worked there. Those places were only used by merchants for sales purposes.	NKHR2017000007 2017-04-10
There was a factory employing the blind in Suseong-dong, Chongjin, North Hamgyeong Province. The factory was not big.	NKHR2018000016 2018-10-01
Physically disabled people work at and get paid by light-duty workplaces where the work is easier and working hours are shorter.	NKHR2021000006 2021-09-03

North Korean authorities provide some support for persons with disabilities so that they can sustain their lives. A North Korean defector in his/her late 20s who defected in 2014 said that his/her mother is a person with a limp and that she received 300 g of food as a ration per day every month from the neighborhood (*dong*) office but did not receive a disability subsidy.¹¹³⁵ There was also testimony stating that the testifier witnessed a person with a physical disability who lived in his/her neighborhood receiving rice as well as occasional goods from the authorities.¹¹³⁶

However, it appears that most North Koreans with disabilities do not benefit from any care or protection from the state and live with the help of their families or by begging on the street. A North Korean defector who defected in 2020 testified that there are no state benefits for the disabled in Pyongyang.¹¹³⁷ A North Korean defector who defected in 2019 testified that there is no separate state support for those who are unable to engage in economic activities for an extended period of time due to illness or disability.¹¹³⁸ A North Korean defector who defected in 2019 testified that a person from Hyesan who had a leg disability was dependent on his/her family because he/she did not have a job and did not receive a separate pension.¹¹³⁹ Another North Korean

1135_NKHR2018000096 2018-08-27.

1136_NKHR2018000094 2018-08-27.

1137_NKHR2021000025 2021-11-09.

1138_NKHR2020000007 2020-05-16.

defector who defected in 2019 testified that his/her younger brother became disabled after sustaining a leg injury but did not receive any state support.¹¹⁴⁰ A North Korean defector who defected in 2018 testified that his/her brother-in-law is a visually impaired person but did not receive any support from the state and was taken care of by his family members. A North Korean defector who defected in 2017 testified that there are many persons with disabilities and honored veterans in marketplaces (*jangmadang*) who cannot make ends meet and that sometimes they either pressure people into buying goods or behave violently.¹¹⁴¹

Disability benefits or financial support from the state are mostly for honored veterans. Benefits and support for honored veterans appear to vary according to their rank. According to the testimony of a North Korean defector who defected in 2020, goods such as coal, rice and subsidiary foods are provided to honored veterans to ensure their livelihood.¹¹⁴² A North Korean defector who defected in 2019 testified that benefits provided by the state to honored veterans are great; when an honored veteran gets married, the state pays for expenses such as the wedding, house and household articles for the marriage ceremony, and the chief secretary of the relevant Provincial Party and City Party attend the

1139_NKHR2020000014 2020-06-15.

1140_NKHR2022000003 2022-05-19.

1141_NKHR2017000028 2017-06-05.

1142_NKHR2022000022 2022-06-21.

honored veteran's wedding.¹¹⁴³ In addition, according to the testimony of a North Korean defector who defected in 2018, honored veterans receive preferential hospital treatment and medical support such as regular checkups and medicine.

Factories that employ honored veterans are in operation in North Korea. A North Korean defector who defected in 2019 testified that he/she was discharged as an honored veteran in December 1987 and worked at a factory for honored veterans since January 1988.¹¹⁴⁴ A North Korean defector who defected in 2019 testified that there is a factory employing honored veterans that produces goods made of resin in Namsan-dong, Wonsan.¹¹⁴⁵ A North Korean defector who defected in 2019 testified that he/she had seen a factory employing honored veterans located in Nampo producing furniture and umbrellas.¹¹⁴⁶ Another North Korean defector who defected in 2019 testified that he/she knows that there is a factory employing honored veterans in Kimchaek.¹¹⁴⁷

Honored veterans with higher ranks seem to receive many benefits and support. A North Korean defector who defected in 2019 testified that benefits for honored veterans vary depending on their rank; according to the testifier, honored veterans with

1143_NKHR2020000005 2020-05-15.

1144_NKHR2020000019 2020-07-04.

1145_NKHR2020000012 2020-06-15.

1146_NKHR2020000045 2020-10-13.

1147_NKHR2021000017 2021-09-24.

lower ranks such as rank three do not receive any benefits, but when a special honored veteran gets married, his wife does not have to work and only takes care of him.¹¹⁴⁸ A North Korean defector who defected in 2019 testified that honored veterans in general receive 1–2 kg of seafood once every month and special honored veterans receive rations that are a little better.¹¹⁴⁹

In addition, there have been reports that honored veterans receive support for food, clothing and a place to live from the state. A North Korean defector who defected in 2017 testified that his/her father, an honored veteran, was given potato rations from the state during the potato harvest season, the amount of which differed every year.¹¹⁵⁰ A North Korean defector who defected in 2015 said that he/she witnessed an honored veteran who became blind during military service being given preferential treatment, such as an apartment, telephone and rations.¹¹⁵¹ A North Korean defector who defected in 2012 from South Hamgyeong Province testified that there are some cases in which schools ask students to give cash or supporting materials, including gloves or clothes, for honored veterans.¹¹⁵² A North Korean defector from Hyesan, Yanggang Province said that in 2015, he/she witnessed the

1148_NKHR2020000014 2020-06-15.

1149_NKHR2020000045 2020-10-31.

1150_NKHR2017000018 2017-04-10.

1151_NKHR2017000046 2017-07-03.

1152_NKHR2016000135 2016-08-23.

Hyesan rations center providing rations only to honored veterans, not ordinary people.¹¹⁵³

However, there have been many testimonies claiming that the existing support system for honored veterans does not provide actual support. Support for honored veterans mostly does not seem to be provided in a stable manner. The scale and details of the support vary based on the rank of honored veterans. It has been found that the scale of support is not significant for honored veterans with lower ranks, and such support is not provided consistently from year to year and differs by region. A North Korean defector who defected in 2015 testified that he/she had seen a disabled soldier who was discharged for a leg injury getting a new job, and so considering this, the state does not seem to provide special benefits to honored veterans.¹¹⁵⁴ A North Korean defector who defected in 2019 and another who defected in 2020 testified that an honored veteran support system is in place but only as a formality.¹¹⁵⁵ A North Korean defector who defected in 2019 testified that North Korea offers little to no special guarantee for honored veterans.¹¹⁵⁶

A North Korean defector from North Hamgyeong Province whose father was an honored veteran said that the goods or

1153_NKHR2016000041 2016-04-05.

1154_NKHR2020000031 2020-08-03.

1155_NKHR2020000007 2020-05-16; NKHR2021000025 2021-11-09.

1156_NKHR2020000014 2020-06-15.

subsidies actually provided to honored veterans were extremely limited in nature.¹¹⁵⁷ A North Korean defector who defected in 2018 testified that the son of his/her aunt became an honored military serviceman after injuring his eye while serving in the military but received no support from the state.¹¹⁵⁸ A North Korean defector in his/her mid-30s who defected in 2016 testified that his/her father was an honored veteran and received rations of corn or potatoes under the honored veteran rations; potato rations were given once a year during the potato harvest season, which were sometimes 50 kg and other times 100 kg, with some years without any rations.¹¹⁵⁹ A North Korean defector in his/her late 20s who defected in 2019 testified that he/she was forcibly discharged as his/her back was injured while cutting wood when he/she was in the military, and there were no other guarantees other than receiving 50 won per month.¹¹⁶⁰

A North Korean defector who defected in 2018 testified that the state does not provide anything to honored veterans except for herbal supplements during holidays, and honored veterans buy prosthetic legs and hands with their own money.¹¹⁶¹ Another testifier said that the title “honored veteran” does not guarantee

1157_NKHR2016000046 2016-04-19.

1158_NKHR2018000058 2018-07-02.

1159_NKHR2017000018 2017-04-10.

1160_NKHR2019000065 2019-08-17.

1161_NKHR2021000004 2021-08-20.

any support from the state,¹¹⁶² and honored veterans earn their living by farming or trading.¹¹⁶³ A North Korean defector who defected in 2020 testified that honored veterans only receive rations that are a little better and do not receive any special benefits.¹¹⁶⁴ A North Korean defector who defected in 2019 testified that, in 2018 and 2019, relevant state institutions gave oil and food such as rice to honored veterans, but they were not sufficient to maintain a living.¹¹⁶⁵

There were also testimonies indicating that honored veterans do not receive benefits or that they do not register as honored veterans as there are more disadvantages than advantages after registration. A North Korean defector in his/her mid-30s who defected in 2018 said that his/her cousin became an honored veteran after injuring his/her eye, but there was no support from the state.¹¹⁶⁶ A North Korean defector in his/her 30s who defected in 2018 said that his/her spouse was injured during military service but did not register as an honored veteran and thus did not receive benefits; the testifier's mother-in-law kept the testifier's spouse from registering because, once registered as an honored veteran, the registered honored veteran's spouse would

1162_NKHR2021000008 2021-09-07.

1163_NKHR2021000007 2021-09-06.

1164_NKHR2021000022 2021-10-19.

1165_NKHR2021000029 2021-11-23.

1166_NKHR2018000058 2018-07-02.

have to work for an official workplace, which would disrupt private economic activities in the marketplace (*jangmadang*).¹¹⁶⁷ A North Korean defector who defected in 2019 said that his/her son was discharged as he lost his sight while performing military service but did not register himself as an honored veteran because there is no special preferential treatment.¹¹⁶⁸

It seems that there are more support and benefits offered to honored veterans who are injured while serving in dangerous areas. A North Korean defector in his/her 20s who defected in 2019 said that his/her father was a professional soldier and discharged as a special honored veteran after being injured and disabled while serving in a place that deals with hazardous substances. The testifier said that special honored veterans receive exemptions from school expenses for their children, special rations on national holidays, and hospital treatment for a certain period of time. The testifier also said that his/her father received holiday rations four times a year and 40 days of treatment at a provincial hospital once a year.¹¹⁶⁹

North Korean Law on the Protection of Persons with Disabilities stipulates that “educational supervision institutions and the institutions in charge can organize and operate training

1167_NKHR2018000072 2018-07-30.

1168_NKHR2019000074 2019-08-26.

1169_NKHR2019000071 2019-08-26.

institutions and vocational schools for masseuses, computer typists, painters and designers in consideration of academic background, age and the level of disability of persons with disabilities” (Article 22). In accordance with this provision, North Korea implements policies to support the employment of persons with disabilities. On 2 May 2012, the Chosun Technical and Vocational Skills Class for the Disabled, a specialized class providing vocational training to persons with disabilities, opened in Pyongyang to help the disabled to participate more actively in social life. This is a one-year course designed for people with physical disabilities, including those with hearing loss and those without limbs.¹¹⁷⁰ Moreover, a U.K.-based private relief organization for North Korea, DULA International, entered into an agreement with the KFPD to establish a design school for persons with disabilities in Pyongyang on 2 May 2016.¹¹⁷¹

1170_ *Korean Central News Agency*, 2 May 2012; *Chosun Shinbo*, 9 May 2012; *Chosun Shinbo*, 23 May 2013; *Ablenews*, 9 August 2013; Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea’s Vulnerable People through Humanitarian Assistance*, p. 70.

1171_ *Voice of America*, 29 December 2015.

C. Efforts to Engage Persons with Disabilities at Home and in Local Communities

(1) Violation of the Right to Independent Life and Participation in Local Communities

The CRPD stipulates that “persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement” (Article 19 (a)). The CRPD also stresses the integration of persons with disabilities into local communities, stating, “Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community” (Article 19 (b)).

A representative case of violation of the CRPD is the segregation of people with nanocornia, which interferes with the freedom of residence and integration into local communities. A substantial number of North Korean defectors have testified that there are segregated areas for people with nanocornia. One such area is Yeonha-ri, Kimhyeongjik County (formerly Huchang County).¹¹⁷² A North Korean defector who defected in 2019

1172_NKHR2015000074 2015-04-07; NKHR2015000106 2015-05-19; NKHR2016000083 2016-05-31.

testified that he/she witnessed a person with nanocormia who was able to avoid relocation to Huchang County because he/she had a relative who was the Party chief secretary of a city living on the outskirts of the city.¹¹⁷³

In contrast, testimonies have been collected claiming that the testifiers had seen people with nanocormia living in non-segregated areas with other residents. A North Korean defector who had lived in Rason, North Hamgyeong Province testified to having witnessed a person with nanocormia and a person with spinal lesions in downtown Rason in 2016.¹¹⁷⁴ Given such testimonies, it seems that although there are some segregated areas for people with nanocormia, not all people with nanocormia are segregated. Therefore, it is necessary to continue to find out, through testimonies, the accurate situation regarding the segregation of people with nanocormia.

Table IV-11 Testimonies on the Segregation of Persons with Nanocormia

Testimonies	Testifier ID
There are segregated accommodations and forced sterilization of people with nanocormia.	NKHR2014000004 2014-02-18
The testifier heard that people with nanocormia live in segregated areas and are restricted from having children.	NKHR2014000055 2014-05-20
The testifier witnessed people with nanocormia in Yeonha-ri, Kimhyeongjik County, Yanggang Province. These people could not live in general residential areas but lived separately in groups in remote mountain villages.	NKHR2014000076 2014-06-17

1173_NKHR2022000021 2022-06-21.

1174_NKHR2016000186 2016-12-13.

Testimonies	Testifier ID
It is said that persons with disabilities are forced not to have children and live mainly in Huchang County so that they do not move to other areas.	NKHR2014000137 2014-09-12
A North Korean defector who defected in 2015 witnessed a segregated area for people with nanocormia in Huchang on his/her way back from a field with his/her uncle.	NKHR2017000131 2017-12-18
People with nanocormia are sent to the countryside to live, and there was a segregated village for people with nanocormia in Huchang, Yanggang Province. People with nanocormia are forced by the state to use contraception.	NKHR2022000021 2022-06-21

Table IV-12 Testimonies that Persons with Nanocormia Are Not Segregated

Testimonies	Testifier ID
The testifier witnessed many people with nanocormia selling CD-Rs, etc. in a marketplace (<i>jangmadang</i>) in Chongjin, North Hamgyeong Province.	NKHR2014000010 2014-03-04
The testifier witnessed many people with nanocormia.	NKHR2014000027 2014-04-01
There was a person with nanocormia in the same People's Unit (<i>jinminban</i>) as the testifier; he had a wife and children. There are many people with nanocormia living in Hyesan, Yanggang Province.	NKHR2014000075 2014-06-17
The testifier witnessed a person with nanocormia (male) living in the same neighborhood as his/her aunt in ○○○ County, Yanggang Province.	NKHR2014000131 2014-08-26
From childhood up until the testifier defected from North Korea in 2015, there was a person with nanocormia living in ○○○ dong, Hoeryong, North Hamgyeong Province.	NKHR2015000141 2015-10-06
A North Korean defector who defected in 2017 heard about the existence of segregated areas in Huchang but witnessed a person with nanocormia in Hyesan. The testifier thought it was a new change to allow those with nanocormia to live in non-segregated areas if they had relatives in those areas.	NKHR2017000022 2017-05-08

Another case of violation of the freedom of residence is the restriction on the place of residence of persons with disabilities. According to North Korean defectors, North Korean authorities restrict persons with disabilities from living in Pyongyang, which

is a special district, and in Nampo, Gaeseong and Chongjin, which are frequently visited by foreigners. With exceptions granted to people with special skills, North Korean authorities control the residence of persons with disabilities under the pretext that they may leave an unpleasant impression on visiting foreigners.¹¹⁷⁵ A North Korean defector who defected in 2012 testified that he/she had a conversation when watching a South Korean drama that “It seems there are many disabled people in South Korea, but why are there no disabled people in Pyongyang?”¹¹⁷⁶

There have been reports claiming that the overall social perception and treatment of persons with disabilities and honored veterans have recently changed. A North Korean defector who defected in 2018 testified that disabled people born in Pyongyang are not relocated to provincial areas.¹¹⁷⁷ Another North Korean defector who defected in 2018 testified that, today, the disabled have good living conditions to some extent because they have manual skills in some areas, and people like to marry honored veterans.¹¹⁷⁸ A testifier said that persons with disabilities are not discriminated against or ignored in North Korea,¹¹⁷⁹ and another

1175_NKHR2014000078 2014-07-01.

1176_NKHR2015000176 2015-12-15.

1177_NKHR2021000005 2021-08-20.

1178_NKHR2021000004 2021-08-20.

1179_NKHR2021000008 2021-09-07.

testifier said that he/she never took pity on disabled people and sometimes he/she felt jealous of them because they live a better life.¹¹⁸⁰ There was also a testifier who said that disabled people live better lives compared to others because they do not have to work for an official workplace and earn money from private activities, so they are able to marry well.¹¹⁸¹

(2) Violation of Respect for Home and the Family

The CRPD stipulates that “the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized” (Article 23, paragraph 1 (a)). Moreover, it specifies that “the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children [...] are recognized” (Article 23, paragraph 1 (b)).

The most obvious case of inhuman discrimination and human rights violation that infringes upon the respect for home and the family is the sterilization of people with nanocormia. A North Korean defector who defected in 2015 testified that in 2014, people with nanocormia were forced to be sterilized in Onsong County, North Hamgyeong Province.¹¹⁸² In addition, a North

1180_NKHR2021000010 2021-09-08 .

1181_NKHR2021000012 2021-09-13.

1182_NKHR2015000171 2015-12-01.

Korean defector who defected in 2019 testified that people with nanocormia who are sent to segregated areas are forced to use contraception by the state so that they do not have children.¹¹⁸³ However, it has been found that the number of cases of people with nanocormia having children has increased recently following continued protests and complaints. Defector testimonies on cases of forced sterilization of persons with disabilities are on the decrease. A North Korean defector testified that forced sterilization is not conducted on people with nanocormia without the approval of their guardian.¹¹⁸⁴

(3) Mobility

The CRPD stipulates that “States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities” (Article 20). After signing the CRPD, North Korea revised the Law on the Protection of Persons with Disabilities in November 2013 and added provisions that emphasize the accessibility of persons with disabilities to buildings and facilities, reflecting relevant provisions in the CRPD.¹¹⁸⁵

As part of its remodeling plan, North Korea built restrooms for

1183_NKHR2022000021 2022-06-21.

1184_NKHR2019000084 2019-10-05.

1185_ *Chosun Shinbo*, 6 December 2013; *Yonhap News Agency*, 6 December 2013.

persons with disabilities at the Sunan International Airport. However, it has been found that other than such special facilities, North Korea has failed to take measures that guarantee the mobility of persons with disabilities due to economic hardships. The UN Special Rapporteur on the rights of persons with disabilities visited North Korea in May 2017 and confirmed that even new public buildings, such as the Science and Technology Center, the Pyongyang Sunan International Airport (arrivals hall) and the Pyongyang Elementary Academy, were difficult to access by persons with disabilities.¹¹⁸⁶ In addition, persons with disabilities seem to have difficulties in their daily lives due to the restrictions on access to residential facilities and public transportation facilities. North Korea reported to the Special Rapporteur that since May 2017, it has been providing a free taxi service in Pyongyang in a bid to improve accessibility for persons with disabilities and that the National Construction Committee operated under the Ministry of State Construction Control has developed guidelines on accessibility.¹¹⁸⁷ The Special Rapporteur, however, found that North Korea is not using the most recent accessibility standards, and welcomed North Korea's request for technical cooperation with international partners in international accessibility standards.¹¹⁸⁸

1186_UN Doc. A/HRC/37/56/Add.1 (2018), para. 45.

1187_*Ibid.*, para. 46.

1188_*Ibid.*

In its initial CRPD implementation report, North Korea admitted that persons with disabilities in North Korea have little access to public facilities and announced that it is planning to adopt and expand the advanced technologies needed to grant disabled people an independent but socially integrated life.¹¹⁸⁹ In this regard, North Korea adopted “barrier-free architectural design standards” in 2019 under its Construction Law.¹¹⁹⁰ This can be positively evaluated as part of the measures to improve accessibility for persons with disabilities in North Korea.

D. Raising Awareness of Persons with Disabilities

The CRPD stipulates that the State Parties shall “promote positive perceptions and greater social awareness towards persons with disabilities” (Article 8, paragraph 2 (a) ii). North Korea is also engaged in activities to improve public awareness of persons with disabilities in accordance with the Law on the Protection of Persons with Disabilities. First, pursuant to Article 49 of the Law on the Protection of Persons with Disabilities, North Korean authorities have designated 18 June as the “Day of Persons with Disabilities” in 2011 and hold celebratory events every year.¹¹⁹¹ Also, since 2010, North Korea has held the “Joint Celebrations on

1189_UN Doc. CRPD/C/PRK/1 (2018), para. 76.

1190_ *Korean Central News Agency*, 18 December 2019.

1191_ *Chosun Shinbo*, 24 June 2014.

the Occasion of the International Day of Persons with Disabilities” every year, hosted by the Central Committee of KFPD, to celebrate the International Day of Persons with Disabilities in Pyongyang on 3 December.¹¹⁹² North Korea has also carried out projects to raise awareness of persons with disabilities through joint sports events participated by both people with and without disabilities. These efforts are observed in North Korea’s Committee on Physical Training Guidance (November 2012), among others. Recently, table tennis matches between people with and without disabilities have been held on a regular basis, with the number of participants increasing.¹¹⁹³

The UN Special Rapporteur on the rights of persons with disabilities pointed out, in the report on her visit to North Korea, that there is a stigma and discrimination against persons with disabilities because of the perception that they are in need of support and that they are not capable of making contributions to society.¹¹⁹⁴ The Special Rapporteur also noted that improper language is used in North Korean laws to refer to persons with disabilities and recommended that such language be revised.¹¹⁹⁵

1192_ Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea’s Vulnerable People through Humanitarian Assistance*, p. 72; *Chosun Shinbo*, 7 December 2013.

1193_ *Ibid.*, p. 72.

1194_ UN Doc. A/HRC/37/56/Add.1 (2018), paras. 39-44.

1195_ *Ibid.*, paras. 26-28. Articles 172 and 229 of the Criminal Procedure Law (the dumb, the deaf), Article 49 of the Civil Procedure Law (partially competent person, totally incompetent person), Article 78 of the Labor Law (the crippled),

In addition, the Special Rapporteur found it to be problematic that those with cognitive and psychosocial disabilities are forced to appoint a guardian and have their legal rights restricted, including the right to vote and the right to be elected. The Special Rapporteur, therefore, urged the legislative authorities to conduct a comprehensive review so that North Korean laws can comply with Article 4 of the CRPD.¹¹⁹⁶ In general, North Korea does not allow persons with disabilities to receive education or services in separate facilities, preventing persons with disabilities from having access to facilities or services equivalent to those used by people without disabilities.¹¹⁹⁷

Recently, there have been efforts by the North Korean authorities to use mass media to alter public perception of persons with disabilities. A North Korean defector who defected in 2018 testified that around 2016, he/she saw a TV commercial, which showed the state's consideration for persons with disabilities.¹¹⁹⁸ Another North Korean defector who defected in 2018 also testified that since 2017 there has been an increasing number of news reports related to persons with disabilities, such as performance troupes consisting of persons with disabilities and

Article 13 of the Public Health Law (those who have lost ability to work), and Article 66 of the Constitution (insane person).

1196_ *Ibid.*

1197_ *Ibid.*, para. 42.

1198_ NKHR2018000056 2018-07-02.

schools for persons with disabilities.¹¹⁹⁹ In 2019, the state media outlet KCNA actively publicized measures carried out by North Korean authorities to improve the human rights of persons with disabilities during the year.¹²⁰⁰ Although this can be interpreted as a political effort to propagate the achievements of the authorities, it can also be viewed as a positive change considering that the mentioning of persons with disabilities itself had been avoided in the past.

E. Cooperation with the International Community

North Korea has pursued cooperation with South Korea and the international community to support persons with disabilities. With respect to inter-Korean cooperation, as part of the inter-Korean exchange and support project for persons with disabilities, an inter-Korean seminar on scientific rehabilitation of persons with disabilities was held for the first time at the Yanggakdo Hotel in Pyongyang on 19 December 2006. The seminar included a discussion of research results on rehabilitative treatment and special education, which was attended by a delegation from Daegu University (South Korea) and a delegation from the Chosun Red Cross Hospital (North Korea).¹²⁰¹ In addition, in

1199_ NKHR2018000117 2018-10-22.

1200_ *Korean Central News Agency*, 18 December 2019.

1201_ *Yonhap News Agency*, 22 December 2006.

May 2007, the Botonggang Convenience Complex was built and opened on Red Avenue, Botonggang District, Pyongyang with the support of South Korea's Lighthouse Foundation. This is the first self-reliant rehabilitation center for persons with disabilities and is jointly operated with the KFPD.¹²⁰²

Second, cooperation with international NGOs is also taking place. Green Tree International is seeking to build the Daedonggang Rehabilitation Center for the Disabled in Pyongyang, which will offer medical support and training on rehabilitative skills for persons with disabilities, as well as educational programs for athletes and artists with disabilities.¹²⁰³ Humanity & Inclusion also teaches therapeutic skills to physical therapists working at facilities such as the Pyongyang-based Munsu Functional Recovery Center and the Korean Rehabilitation Center for Children with Disabilities.¹²⁰⁴ In April 2016, Together-Hamheung opened the first kindergarten for children with hearing loss in North Korea in Moranbong District, Pyongyang with support from a Catholic organization and donors; the kindergarten has around 10 classrooms and can accommodate approximately 40 children.¹²⁰⁵ In 2019, an American relief organization called

1202_○○○, KINU Advisory Meeting, 29 June 2012. The name is not disclosed upon request..

1203_ See Green Tree International, <www.greentreekorea.org>.

1204_ See Humanity & Inclusion, <www.handicap-international.org>.

1205_ *Nocut News*, 1 July 2016.

IGNIS Community established the Pyongyang Spine and Rehabilitation Center (PYSRC) at Pyongyang Medical College. This research center plans to train North Korean healthcare providers on the treatment of children with behavioral development disabilities including cerebral palsy and autism.¹²⁰⁶ The ICRC runs physical rehabilitation programs for the disabled through the Songrim and Rakrang Physical Rehabilitation Centers.¹²⁰⁷

Third, exchange projects with persons with disabilities are also carried out with the international community. The Central Committee of the KFPD entered into a memorandum of understanding (MOU) with the World Federation of the Deafblind (hereinafter WFDB) on 9 February 2011, through which the Blind Association of Korea (launched in March 2014) and the Deaf Association of Korea (launched in December 2013) are working on projects to join the WFDB.¹²⁰⁸ On 7 November 2014, with the help of the Finnish Association of the Deaf, six North Korean delegates, including three people with hearing impairment, went to Finland and paid a courtesy visit to Ms. Sirpa Paatero, the then Minister for International Development.¹²⁰⁹ In addition, a concert

1206_ *Voice of America*, 1 January 2020.

1207_ ICRC, "ICRC Activities in the DPRK," December 2020, <https://kr.icrc.org/wp-content/uploads/2021/03/2020-DPRK-Fact-and-Figures_KO.pdf> (Accessed 6 September 2022).

1208_ *Chosun Shinbo*, 24 June 2014.

1209_ *Voice of America*, 8 November 2014.

for students with disabilities was held in the U.K. and France from 20 February to 2 March 2015.¹²¹⁰ Furthermore, 18 people with hearing loss from Japan, Singapore and the Netherlands visited North Korea from 8 to 12 August 2014.¹²¹¹ An official from the International Paralympic Committee, headquartered in Bonn, Germany, visited Pyongyang from 13 to 16 May 2016 and explained the “disability grade system,” rules and categorization methods adopted by the Paralympics to 21 athletes, including 13 North Korean table tennis players and eight swimmers.¹²¹²

Fourth, North Koreans with disabilities have participated in international sports events. North Korea established the Korean Association for Sports of the Disabled in 2010 and the National Paralympic Committee in September 2011 and officially joined the International Paralympic Committee held in Athens from 22 to 24 November 2013. It has also taken part in a wide range of international competitions for persons with disabilities, including the 2012 London Summer Paralympics, the Asia Youth Para Games held in Kuala Lumpur, Malaysia in October 2013, the Asia Para Games held in Incheon in October 2014, the Rio Paralympics in September 2016, and the PyeongChang 2018 Winter Paralympics. In December 2016, the North Korean deaf

1210_ *Chosun Shinbo*, 27 August 2014; *MK News*, 17 September 2014; *The Asia Economy Daily*, 6 February 2015.

1211_ *Chosun Shinbo*, 27 August 2014.

1212_ *Voice of America*, 7 June 2016.

football team, composed of athletes with hearing loss and linguistic disabilities, visited Australia for the second time, after their first visit in December 2014, to compete in a friendly match with the Australian deaf football team.¹²¹³ However, North Korea decided not to participate in the 2022 Beijing Winter Paralympics for reasons that included the COVID-19 pandemic.¹²¹⁴

F. Evaluation

North Korea defines persons with disabilities as subjects of special protection and responds to the issue of disability with forward-looking policies. However, negative perceptions towards persons with disabilities still exist in North Korean society. In addition, providing education and services to persons with disabilities in separate facilities has, in effect, served as a form of social discrimination. It is difficult for ordinary residents to meet disabled people around their place of residence, and ordinary residents are mostly indifferent toward the disabled. While honored veterans are found to receive some benefits, those with disabilities, whose disabilities have been caused by industrial accidents or other accidents, do not seem to receive adequate levels of protection and support.

1213_ *Voice of America*, 19 November 2016.

1214_ *Radio Free Asia*, 10 January 2022.

In addition, suspicion over practices that violate the right to integrate into local communities and the respect for the family has yet to be resolved. Such practices include the segregation and sterilization of those with nanocormia. Moreover, while efforts toward rehabilitation are also being made through factories employing honored veterans and factories employing general persons with disabilities, these are assessed as ineffective due to the economic hardships North Korea faces. North Korean authorities emphasize the need to care for persons with disabilities, but it seems that they do not invest significant financial resources towards this need. Meanwhile, North Korea has taken several measures in 2019 to improve the human rights of persons with disabilities, such as adopting barrier-free architectural design standards to improve accessibility for persons with disabilities.¹²¹⁵ As part of the Project on the Protection of Persons with Disabilities, the KFPD has introduced several measures, including the publication of the Questions and Answers for the Registration of Persons with Disabilities, the creation of a website exclusively for the disabled, and the development of the Digital Dictionary for North Korean Sign Language for people with hearing impairment.¹²¹⁶

North Korea has accepted the recommendations¹²¹⁷ of the UN

1215_ *Korean Central News Agency*, 18 December 2019.

1216_ *Korean Central News Agency*, 23 December 2021.

member states made during the third cycle of the UPR in 2019 regarding the improvement of the rights of persons with disabilities.¹²¹⁸ In order to promote the human rights of persons with disabilities in North Korea, North Korea must comply with its relevant domestic laws and the CRPD and continue to exchange and cooperate with the international community. What is encouraging is that North Korea is showing an open attitude to cooperation with the international community. In its initial CRPD implementation report, North Korea emphasized that it has made many efforts to improve the human rights of persons with disabilities through cooperation with the international community.¹²¹⁹ It also stressed that such efforts were intended to fully meet the human rights standards of the international community.

It is highly likely that the prolonged COVID-19 pandemic has made it more difficult for disabled people in North Korea, who cannot lead an active lifestyle and enjoy their rights to health, education and work. The international community is also experiencing major setbacks in implementing projects to promote the rights of disabled people in North Korea due to COVID-19. The support program for children with disabilities, which was initiated in September 2018 by Humanity & Inclusion and the

1217_UN Doc. A/HRC/42/10 (2019), para. 126.193–126.199.

1218_UN Doc. A/HRC/42/10/Add.1 (2019), para. 9(a).

1219_UN Doc. CRPD/C/PRK/1 (2018), paras. 199–204.

KFPD under the leadership of UNICEF, ended in September 2022 after being suspended following the outbreak of COVID-19.¹²²⁰ North Korean authorities' efforts and cooperation with the international community should continue to provide necessary services for the disabled in North Korea and create an environment in which they can develop both mentally and physically.

1220_Voice of America, 6 December 2022.



White Paper on Human Rights
in North Korea 2022



Part V

Major Issues

1. Political Prison Camps (*Kwanliso*)
 2. Overseas Defectors
 3. Overseas Workers
 4. Separated Families, Abductees and Korean War POWs
 5. Disasters
-

1

Political Prison Camps (*Kwanliso*)

North Korea operates political prison camps called *kwanliso*. North Koreans have a fear of political prison camps (*kwanliso*).¹²²¹ North Korea has used political prison camps (*kwanliso*) as a means of governance to maintain the regime. In this chapter, an overview of political prison camps (*kwanliso*), the grounds and procedures for imprisonment, and the reality of the human rights situation for the prisoners are discussed.

A. Overview of Political Prison Camps (*Kwanliso*)

Political prison camps operated by North Korean authorities under the name of *kwanliso* are unofficial detention facilities run by the Ministry of State Security under strict surveillance. North Korean authorities have officially denied the existence of political

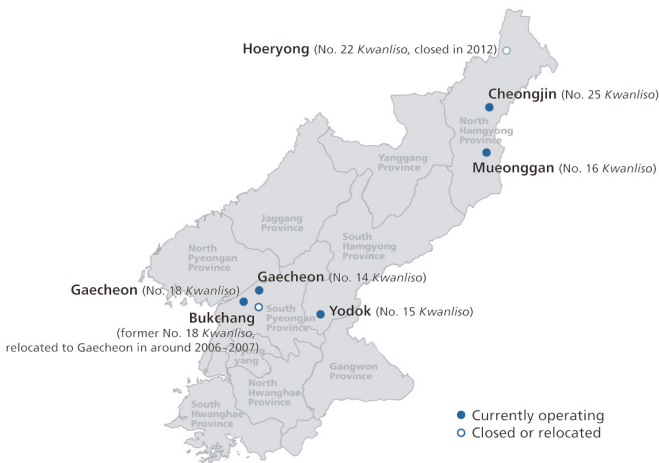
1221_NKHR2019000020 2019-05-07.

prison camps (*kwanliso*). However, a total of five political prison camps (*kwanliso*) are known to be in operation today: No. 14 *Kwanliso* in Gaecheon, No. 15 *Kwanliso* in Yodok, No. 16 *Kwanliso* in Myeonggan, No. 18 *Kwanliso* in Gaecheon, and No. 25 *Kwanliso* in Chongjin.

No. 14 *Kwanliso* in Gaecheon is located in Dongchanggol, Jamsang-ri, Chang-dong, Gaecheon, South Pyeongan Province. No. 15 *Kwanliso* in Yodok is located across the five villages (*ri*) of Daesuk-ri, Ipseok-ri, Gueup-ri, Yongpyeong-ri and Pyeongjeon-ri; the camp occupies a large area equivalent to one-third of Yodok County. No. 16 *Kwanliso* in Myeonggan is located in Jungpyeong-dong, Gari-dong and Buhwa-ri in Myeonggan County, North Hamgyeong Province. No. 16 *Kwanliso* in Myeonggan is also called as Hwaseong *Kwanliso*, after the old name of the region. No. 18 *Kwanliso* in Gaecheon is located in Dongrim-ri, Gaecheon, South Pyeongan Province. It has been found that sometime in 2006–2007, the former No. 18 *Kwanliso* in Bukchang, which had been located in Sepo-dong, Sampo-dong and Sinheung-ri, was downsized and moved to Dongrim-ri, Gaecheon, South Pyeongan Province. No. 25 *Kwanliso* in Chongjin is located in Suseong-dong, Songpyeong District, North Hamgyeong Province. Although No. 25 *Kwanliso* in Chongjin is also called Suseong *Kyohwaso*, it is actually a political prison camp (*kwanliso*) accommodating political criminals. There have also been testimonies claiming that

officials, including security chiefs of Provincial Parties and chairmen of provincial People’s Committees, are detained in No. 25 *Kwanliso* in Chongjin.¹²²²

Figure V-1 Location of Political Prison Camps (*Kwanliso*)



Political prison camps (*kwanliso*) in North Korea can be categorized as shown in <Table V-1>, based on their operation type, zone division, whether the prisoners can return to society, whether family members can accompany the prisoners, and the managing entity.¹²²³

1222_NKHR2014000010 2014-03-04; NKHR2014000056 2014-05-20.

1223_For details, see Geumsoon Lee *et al.*, *Political Prison Camps in North Korea* (Seoul: KINU, 2013), pp. 11-16.

Table V-1 Management and Operation of Political Prison Camps (*Kwanliso*)

	No. 14 <i>Kwanliso</i> in Gaecheon	No. 15 <i>Kwanliso</i> in Yodok	No. 16 <i>Kwanliso</i> in Myeonggan	No. 18 <i>Kwanliso</i> in Gaecheon (formerly Bukchang <i>Kwanliso</i>)	No. 25 <i>Kwanliso</i> in Chongjin
Operation Type	Town	Town	Town	Town	Detention facility
Zone Division	Total control zone	Revolutionary zone Total control zone	Total control zone	No zone division	Prison camp (<i>kyohwaso</i>)
Possibility of Release into Society	Impossible	Impossible, possible	Impossible	Impossible, possible	Impossible, possible
Accompanying Families	Accompanying families	Criminals only/ accompanying families	Accompanying families	Criminals only/ accompanying families	Criminals only
Managing Entity	Ministry of State Security	Ministry of State Security	Ministry of State Security	MPS	Ministry of State Security

B. Grounds and Procedures for Imprisonment

While there is no internationally established definition of a “political crime,” such crimes are, in general, classified into (i) “absolute political crime,” such as a crime against the state, high treason and espionage; and (ii) “relative political crime,” in which acts of a general crime, including murder, arson and theft, are combined with the aspects of absolute political crime.¹²²⁴ According to surveys conducted to date, political prison camps (*kwanliso*) in North Korea hold both types of political criminals.

1224_Geumsoon Lee *et al.*, *Political Prison Camps in North Korea*, p. 9.

Specifically, those who have criticized the North Korean system or insulted the Supreme Leader (*Suryeong*), received money from South Korea or made phone calls to South Korea, engaged in organized human trafficking, attempted to defect to South Korea, arranged the defection of others to South Korea, contacted South Koreans or made favorable comments about South Korea, and provided important documents or information to South Korea or other foreign countries are detained in political prison camps (*kwanliso*).

In the early days of their operation, political prison camps (*kwanliso*) held sectarian or anti-Kim Il Sung elements.¹²²⁵ The political prison camps (*kwanliso*) continue to be used today to confine those who oppose the North Korean system or insult the Supreme Leader (*Suryeong*). A North Korean defector testified that he/she always spoke carefully so as not to be accused of being a “language reactionary.”¹²²⁶ A North Korean defector who defected in 2018 testified that those who oppose or criticize Kim Jong Un are imprisoned in a political prison camp (*kwanliso*),¹²²⁷ and a North Korean defector who defected in 2019 testified that those who distort what Kim Jong Un says or implement Kim Jong Un’s policies in a distorted manner are put in a political prison

1225_ *Ibid*, p. 10.

1226_ NKHR2019000104 2019-11-09.

1227_ NKHR2022000006 2022-05-25.

camp (*kwanliso*).¹²²⁸

It has been reported that those caught receiving money from Korea or making phone calls to South Korea may be detained in a political prison camp (*kwanliso*).¹²²⁹ A North Korean defector who defected in 2019 testified that in 2016, a 33-year-old woman in Yanggang Province was caught receiving and delivering money from South Korea, and her husband, who had been in service at the ○○ General Bureau, was discharged from his position as his wife was sent to a political prison camp (*kwanliso*).¹²³⁰

It has been found that those who commit human trafficking are generally sent to prison camps (*kyohwaso*), but those who commit organizational human trafficking or trafficking related to South Korea are sent to political prison camps (*kwanliso*). A North Korean defector who defected in 2018 testified that a woman who was in the same Women's Union as the testifier was arrested for trafficking 70 people in 2015 and sent to a political prison camp (*kwanliso*).¹²³¹ A North Korean defector testified that he/she heard that his/her schoolmate who lived in a border region was caught by the Ministry of State Security and sent to a political prison camp (*kwanliso*) sometime in 2015–2016 for trafficking people to China.¹²³² Another North Korean defector testified that

1228_NKHR2022000001 2022-05-13.

1229_NKHR2019000019 2019-05-07.

1230_NKHR2019000031 2019-06-03.

1231_NKHR2018000101 2018-10-01.

a People's Unit (*inminban*) chief in Kimjongsuk County was detained in a political prison camp (*kwanliso*) for human trafficking around 2016 because he/she received money from South Korea in the process.¹²³³

Cases have been continuously reported in which people were detained in political prison camps (*kwanliso*) after being caught attempting to flee to South Korea. A North Korean defector who defected in 2019 testified that a family of 11 people who had lived in Musan County, North Hamgyeong Province was caught at an airfield in China after defecting from North Korea and sent to a political prison camp (*kwanliso*) in 2015, and that the testifier learned this information from an MSS agent who gathered people and announced such details. However, the testifier said that he/she heard that a minor of the family (presumed to be eight years old at that time) was sent to an accommodation in Musan County that raises orphans.¹²³⁴ A North Korean defector who defected in 2018 testified that he/she witnessed a family of five people who were caught while attempting to escape to South Korea being sent to a political prison camp (*kwanliso*) when the testifier was in the MSS county detention center (*guryujang*) in Onsong in 2017.¹²³⁵ North Korean people are well aware of the fact that those caught

1232_NKHR2019000046 2019-07-01.

1233_NKHR2019000019 2019-05-07.

1234_NKHR2019000033 2019-06-03.

1235_NKHR2019000075 2019-08-26.

attempting to defect to South Korea are sent to a political prison camp (*kwanliso*). A North Korean defector who defected in 2018 testified that people caught attempting to flee to South Korea end up being detained in a political prison camp (*kwanliso*).¹²³⁶ Another North Korean defector who defected in 2018 also testified that people caught attempting to defect to South Korea are first sent to the Ministry of State Security and then to a political prison camp (*kwanliso*) without trial.¹²³⁷

Testimonies have been continuously collected stating that brokers helping North Korean people defect to South Korea are sent to political prison camps (*kwanliso*). A North Korean defector testified that his/her uncle, who worked as a broker aiding North Korean defectors, was sent to a political prison camp (*kwanliso*) in 2015.¹²³⁸ A North Korean defector in his/her 50s who defected in 2017 testified that his/her sister, who was a broker for defectors, went missing after being arrested by the Ministry of State Security in 2016. The testifier said that his/her sister is assumed to have been sent to a political prison camp (*kwanliso*).¹²³⁹ Another North Korean defector testified that his/her neighbor, who was a broker for defectors, was caught in 2017 by the Ministry of State Security for handing over the

1236_NKHR2022000017 2022-06-13.

1237_NKHR2022000006 2022-05-25.

1238_NKHR2017000099 2017-10-23.

1239_NKHR2018000028 2018-05-08.

children who remained in North Korea to a Chinese broker upon request by their parents who had already defected to South Korea. The testifier said that he/she heard that the neighbor was sent to a political prison camp (*kwanliso*).¹²⁴⁰ A North Korean defector who defected in 2019 testified that he/she heard that among the seven people who had attempted to defect through Daehongdan County in 2018, the woman who was their guide was sent to a political prison camp (*kwanliso*), and the others were released after paying 10,000 yuan.¹²⁴¹

Testimonies have been continuously documented reporting that people were imprisoned in political prison camps (*kwanliso*) after being caught providing documents or information to South Korea or other countries. A North Korean defector who defected in 2018 testified that his/her spouse's in-law was caught for receiving a watch in exchange for giving information about North Korea to China. According to the testifier, this was considered an act of espionage, and his/her spouse's in-law was sent to a political prison camp (*kwanliso*) in 2015.¹²⁴² There were other cases in which people were imprisoned for taking part in religious practices. For example, a North Korean defector testified that his/her neighbor was sent to a political prison camp (*kwanliso*) because a

1240_NKHR2018000057 2018-07-02.

1241_NKHR2019000074 2019-08-26.

1242_NKHR2018000105 2018-10-01.

copy of the Bible was found in his/her house in December 2015.¹²⁴³ Another North Korean defector testified that he/she heard in April 2018 that his/her relative who was caught by the Ministry of State Security was sent to a political prison camp (*kwanliso*) for distributing copies of the Bible obtained from China to North Korean people and carrying out missionary work.¹²⁴⁴

Making phone calls to South Korea, watching South Korean movies, using narcotics, being involved in human trafficking, and distributing recordings of the reality of North Korea to foreign countries have been found to be the grounds for imprisoning people in political prison camps (*kwanliso*). A North Korean defector testified that he/she heard that a family had been sent to No. 25 *Kwanliso* for distributing recordings of public shootings to foreign countries in 2006, which is considered the crime of contacting the enemy (*jeokseon*).¹²⁴⁵ A North Korean defector whose acquaintance was sent to a political prison camp (*kwanliso*) sometime in 2015–2016 testified that grounds for imprisonment include calling relatives in South Korea, watching South Korean movies, using narcotics, and being involved in human trafficking. According to the testifier, the acquaintance was sent to a political prison camp (*kwanliso*) because he/she had been convicted of

1243_NKHR2017000012 2017-04-10.

1244_NKHR2019000051 2019-07-20.

1245_NKHR2020000030 2020-08-03.

multiple crimes repeatedly and classified as a repeat offender due to a record of past crimes.¹²⁴⁶

In addition, it has been found that punishment for political criminals extends beyond the offender himself/herself to his/her family and sometimes even to his/her relatives. It is said that guilt-by-association applies to immediate family members. A North Korean defector who defected in 2016 testified to having heard that when a woman and her mother were caught while defecting to South Korea in 2014, not only were the woman and her mother sent to a political prison camp (*kwanliso*), so too was the woman's grandmother.¹²⁴⁷ However, several defectors have testified that unlike in the past, cases in which an entire family is imprisoned in a political prison camp (*kwanliso*) for having a defector in the family have decreased since North Korean authorities have found it difficult to house so many prisoners due to an increasing number of North Koreans defecting to South Korea.¹²⁴⁸ In addition, it has been found that children are exempt from imprisonment even in cases in which guilt-by-association applies. Testimonies have been collected stating that even when a whole family was imprisoned in a political prison camp (*kwanliso*) for attempting to defect to South Korea, children were

1246_NKHR2020000005 2020-05-15.

1247_NKHR2017000038 2017-06-05.

1248_NKHR2015000028 2015-02-10; NKHR2017000067 2017-08-28.

exempted from imprisonment.¹²⁴⁹ There was one testimony claiming that when a spouse is accused of being a political criminal, one may avoid being sent to a political prison camp (*kwanliso*) by divorcing the accused spouse.¹²⁵⁰

The legal grounds and procedures for arresting and detaining those accused of committing political crimes are unknown. It is said that imprisonment in political prison camps (*kwanliso*) is decided exclusively by the Ministry of State Security without trial.¹²⁵¹ If the Ministry of State Security determines that the case does not involve a crime punishable by imprisonment in a political prison camp (*kwanliso*), it is transferred to the Ministry of Social Security.¹²⁵² As suspects of political crimes are detained in political prison camps (*kwanliso*) in such a way, it is not easy for the general public to know whether their family members have been imprisoned in political prison camps (*kwanliso*) and what the situations in political prison camps (*kwanliso*) are like.

1249_NKHR2015000015 2015-01-27; NKHR2015000030 2015-02-10; NKHR2016000171 2016-11-01; NKHR2019000033 2019-06-03.

1250_NKHR2013000154 2013-08-20.

1251_NKHR2016000171 2016-11-01.

1252_NKHR2022000017 2016-06-13.

C. Reality of the Human Rights Situation for Prisoners

(1) Extrajudicial, Summary or Arbitrary Execution

According to defector testimonies collected to date, executions are carried out in political prison camps (*kwanliso*) by MSS agents without following legal procedures for reasons such as violation of rules or disobedience to orders. Defectors have testified that such executions are mostly carried out in public, but sometimes carried out in secret.

(2) Forced Labor

It has been found that prisoners in political prison camps (*kwanliso*) are forced into hard labor. The type of labor differs by each political prison camp (*kwanliso*), but it has been testified that at the former No. 18 *Kwanliso* in Bukchang, prisoners were mostly put to work in a coal mine, as farming was impossible due to the area's geological characteristics.¹²⁵³ It is said that work units at the No. 15 *Kwanliso* in Yodok include an industrial unit and an agricultural unit.¹²⁵⁴ As labor at coal mines is carried out according to “production plans,” if one fails to fulfill the daily

1253_North Korean defector ○○○, 14 September 2012, interviewed in Seoul; North Korean defector ○○○, 12 October 2012, interviewed in Seoul.

1254_North Korean defector ○○○, 27 September 2012, interviewed in Seoul.

workload quota by the end of the normal work day, he/she must continue working until the quota is met.¹²⁵⁵ It has been found that prisoners are mobilized for labor even on weekends without rest.

(3) Inhuman Treatment

Violence and cruel treatment appear to be widespread in political prison camps (*kwanliso*). A North Korean defector testified that in the former No. 18 *Kwanliso* in Bukchang, the mine vice-captain who was in charge of the coal mine shift kicked him/her and struck him/her with a sack when he/she failed to collect the required amount of coal. The testifier also testified that the MPS officer at the coal mine also beat him/her.¹²⁵⁶

It has been found that prisoners also suffer from poor nutritional, sanitary and medication conditions in political prison camps (*kwanliso*). Hye-suk Kim, who had been imprisoned in the former No. 18 *Kwanliso* in Bukchang, testified that her family of seven was only given 8 kg of Annam rice per month.¹²⁵⁷ Since there was no way to get more rice, Kim and her family had no choice but to climb hills and mountains to pick wild greens to fill their hungry stomachs, and, even when off-duty, the entire family went to the mountains to collect edible greens and store them for

1255_ North Korean defector ○○○, 14 September 2012, interviewed in Seoul.

1256_ *Ibid.*

1257_ Hye-suk Kim, *A Prison Camp Created in Tears* (Seoul: Sidaejongsin, 2011), pp. 73-76. (In Korean)

food.¹²⁵⁸ A North Korean defector testified that in the former No. 18 *Kwanliso* in Bukchang, his/her father died from chronic disease and malnutrition, and his/her two younger siblings died from malnutrition and illness, respectively. The testifier also said that when he/she injured his/her leg in April 2004, he/she did not receive treatment other than an X-ray and was told by medical staff at Yongjong Hospital located within the former No. 18 *Kwanliso* in Bukchang that his/her leg should be amputated.¹²⁵⁹

(4) Restrictions on Family Life

According to defector testimonies collected to date, one cannot live with one's parents, siblings or spouse in a political prison camp (*kwanliso*) that is categorized as a total control zone. Moreover, in political prison camps (*kwanliso*) categorized as revolutionary zones, marriage and childbirth are generally prohibited. One testimony claimed that husbands and wives are assigned to opposite work shifts to prevent them from having sex.

D. Evaluation

It has been found that North Koreans are well aware of the existence of political prison camps (*kwanliso*) in North Korea.

1258_ *Ibid*, pp. 73-76.

1259_NKHR2013000126 2013-07-09.

However, the level of awareness about political prison camps (*kwanliso*) varies among individuals; a testifier said that he/she has only heard about them, and a testifier had a specific image of them as being “a place where you cannot come out once you enter.” Recently, no specific defector testimony has been collected regarding the grounds and procedures for imprisonment in political prison camps (*kwanliso*). In addition, no information has been gathered on the reality of the human rights situation for prisoners in political prison camps (*kwanliso*). However, assuming that the existing situation in political prison camps (*kwanliso*) has not changed significantly, it is inferred that the diverse rights and freedoms of the prisoners recognized by the ICCPR are being violated.

2

Overseas Defectors

In this chapter, the actual situation and human rights violations of North Korean defectors abroad will be examined. In recent surveys, testimonies have been documented that punishment for forcibly repatriated North Korean defectors has generally intensified and border control and crackdowns on defectors have strengthened.

A. Number and Background of Overseas North Korean Defectors

The ICCPR stipulates that “everyone shall be free to leave any country, including his own” (Article 12, paragraph 2). Although a large number of North Koreans who fled the country are believed to be residing illegally in third countries, such as China and Russia, it is impossible to collect accurate data on the exact number and conditions of North Korean defectors abroad, due to the defectors’ insecure status, which prevents them from openly asking for help.

(1) Tightening Control to Block Defection and the Decrease in the Number of Defectors Living in China

Since the late 2000s, the number of North Korean defectors living in China has dropped dramatically. It has been found that the reasons for this decrease include more stringent border control and crackdowns, continued forced repatriation, a decrease in the number of new defectors due to an increase in the cost of defection, an increase in the number of legal visits to China resulting from an increase in the issuance of border passes, improved economic conditions in North Korea including the reinvigoration of marketplaces (*jangmadang*), an increase in the resettlement of North Korean defectors in third countries as well as in South Korea, and the recent adoption of stricter border closure by North Korean authorities due to the outbreak of COVID-19. It has been found that since 2009, the Ministry of State Security has reviewed the emergency measures in place to prevent defection and has strengthened the identification and monitoring of ideological trends in families and relatives of defectors, ideological education, inspection of travel permits and bed-checks in border regions, and inspection of Border Guard Commands. Moreover, North Korean authorities have increased the severity of the punishment for residents using mobile phones in border regions. In 2015, North Korea revised its Criminal Law and added a provision on the “crime of illegal international communications” (Article 222), which stipulates that “a person

who is engaged in illegal international communications shall be subject to up to one year of labor training punishment,” and “when the case is serious, the person shall be subject to up to five years of correctional labor punishment.” This is the same sentence as that for the “crime of illegal border-crossing” (Article 221), which suggests that illegal international phone calls are considered to be a crime as serious as illegal border-crossing.

In particular, in the Hyesan region, which has been used as the main defection route, authorities have implemented various measures to deter defection. Electronic barrages have been installed and activities to detect mobile phones have been greatly strengthened. As a result, it became very difficult for brokers to contact potential defectors. Moreover, a barbed wire fence was installed along 12 km of the border in Hyesan. The fence was only connected with horizontal wires as of June 2015, but vertical wires were additionally installed.¹²⁶⁰ Two-story guard posts have also been installed.¹²⁶¹ There was also testimony reporting that surveillance cameras started to be installed from 2016.¹²⁶² Similar measures have been implemented in areas other than Hyesan. Recently, there have been reports that even the surveillance system at Amnok River (Amnokgang) along the

1260_NKHR2015000130 2015-09-22.

1261_NKHR2015000136 2015-09-22.

1262_NKHR2019000012 2019-04-20.

border between North Korea and China has been further strengthened despite that crossing the Amnok River (Amnokgang) is difficult. According to a North Korean defector who defected in 2019, the embankment along the border of Sinuiju, which was built to prevent flooding and was originally accessible for people to walk on to enjoy the scenery of the river, has become inaccessible since 2015 because security has been tightened, particularly on the Chinese side of the border, with a barbed wire fence and surveillance cameras installed.¹²⁶³

The substantial decrease in the number of defections seems to be attributed to the announcement of a severe warning that three generations of the family would be punished if any family member defected, or defectors would be executed on the spot. A testifier said that since Kim Jong Un took power, live ammunition has been provided to guards with an order that border-crossers may be shot to death.¹²⁶⁴ Many testifiers have stated that guards actually used their firearms in the testifiers' defection process.

In contrast, there were testimonies claiming that firearms are only used as a threat to prevent defection and that guards are not allowed to actually shoot people.¹²⁶⁵ In the 2020 survey, testimonies on the use of firearms in the process of North Korean

1263_NKHR2022000014-2 2021-07-29.

1264_NKHR2016000028 2016-03-08.

1265_NKHR2015000122 2015-09-08.

people’s defection were collected. A North Korean defector who defected in 2019 testified that he/she heard that border guards actually shoot guns but only in the air as a threat.¹²⁶⁶ In addition, another North Korean defector who defected in 2019 testified that recently border guards seem to fire live bullets while monitoring the border area for defection, but he/she had never heard of an actual case. The testifier also said that he/she heard that border surveillance has become stricter.¹²⁶⁷

Testimonies have been collected reporting that North Korean residents who have attempted to defect were shot to death. A North Korean defector who defected in 2019 testified that he/she heard that around five people who were caught while defecting from North Korea were shot to death and that he/she was told by a defector who had defected recently that people attempting to defect would be shot to death unconditionally.¹²⁶⁸

Table V-2 Cases Involving the Use of Firearms during Defection

Testimonies	Testifier ID
In 2016, three men who were assigned to flood restoration work in Onsong County, North Hamgyeong Province decided on impulse to defect when they saw China across the Duman River (Dumangang) but were shot to death in their attempt.	NKHR2018000107 2018-10-01

1266_NKHR2020000005 2020-05-15.

1267_NKHR2020000022 2020-07-06.

1268_NKHR2020000019 2020-07-04.

Testimonies	Testifier ID
In 2017, an incident occurred where a Chinese who was fishing on the Chinese side of the Amnok River (Amnokgang) was shot in his leg by a North Korean border guard who thought he was a North Korean defector. The injury was not life-threatening, but the guard responsible for the shooting was transferred to another unit.	NKHR2018000057 2018-07-02
At the end of 2017, there was an incident where one out of three people who were defecting was shot in his/her thigh by a border guard. When discovered by soldiers while crossing the river, the defectors were first asked by the soldiers to stop, but if they disregarded the order and run, soldiers would fire with live ammunition.	NKHR2019000024 2019-05-18
The guards opened fire on three people who were attempting to defect through human trafficking in winter 2017-early 2018. Two of the people who got scared were arrested on the spot, but the remaining person ran and crossed the river.	NKHR2019000019 2019-05-07
A North Korean defector who defected in 2019 testified that he/she heard that five people who got caught while attempting to defect from North Korea were shot to death. The testifier was told by a defector who had defected recently that people attempting to defect would be shot to death unconditionally.	NKHR2020000019 2020-07-04

As the risk of getting caught in the process of defection increased, there has been a significant decline in the number of people trying to enter China simply to earn money. Many North Korean defectors who have recently defected have testified that the cost of defection has soared to a minimum of approximately 15 million South Korean won per person. It is said that their goal from the start is to settle in South Korea in search for freedom, rather than going to China to seek economic objectives.¹²⁶⁹

On the other hand, there was also testimony stating that the

1269_ Testimonies include NKHR2022000005-2 2022-08-03; NKHR2022000014-2 2021-07-29; NKHR2022000015-2 2021-07-29; NKHR2022000035 2022-09-02.

excessively harsh orders to crack down on defections by Kim Jong Un actually backfired, leading to an increase in the number of defections.¹²⁷⁰

(2) Defector Attempts to Migrate Globally

In addition to China, North Korean defectors appear to be attempting to move to other parts of the world, including Russia and other CIS countries, Mongolia, and countries in Southeast Asia. With the support of private organizations and volunteer activists, North Korean defectors have been seeking asylum and safe havens around the world, in countries including Thailand, Japan, Canada, Australia, the U.S., EU member states, and Israel.

Table V-3 Number of Overseas Defectors with Refugee Status

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Number of Persons	1,052	1,110	1,166	1,282	1,103	1,422	1,175	802	762	694	528

Source: *UNHCR Global Trends 2011-2019*, <<https://www.unhcr.or.kr/unhcr/program/board/list.js?p?menuID=001006003007&boardTypeID=98>> (Accessed 24 June 2022); "Global Trends Annexes: Table 2," *UNHCR Global Trends 2020*, <<https://www.unhcr.org/2020-global-trends-annex>> (Accessed 4 October 2022); "Global Trends Annexes: Table 2," *UNHCR Global Trends 2021*, <<https://www.unhcr.org/2021-global-trends-annex>> (Accessed 4 October 2022).

Since 2004, the number of North Korean defectors illegally entering Thailand in hopes of moving to and settling in South Korea or the U.S. has risen continuously. As a result, there have

1270_NKHR2016000165 2016-11-01.

been many cases of group arrests of North Korean defectors illegally entering Thailand. Furthermore, as the period of stay in detention facilities within immigration offices grew longer, some refugees have begun to stage hunger strikes demanding a speedy process, which have substantially reduced the time required for entry procedures. At one time, the number of applications for political asylum (refugee status) in EU member states had increased rapidly. However, many of the applicants were found to be Chinese, including ethnic Koreans in China disguised as North Korean defectors, or North Korean defectors who had already settled in South Korea and acquired South Korean nationality, and as a result, the procedure for the review and recognition of refugee status has become stricter. Although as many as 512 North Korean defectors had been recognized as refugees from 2007 to 2008 in the U.K., not a single North Korean defector earned refugee status in the U.K. in 2016.¹²⁷¹ For a North Korean resident to move to a western country such as an EU member state and apply for political asylum there, a large amount of money is needed. Therefore, with very few exceptions, it seems very difficult for any North Korean defector to file for asylum in a western country. In addition, the North Korean authorities have closed the border due to COVID-19, making it even more difficult for North Korean people to defect overseas. Whereas North

1271_Dong-ho Han *et al.*, *An Analysis on Policy Environment for North Korean Human Rights* (Seoul: KINU, 2017), p. 216.

Korean people must first move to China to defect from North Korea, during COVID-19, even the movement of Chinese people within China has been strictly controlled and restricted. South Korea had revised its Enforcement Decree of the North Korean Refugees Protection and Settlement Support Act in 2009 so that the South Korean government could suspend or terminate protection and settlement support for any North Korean defector who fraudulently applies for political asylum in a third country after obtaining South Korean nationality.

B. Reality of North Korean Defectors Residing Overseas

As food shortages continued for a sustained period of time, more North Korean women went to China to earn money, and the number of North Korean women who did not return to North Korea but instead settled in China began to increase. Both women who were single and those who were married with children ended up living with Chinese men in order to continue their life in hiding in China. In some cases, these women were introduced to Chinese men and lived with them voluntarily,¹²⁷² but in many cases, North Korean women were sold without their knowledge and

1272_ NKHR2019000010 2019-04-08; NKHR2019000044 2019-07-01; NKHR2019000046 2019-07-01; NKHR2019000048 2019-07-01; NKHR2019000099 2019-10-21; NKHR2019000042 2019-07-01.

forced into marriage.¹²⁷³ In addition, there were many cases in which female defectors were under the constant watchful eye of the families and neighbors of their husbands as they were sold as merchandise.¹²⁷⁴ A North Korean defector who was trafficked into China in 2015 testified that she could not set foot outside the house without her husband because her Chinese husband always locked her in whenever he left home.¹²⁷⁵

There have been some cases in which some female North Korean defectors were able to obtain residence permits (*hukou*) after staying in China for a prolonged period of time.¹²⁷⁶ Also, some had children with their Chinese husbands,¹²⁷⁷ and some of these children also obtained residence permits.¹²⁷⁸

However, in many cases, female defectors are exposed to the threat of forced repatriation because of their unstable status,¹²⁷⁹ which is a reason why they have no choice but to remain forcibly married to Chinese men. A North Korean defector who defected

1273_NKHR2017000025 2017-05-08; NKHR2018000004 2018-03-12; NKHR2019000061 2019-07-29 and many other testimonies.

1274_NKHR2019000100 2019-10-21; NKHR2019000061 2019-07-29.

1275_NKHR2017000094 2017-10-23.

1276_NKHR2017000046 2017-07-03.

1277_NKHR2018000020 2018-04-09; NKHR2019000044 2019-07-01; NKHR2019000046 2019-07-01; NKHR2019000048 2019-07-01; NKHR2019000058 2019-07-29 and many other testimonies.

1278_NKHR2017000014 2017-04-10; NKHR2018000021 2018-04-09; NKHR2019000044 2019-07-01; NKHR2019000048 2019-07-01; NKHR2019000099 2019-10-21 and many other testimonies.

1279_NKHR2019000099 2019-10-21; NKHR2019000067 2019-08-26.

in 1998 and lived in China until she moved to South Korea in 2020 said that, although she had lived in a big city in China with a stable job at a large Chinese company for a long period of time, she had lived in constant fear of having her identity as a North Korean defector revealed and thus eventually had no choice but to move to South Korea to settle.¹²⁸⁰ In addition, a woman in her 30s who defected in 2017 and became a victim of human trafficking in China testified that although she had no intention of getting married when she first crossed the river, she had no choice but to get married as the broker convinced her that she needed the protection of a Chinese man due to her unstable status.¹²⁸¹ Moreover, there was also testimony reporting that the testifier had to follow the broker's directions as the testifier had no acquaintances and no one to get help from in China.¹²⁸² Male defectors have been found to end up in similar situations. A North Korean defector who defected in 2019 testified that a North Korean man who had defected before him/her, and who was living in the same Chinese village where the testifier had lived in hiding, did heavy labor in a pig pen all by himself and received only three meals a day as remuneration but did not complain because of the risk of being repatriated to North Korea.

1280_NKHR2022000031 2022-07-23.

1281_NKHR2019000067 2019-08-26.

1282_NKHR2019000061 2019-07-29.

With more North Korean defectors staying in China for extended periods of time, their way of life has also changed. Unlike their initial years of living in China, North Korean defectors live more in the homes of Chinese people such as Han Chinese than in the homes of their North Korean relatives or ethnic Koreans in China. As they adapt to living in China, some defectors have developed their own ways of living, such as learning the Chinese language, becoming employed and getting involved in market activities.¹²⁸³ Also, although only very rarely, some female North Korean defectors have entered South Korea with South Korean men with whom they resided in China. In some cases, female defectors living in China go to South Korea through brokers after they find out about settlement support grants offered by the South Korean government through the Korean-Chinese men they live with. In such cases, the men typically travel to South Korea first to find jobs, learn about the support grants and then advise their North Korean partners to come to South Korea. There were also cases in which North Korean defectors come to Jeju Island (South Korea), where no visa is required, after obtaining Chinese passports with forged residence permits, and then report their identity as North Korean defectors after arriving in South Korea. However, it seems that a significant number of female defectors living in Han Chinese

1283_NKHR2017000064 2017-07-31.

farming villages continue to live there because they do not have access to information on South Korea.

C. Punishment for Defectors

(1) Punishment Provisions

The North Korean Criminal Law divides charges for defection into two crimes: illegal border-crossing and treason against the fatherland. For illegal border-crossing, up to one year of labor training punishment may be imposed, and when the case is serious, up to five years of correctional labor punishment may be imposed (Article 221). The North Korean Criminal Law also stipulates that “a citizen who commits treason against the fatherland, such as betraying the fatherland by fleeing or surrendering to another country or turning over secrets to the enemy, shall be subject to five years or more of correctional labor punishment. When the case is extremely serious, the citizen shall be subject to unlimited-term correctional labor punishment or death penalty with confiscation of property” (Article 63). In addition, the North Korean Immigration Law stipulates that any North Korean citizen who violates immigration regulations shall be subject to fines and an administrative penalty that bans him/her from leaving the country, and, when the case is serious, a criminal penalty may be imposed (Article 55).

In addition to the Criminal Law, the terms of punishment for

defection are dictated in the People's Security Enforcement Law and the Administrative Penalty Law. Article 30 of the People's Security Enforcement Law stipulates that "people's security institutions shall exercise control over violations of travel regulations and disorderly wandering on the streets." Article 57 of the same law states that people's security institutions may impose fines on people who violate Article 30. These provisions are not intended to punish the act of defection directly but are utilized to prevent people from moving toward the border regions for defection. Article 271 of the Administrative Penalty Law stipulates that anyone illegally crossing the border shall be subject to up to three months of labor discipline (more than three months when the case is serious). In addition, Article 282 of the same law prescribes that those who violate travel regulations and engage in illegal exit/entry of restricted areas may be subject to admonitions, stern warnings, fines or up to three months of unpaid labor or re-educational labor discipline, and, when the case is serious, they may be subject to three months or more of unpaid labor or re-educational labor discipline.

(2) Reality of Punishment

(A) Investigation and Transfer

North Korean defectors caught in China are deported to periphery military units along the border, then to the Ministry of

State Security of the repatriation area for basic investigation and personal identity checks. They are then sent back to the authorities in their area of residence. Depending on the case, deportees are sent to their respective regional institution (MPS) either directly or via the labor training camp (*rodongdanryundae*) or the provincial holding center (*jipkyulso*) in the repatriated area. The punishment procedure following repatriation differs depending on the initial detention facility to which a deportee is sent. If the initial detention facility is located at or near the area of the detainee's residence, the level of punishment is determined more quickly. On the other hand, if the detainee's hometown is far away from the MSS branch in the border region, the period of detention is extended because the MPS officers from the detainee's hometown have to travel to the border area detention facility in person to sign the detainee out. Other factors that affect extended detention seem to include the risk of escape during transfer, securing of the means of transfer, and lack of means to contact the families.

Those who are repatriated from China are investigated at a first-level detention facility for punishment. The MSS branch detention centers (*guryujang*) in repatriation areas are mostly in Onsong County, Musan County, Hoeryong, Sinuiju in North Pyeongan Province, and Hyesan in Yanggang Province. Repatriated North Korean defectors are strip-searched, have their belongings checked and undergo health inspections (for AIDS)

before they are detained. Although men and women are known to be detained separately, there are cases in which they are detained together, depending on the number of people being repatriated.

North Korean defectors caught in China and awaiting deportation are mostly detained for days or even months in Chinese police stations, public security institutions or customs offices. Afterwards, they are sent to MSS provincial holding centers (*jipkyulso*) and MPS city branch detention centers (*guryujang*), and then undergo preliminary examinations and trials, through which their punishment is determined. A North Korean defector, who had defected in 2015 and was caught in China, testified that after the arrest, he/she had spent a week in detention in a periphery military unit at the Chinese border and then was transferred to North Korean authorities through customs. The testifier said that, afterward, he/she stayed in an MSS holding center (*jipkyulso*) for 23 days and then in a holding center (*jipkyulso*) under the City Security Department, and was sentenced to labor training punishment but was released after paying bribes.¹²⁸⁴ In addition, a testifier who had worked in a detention facility until April 2019 testified that those caught while defecting are detained in holding centers (*jipkyulso*) within the Ministry of State Security.¹²⁸⁵

1284_NKHR2020000024 2020-07-06.

1285_NKHR2020000035 2020-09-05.

Article 37 of the North Korean Law on the Protection and Promotion of the Rights of Women prohibits physical searches of women. However, it has been revealed that inspectors examine forcibly repatriated female defectors by forcing them to squat and stand up repeatedly, conducting strip searches, and carrying out uterus examinations.¹²⁸⁶ Such examination is intended to search and seize the money defectors have earned while in China. A North Korean defector who had been detained in an MSS city detention center (*guryujang*) in 2016 testified that she went through a uterus examination conducted by a female soldier, which was very painful and extremely shameful.¹²⁸⁷ Moreover, there were even cases in which defectors were repeatedly made to undergo strip searches every time their cases were transferred to another institution. A North Korean defector who defected in 2018 testified that after being caught by the Border Security Command during his/her defection attempt in 2017, he/she went through a total of six strip searches at a platoon, company, battalion, MSS provincial bureau, MSS city branch, and MPS city branch.¹²⁸⁸

In recent surveys, it has been reported that North Korean defectors who are repatriated after fleeing to China receive

1286_ NKHR2017000014 2017-04-10; NKHR2017000045 2017-07-03; NKHR2017000046 2017-07-03; NKHR2017000119 2017-11-20; NKHR2018000081 2018-07-30; NKHR2019000041 2019-07-01; NKHR2019000075 2019-08-26.

1287_ NKHR2017000045 2017-07-03.

1288_ NKHR2018000091 2018-08-27.

relatively lenient punishment compared to those who are caught and repatriated while attempting to enter South Korea. In addition, it can have been inferred from the surveys that while punishment is heavier for those trying to go to South Korea, such punishment can be avoided to some extent through bribery.

There seems to be a significant number of cases in which forcibly repatriated defectors offer bribes during the interrogation process to reduce the term of their sentence or be exempted from punishment.¹²⁸⁹ A North Korean defector who had been caught in an attempt to defect in 2016 testified that he/she was released, subject only to re-educational measures, after bribing the MSS intelligence chief of ○○ City, ○○ Province, with 5,000 yuan.¹²⁹⁰ Cases have also been found in which defectors bribed law enforcement personnel to forge the contents of their interrogation documents to avoid punishment. A North Korean defector who had been forcibly repatriated from China in 2015 testified that he/she was able to reduce his/her sentence by bribing prosecutors, judges and lawyers to forge the length of time he/she stayed in China.¹²⁹¹ Another North Korean defector testified that he/she had been arrested during a defection attempt in 2017 but was able

1289_NKHR2017000057 2017-07-31; NKHR2017000058 2017-07-31; NKHR2017000098 2017-10-23; NKHR2017000103 2017-10-23; NKHR2017000121 2017-11-20; NKHR2017000128 2017-12-18; NKHR2019000019 2019-04-08; NKHR2019000105 2019-11-09; NKHR2019000074 2019-08-26.

1290_NKHR2017000057 2017-07-31.

1291_NKHR2017000005 2017-04-10.

to receive a relatively light sentence of one month at a labor training camp (*rodongdanryundae*) by bribing the preliminary examination officer with 3,000 yuan.¹²⁹² As such, it seems there is a widespread practice of avoiding punishment via bribery, even among those who are caught in their attempts to defect. One testifier noted that those without money are often unable to evade punishment.¹²⁹³

A North Korean defector testified that he/she had been caught during an attempt to defect in January 2018 and detained at an MSS holding center (*jipkyulso*) but was released without a trial after his/her mother paid 7,000–7,500 yuan as a bribe. The testifier said that an attempt to defect to South Korea constitutes treason against the fatherland, which is the most serious crime.¹²⁹⁴ Another testifier who had worked at a detention facility until April 2019 said that he/she saw repatriated North Korean defectors being detained in the facility, and that if they were people who had been repatriated after living in China for a long period of time, they received a maximum of five years of imprisonment after trial. According to the testifier, repatriated defectors who had attempted to defect to South Korea are sent to political prison camps (*kwanliso*) after first being detained in detention centers

1292_NKHR2018000091 2018-08-27.

1293_NKHR2017000026 2017-05-08.

1294_NKHR2020000020 2020-07-04.

(*guryujang*) within the Ministry of State Security, where they can try to avoid punishment by offering bribes. The testifier further claimed that if a repatriated defector's sentence is confirmed at an MPS city/county branch, avoiding punishment becomes impossible.¹²⁹⁵

The amount of bribe needed to avoid punishment for defection seems to have increased significantly. A North Korean defector who defected in 2018 said that his/her spouse, a former money transfer broker, had been arrested and detained in the MSS city detention center (*guryujang*) in Hoeryong, North Hamgyeong Province in 2016 but was released after 15 days by offering a bribe of 15,000 yuan.¹²⁹⁶ Another North Korean defector testified that he/she had been detained in a detention center (*guryujang*) after being caught in an attempt to defect in 2016 but was released by paying 15,000 yuan as a bribe.¹²⁹⁷ Another North Korean defector testified that when his/her sister-in-law's husband was caught during a defection attempt, he/she offered a bribe of 10 million won, which was sent by his/her sister-in-law, who had already settled in South Korea.¹²⁹⁸ In addition, there were testimonies claiming that the testifiers had been released after paying 30,000–40,000 yuan¹²⁹⁹ and even 60,000 yuan as a

1295_NKHR2020000035 2020-09-05.

1296_NKHR2018000099 2018-10-01.

1297_NKHR2018000056 2018-07-02.

1298_NKHR2018000105 2018-10-01.

bribe.¹³⁰⁰

The MSS branches located in border areas conduct interrogations on repatriated defectors to verify information such as their personal information, home address, time and frequency of river-crossings, and activities after river-crossing (e.g., whether the defectors have contacted South Koreans or Christians or attempted to go to South Korea and whether they have connections with human trafficking or watched pornography or South Korean video recordings). After being interrogated at MSS branches in border areas, repatriated defectors are sent either to the MPS detection center (*guryujang*) or to provincial holding centers (*jipkyulso*) in the border areas. Under North Korean criminal procedures, there should be a preliminary examination in which prosecutors establish the facts of a crime and indict or exonerate the suspect. During the preliminary examination, prosecutors ask those who have been repatriated to describe in detail the purpose of their border-crossing and activities in China. During this phase, investigators use beatings, abusive language and threats, and induce people to report the activities of other repatriated defectors during their stay in China by telling them that their sentence would be reduced.

1299_NKHR2018000109 2018-10-06.

1300_NKHR2019000009 2019-04-08.

(B) Imposition of Punishment

It has been found that since Kim Jong Un came to power, punishment for repatriated defectors has been greatly strengthened,¹³⁰¹ and more defectors are sentenced to correctional labor punishment rather than labor training punishment.¹³⁰² Testimonies have been collected stating that, until 2013, those who have been repatriated to North Korea for the first time were sentenced to approximately six months of imprisonment in labor training camps (*rodongdanryundae*) and those who have been repatriated for at least a second time were sentenced to correctional labor punishment, but since 2014, all repatriated defectors are sentenced to correctional labor punishment, regardless of the frequency of their defection attempts.¹³⁰³ The term of correctional labor punishment is three to five years, varying according to the number of attempted defections and the length of the defector's stay in China.¹³⁰⁴ In particular, testifiers noted that those whose stay in a third country after illegal border-crossing is three months or longer are subject to aggravated punishment because this situation is classified as a "serious case" under paragraph 2 of the provision on the crime of

1301_NKHR2017000001 2017-04-10; NKHR2017000002 2017-04-10; NKHR2017000067 2017-08-28.

1302_NKHR2012000151 2012-07-24.

1303_NKHR2015000084 2015-04-21; NKHR2015000092 2015-05-12.

1304_NKHR2015000023 2015-01-27; NKHR2015000035 2015-02-10; NKHR2015000080 2015-04-21.

illegal border-crossing.¹³⁰⁵ However, it is said that for cases of simple defection, one could offer bribes to have his/her sentence reduced to labor training punishment.¹³⁰⁶ People sentenced to correctional labor punishment for the charge of illegal border-crossing are mostly imprisoned at Jeongeori *Kyohwaso* in North Hamgyeong Province and Gaecheon *Kyohwaso* in South Pyeongan Province.¹³⁰⁷ In particular, it has been found that around 70% of convicted prisoners in Jeongeori *Kyohwaso* are imprisoned for the charge of illegal border-crossing.¹³⁰⁸ Many testifiers said that those who attempt to escape to South Korea are punished as political criminals,¹³⁰⁹ and there was even a testifier who said that defectors who are caught heading to South Korea would be unconditionally shot to death.¹³¹⁰ A North Korean defector in his/her 50s who defected in 2019 said that since fall 2018, MSS agents came to every People's Unit (*inminban*) meeting and said, "defectors are traitors, and they can be sentenced to death."¹³¹¹

It has been found that the overall punishment of forcibly

1305_NKHR2017000005 2017-04-10.

1306_NKHR2015000031 2015-02-10.

1307_Dong-ho Han *et al.*, *Prison Camps in North Korea*, pp. 10-12.

1308_ *Ibid.*, p. 14.

1309_NKHR2015000031 2015-02-10; NKHR2017000007 2017-04-10; NKHR2017000039 2017-06-05; NKHR2017000111 2017-11-20; NKHR2017000112 2017-11-29; NKHR2017000130 2017-12-18; NKHR2019000048 2019-07-01; NKHR2019000101 2019-10-21.

1310_NKHR2019000007 2019-04-08.

1311_NKHR2019000019 2019-05-07.

repatriated defectors has been recently reinforced. In the past, North Korean people who defected to China and were repatriated were sentenced to correctional punishment for a period that corresponds to the length of their stay in China, but the punishment has recently been strengthened so that repatriated defectors are sentenced to prison terms that are twice as long as the period of their stay in China.¹³¹² A North Korean defector in his/her 20s who defected in 2019 testified that punishment for defection has strengthened from around 2015, and while those charged with defecting to China were previously sentenced to serve time in labor training camps (*rodongdanryeondae*), they are now all sentenced to two or three years of correctional labor punishment.¹³¹³ A North Korean defector in his/her 20s who defected in 2018 testified that he/she was forcibly repatriated after defecting to and staying in China for three months in 2015 and was sentenced to one year of correctional labor punishment, but these days, people who defect even only for a day are sentenced to one year of correctional labor punishment.¹³¹⁴

During the Kim Jong Il era, there were cases in which defectors who had voluntarily returned to North Korea were only sentenced to educational measures instead of criminal punishment. However,

1312_NKHR2016000072 2016-05-17.

1313_NKHR2019000039 2019-07-01.

1314_NKHR2019000043 2019-07-01.

under the Kim Jong Un regime, even voluntary returnees are subject to harsh punishment.¹³¹⁵ According to a testifier who had defected twice in 2007 and 2014, voluntary returnees were not punished in 2007 under Kim Jong Il, but when the testifier voluntarily returned in 2014, he/she was not forgiven and investigations were carried out in a harsh manner.¹³¹⁶ In the case of forcible repatriation, if it is clear that the defector has attempted to go to South Korea and he/she does not pay bribes, the defector would be sent to a political prison camp (*kwanliso*), which is the heaviest punishment.

Table V-4 Cases of Punishment for Defectors

Testimonies	Testifier ID
The testifier's son-in-law was caught in his attempt to defect in Yanggang Province in September 2015 and was sent to the MSS provincial bureau. The testifier was later told that he was sent to Suseong <i>Kyohwaso</i> (political prison camp) in Chongjin.	NKHR2018000123 2018-10-22
The testifier heard that a 33-year-old man who had been forcibly repatriated was sentenced to two years of correctional labor punishment in 2016. The testifier was told that this person had to have an operation as he ate needles to kill himself at a detention center (<i>guryujang</i>).	NKHR2019000093 2019-10-21
In 2016, the testifier's son defected from North Korea but was caught within six hours and forcibly repatriated. He was sentenced to three months of labor training punishment but was released after only one month because he paid bribes.	NKHR2019000096 2019-10-21
The testifier was caught after attempting to defect from North Korea in January 2018 and was detained in an MSS holding center (<i>jipkyulso</i>). However, the testifier was released without a trial as his/her mother paid 7,000-7,500 yuan as a bribe.	NKHR2020000020 2020-07-04

1315_NKHR2016000131 2016-06-09.

1316_NKHR2016000148 2016-09-06.

(C) Punishment for Defector Families

Since Kim Jong Un took office, the surveillance and punishment of defectors' families have tightened as part of strengthening control over defection.¹³¹⁷ It appears that cases occur in which the entire family is either deported or sent to a political prison camp (*kwanliso*).¹³¹⁸ A North Korean defector who defected in 2016 testified that a father and daughter who had lived in his/her neighborhood were forcibly repatriated from China in 2015, and all the remaining family members were forcibly deported to Unheung County, Yanggang Province.¹³¹⁹

However, many testifiers have stated that the number of cases in which defector families are actually punished or deported has decreased recently due to the overwhelming number of defectors.¹³²⁰ A North Korean defector testified that he/she had been under the Ministry of State Security monitoring after his/her spouse defected in 2015 but did not receive any punishment or sanction. The testifier also said that families of defectors are rarely punished because there is a defector in one out of every two

1317_ NKHR2019000008 2019-04-08; NKHR2019000038 2019-06-15; NKHR2019000031 2019-06-03; NKHR2019000092 2019-10-21.

1318_ NKHR2017000038 2017-06-05; NKHR2017000039 2017-06-05; NKHR2017000072 2017-08-28; NKHR2019000046 2019-07-01.

1319_ NKHR2019000046 2019-07-01.

1320_ NKHR2017000077 2017-08-28; NKHR2017000085 2017-09-25; NKHR2017000092 2017-09-25; NKHR2019000012 2019-04-20; NKHR2019000074 2019-08-26; NKHR2019000078 2019-09-25; NKHR2019000087 2019-10-05.

households.¹³²¹ It is said that, particularly in border regions, it is practically impossible to punish or deport all defector families because there are too many who have a defector in their family. A North Korean defector testified that 90% of the residents in Hyesan, Yanggang Province have defectors in their family, and if nieces/nephews are counted as family, all residents have defector relatives, and thus it is impossible to forcibly deport or punish them.¹³²²

In recent surveys, many testimonies have reported that the monitoring and crackdown on defectors' families are still being carried out.¹³²³ A testifier who defected in 2019 testified that he/she had been monitored since 2010 because his/her mother defected to China. According to the testifier, when he/she wanted to go somewhere, he/she was questioned by the authorities about the reason and destination, the house he/she visited had to contact the authorities for verification, and he/she had to report to the security department of the area he/she visited.¹³²⁴ A North Korean defector who defected in 2019 testified that he/she had been monitored by a neighbor who was an MSS informer since

1321_NKHR2017000092 2017-09-25.

1322_NKHR2019000078 2019-06-10.

1323_NKHR2020000012 2020-06-15; NKHR2020000013 2020-06-15; NKHR2020000014 2020-06-15; NKHR2020000024 2020-07-06; NKHR2020000028 2020-07-06; NKHR2021000008-2 2022-05-26; NKHR2022000006 2022-05-25; NKHR2022000020 2022-06-18 and many other testimonies.

1324_NKHR2020000021 2020-07-06.

his/her mother defected and went missing in 2011.¹³²⁵ In addition, a testifier whose mother defected to China in 2013 and entered South Korea in 2016 testified that he/she had been monitored wherever he/she went. According to the testifier, he/she had been monitored by the chief of his/her People's Unit (*inminban*) most of the time, but there also was someone monitoring him/her at work.¹³²⁶

Moreover, many testimonies have been collected stating that having a defector in the family could prevent people from getting a desired job, entering a school they wanted to attend, or getting promoted at work. A North Korean defector who defected in 2019 testified that it was impossible for him/her to join the military or the Party because of his/her defector mother who entered South Korea in 2007, and her defection records made it difficult for him/her to achieve anything he/she wanted in his/her life. However, the testifier said that there were no restrictions on marriage.¹³²⁷ A defector in his/her 50s who defected from North Korea in 2019 testified that his/her older brother was a renowned judge but had difficulty being promoted above the level of a general judge because his daughter had defected.¹³²⁸ A North Korean defector in his/her 40s who defected in 2019 said that in

1325_NKHR2020000029 2020-07-06.

1326_NKHR2020000013 2020-06-15.

1327_NKHR2020000017 2020-07-04.

1328_NKHR2019000108 2019-11-18.

2016, his/her older brother was expected to get promoted to become a Party secretary but was not promoted as it was found that there was a defector in the family.¹³²⁹ In other words, while judicial punishment has weakened, there are indirect restrictions imposed on families of defectors such as social discrimination.

Table V-5 Cases of Punishment for Defector Families

Testimonies	Testifier ID
In 2015, a father and daughter who had defected to China were forcibly repatriated, and all the remaining family members were forcibly deported to Unheung County, Yanggang Province.	NKHR2019000046 2019-07-01
The testifier was caught during a travel permit check conducted in 2016 on his/her way to his/her grandmother's in Hoeryong, North Hamgyeong Province. When interrogators discovered that the testifier's mother was a defector, they accused the testifier of attempting to defect and detained him/her at the Ministry of State Security for a month.	NKHR2017000054 2017-07-31
A testifier who defected in 2019 testified that he/she had been monitored by a neighbor who was an MSS informer since his/her mother defected and went missing in 2011. The testifier said that the informer did not search his/her house, but he threatened that he would send the testifier to a labor training camp (<i>rodongdanryundae</i>) unless he/she offered some money.	NKHR2020000029 2020-07-06
A testifier who defected in 2019 said that the father of a friend who defected with the testifier had two of his houses confiscated and was sent to a labor training camp (<i>rodongdanryundae</i>), and the testifier's father received the same punishment. The testifier heard that Kim Yo Jong instructed the authorities to confiscate the houses of defector families and send defector families to labor training camps (<i>rodongdanryundae</i>) or sentence them to correctional labor punishment.	NKHR2020000021 2020-07-06

1329_NKHR2019000009 2019-04-08.

D. Human Trafficking

International and national laws prohibit human trafficking, emphasizing its inhuman nature. In addition, a substantial number of human rights organizations engage in the monitoring of human trafficking activities and have launched international promotional campaigns to eradicate human trafficking. According to the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the Convention on Transnational Organized Crime (hereinafter the Protocol on Human Trafficking), human trafficking means “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” In the provision, the meaning of exploitation is very important, which includes “the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.” Human trafficking is different from human smuggling in that exploitation continues to occur even after the arranged illegal border-crossing.¹³³⁰

(1) Organized Human Trafficking

As the number of illegal border-crossings by North Korean residents rapidly increased, organized rings of human traffickers began to appear, earning profits by trafficking North Korean defectors. There have been many incidents in which these ring members sought to capture North Koreans around train stations or markets in China for sale. There are several stages to this form of human trafficking. Organized human trafficking involves many people, such as those who lure women along the North Korean border, those who pick up women on the Chinese side of the border, and those who keep female North Korean defectors in hiding in certain places and arrange their sales. In the process, the transaction cost is expected to increase at every stage. As organized human trafficking began to occur, the practice of selling North Korean defectors spread to the inner areas of China's three northeastern provinces, which are far away from the border. In most cases, North Korean women are the target of human trafficking, but North Korean men have also been traded to remote areas of China where labor is scarce.

With increasing attention to cases of human rights violations caused by human trafficking in China, Chinese authorities have launched a massive roundup campaign against human trafficking

1330_ Norma Kang Muico, "An Absence of Choice: The Sexual Exploitation of North Korean Women in China," (Anti-Slavery International, 2005), p. 3.

rings. Subsequently, the number of organized human trafficking cases is considered to have significantly decreased. However, as North Korean defectors stay in China for longer periods of time, some defectors illegally residing in China become involved in the trafficking of fellow North Korean defectors. For example, there seem to be cases in which female North Korean defectors living with Chinese men involved in human trafficking turn over other female defectors to Chinese men or adult entertainment establishments to make money. It has been found that brokers trade female North Korean defectors to Chinese men, telling each woman that she can contact them if she does not like the man or has difficulties living with him, and if the female defector contacts them for help, the brokers would move and sell her to another area to make a profit. A woman in her 20s who defected in 2015 testified that she had been traded as many as four times in China, and whenever she wanted to run away from the man she had been forced to marry, she would ask for help from a “*Chosun*” woman (i.e., a woman from North Korea) from Chongjin, who was a broker who connected her to a new man.¹³³¹

In the past, there were many cases in which North Korean defectors were sold abroad by human traffickers without realizing it. A North Korean defector who was 16 when he/she was traded in 2015 testified that he/she was trafficked on his/her way to

1331_NKHR2019000061 2019-07-29.

China to earn money.¹³³² Another North Korean defector said that his/her daughter, who only wanted to stay in China for a few months with her friend to earn money, was trafficked in 2017.¹³³³ In this regard, a North Korean defector who defected in 2019 said that the cost of defection for defectors themselves was relatively low in the past because defection brokers made a profit by selling the defectors to human traffickers without telling the defectors that they would be sold. According to the testifier, some North Korean defectors who defected in or after 2018 paid as much as approximately 17 million South Korean won per person for defection because they themselves had to pay the cost for crossing the border.¹³³⁴ That is to say, the cost of defection has significantly increased because, today, North Korean people who attempt to flee North Korea plan to go to South Korea from the beginning and personally pay the cost for the border-crossing to brokers, who no longer receive cash or valuables from human traffickers in exchange for the defectors. The testifier claimed that defection brokers no longer trade North Korean defectors to human traffickers because the risk of helping people to cross the border has increased considerably due to the tightened border control and because punishment for human trafficking has been strengthened in China. According to a North Korean defector who

1332_NKHR2020000031 2020-08-03.

1333_NKHR2020000028 2020-07-06.

1334_NKHR2022000015-2 2022-07-29.

defected in 2019, North Korea's border control and China's punishment for human trafficking seem to have been strengthened since 2018 with Kim Jong Un's visit to China. The testifier said that Chinese people do not dare to engage in human trafficking because they would be sentenced to five years imprisonment for each person they traffic, and the sentence would increase to 10 years for trafficking two people, 15 years for trafficking three people, and so forth.¹³³⁵ The testifier also said that Chinese people involved in human trafficking were merely fined in the past, but they are now subject to long-term imprisonment, which indicates that there is a greater risk for Chinese human traffickers. In addition, according to the testifier, punishment for North Koreans caught during a defection attempt or forcibly repatriated is more likely to be severe today because they have chosen to escape North Korea to go to South Korea.¹³³⁶

(2) Human Rights Violations of Trafficked Female Defectors

With China's industrialization, women in rural areas began to migrate into cities or foreign countries such as South Korea to earn money. As a result, there is an increased demand for women as marriage partners or objects to satisfy sexual desires in Chinese

1335_NKHR2022000014-3 2022-08-31; NKHR2022000015-3 2022-08-31.

1336_ *Ibid.*

society. Due to such demand, female North Korean defectors are often traded as live-in partners of Chinese men. It seems that most North Korean women are taken to Chinese men without knowing to whom they have been sold. However, some of them knowingly ask brokers to help them cross the border in order not to bear the cost of river-crossing. In addition, cases have been found in which some voluntarily decided to be sold because they realized that trafficking is the only way to escape North Korea due to the tightened control on defection under the Kim Jong Un regime.¹³³⁷ A North Korean defector who defected in 2015 testified that being sold in China through traffickers was the only way to defect from North Korea and that there are many North Korean women who wish to escape but cannot because it is difficult to find a broker.¹³³⁸

Whereas there are cases in which female North Korean defectors who have been forced into marriage with Chinese men continue to live with their Chinese partners for a long period of time, a significant number of female defectors appear to flee to other regions as their marriage encounters trouble due to sexual abuse, violence, drinking or gambling. When a Chinese husband desires to continue the relationship with a North Korean woman, he would make various efforts, such as helping the woman obtain

1337_NKHR2017000033 2017-06-15; NKHR2017000094 2017-10-23; NKHR2018000033 2018-05-08.

1338_NKHR2017000094 2017-10-23.

a residence permit or providing financial help to the woman and her family. There are cases in which women who have crossed the border without help from a trafficking broker choose to live with Chinese men as life in China is difficult. In these cases, their married life does not appear to be much different from the situation of women in forced marriages. Unable to speak Chinese, North Korean women find it impossible to get a job in a restaurant or in any public place. Thus, they come to realize that there is no other alternative than to enter a common-law marriage with Chinese men to avoid being caught. In one case, a North Korean woman managed to run away after being trafficked and forced into marriage only to find herself in a relationship with another Chinese man because it was the only way for her to survive in China.¹³³⁹

Cases have been found in which female North Korean defectors who have been traded in China are forced to provide sexual services at karaoke bars and adult entertainment establishments.¹³⁴⁰ A woman in her 20s who defected in 2015 testified that she followed a broker who said that he/she would help her find a job in China and found out where she arrived was a brothel.¹³⁴¹ It has also been found that there is an increasing number of organizations

1339_NKHR2017000065 2017-07-31.

1340_NKHR2017000066 2017-08-28; NKHR2019000043 2018-12-25.

1341_NKHR2019000043 2019-07-01.

operating pornographic computer chatting businesses in China using female North Korean defectors.¹³⁴² A North Korean defector testified that she defected in 2015 with the help of a human trafficking broker but was sold to a pornographic computer chatting business in Shandong, China and worked there for two and a half years.¹³⁴³ It is said that with the recent increase in demand for human trafficking in China, there has been an increase in the number of cases in which Chinese smugglers also become involved in human trafficking.¹³⁴⁴

Meanwhile, it has become more difficult to find human trafficking agents in North Korea as the crackdowns against them have strengthened. Many testimonies have been collected stating that human traffickers are publicly executed or imprisoned in political prison camps (*kwanliso*).¹³⁴⁵ There were also testimonies reporting that while human trafficking is still active in Hoeryong and Musan County, North Hamgyeong Province, it has decreased substantially in Onsong County due to intensified crackdowns.¹³⁴⁶

1342_NKHR2015000125 2015-09-08.

1343_NKHR2018000133 2018-11-19.

1344_NKHR2015000170 2015-12-01.

1345_NKHR2017000009 2017-04-10; NKHR2017000010 2017-04-10; NKHR2017000067 2017-08-28; NKHR2017000103 2017-10-23; NKHR2017000113 2017-11-20; NKHR2017000134 2017-12-18; NKHR2018000057 2018-07-02; NKHR2018000105 2018-10-01; NKHR2019000048 2019-07-01.

1346_NKHR2015000171 2015-12-01.

E. Evaluation

Forced repatriation of North Korean defectors involves many human rights issues. Given that the issue of entering and exiting a country is at the discretion of that country, it cannot be said that it is illegal for North Korea to punish violations of border regulations based on its Immigration Law and Criminal Law. However, forcibly repatriated North Korean defectors are often deprived of their right not to be subjected to torture and inhuman treatment in the process of investigation, trials and punishment at holding centers (*jipkyulso*), detention centers (*guryujang*), labor training camps (*rodongdanryundae*) and prison camps (*kyohwaso*). Those who have attempted to go to South Korea or contacted Christians during their stay in China are publicly executed or imprisoned in political prison camps (*kwanliso*), and such practices constitute a violation of the right to life and the right to a fair trial. Forced abortions of forcibly repatriated female defectors who got pregnant in China and trafficking of North Korean women also constitute serious human rights violations.

North Korea's border control and crackdowns on defection have been continuously strengthened since approximately the beginning of the Kim Jong Un regime. Similarly, border control on the Chinese side has also tightened. The bribes that must be paid by forcibly repatriated North Korean defectors to avoid punishment have skyrocketed, and the success rate of re-defection

appears to have decreased dramatically. In addition, monitoring and crackdowns on defectors' families continue to be carried out. Testimonies have been collected reporting that, while most North Korean defectors had been subject to human trafficking in the past, the number of human trafficking cases has decreased recently as a result of strengthened border controls by both North Korea and China. Moreover, it appears that the sharp rise in the cost of border-crossing has resulted in a situation in which the opportunity to escape North Korea is available to those with financial means, and punishment appears to have been intensified for North Koreans caught during a defection attempt because defectors today plan from the start to defect from North Korea to go to South Korea. The punishment has been further strengthened with the overall tightening of border controls against border-crossing attempts due to COVID-19 as well as against the smuggling of goods in border regions.

The problem of human rights violations of North Korean defectors can be ultimately solved by a policy change by North Korean authorities. In addition, the North Korean judicial, trial and correctional systems should be improved to comply with relevant international standards.

3

Overseas Workers

North Korea has dispatched workers to over 40 countries, including China and Russia. The exact number of workers dispatched overseas is not available, but it is estimated that approximately 40,000 workers have been sent to Russia and over 100,000 workers to China alone.¹³⁴⁷ North Korea has sent a large number of workers overseas to earn foreign currency. The money coming into North Korea through these dispatched workers was estimated to be around hundreds of millions of dollars per year. As part of the sanctions against North Korea's nuclear and missile tests, the UN Security Council placed restrictions on issuing new work authorizations to North Korean workers in the jurisdiction of its Members States through Resolution 2375 adopted on 11 September 2017, and decided through Resolution 2397 of 22 December 2017 that North Korean workers staying in the

¹³⁴⁷_In October 2015, the National Intelligence Service of Korea reported to the National Assembly Intelligence Committee that the number of North Korean workers working overseas was approximately 58,000. "North Korea sent 80,000 workers on a mission to earn foreign currency despite the risk of being tainted with capitalism," *JoongAng Ilbo*, 10 November 2015.

jurisdictions shall be repatriated within 24 months from the date of the adoption of the resolution. As a result, the number of overseas North Korean workers is estimated to have significantly decreased. However, it is also assumed that some of these workers have not yet returned to North Korea due to border closures following the COVID-19 pandemic.

With respect to overseas North Korean workers, concerns have been raised that workers are used as a means of earning foreign currency and their human rights are not sufficiently protected. The current human rights situation of overseas North Korean workers will be analyzed below based on defector testimonies.

A. Discriminatory Selection Process

Every individual has the right to work so as to live a life of dignity. The right to work contributes to the survival of both the individual and his/her family, constitutes an inseparable and inherent part of human dignity, and is essential to realizing other human rights.¹³⁴⁸ Article 6, paragraph 1 of the ICESCR stipulates that its States Parties shall “recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.” As a State Party to the

1348_UN CESCR, General Comment, No. 18 (2005), para. 1.

ICESCR, North Korea has an obligation to protect the rights prescribed in the Covenant.

However, in North Korea, workers' freedom of occupation is substantially restricted as labor is in principle assigned according to the state labor supply plan. The freedom to choose one's occupation is restricted even for workers dispatched overseas who voluntarily apply to be sent abroad. In North Korea, being dispatched abroad has been perceived as a lucrative opportunity,¹³⁴⁹ and thus, many North Korean residents have wished to be dispatched to overseas workplaces. However, the opportunity to work abroad has been granted mostly to those with a good family background (*todae*) and, since Kim Jong Un came to power, this opportunity has been offered mostly to those with the financial capacity to pay bribes.

In general, one needs to have a good family background (*todae*) and background (*songbun*) to be dispatched to overseas workplaces.¹³⁵⁰ A North Korean defector who had worked at a clothing factory that produced clothes for export until 2019 said that, although he/she wanted to be dispatched to China to work as a clothing technician, his/her application was rejected because he/she had relatives in South Korea.¹³⁵¹ Family history is usually

1349_NKHR2017000007 2017-04-10; NKHR2018000022 2018-04-09.

1350_NKHR2020000014 2020-06-15.

1351_NKHR2022000015-3 2022-08-31.

examined up to third cousins,¹³⁵² and in the case of married men, the wives' family is reviewed as well.¹³⁵³ Most overseas workers are Party members,¹³⁵⁴ and in many cases, their previous place of work was in Pyongyang.¹³⁵⁵ In this respect, it has been found that the opportunity to be dispatched abroad is often granted to those who have good social status and are from the middle class or above in terms of economic capacity.

In addition, testimonies have been collected claiming that an unmarried person, who does not have a potential hostage at home, is not allowed to be dispatched overseas for the risk of defection¹³⁵⁶ and that a person has to have at least two children to be eligible to be dispatched abroad.¹³⁵⁷ A North Korean defector who defected in 2018 explained that he/she had applied for receptionist jobs to be dispatched to a restaurant in China but was not selected because his/her parents had divorced.¹³⁵⁸ A North Korean defector who had worked at an overseas workplace explained that the cadre department issues permission after screening applicants' resumes to check information such as whether they have relatives living abroad and their marital

1352_NKHR2013000196 2013-10-29.

1353_NHKR2014000020 2014-03-18.

1354_NKHR2014000080 2014-07-01.

1355_NKHR2022000035 2022-09-02.

1356_NKHR2022000005-2 2022-08-03.

1357_NKHR2018000008 2018-03-12.

1358_NKHR2019000005 2019-04-08.

status.¹³⁵⁹ It is said that, as an exception, doctors dispatched overseas are allowed to live with their families, but their children are forced to return to North Korea when they reach the age to enter college because they are believed to be easily susceptible to ideological influence.¹³⁶⁰

It appears bribes must be paid at every stage of the selection process. A North Korean defector who had been dispatched to a city in Russia for five years from 2015 to 2019 to work at construction sites testified that his/her selection process involved five steps, and he/she had to pay bribes at each step that eventually amounted to a total of over 500 dollars, which he/she did not consider a large sum.¹³⁶¹ According to the testifier, he/she first had to obtain a letter of recommendation from the Party Committee of the enterprise he/she was affiliated with, and he/she paid 200 dollars to the Party secretary as a bribe. After obtaining a letter of recommendation from the enterprise, she/she then underwent an in-depth screening conducted by the overseas placement department under the cadre division of the local Party unit in the second step. He/she had to submit various documents so that the authorities could conduct background checks on him/her and his/her family and relatives and, although the

1359_NKHR2019000050 2019-07-20.

1360_NKHR2022000035 2022-09-02.

1361_NKHR2022000035 2022-09-02.

preparation of the required documents has to be done by the staff of the overseas placement department, they often pass the work on to the applicants who do not have access to these documents, forcing them to pay bribes to the relevant officers to have the documents prepared. According to the testifier, the size of the bribe is approximately 50 dollars in rural areas and approximately 20 dollars in Pyongyang. The testifier then underwent an interview with the executive staff of the overseas placement department for the final decision. At this point, applicants usually offer approximately 50 dollars to the executive staff as a bribe. In the fourth stage, the testifier underwent a physical examination. According to the testifier, applicants who are healthy and confident of passing the examination still pay approximately 20 dollars to the hospital as a bribe, and those who are not confident pay approximately 100 dollars to pass the examination. In the final step, the testifier had to obtain the executive staff's signature on the relevant documents, which was required to have his overseas placement approved by the Central Party. At this stage, applicants usually offer an additional 50 dollars to obtain this signature.

However, it is said that applicants pay the most amount of money to be placed in their desired destinations. For example, construction workers prefer to be dispatched to Middle Eastern countries such as Kuwait, mainly because they are more likely to earn significantly more money in these countries. It is said that

North Korean workers dispatched to Kuwait can earn approximately 30,000 dollars in three years, while those dispatched to Russia earn approximately 3,000 dollars during the same period of time, and accordingly, workers have to offer 5,000 dollars as a bribe to be placed in Kuwait. The size of the bribes required differs depending on the types of work North Korean workers are involved in. While a North Korean defector whose spouse was a doctor said that he/she had offered 5,000 dollars as a bribe to work abroad because doctors are expected to make relatively more money when dispatched abroad,¹³⁶² a North Korean defector who had worked in the sewing industry said that he/she had paid approximately 300 dollars to be dispatched to China as a seamstress.¹³⁶³ It has been found that the size of the bribes required differs depending on the workers' position. With respect to North Korean people who want to be dispatched to construction sites in Russia, those who are expected to be dispatched as ordinary workers must pay approximately 500–700 dollars while those who are expected to be dispatched to an executive position must pay at least 20,000 dollars as a bribe in the screening process.¹³⁶⁴ In addition, it has been found that the size of the bribes required grows as the number of times the workers are dispatched to overseas workplaces increases. For example, a

1362_NKHR2022000005-2 2022-08-03.

1363_NKHR2022000015-3 2022-08-31.

1364_NKHR2022000035 2022-09-02.

North Korean defector who defected in 2020 testified that he/she had paid around 200 dollars to obtain a letter of recommendation from the affiliated institution for his/her first overseas deployment, but he/she had to pay 700 dollars for his/her second overseas deployment. According to the testifier, North Korean workers applying for their second overseas deployment are more likely to be selected than those applying for their first because the authorities can demand more money from the former in the belief that those who have overseas deployment experience are more likely to be financially capable to pay a larger bribe and because a complex administrative procedure is not necessary given that all of the required documents are already available. The testifier said that this situation in which the opportunity to work abroad largely depends on the ability to offer bribes represents another form of discrimination. Although they are exceptions, some cases have been recorded in which people were dispatched abroad without paying bribes.¹³⁶⁵ A North Korean defector who claimed to have worked as a staff member in a restaurant in Thailand in 2015 testified that he/she was dispatched after passing the background check and physical examination and did not give bribes during the selection process.¹³⁶⁶

As such, the importance of family background (*todae*) and the

1365_ NKHR2018000043 2018-06-04.

1366_ NKHR2019000014 2019-05-07.

prevalence of bribery in the selection process for overseas workers deprive people of the fair opportunity to seek a livelihood by working overseas. In particular, the qualifications based on background (*songbun*) and family background (*todae*) and party membership that are considered in the selection process violate the right to equality, which prohibits all kinds of discrimination based on social background, birthright, property ownership or other status. It has been found that as a result, the freedom to choose an occupation is not guaranteed for North Korean people. Moreover, factors such as whether the workers have close family members residing in North Korea are considered in the selection process to prevent overseas dispatched workers from defecting from their workplaces. The consideration of such requirements could also serve as an obstacle for people in choosing jobs based on fair opportunity according to one's abilities. However, a North Korean defector who had lived in an African country with her doctor husband from 2014 to 2019 testified that the qualifications to work abroad have been relaxed since Kim Jong Un came to power; now, people without Party membership are allowed to apply for work deployment overseas and workers dispatched overseas are permitted to take their children abroad. Nevertheless, the testifier also said that being financially capable is an important factor in the selection of overseas dispatched workers.¹³⁶⁷

1367_NKHR2022000005-2 2022-08-03.

B. Excessive Working Hours

It appears that the level of labor undertaken by North Korean workers dispatched overseas is more intense than that of the work carried out by workers of other nationalities. A North Korean defector who defected in 2020 from an overseas workplace described some of the characteristics of North Korean construction workers dispatched overseas.¹³⁶⁸

First, the daily working hours of North Korean workers are much longer than those of workers from other countries. For example, while construction workers from Uzbekistan go to work at 8 am, have a two-and-a-half-hour lunch break from 11:30 and finish their work at 5 pm, North Korean workers work from 7 am to 1 or 2 am the following day and, when a deadline approaches, North Korean workers work without any sleep. Second, North Korean workers go to work even in bad weather. For instance, whereas Russian workers do not work in the winter because of bad weather, North Korean workers in Russia broke this common practice by continuing to work in the winter. Moreover, North Korean workers dispatched to Kuwait work non-stop day and night while Kuwaiti workers consider it cruel to make people work between 11 am to 3 pm when the temperature is excessively high. Third, North Korean workers work at a faster pace than

1368_NKHR2022000035 2022-09-02.

workers of other nationalities. North Korean workers work at a very fast pace; when given the same amount of work, they are able to complete it twice as fast compared to workers from other countries. Of particular note is that the quality of the work produced by North Korean workers at such a fast working pace is not low. This is possible because those who produce work that fails to pass a construction inspection have their wages docked; accordingly, North Korean workers do their best to pass the required inspections. On the other hand, workers from other countries are not as desperate to produce work that can pass construction inspections because failure to do so does not affect them as much.

In other words, overseas North Korean workers work excessively long hours for a long period of time. At most overseas construction sites, North Korean enterprises that have signed a subcontract with local companies directly manage dispatched North Korean workers, and in many cases, North Korean enterprises violate local labor regulations to expedite the work. A North Korean defector who had worked in Magadan Oblast, Russia until 2014 testified that he/she worked 16 hours a day.¹³⁶⁹ A North Korean defector who is said to have worked as a plasterer at an overseas construction enterprise in Moscow, Russia from 2010 to 2017 testified that the working hours were from 8 am to

1369_NKHR2018000002 2018-03-12.

10 pm, and there were no days off even on weekends.¹³⁷⁰ A North Korean defector who explained that his/her father had been dispatched to Russia as a logger but worked as a farmer testified that his/her father worked for as long as 14 hours a day but received only around 100 dollars per month.¹³⁷¹ A North Korean defector who had been dispatched to Mongolia as a construction worker from 2016 to 2019 explained that his/her day started at 8 am in the morning and continued until 10 pm, and there was hardly any time to rest except for lunchtime. The testifier also said that there were no days off even on holidays or weekends.¹³⁷²

A North Korean defector who had been dispatched to Sochi, Russia in 2016 testified that he/she worked for 18 hours a day from early in the morning until late at night, but monthly wages were not paid properly.¹³⁷³ A North Korean defector who had worked in Kuwait until 2017 testified that he/she lived a slave-like life where he/she went to work in the morning and went to bed late at night after drinking alcohol.¹³⁷⁴ A testifier who had worked at a construction site in Russia until the end of 2019 said that he/she worked from 8 am to 10-11 pm and could not rest on weekends. According to the testifier, he/she was given two days

1370_NKHR2019000037 2019-06-15.

1371_NKHR2019000020 2019-05-07.

1372_NKHR2019000023 2019-05-18.

1373_NKHR2019000050 2019-07-20.

1374_NKHR2018000031 2018-05-07.

off a month at the discretion of the manager.¹³⁷⁵

In addition, North Korean workers sometimes face situations where they not only have to endure excessive working hours but also have to carry out “personal contract work” outside normal working hours to earn money that they have to pay to the state. This practice infringes upon the basic rights of workers to safe and healthy working conditions.¹³⁷⁶

C. Money Submitted to the State and Misappropriation of Wages by Middle Managers

As described above, it appears that while overseas North Korean workers suffer from excessive labor in poor working environments, they do not seem to receive a fair amount of wages corresponding to their work. Two factors are believed to be at play in this respect.

First, it is possible that North Korean workers are given relatively lower wages than those from other countries. For example, North Korean workers deployed to China tend to take on low-wage labor-intensive jobs that most Chinese people avoid getting into, such as the processing of sewing and fishery products. Moreover, North Korean workers dispatched to Russia

1375_NKHR2020000049 2020-11-28.

1376_NKHR2022000035 2022-09-02.

take on downstream construction jobs because upstream construction jobs are available only to Russian nationals. A second and more important factor is that overseas North Korean workers are required to send back a part of their wages to the state as the “state planned quota” and to their affiliated North Korean enterprise. While the amount payable to the state and their affiliated North Korean enterprise may vary depending on the sector they work in, North Korean workers submit a substantial part of their wages to the state and their affiliated enterprise and the oversight institution for that enterprise, and it is said that sometimes the money payable to their affiliated enterprise and the oversight institution is much higher than that required for the state planned quota. This is because North Korean workers usually belong not to a local company but to a North Korean enterprise that has signed a labor supply contract with the local company.

Therefore, North Korean workers dispatched overseas mostly receive wages from North Korean enterprises they are affiliated with, not the local company in the host country.¹³⁷⁷ The profits made by a North Korean enterprise are distributed to four different entities. First, a portion of the profits goes to the state to

1377_ Testimonies have been collected reporting that overseas workers had received their wages directly from local companies. Even in such cases, however, they must submit a substantial part of their wages as loyalty funds, Party contributions or the state planned quota. A North Korean defector who had worked at a construction site in Sakhalin Island, Russia from 2006 to August 2013 testified that he/she earned an average of 60,000-70,000 rubles per month and submitted 25,000 rubles to the state every month until 2013 (NKHR2015000001 2015- 01-13).

fulfill the state planned quota. Second, some of the profits go to the oversight institution for the enterprise that made the placement of the North Korean worker at a local company in the host country possible; for example, if the North Korean enterprise with which the workers are affiliated is under the oversight of North Korea's Capital Construction Committee, the Capital Construction Committee receives part of the profits. Third, some of the profits are retained by the North Korean enterprise itself. Finally, the remaining portion goes to the worker. It has been found that a significant portion of the profits goes to the North Korean enterprise with which the worker is affiliated. According to the testimony of a North Korean defector, the distribution of profits is such that the state takes 10% of the total profits, the Capital Construction Committee takes 30%, the North Korean enterprise takes 50%, and the worker concerned takes 10%, with the North Korean enterprise taking the largest portion of the profits. The testifier said that those dispatched to an executive position within a North Korean enterprise receive as much as 1 million dollars, which is far more than the bribes that must be paid in the selection process for executive staff.¹³⁷⁸ In addition, it has been found that part of the workers' wages is used to pay taxes, social insurance premiums, company operating expenses and workers' lodging expenses, but workers are not informed of how the money is used.¹³⁷⁹

1378_NKHR2022000035 2022-09-02.

A testifier who had worked as a construction worker in Russia until the end of 2019 testified that he/she had to submit 600 dollars a month, which was equivalent to the monthly income of a well-paid Russian worker.¹³⁸⁰ In addition, a North Korean defector who had also been dispatched to Russia from 2013 to 2019 testified that in 2016, the amount assigned to each worker was 8,000 dollars per year, but the actual amount workers had to submit to the state was approximately 10,000 dollars because there were other funds that workers had to contribute to.¹³⁸¹ A testifier who had worked as a doctor in an African country between 2018 and 2019 testified that doctors had to submit 600 dollars a month per person, but they were exempt from this for the first three months after their arrival.

It seems that the fact that a substantial portion of their wages must be submitted to various entities imposes a considerable burden on overseas workers. It appears that as a result, while there were people who had earned a substantial amount of money while working abroad, there were also many people who had not earned much. The testifier who had worked as a construction worker in Russia and had to submit 600 dollars a month said that he/she

1379_ A North Korean defector who had been dispatched to Kuwait from 2006 to 2008 testified that the Kuwaiti company paid him/her a monthly salary, but 60% of it was submitted to the state, and he/she received only 40% of the monthly salary (NKHR2014000144 2015-10-06); NKHR2020000050 2020-11-28.

1380_NKHR2020000049 2020-11-28.

1381_NKHR2020000050 2020-11-28.

only received approximately 230 dollars a month as an actual salary.¹³⁸² A North Korean defector who had worked in Eastern Europe until early 2018 testified that his/her monthly salary was supposed to be approximately 500 dollars a month, but the amount recorded as his/her monthly salary was only about 150–200 dollars, and the rest was reportedly submitted to North Korean authorities.¹³⁸³ A North Korean defector whose father had worked as a logger in Russia from 2015 to 2016 testified that his/her father was supposed to receive 500 dollars as a monthly wage, but there were times when he received less than 100 dollars because a substantial part of his wages was submitted to the state for various reasons including payment for Party contributions.¹³⁸⁴ A North Korean defector who had been dispatched to Mongolia as a construction worker from 2016 to 2019 testified that he/she did not receive any wages during the first seven months and only received 20 dollars per month thereafter, and it appeared to him/her that approximately 70–80% of his/her wages were deducted and submitted to the state.¹³⁸⁵

Since labor-related contracts are mostly negotiated between the manager dispatched from a North Korean enterprise and the local company, many North Korean overseas workers do not know the

1382_NKHR2020000049 2020-11-28.

1383_NKHR2018000043 2018-06-04.

1384_NKHR2019000020 2019-05-07.

1385_NKHR2019000023 2019-05-18.

exact amount of their wages and the amount they have to submit to the state. A North Korean defector who had worked in Eastern Europe said that he/she had asked the head of his/her work group for the details of payment but was told that the head of his/her work group was not allowed to inform him/her of such details.¹³⁸⁶ The approximate amount workers dispatched overseas had to submit to the state can be estimated by examining defector testimonies. It appears that a substantial part of their wages have been deducted in the name of the state planned quota.

It seems that there are even cases in which overseas workers are unable to submit the quota assigned to them by the state due to poor local conditions. A North Korean defector who had worked at a construction site in Russia in 2013 testified that he/she had to pay 800–850 dollars per month to the enterprise he/she was affiliated with, and that as the value of the ruble declined due to the Russian financial crisis in 2013, cases occurred in which workers could not fulfill the assigned state planned quota when they remitted the assigned amount in dollars.¹³⁸⁷ A North Korean defector who had been dispatched to Sochi, Russia in 2016 also testified that he/she made little money due to the aggravated economic situation in Russia and the rise of the exchange rate.¹³⁸⁸

1386_NKHR2018000037 2018-05-08.

1387_NKHR2016000163 2016-11-01.

1388_NKHR2019000050 2019-07-20.

A testifier who had been dispatched to Russia from 2013 to the end of 2019 testified that in 2017–2018 he/she could not send money home as his/her company ran into a deficit, and in 2019 he/she borrowed and sent 200 dollars home.¹³⁸⁹

There was testimony reporting that usually 60% of an overseas worker's salary is taken by the state, and only 40% is given to the workers themselves; even among the remaining 40%, 10% of the wages are spent on buying gifts for the central authority and paying administrative expenses.¹³⁹⁰ A North Korean defector who had been dispatched to Sochi, Russia in 2016 testified that approximately half of the workers' wages are taken by the authorities.¹³⁹¹

On the other hand, testimonies have been collected reporting that some of the money deducted to be submitted to the state seems to have been pocketed by middle managers and officials instead. A North Korean defector testified that a greater part of overseas workers' wages go to middle-level officials than to the state.¹³⁹² A testifier who defected from North Korea in 2017 said that there were times when he/she received less than 30% of his/her monthly wages as middle-level officials siphoned off much of his/her salary; the testifier explained that because of such

1389_NKHR2020000050 2020-11-28.

1390_NKHR2017000063 2017-07-31.

1391_ *ibid.*

1392_NKHR2015000158 2015-11-17.

wage exploitation, people now think that working abroad is not as lucrative as it once used to be.¹³⁹³ A North Korean defector who had been dispatched to Moscow, Russia in 2010 and worked until 2017 explained that workers received 100–250 dollars a month, and wages differed between individuals because they were calculated by the affiliated enterprise based on worker rankings, with the best-performing worker received 250 dollars while the worst performing worker received 100 dollars. The testifier said that he/she thinks that the wages he/she had received were only 10% of what he/she had earned and assumed that the reason why the wages were so low was because officials pocketed much of the wages for themselves. The testifier also said that he/she did not receive any wages from the end of 2014 when sanctions against North Korea began.¹³⁹⁴

In addition, there seem to be cases in which local companies employing North Korean workers delay the payment of wages.¹³⁹⁵ A North Korean defector who had worked at a construction site in Russia from 2011 to 2015 said that when the local workplace he/she had worked at did not pay him/her for six months, the North Korean enterprise he/she was affiliated to did not respond to the situation appropriately.¹³⁹⁶

1393_ NKHR2017000134 2017-12-18.

1394_ NKHR2019000037 2019-06-15.

1395_ North Korean defector ○○○, 29 September 2016, interviewed in Seoul.

1396_ North Korean defector ○○○, 10 October 2016, interviewed in Seoul.

D. Monitoring and Control by North Korean Authorities

Workers dispatched from North Korea live under the management of North Korean enterprises that have signed a contract with local companies. The North Korean enterprises provide workers with interpreting services and accommodations and assume the role of their managers. Most overseas North Korean workers live in groups in areas close to their workplaces, and they are mostly found to be in poor living conditions. A North Korean defector who had worked as a construction worker in Russia from 2015 to 2019 testified that, although Russian law prohibits workers from living in accommodation without drinking water or toilet facilities, many North Korean workers dispatched to Russia lived in containers in poor conditions because the Russian police, in collusion with North Korean enterprises, turned a blind eye toward the situation.¹³⁹⁷ According to the testifier, each container cost approximately 100 dollars a month, and workers from other countries used containers only as a temporary resting place because the interior gets extremely cold during winter and extremely hot during summer, with a restriction that only two to four people should use one container at a time. On the other hand, overseas North Korean workers lived in these

1397_NKHR2022000035 2022-09-02.

containers to save on housing costs, and each container was shared by as many as 12 workers. According to the testifier, the poor hygiene conditions in these containers were the most serious problem; he/she said that the containers were so poorly managed that it was impossible for people to sleep through the night in the containers because of bed bugs. Some testified that the workers had prepared their meals on their own,¹³⁹⁸ and some said that they had paid about 30 dollars a month for meals, which were of poor quality.¹³⁹⁹ Cases in which the workers lived in dormitories provided by local companies have also been reported.¹⁴⁰⁰ Depending on the worksite, there are also cases in which workers lived in temporary accommodation built on the worksite.¹⁴⁰¹ Given the characteristics of worksites, it cannot be concluded that these forms of living indicate that organizational life is forced upon overseas dispatched workers or constitute arbitrary or illegal intervention on an individual's right to housing. Construction workers carrying out additional work were able to find separate housing and live on their own. The possibility of living in separate housing depends on the type of work the worker is engaged in. However, it is true that such ways of living restrict the possibility

1398_ NKHR2020000005 2020-05-15.

1399_ NKHR2020000050 2020-11-28.

1400_ North Korean defector ○○○, 6 October 2016, interviewed in Seoul.

1401_ North Korean defector ○○○, 10 October 2016, interviewed in Seoul; North Korean defector ○○○, 12 October 2016, interviewed in Seoul.

of individual activities as they essentially induce people to carry out daily activities in assigned groups.

What is more worrisome regarding the possible breach of personal privacy is the daily life surveillance and mutual monitoring system implemented by officials dispatched by the North Korean authorities. North Korean authorities operate a centralized-control system at overseas workplaces. To this end, they send a Party secretary and an MSS agent to each North Korean enterprise abroad to manage overseas workers.¹⁴⁰² According to the testimonies of North Korean defectors who had been dispatched to Russia and Kuwait, MSS agents are found to be dispatched in the position of “safety officer” in charge of labor safety.¹⁴⁰³

Overseas North Korean workers are monitored by dispatched MSS agents or managers of their companies. Overseas North Korean workers living in groups are obligated to participate in Life Review Sessions (*saenghwalchonghwa*) held at their dormitories.¹⁴⁰⁴ On the other hand, a North Korean defector who had worked as a construction worker in Russia for five years until 2019 said that the president of the North Korean company he had

1402_ North Korean defector ○○○, 29 September 2016, interviewed in Seoul.

1403_ North Korean defector ○○○, 12 October 2016, interviewed in Seoul; North Korean defector ○○○, 30 October 2016, interviewed in Seoul.

1404_ Aeliah Lee and Chang-ho Lee, *The Reality and Human Rights of North Korean Workers in the Maritime Province of Russia* (Seoul: KINU, 2015), p. 35.

been affiliated with did not hold Life Review Sessions (*saenghwalchonghwa*) and instead told the workers to complete the necessary paperwork for the sessions and pretend that they participated because he/she thought that it would be more reasonable to spend the time earning more money than holding these sessions.¹⁴⁰⁵ In addition, is said that MSS agents or managers inspect workers' belongings two to three times a week and that workers are not allowed to possess mobile phones.¹⁴⁰⁶ A testifier said that even workers who lived in separate housing for additional work were frequently monitored via phone call. According to the testifier, the president of the company prohibited those who had not answered phone calls the day before from carrying out additional work.¹⁴⁰⁷ There was also testimony indicating that the testifier did not write any specific details in his/her letters since it was 100% certain that all letters exchanged with his/her family would be censored by the Ministry of State Security.¹⁴⁰⁸ Those who engage in deviant behavior can be punished or forcibly repatriated to North Korea. Listening to South Korean radio and watching South Korean TV programs are punished most severely.¹⁴⁰⁹

1405_ NKHR2022000035 2022-09-02.

1406_ NKHR2013000196 2013-10-29.

1407_ NKHR2022000035 2022-09-02.

1408_ NKHR2020000049 2020-11-28.

1409_ NKHR2015000068 2015-04-07.

However, there appear to be cases in which the aforementioned rules are not strictly observed. A North Korean defector who had been dispatched to Sakhalin Island, Russia from 2006 to 2013 testified that workers may be punished when caught watching South Korean TV programs but can avoid punishment by offering bribes to MSS agents and writing a self-criticism report. According to the testifier, this is possible because earning money is the goal of dispatched MSS agents as well.¹⁴¹⁰ A testifier who had been dispatched to Russia from 2013 to the end of 2019 testified that his/her company prevented the workers from using a mobile phone, but the workers secretly used mobile phones, and these phones were not censored. The testifier also said that he/she secretly watched numerous YouTube videos, including the 2018 Inter-Korean Summit, and listened to South Korean music through YouTube.¹⁴¹¹ There also was testimony stating that no Life Review Sessions (*saenghwalchonghwa*) were actually held and that the dispatched MSS agents did not care much about holding them and told the workers to fill out some documents for possible inspections.¹⁴¹²

It is known that workers dispatched overseas are restricted from going beyond their worksites alone.¹⁴¹³ A North Korean defector

1410_NKHR2015000001 2015-01-13.

1411_NKHR2020000049 2020-11-28.

1412_NKHR2020000050 2020-11-28.

1413_North Korean defector ○○○, 4 October 2016, interviewed in Seoul.

who had worked at a construction site in Russia from 2012 to 2014 testified that the workers had to move in groups and around 10 to 15 people moved together.¹⁴¹⁴ A North Korean defector who had been dispatched to Eastern Europe up until early 2018 also testified that he/she was allowed to visit a designated store in a group of three only when he/she reported to the authority in advance.¹⁴¹⁵ In addition, it is said that North Korean workers are in principle prohibited from contacting outside people, and only worksite managers and interpreters have the authority to do so.¹⁴¹⁶ However, there were testimonies stating that the testifiers moved alone after obtaining the supervisor's approval or the testifiers were able to move alone.¹⁴¹⁷ For example, one testifier who had been dispatched to Russia testified that although there was a rule that workers were prohibited from going out individually, he/she occasionally went outside by him/herself because he/she speaks some Russian, and he/she had much experience working abroad.¹⁴¹⁸ In addition, there was testimony reporting that restrictions on personal outings of overseas workers are due to external factors such as language barriers and the risk of going out alone.¹⁴¹⁹

1414_North Korean defector ○○○, 5 September 2016, interviewed in Seoul.

1415_NKHR2018000043 2018-06-04.

1416_Aeliah Lee and Chang-ho Lee, *The Reality and Human Rights of North Korean Workers in the Maritime Province of Russia*, p. 35.

1417_North Korean defector ○○○, 30 October 2016, interviewed in Seoul; North Korean defector ○○○, 7 October 2016, interviewed in Seoul; North Korean defector ○○○, 10 October 2016, interviewed in Seoul.

1418_NKHR2020000050 2020-11-28.

E. Risk of Being Subject to Forced Labor

Article 8, paragraph 3 of the ICCPR prohibits forced labor, which refers to “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”¹⁴²⁰ Here, the term “penalty” includes deprivation of rights or privileges and is not limited to criminal penalties.¹⁴²¹

Whether the labor of overseas North Korean workers constitutes “forced labor” can only be determined by examining various contexts in detail. Regarding whether the labor is voluntary, which is the primary criterion in establishing forced labor, it is difficult to regard the labor of overseas North Korean workers as labor that is forced under the threat of punishment and thus involuntarily provided. This is because testimonies suggest that most workers were dispatched overseas on a voluntary basis and that they offered bribes to be selected.¹⁴²² When asked about the motivation for application, North Korean defectors who had been dispatched overseas answered, regardless of the time of their dispatch, that they had the expectation that they would be able to

1419_North Korean defector ○○○, 6 October 2016, interviewed in Seoul.

1420_Convention Concerning Forced or Compulsory Labour, No. 29 (1930), Article 2, paras. 1 and 2.

1421_Sarah Joseph and Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary*, 3rd edition, (Oxford: Oxford University Press, 2013), p. 324.

1422_NKHR201700064 2017-07-31; NKHR2017000120 2017-11-20.

earn money if they went abroad.¹⁴²³ When asked about the autonomy to suspend or terminate work, testifiers said that while requests to take a break on the grounds of excessive labor are not accepted,¹⁴²⁴ it is possible to terminate one's work if the worker wishes to return to North Korea for health reasons.¹⁴²⁵ A testifier who had worked as a construction worker in Russia until the end of 2019 testified that those who were physically unable to continue their work were sent home as arranged by the manager.¹⁴²⁶ It seems that in some exceptional cases, workers are allowed to terminate their work even when it is not based on health reasons, out of concern that the continuation of overseas work may lead to deviant behavior.¹⁴²⁷ In view of such circumstances, it could be understood that North Korean people are not necessarily forced to work at overseas workplaces and overseas North Korean workers are not necessarily forced into labor.

However, the International Labour Organization (hereinafter ILO) views that even such voluntary dispatch and work can also be regarded as forced labor if certain indicators that point to a

1423_ North Korean defector ○○○, 4 October 2016, interviewed in Seoul; North Korean defector ○○○, 7 October 2016, interviewed in Seoul; North Korean defector ○○○, 23 October 2016, interviewed in Seoul.

1424_ "No, it is not possible. Unless you are dead or broke your legs, you need to keep going to work," North Korean defector ○○○, 4 October 2016, interviewed in Seoul.

1425_ North Korean defector ○○○, 29 September 2016, interviewed in Seoul; North Korean defector ○○○, 7 October 2016, interviewed in Seoul.

1426_ NKHR2020000049 2020-11-28.

1427_ North Korean defector ○○○, 5 September 2016, interviewed in Seoul.

possible forced labor case exist, such as debt bondage, withholding of wages, retention of identity documents and abuse of vulnerability.¹⁴²⁸ As described above, overseas North Korean workers live in groups and are prohibited from external contact, and their identity documents (e.g., passports, etc.) are seized and retained by the manager sent by North Korean authorities. As shown in <Table V-6>, it appears it is the Ministry of Social Security (i.e., the police), officers in charge, and the Party Committee that seize and retain workers' identity documents. Testimonies have also been collected reporting that identity documents were seized by local companies, not by North Korean authorities.¹⁴²⁹ As it became difficult to dispatch workers abroad due to sanctions against North Korea, cases occurred in which overseas North Korean workers whose contract period had expired and who wished to return to North Korea are forced to continue working overseas. This practice can also be considered under the category of a forced labor situation.¹⁴³⁰

1428_ ILO, "Indicators of Forced Labour, Special Action Programme to Combat Forced Labour," 2012, <www.ilo.org/forcelabour>. The ILO presented 11 indicators of forced labor that include not only labor that is forced under coercion or the threat of penalty, which is derived from the definition of forced labor, but also other indicators that can be regarded as potentially involving forced labor. These include (i) abuse of vulnerability, (ii) deception, (iii) restriction of movement, (iv) isolation, (v) physical and sexual violence, (vi) intimidation and threats, (vii) retention of identity documents, (viii) withholding of wages, (ix) debt bondage, (x) abusive working and living conditions, and (xi) excessive overtime.

1429_ North Korean defector ○○○, 10 October 2016, interviewed in Seoul; North Korean defector ○○○, 12 October 2016, interviewed in Seoul.

1430_ NKHR2018000043 2018-06-04.

Table V-6 Testimonies on Agents Confiscating Identity Documents

Testimonies	Testifier ID
"(Immediately upon arrival at the destination country,) we need to give it all to the Ministry of Social Security."	North Korean defector OOO, 4 October 2016, interviewed in Seoul
"The officer in charge collected and took all of our identity documents and passport."	North Korean defector OOO, 5 October 2016, interviewed in Seoul
"I carried my passport until we arrived at the destination. After that, the police took everything. They did not give it back. They took all the passports."	North Korean defector OOO, 6 October 2016, interviewed in Seoul
"When workers arrive, they give the passports back before the workers cross (the border), and after passing (the border), they would collect and take all the passports. Workers cannot hold their passports for more than five minutes because the Ministry of Social Security, which is the police, take them all."	North Korean defector OOO, 17 October 2016, interviewed in Seoul
"Workers cannot carry their passports and have to give them to the Party Committee while staying there."	North Korean defector OOO, 12 October 2016, interviewed in Seoul

In addition, most North Korean workers abroad start their overseas life with debts as they have to reimburse expenses such as flight costs and visa fees. As a result, they are required to work for several months to repay the costs associated with their dispatch. A North Korean defector who had worked as a construction worker in St. Petersburg, Russia in 2013 testified that he/she was paid around 1,500 dollars per month, of which 950 dollars were taken to pay Party contributions and by the head of his/her company, the head of his/her work unit, and the Party secretary. The testifier said that for the first year, he/she worked without pay because he/she also had to pay other expenses such as airfare and accommodation costs.¹⁴³¹ A testifier who had worked as a construction worker in Russia until the end of 2019 testified

that in addition to the assigned state planned quota, he/she had to pay about 1,000 dollars for airfare and railroad fares.¹⁴³² Such circumstances could lead overseas North Korean workers into forced labor.

As such, control over workers' lives imposed by managers sent by North Korean authorities, confiscation of workers' identity documents, and debt that automatically incurs in the process of workers' overseas travel function as factors that place overseas North Korean workers into situations where they have no choice but to continue their work against their will, despite whether the workers have voluntarily applied to work abroad.

F. Evaluation

In North Korea, being dispatched abroad has been perceived as a lucrative opportunity, and thus, many North Korean residents have wished to be dispatched to overseas workplaces. It has been reported that, since Kim Jong Un came to power, the importance of Party membership as a selection qualification for overseas workers has decreased, but the opportunity to work abroad is still granted mostly to those with a good family background (*todaе*) and the financial capacity to pay bribes. This discrimination has led to the violation of the right to equality in the process of

1431_NKHR2014000112 2014-08-12.

1432_NKHR2020000049 2020-11-28.

selecting overseas dispatched workers.

Workers dispatched abroad through such processes seem to face various difficulties in the destination countries. First, workers often suffer from excessive labor. Moreover, it has been reported that a substantial portion of their wages earned from such hard labor is submitted to not only the state but also other institutions, and the portion of wages misappropriated by middle managers is not insignificant and should not be overlooked. In addition, overseas North Korean workers are deprived of privacy as they live in groups under the monitoring and control of North Korean authorities with their identity documents taken away from them. It has also been found that there is a possibility that overseas North Korean workers are placed in a forced labor situation as they have to pay debts that inevitably incur in the process of their overseas travel.

Since the second half of 2017, the number of overseas North Korean workers is estimated to have significantly decreased as the dispatching of North Korean workers has been prohibited as part of the sanctions against North Korea. However, it seems that there are still North Korean workers illegally staying abroad, and it is expected that North Korea would again actively send its workers abroad once sanctions are lifted. Therefore, it would be necessary to continue collecting information on the human rights situation for North Korean workers abroad and finding ways to improve the human rights situation of overseas North Korean workers.

4

Separated Families, Abductees and Korean War POWs

The issues surrounding separated families, abductees and Korean War POWs can be categorized as humanitarian issues subject to the application of international humanitarian law. At the same time, they are also human rights issues to which international human rights law applies. Therefore, it can be said that they are pressing issues that call for urgent solutions regardless of the ups and downs in inter-Korean relations. This chapter will examine the current status of separated families, abductees and Korean War POWs, and their human rights situations.

A. Separated Families

(1) Current Status

The term “separated families” refers to family members who are living separately in South and North Korea, including relatives up to third cousins, and current or former spouses.¹⁴³³ The causes of family separation vary depending on the circumstances of the times, including the division of the Korean Peninsula, voluntary defection to the South or North, abduction or joining of the Korean Volunteer Army (hereinafter KVA) during the Korean War, repatriation to the North from Japan, the failure or inability to return after the signing of the Armistice Agreement, abduction to North Korea and defection from North Korea.

The Ministry of Unification, the Korean Red Cross, and the Committee for the Five Northern Korean Provinces have jointly established and operated the Integrated Information System for Separated Families. As of 30 September 2022, there were a total of 133,667 registered members of separated families, with 43,468 surviving and 90,199 deceased. As of December 2020, more than 66% of the surviving members were aged 80 years or older and more than 85% were aged 70 years or older. With each year passing, the surviving separated family population is aging rapidly, and the number of deceased members is increasing.

¹⁴³³ Article 2 of Act on Inter-Korean Confirmation of the Life or Death of Separated Families and Promotion of Exchange.

Table V-7 Registered Separated Family Members (as of September 2022)

Year	Registered (persons)	Survivors (persons)	Deceased (persons)
2010	128,461	82,477	45,984
2011	128,668	78,892	49,996
2012	128,779	74,836	53,943
2013	129,264	71,480	57,784
2014	129,616	68,264	61,352
2015	130,808	65,674	65,134
2016	131,143	62,631	68,512
2017	131,344	59,037	72,307
2018	133,208	55,978	77,221
2019	133,370	52,730	80,640
2020	133,406	49,452	83,954
2021	133,619	46,215	87,404
2022.9	133,667	43,468	90,199

Source: prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2022), <<https://reunion.unikorea.go.kr/reuni/home/pds/reqstat/view.do?id=364&mid=SM00000129&iimit=10&eqDataDiv=REQUEST&eqIndex=0&page=1>>.

Table V-8 Surviving Members of Separated Families (as of September 2022)

Category	90 years or older	80-89 years old	70-79 years old	60-69 years old	59 years or younger	Total
Persons	12,671	16,087	8,217	3,955	2,538	43,468
Percentage (%)	29.2	37.0	18.9	9.1	5.8	100

Source: prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2022), <<https://reunion.unikorea.go.kr/reuni/home/pds/reqstat/view.do?id=364&mid=SM00000129&iimit=10&eqDataDiv=REQUEST&eqIndex=0&page=1>>.

Table V-9 Surviving Members of Separated Families: Those Aged 80 or Above (as of September 2022)

Year	2016	2017	2018	2019	2020	2021	2022.9
Survivors (persons)	62,631	59,037	55,987	52,730	49,452	46,215	43,468
80 years or older (persons)	37,259	36,499	34,546	33,318	31,810	30,148	28,758
Percentage (%)	59.5	61.8	61.7	63.2	64.3	65.3	66.2

Source: prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2022), <<https://reunion.unikorea.go.kr/reuni/home/pds/reqstat/view.do?id=364&mid=SM00000129&iimit=10&eqDataDiv=REQUEST&eqIndex=0&page=1>>.

On 25 March 2009, South Korea enacted the Act on the Confirmation of Life or Death and Promotion of Exchanges of Inter-Korean Separated Families (hereinafter the Inter-Korean Separated Families Act) for the purpose of providing for the matters necessary to verify the life and death of separated family members and promote exchanges between the two Koreas. The Act entered into force on 26 September 2009,¹⁴³⁴ and stipulates that surveys be conducted to determine the current status and exchanges between the separated families (Article 6, paragraph 1). Accordingly, the Ministry of Unification and the Korean Red Cross jointly conduct an extensive survey every five years on the current status of separated families. The first survey was carried out in 2011, followed by the second survey in 2016 and the third survey in 2021. In the third survey, accurate personal data for 47,004 survivors (45,850 people living in South Korea and 1,154 people living abroad) who have applied to find their family members in the North were reviewed.¹⁴³⁵ In addition, after the Inter-Korean Separate Families Act was partially amended in 2013 to include a new provision on DNA testing to confirm family relationships of separated families, from 2014 to 2022, the

1434_ The Inter-Korean Separate Families Act was partially amended on 22 May 2013, and the amended Act entered into force on 23 November 2013.

1435_ Ministry of Unification, "Findings of the 2021 Survey of Separated Families," 9 December 2021, (<https://www.unikorea.go.kr/unikorea/news/release/?boardId=bbs_0000000000000004&mode=view&cntId=54938&category=&pageIdx=> (Accessed 10 October 2022).

South Korean government conducted tests on a total of 63,755 genetic samples such as blood, saliva and hair.¹⁴³⁶

Table V-10 Status of Genetic Testing to Confirm Family Relations of Separated Families (as of September 2022)

Tests	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total
No. of Tests	1,211	10,274	10,030	1,178	11,245	17,390	10,997	1,020	1,500	63,755

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

※ The number of tests for 2022 refers to the number of scheduled tests, and the total number of tests specified in the table includes scheduled tests for 2022.

(2) Human Rights Issues

(A) Infringement on the Right to Family Unification

Separated families live without the knowledge of whether their family members are still alive, without the opportunity to exchange letters, and without the freedom to reunite with their family members. In other words, separated families are deprived of their family rights guaranteed under international humanitarian law. The Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 (Geneva Convention (IV)) specifically stipulates the protection of family rights.¹⁴³⁷

1436_ As of 30 September 2022, a total of 1,500 genetic sample tests were scheduled for 2022.

1437_ International Committee of the Red Cross, "Geneva Convention Relative to the Protection of Civilian Persons in Time of War," (August 12, 1949).

Table V-11	Provisions on Family Rights in the Geneva Convention (IV)
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Article 27, paragraph 1	Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. (The rest is omitted)
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At the time of the Korean War in 1950, South and North Korea were not Parties to the Geneva Convention (IV). South Korea signed the Convention on 16 August 1966, and North Korea signed the Convention on 27 August 1957. However, soon after the outbreak of the Korean War, the President of the International Committee of the Red Cross (hereinafter ICRC) stated that both South and North Korea are entitled to the benefits of the Convention even if they are not signatories. On 5 July 1950, South Korean President Syng-man Rhee pledged that his government would observe all provisions of the Geneva Convention (IV). On 13 July 1950, the North Korean authorities also sent an official letter to the UN Secretary-General accepting the proposition of the ICRC. Consequently, the Geneva Convention (IV) became legally binding for both South and North Korea after the Korean War.¹⁴³⁸

The right to family unification of separated families, which is recognized by international human rights law, is also being

1438. Seong-ho Jhe, "A Study on Kidnapping Civilians in Time of War in International Humanitarian Law Perspective: Especially Focused on North Korea Abduction of South Koreans during the Korean War," *Seoul International Law Study*, Vol. 1, No. 18 (2011), p. 200.

violated. Among family rights, the right of a family to live together is referred to as the “right to family unification” or “right to family reunification.” The UDHR and other international human rights treaties stipulate that men and women of full age have the right to marry and form a family, and the family is entitled to protection by the state.¹⁴³⁹ Moreover, a family is expanded with the birth of a child. Article 9 of the CRC stipulates that a child shall not be separated from his/her parents against his/her will. The right to family unification is a concept that derives from the right to marry and form a family and the right of children not to be separated from their parents. Family rights and the right to family unification are also stipulated in the Constitution of both South and North Korea. The South Korean Constitution stipulates that “marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of sexes, and the state shall do everything in its power to achieve that goal” (Article 36, paragraph 1). The North Korean Constitution stipulates that “marriage and family shall be protected by the state. The state shall take deep interest in consolidating the family, which is the basic unit of social life” (Article 78). In order to realize the right to family unification, the

1439_ Article 16, paragraph 3 of the UDHR; Article 17 and 23 of the ICCPR; Article 5 (d) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHRFF); and Article 17, paragraph 2 of the American Convention on Human Rights (ACHR).

South Korean government has made efforts to resolve the issues surrounding separated families through various measures, such as inter-Korean Red Cross meetings and ministerial-level talks. A family reunion event for separated families was held at Mount Geumgang (Geumgangsan) in August 2018, and at the third Inter-Korean summit held in September of the same year, the two Koreas agreed that resolving the issue of separated families would be a priority. However, a permanent meeting place for the reunion of separated families has not been established, and exchanges and reunions of separated families have not taken place. In 2021, in addition to the existing 13 centers in cities including Seoul, Gwangju and Busan, the South Korean government established seven new regional video reunion centers in Uijeongbu, Wonju, Gangneung, Hongseong, Cheongju, Jeonju and Andong. However, the video reunion of separated families did not take place. In addition, in September 2022, the South Korean Minister of Unification Kwon Young-se proposed to North Korea inter-Korean talks on the issue of separated families, but the North did not respond to the proposal. Accordingly, from 2019 to September 2022, there have been no government-level exchanges between separated families, including confirmation of survival/death, exchange of letters, reunion meetings in South or North Korea, and video reunions.

Table V-12 Exchanges between Separated Families at the State Level

(Unit: Cases/(Persons))

Year/ Category	Confirma- tion of Survival/D eath	Exchange of Letters	Reunion Meetings in South Korea	Reunion Meetings in North Korea	Video Reunions
1985-2003	963 (19,096)	8 (679)	331 (2,700)	735 (2,817)	-
2004	681 (5,007)	-	-	400 (1,926)	-
2005	962 (6,957)	-	-	397 (1,811)	199 (1,323)
2006	1,069 (8,314)	-	-	594 (2,683)	80 (553)
2007	1,196 (9,121)	-	-	388 (1,741)	278 (1,872)
2008	-	-	-	-	-
2009	302 (2,399)	-	-	195 (888)	-
2010	302 (2,176)	-	-	191 (886)	-
2011-2012	-	-	-	-	-
2013	316 (2,342)	-	-	-	-
2014	-	-	-	170 (813)	-
2015	317 (2,155)	-	-	186 (972)	-
2016-2017	-	-	-	-	-
2018	292 (1,996)	-	-	170 (833)	-
2019	-	-	-	-	-
2020	-	-	-	-	-
2021	-	-	-	-	-
2022.9-	-	-	-	-	-
Total	8,262 (59,563)	679 (679)	331 (2,700)	4,024 (18,061)	557 (3,748)

Source: prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2022), <<https://reunion.unikorea.go.kr/reuni/home/pds/reqstat/stat/list.do?mid=SM00000129>>.

Part I

Part II

Part III

Part IV

Part V
Major Issues

In view of the urgency of resolving the issue of separated families, the South Korean government has been preparing for the revitalization of inter-Korean exchanges and producing a series of “video letters” of South Korean families to be delivered to their families in the North even after their death. A total of 1,010 video letters were produced in 2019, followed by 1,001 videos in 2020 and 1,004 videos in 2021. A total of 1,000 video letters are planned to be produced in 2022.¹⁴⁴⁰

In addition to government-level exchanges, the South Korean government has continuously provided support to private-level exchanges between separated families. The government enacted the “Guidelines on the Support of Expenses for Exchanges between Separated Families” and has provided expenses necessary for various projects, such as the confirmation of life or death of separated family members, reunion of separated families, and exchange of letters. However, private-level exchanges between separated families also decreased significantly in 2020. Since 2020, there have been a total of 10 exchanges of letters (four in 2020, three in 2021, and three in 2022), while no cases of the confirmation of life/death for separated families or family reunions have been reported. As such, private-level exchanges are barely maintained.

1440_Separated Families Division, Ministry of Unification (as of 30 September 2022).

Table V-13 Exchanges between Separated Families at the Civilian Level

(Unit: Cases)

Year	Confirmation of Survival/Death	Exchange of Letters	Reunions
1990-2006	3,667	10,680	1,614
2007	74	413	55
2008	50	228	36
2009	35	61	23
2010	16	15	7
2011	3	21	4
2012	6	16	3
2013	9	22	3
2014	6	11	5
2015	4	26	1
2016	6	43	3
2017	10	46	1
2018	7	36	1
2019	2	16	1
2020	-	4	-
2021	-	3	-
2022.9	-	3	-
Total	3,895	11,638	1,757

Source: prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2022), <<https://reunion.unikorea.go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129>>.

(B) Social Discrimination against Families of Those Who Had Fled to South Korea

North Korean residents whose family members had fled to South Korea and became separated families appear to be barred from joining the Party or the military and are discriminated against in college admissions and marriage. In addition, family members of those who had fled to South Korea are subject to constant surveillance by North Korean authorities. For example, a North Korean defector who defected in 2016 testified that since it

became known through a 2006 program of finding separated families in South Korea that his/her paternal grandfather is still alive in South Korea, the testifier had been followed and monitored by the authorities for 10 years, and this had made him/her decide to defect in 2016.¹⁴⁴¹

Discrimination based on a specific social status, such as being a family member of a person who had fled to South Korea, may constitute a violation of the ICCPR and the ICESCR. Article 2, paragraph 1 of the ICCPR and Article 2, paragraph 2 of the ICESCR prohibit discrimination of any kind.

Table V-14 Cases of Discrimination against Separated Families in North Korea

Testimonies	Testifier ID
The testifier had a bad family background (<i>todaë</i>) as his/her spouse's grandfather was a traitor who had fled to South Korea and his/her uncle is an overseas resident. The testifier's spouse joined the military in 2005 but was not promoted. Moreover, as the testifier's grandfather went missing during the Korean War and the testifier's cousin defected to South Korea and had a press conference, all relatives of the testifier were sent to political prison camps (<i>kwanliso</i>).	NKHR2016000021 2016-01-26
The testifier's family background (<i>todaë</i>) was bad because his/her father's family had been labeled as a family of traitors having a family member who had fled to South Korea. The testifier's father's family had been deported from Pyongyang in the 1960s. The testifier's older brother could join the military only after he paid bribes, and the testifier's son joined the military but could not enter the school for military officers. People with bad family backgrounds (<i>todaë</i>) are severely restricted.	NKHR2016000041 2016-04-05

1441_NKHR2017000084 2017-09-25.

Testimonies	Testifier ID
The testifier had been under the surveillance of North Korean authorities and subjected to social discrimination all his/her life because his/her maternal grandfather is a traitor who had fled to South Korea. The testifier had no choice but to marry a person who does not have a good family background (<i>todaē</i>) because he/she was told that “birds of a feather flock together.”	NKHR2017000032 2017-06-05
The testifier’s entire family was forcibly deported to Geumsan, Yanggang Province since the testifier’s grandfather had moved to the U.S. during the Korean War. The testifier was born in Geumsan.	NKHR2018000025 2018-04-09
The testifier’s entire family was forcibly deported to Anju, South Pyeongan Province in 1976 since the testifier’s grandfather and uncle had fled to South Korea during the Korean War. The testifier was born in Anju.	NKHR2018000085 2018-08-11

B. Abductees

(1) Current Status

(A) South Koreans Abducted during the Korean War

The exact number of South Koreans abducted to North Korea during the Korean War is unclear. The seven lists of abducted people identified to date show significant differences. It is only possible to make partial estimations of the number of abductees based on the following: a list of abducted Seoul citizens prepared by the Statistics Bureau of South Korea’s Ministry of Public Information (2,438) in 1950; a list of people abducted during the Korean War published by the Statistics Bureau of South Korea’s Ministry of Public Information in 1952 (82,959); a list of abducted persons by the Police Headquarters of the Ministry of Internal Affairs (17,940) in 1954; the Missing Civilians List

compiled by the Korean Red Cross in 1956 (7,034); and the List of Missing Civilians compiled by the Ministry of National Defense in 1963 (11,700).¹⁴⁴² It would be easier to confirm abduction when the same name appears on different lists, but there are many abductees who are not listed on any of them. There are even cases in which the same person appears on a list of South Koreans abducted to North Korea and a list of people who had fled to the North (1952, Ministry of Public Information).

Table V-15 Number of South Koreans Abducted during the Korean War

Category	Compiled by	Year	Number of Abductees	Existence of the List
List of Abducted Seoul Citizens	Statistical Bureau	1950	2,438	○
List of Persons Abducted during the Korean War	Statistical Bureau	1952	82,959	○
List of Abducted Persons during the Korean War	Police Headquarters of the Ministry of Internal Affairs	1952	(126,325)	×
List of Persons Abducted during the Korean War	Statistics Bureau, Ministry of Public Information	1953	(84,532)	×
List of Persons Abducted Due to Circumstances of the Korean War	Police Headquarters of the Ministry of Internal Affairs	1954	17,940	○

1442_ In addition to these lists, there is a list of persons abducted during the Korean War (2,514) published by the Family Association for the Korean War Abducted Persons, which was founded in September 1951. The Association has compiled the list based on the registry of its members who have registered themselves since the Second Battle of Seoul on 28 September 1950. Korean War Abductees' Family Union (KWAFU), "Korean War Abductee List - Abductees' Database," <[http:// www.kwafu.org/korean/directory.php](http://www.kwafu.org/korean/directory.php)>.

Category	Complied by	Year	Number of Abductees	Existence of the List
Missing Civilians List	Korean Red Cross/ Statistical Bureau, Ministry of Public Information	1956	7,034	○
List of Missing Civilians	Ministry of National Defense	1957	11,700 –	Vo. 1 ○ Vo. 2 ×

Source: Website of the Committee on Fact-Finding of Korean War Abductions and Restoration of the Reputation of the Victims, "Information Board – Current Status of South Koreans Abducted during the Korean War," (http://www.abductions625.go.kr/home/dta/dta01/dta01_02.jsp) (Accessed 23 September 2022).

It has not been officially confirmed whether anyone who had been forcibly abducted to the North during the Korean War has returned to South Korea. Although the number of wartime South Korean abductees is very large, none of them have been able to return on their own. The reasons are as follows. First, it appears that a large number of these wartime abductees were killed as they did not cooperate with the North, and some of them also lost their lives in the process of wartime mobilization (e.g., military service and labor). Second, since the onset of the food shortage, a large number of North Korean people defected to South Korea, but none of them included the wartime abductees, perhaps because most of them are in their senior years, or they may have chosen not to reveal to their North Korean family that they had been forcibly abducted during the war.

The Committee to Find the Truth of Damage from North Korea's Abduction during the Korean War and Recover the Honor of Victims, which officially launched on 13 December

2010, collected cases of wartime abductees until December 2015 and published the following findings after excluding duplicate and withdrawn cases.

Table V-16 Decisions on Status of Alleged Abduction Cases

(Unit: Cases)

Decision as Abductions	Decision as Non-Abductions	Impossible to Determine	Total
4,777	138	460	5,375

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

(B) Post-War Abductees

A total of 3,835 people have been abducted to North Korea since the cease-fire that ended the Korean War. It is known that some of them have been held by the North Korean authorities against their will based on their utility, taking into consideration their physical condition and educational background.¹⁴⁴³ Among post-war abductees, 3,310 (86.5%) have been repatriated to South Korea after being held for six months to a year, and nine of them have defected from the North and returned to the South after 2000. As of September 2022, there are eight surviving returning abductees because one of them has passed away. As of September

¹⁴⁴³ According to ○○ Lee, a former abductee who had returned to South Korea, 27 crew members of boats Bongsan No. 21 and No. 22 had been transferred from Haeju to Pyongyang and underwent interrogations to ascertain whether they were spies. In the process, North Korean authorities selected seven healthy and educated (high school or above) crew members and provided them special training in Chongjin. The North released the rest of the crew back to South Korea.

2022, the total number of abducted South Koreans still detained in North Korea is estimated to be 516.

Table V-17 Current Status of Post-War Abductees (Estimated)

(Unit: Persons)

Category	Total	Fishermen	Staff of Korean Airlines	Soldiers/ Policemen	Others	
					Domestic	Foreign
Abducted to North Korea	3,835	3,729	50	30	6	20
Returned	Repatriated	3,310	3,263	39	-	8
	Defected	9	9	-	-	-
Remaining in North Korea	516	457	11	30	6	12

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

Table V-18 Number of Detained Abductees by Year

(Unit: Persons)

Year	Number of Abductees	Cumulative Total	Year	Number of Abductees	Cumulative Total
1955	10	10	1973	8	429
1957	2	12	1974	30	459
1958	23	35	1975	28	487
1962	4	39	1977	4	491
1964	16	55	1978	4	495
1965	20	75	1980	1	496
1966	19	94	1985	3	499
1967	52	146	1987	13	512
1968	133	279	1992	1	513
1969	20	299	1995	1	514
1970	36	335	1999	1	515
1971	20	355	2000	1	516
1972	66	421			

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

Table V-19 Current Status of Abducted Persons Who Have Returned to South Korea

Name	Date of Abduction	Occupation	Date of Return
○○ Lee	29 April 1970	Crew member, Bongsan No. 22 (fishing boat)	26 July 2000
○○ Jin	12 April 1967	Crew member, Cheondae No. 11	30 October 2001

Name	Date of Abduction	Occupation	Date of Return
○○ Kim	24 November 1973	Chief engineer, Daeyoung	23 June 2003
○○ Go	17 August 1975	Crew member, Cheonwang	12 July 2005
○○ Choi	17 August 1975	Crew member, Cheonwang	16 January 2007
○○ Lee	17 August 1975	Crew member, Cheonwang	10 September 2007
○○ Yoon	2 July 1968	Crew member, Geumyung	9 January 2008
○○ Yoon	17 August 1975	Crew member, Cheongwang	26 February 2009
○○ Jeon	28 December 1972	Crew member, Odaeyang No. 61	5 September 2013

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

Based on the Act on the Compensation and Assistance for Victims Abducted to North Korea enacted in 2007, victims of post-war abductions who have returned to South Korea, or returned post-war abductees, are entitled to a re-settlement grant and support from the government. As of December 2021, the Committee on the Compensation and Assistance for Victims Abducted to North Korea established in 2007 has received a total of 461 applications. After holding 55 meetings, the Committee on the Compensation and Assistance for Victims Abducted to North Korea has recognized 438 cases and paid approximately 15 billion won in consolidation payments, settlement and housing support, and compensation.

Table V-20 Application and Receipt of Consolidation Payments, etc. for Returning Abductees by Year

(Unit: Cases)

Category	2009	2009	2010	2013	2015	2019	2020	2021	Total
Consolidation Payment	232	99	97	0	1	2	7	0	438
Settlement and Housing Support	7	1	0	1	0	0	0	0	9
Compensation	0	8	4	1	0	0	0	1	14
Total	239	108	101	2	1	2	7	1	461

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

Table V-21 Decisions on Consolidation Payments, etc. for Returning Abductees

Category	Number of Applications	Cases of Disbursement	Amount (1 million won)
Consolidation Payment	438	426	13,211
Settlement and Housing Support	9	9	1,773
Compensation	14	3	261
Total	461	438	15,245

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

Table V-22 Meetings of the Committee on the Compensation and Assistance for Victims Abducted to North Korea

Category	2007-2011	2013	2014	2015	2016	2019	2020	2021	Total
No. of Meetings	40	2	2	3	2	2	2	2	55

Source: Separated Families Division, Ministry of Unification (as of 30 September 2022).

(2) Human Rights Issues

(A) Infringement on the Right to Family Unification

As with separated families, abductees also suffer from human rights issues related to family unification, letter exchanges and

family reunions. In this regard, abductees and Korean War POWs are sometimes categorized as special separated families.

Since the inter-Korean summit in 2000, the South Korean government has continuously raised the issue of abductees and Korean War POWs to North Korea. North Korea, however, has never acknowledged the existence of South Korean abductees and POWs, seeking to avoid drawing attention to these issues. At the 2012 and 2013 working-level, inter-Korean Red Cross meetings, the South Korean government proposed to solve the issue of Korean War POWs and abducted South Koreans together with the issue of reunion of separated families. However, the only confirmation it has received at the 19th reunion for separated families held in February 2014 at Mount Geumgang (Geumggangsan) resort was that two of the South Koreans who had been abducted during the Korean War, whose whereabouts were requested by the South, were dead. In the 20th reunion of separated families held in October 2015, Geon-mok Jeong, a fisherman abducted in the Odaeyangho (a South Korean trawler) incident in 1972, reunited with his mother living in South Korea.¹⁴⁴⁴ In the inter-Korean family reunion held in August 2018, the survival or death of 21 Korean War POWs and abductees was confirmed, and 12 people from six South Korean families were reunited with their family members residing in the North. After the 2000 inter-Korean

¹⁴⁴⁴ *Yonhap News Agency*, 24 October 2015.

summit and up until the end of 2018, the survival or death of 133 South Korean abductees and POWs has been confirmed. During the same period, 60 cases of family reunions were held.¹⁴⁴⁵ In 2020, on the 70th anniversary of the outbreak of the Korean War, the OHCHR urged North Korea to repatriate those it had abducted during and after the Korean War.¹⁴⁴⁶ North Korea's active cooperation is required to verify the status of abductees and to allow them to communicate and reunite with their relatives in South Korea.

(B) Forcible Transfer and Detention

The abduction of civilians during the Korean War by North Korea constitutes a serious violation of Article 49 of the Geneva Convention (IV), which prohibits forced transfer of civilians. At the time, this was already an established norm under customary international law.¹⁴⁴⁷ Moreover, the Geneva Convention (IV) in principle prohibits the detention of civilians by a state (Article 79).

1445_ Ministry of Unification, *2019 Unification White Paper* (Seoul: Ministry of Unification 2019), p. 184.

1446_ OHCHR, "UN experts urge DPRK to repatriate abductees on 70th anniversary of the Korean War," 25 June 2020, (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25998>) (Accessed 28 January 2021).

1447_ Min-jeong Jeong, "Analysis of the Issues of Abductees and Korean War POWs from the Perspective of International Laws," in *Abduction and Enforced Disappearances by North Korea*, eds. Center for North Korean Human Rights Research (Seoul: KINU, 2015), p. 93.

Table V-23 Provisions on Forced Transfer and Detention in the Geneva Convention (IV)

Article 49	Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. (The rest is omitted)
Article 79	The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

(C) Enforced Disappearance

Abduction of civilians by North Korean authorities is closely related to enforced disappearances. An enforced disappearance is a serious issue in that it violates various human rights on multiple levels. In other words, committing enforced disappearances not only infringes upon the rights of individuals in and of itself but also violates various civil, political, economic, social and cultural rights as it tends to entail inhuman treatment such as torture as well as deprivation of rights, such as the right to health and education.¹⁴⁴⁸

Since 1950, North Korea has systematically abducted nationals of other countries as part of its state policy and refused their repatriation. The COI estimates that victims of enforced disappearances far exceed 200,000 people, including children.¹⁴⁴⁹

1448_OHCHR, Enforced or Involuntary Disappearance, Fact Sheet No. 6/Rev.3. (2009); Ku-young Chung, "Emergence and Spread of the Concept of Enforced Disappearances," in *Abduction and Enforced Disappearances by North Korea*, eds. Center for North Korean Human Rights Research, requoted on p. 7.

1449_UNHRC, "Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea," (2014), para. 64.

The majority of the enforced disappearances were carried out to exploit abductees' labor and technology for North Korean authorities, and some victims were deployed for espionage and terrorist activities. Women abducted from Europe, the Middle East and Asia were forcibly married to men from other countries.¹⁴⁵⁰

North Korea, however, has strongly denied the existence of enforced disappearances. The “Korean Air Abductees’ Families Committee” (hereinafter the Families Committee) has registered with the UNHCR Working Group on Enforced and Involuntary Disappearances (hereinafter WGEID) cases of abductees of the Korean Airlines (KAL) incident who have not yet returned: Won Hwang (17 June 2010), Dong-gi Lee (8 October 2010) and Jeong-woong Choi (8 November 2010).¹⁴⁵¹ In this regard, North Korea has responded that “the cases of three people who have not returned do not constitute enforced disappearances” and “there is not a single case in North Korea which constitutes enforced or involuntary disappearance and detainment against their will.” On 13 February 2020, the WGEID sent a letter to North Korea urging

1450_ *Ibid.*

1451_ In 1969, a Korean Airlines plane carrying 50 persons (four crew members and 46 passengers) was hijacked. On 14 February 1970, North Korea repatriated 39 passengers to South Korea, but did not return seven of the passengers and all four crew members. The WGEID established by the resolution of the UN Commission on Human Rights (currently UN Human Rights Council) receives and reviews the cases of disappearances submitted by families of victims of enforced disappearances or by civil organizations, and notifies the countries suspected of abduction to conduct investigations on such cases and report the results.

the North Korean authorities to repatriate 11 people who were forcibly disappeared in the KAL hijacking incident of 1969.¹⁴⁵² In addition, the Working Group on Arbitrary Detention (hereinafter WGAD) issued a statement of opinion on Won Hwang. The WGAD stated that it transmitted to North Korea on 17 July 2019 the allegations it has collected regarding the current situation of Hwang – that he is under house arrest with heavy security and is in a situation where his rights protected under the ICCPR are not guaranteed. On 26 August 2019, North Korea submitted its response in which it stated that there is no one in North Korea “who has been forcibly detained against his or her will.” Convinced that Hwang is a South Korean citizen who is staying in North Korea against his will, the WGAD urged North Korea to immediately release Hwang and take action to provide reparations. However, North Korea argues that such arguments and demands by the WGAD are malicious and stereotypical political plots against the country.¹⁴⁵³

Moreover, in its 2020 report on enforced disappearances submitted to the UNHRC, the WGEID included North Korea on a list of countries that requires urgent attention.¹⁴⁵⁴ The WGEID

1452_OHCHR, “UN experts urge North Korea to repatriate 11 abducted from plane hijack 50 years ago,” 13 February 2020.

1453_WGAD, Opinion No. 69/2019 concerning Hwang Won(Democratic People’s Republic of Korea), UN Doc. A/HRC/WGAD/2019/69 (2020).

1454_WGEID, Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc. A/HRC/45/13 (2020), para. 27.

reported that it had requested a visit to North Korea for the first time on 22 May 2015 and for the second time on 11 March 2020, which were both unsuccessful.¹⁴⁵⁵ The WGEID has determined that there are a total of 362 pending cases of enforced disappearance concerning North Korea.¹⁴⁵⁶ According to the WGEID, it has sent one urgent appeal and one allegation letter to North Korea, but North Korea only responded to the allegation letter.¹⁴⁵⁷ Of the 362 pending cases, 53 involved female victims.¹⁴⁵⁸ In its 2022 report, the WGEID voiced serious concern over the continued practice of the forced repatriation of North Korean nationals from other countries and expressed its regret about “the persistent lack of cooperation from” the North Korean authorities.¹⁴⁵⁹

Among the forcibly disappeared, there must be people who were abducted through physical coercion or false persuasion, and there must be also those who voluntarily entered North Korea. In any case, however, their right to leave North Korea has been violated as a result, and thus, it can be said that all of them are victims of enforced disappearance. Moreover, such people have been deprived of the right to freely move within North Korea and the right not to receive torture and cruel or inhuman treatment. All

1455_ UN Doc. A/HRC/51/31 (2022), Annex I, p. 22.

1456_ *Ibid.*, p. 25.

1457_ *Ibid.*: UN Doc. A/HRC/45/13 (2020), p. 9.

1458_ UN Doc. A/HRC/51/31 (2022), Annex I, p. 25.

1459_ *Ibid.*, p. 15.

those who were forcibly disappeared live under strict surveillance and are deprived of education or employment opportunities.¹⁴⁶⁰ In the 2014 Resolution on North Korean human rights adopted after the publication of the COI report, the UNHRC condemned the organized abduction, refusal of repatriation, and subsequent enforced disappearance of people by North Korea,¹⁴⁶¹ and urged North Korean authorities to allow abducted or forcibly disappeared people to return immediately to their countries of origin.¹⁴⁶² Since then, numerous UNHRC resolutions on North Korean human rights have expressed concerns about enforced disappearances.¹⁴⁶³

(D) Use of Abductees by North Korean Authorities

Some of the abducted South Koreans were used in broadcasts delivered to South Korea or in espionage training. Two Korean Airlines flight attendants, Kyung-Hee Sung and Kyung-sook Chung, have been used in broadcasts sent to South Korea. In addition, South Korean abductees were also used as instructors for North Korean espionage agents to the South. According to the testimony of a North Korean defector who entered South Korea in 1993, about 20 unidentified abductees from South Korea had been

1460_ UN Doc. A/HRC/25/63 (2014), para. 68.

1461_ UN Doc. A/HRC/RES/25/25 (2014), para. 2(f).

1462_ *Ibid.*, para. 3(f).

1463_ UN Doc. A/HRC/RES/49/22 (2022), paras. 1(g), 2(h).

working as spy instructors at the “Center to Revolutionize South Korea” located in Yongseong District in Pyongyang. This center, which is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South, replicates parts of South Korea and is designed to teach and train graduates of the Kim Jong Il Political Military College (renamed in 1992) on how to adjust to life in South Korea. In addition, North Korea has made some South Korean abductees work in anti-South Korea operations. According to the testimony of a former abductee/fisherman who defected and returned to South Korea in June 2006, some of his colleagues were engaged in anti-South Korea operations after undergoing a period of special training. The testifier himself admitted to having received espionage training.¹⁴⁶⁴

However, it is presumed that other abductees who were of no useful value to North Korean authorities have been detained in political prison camps (*kwanliso*) for a certain period of time. Amnesty International stated in its special report “New Information on Political Prisoners in North Korea” published in 1994 that some of the detainees in political prison camps (*kwanliso*) are South Korean abductees. The special report specifies the names of abductees who are presumed to have been detained in the now-defunct political prison camp (*kwanliso*) at

1464_North Korean defector ○○○, 7 January 2004, interviewed in Seoul.

Seungho-ri until 1990. Moreover, in January 1999, the National Intelligence Service of Korea reported that 22 South Korean abductees, including Jae-hwan Lee, are detained in political prison camps (*kwanliso*).

C. Korean War POWs

(1) Current Status

The term “Korean War POWs” refers to those members of the South Korean Armed Forces detained in enemy countries who are unable to return to South Korea. At the time of the Korean War Armistice, the UN Command estimated that approximately 82,000 members of the South Korean Armed Forces were missing. However, only 8,343 Korean War POWs were repatriated during three rounds of prisoner exchanges held between April 1953 and January 1954. Accordingly, it is estimated that many Korean War POWs remain detained in North Korea.¹⁴⁶⁵

Starting with the late Lieutenant Chang-ho Cho who returned to South Korea in 1994, other Korean War POWs have continued to return to South Korea. As of September 2022, a total of 80 Korean War POWs have returned to South Korea, and there are about 430 family members of Korean War POWs who are still alive. An

¹⁴⁶⁵ Ministry of National Defense, *2012 Defense White Paper* (Seoul: Ministry of National Defense, 2012), p. 110.

absolute majority of former Korean War POWs who have returned to South Korea are from North Hamgyeong Province. This is because most of the Korean War POWs had been assigned to work at coal mines in the region. No Korean War POWs have returned since 2011 due to the aging Korean War POWs and the strengthened border patrols and surveillance under the Kim Jong Un regime.¹⁴⁶⁶

Table V-24 Status of Returning Korean War POWs by Year

(Unit: Persons)

Year	Returning POWs	Cumulative Total	Year	Returning POWs	Cumulative Total
1994	1	1	2005	11	59
1997	1	2	2006	7	66
1998	4	6	2007	4	70
1999	2	8	2008	6	76
2000	9	17	2009	3	79
2001	6	23	2010	1	80
2002	6	29	2011-2022	-	80
2003	5	34	Total		80
2004	14	48			

Source: Ministry of National Defense (as of 30 September 2022).

Table V-25 Origin of POWs in North Korea (Including the Deceased)

Province/Category	North Hamgyeong Province	South Hamgyeong Province	North Pyeongan Province	South Pyeongan Province	Yangnag Province	Jagang Province	North Hwanghae Province	South Hwanghae Province	Gangwon Province	Total
Number of Persons	60	9	0	3	4	1	1	1	1	80
Percentage (%)	75.0	11.25	0.0	3.75	5.0	1.25	1.25	1.25	1.25	100

Source: Ministry of National Defense (as of 30 September 2022).

1466_Ministry of National Defense, *2020 Defense White Paper* (Seoul: Ministry of National Defense, 2020), p. 253.

(2) Human Rights Issues

(A) Infringement on the Right to Family Unification

As is the case for separated families and abductees, Korean War POWs suffer from human rights violations related to family unification, letter exchanges and family reunions. The UN Command had repeatedly requested North Korea, through the United Nations Command Military Armistice Commission, to solve the issue of non-repatriated Korean War POWs, starting from immediately after the mutual exchanges of Korean War POWs took place in accordance with the Armistice Agreement until the 1960s. However, North Korea has maintained its position that they have returned all Korean War POWs to the Neutral Nations Supervisory Commission and that there is not a single Korean War POW forcibly detained in North Korea.¹⁴⁶⁷

The reunion of Korean War POWs and their families must be promptly carried out for humanitarian reasons and to realize the right to family unification. With the death of four returned Korean War POWs in 2020, five in 2021 and one in 2022, there are only 14 surviving Korean War POWs of the 80 who have returned to South Korea.¹⁴⁶⁸ All of the surviving Korean War POWs are 87

¹⁴⁶⁷ Ministry of National Defense, *2012 Defense White Paper*, p. 110.

¹⁴⁶⁸ "Korean War POW who escaped from North Korea after 58 years dies at age 88," *Chosun Ilbo*, 11 December 2020; "[Obituary] Korean War POW Jae-weok Heo passes away," *Chosun Ilbo*, 4 November 2021; "Kyu-il Lee, a Korean War POW defected from North Korea dies," *Chosun Ilbo*, 13 August 2022.

years old or older, and 10 of the remaining 14 are 90 years old or older. To date, 56 Korean War POWs have been identified through reunion events for separated families, and 18 of them have met with their families.¹⁴⁶⁹

Table V-26 Age of Surviving Korean War POWs

Age (years)/ Category	87	88	89	90	91	92	93	94	Total
No. of Persons	1	1	2	2	1	5	1	1	14
Percentage (%)	7.1	7.1	14.3	14.3	7.1	35.7	7.1	7.1	100

Source: Ministry of National Defense (as of 30 September 2022).

Table V-27 Age of Korean War POWs at the Time of Death

Age (years)/ Category	70 or younger	71–75	76–80	81–85	86 or above	Total
No. of Persons	1	4	11	23	27	66
Percentage (%)	1.5	6.1	16.7	34.8	40.9	100

Source: Ministry of National Defense (as of 30 September 2022).

(B) Forced Detainment

The Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (Geneva Convention (III)) stipulates that prisoners of war must be released or returned without delay after the cessation of hostilities (Article 118).¹⁴⁷⁰ North Korea joined the Geneva Convention on 27 August 1957. Its denial of the existence of Korean War POWs and refusal to repatriate them constitute a

1469_ Ministry of National Defense, *2020 Defense White Paper*, p. 253.

1470_ International Committee of the Red Cross, "Geneva Convention Relating to the Treatment of the Prisoners of War," (12 August 1949).

violation of Article 118 of the Geneva Convention (III), which stipulates the release and repatriation of prisoners of war. Even under customary international law, prompt release and repatriation of prisoners of war are regarded as duties of all states.¹⁴⁷¹ This was already an established norm under customary international law at that time.¹⁴⁷²

(C) Forced Labor

According to the testimonies of North Korean defectors and returned Korean War POWs, many POWs were either forced to join the KPA during the Korean War or assigned to coal mines, enterprises and rural areas to participate in post-war rehabilitation projects between 1954 and 1956 after the Armistice Agreement had been signed. According to a U.S. Department of Defense document declassified on 12 April 2007 titled “The Transfer of U.S. Korean War POWs to the Soviet Region,”¹⁴⁷³ thousands of Korean War POWs were transferred to Okhotsk and other Soviet Far Eastern ports between November 1951 and April 1952. They

1471_ International Committee of the Red Cross, *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), p. 451; Quoted in Buhm-suk Baek, “Enforced Disappearances by North Korea and the Crime against Humanity,” in *Abduction and Enforced Disappearances by North Korea*, eds. Center for North Korean Human Rights Research, p. 63.

1472_ UN Doc. A/HRC/25/CRP.1 (2014), para. 1143, footnote 1626.

1473_ This report was written by the U.S. and Russia on 26 August 1993, as a part of the investigative activities of the “Joint U.S.-Russian Committee for POWs and MIAs,” which was formed after the Cold War to confirm the status of Korean War U.S. POWs in Russia and the return of their remains.

were then detained at the Kholima detention center near Yakutsk.¹⁴⁷⁴ The number of POWs transferred to the Chukchi Sea region was at least 12,000. The report also mentioned that the death toll was high due to the difficult road and airfield construction work to which they were assigned. With regard to this issue, the South Korean Ministry of National Defense announced on 18 December 2007 that it was unable to confirm or discover any evidence concerning the transfer of Korean War POWs into the Russian Far Eastern Provinces, even though it had visited Russian military research institutes and conducted extensive interviews with the Pentagon personnel who wrote the report; the son of former Soviet Union general officer Seong-ho Kang, who claimed that the Korean War POWs were transferred to the Soviet Union; around 10 Korean Russian veterans, who had participated in the Korean War; former Korean War POWs who have returned to South Korea; and over 100 North Korean defectors living in Russia.

Most Korean War POWs were deployed to coal mines in North and South Hamgyeong Provinces because North Korea was in great need of manpower in their coal mines at the time, and ordinary North Koreans were reluctant to work there. It was also easy to control and conduct surveillance on those living in coal mine communities.¹⁴⁷⁵ According to a series of research studies

1474_ *Yonhap News Agency*, 13 April 2007.

1475_ *The Chosun Ilbo*, 30 April 2013.

conducted by KINU, many Korean War POWs were assigned to work and live at coal mines, including Sanghwa Coal Mine in Onsong County, North Hamgyeong Province (Hwa-sik Ahn, Kwang-yoon Woo, ○○ Jang, Seung-ro Hong, In-kong Park, Sang-jin Kim, Sang-won Shin, ○○ Choi, Sam-sik Ok, Myong-jo Bae, Bu-jae Baek, Won-mo Chung and Bok-man Lee), Musan Coal Mine (Gap-do Lee, Young-ho Kang and Hee-keun Lee), and Hakpo Coal Mine in Sechon County, Hoeryong (Yong-yeon Jang, Tae-in Ryu, ○○ Oh, Jeung-ho Lee and Soo-hwan Jeong). The Korean War POWs assigned to work as miners had to work 12-hour shifts. It is estimated that the number of Korean War POWs assigned to coal mines in North Hamgyeong Province had reached 1,100–1,200 at a certain point in time.

It appears that immediately after the Korean War, Korean War POWs had been detained at No. 25 *Kwanliso* in Chongjin. This *Kwanliso* had been used as a POW camp after the Korean War and was later transformed into a political prison camp (*kwanliso*).¹⁴⁷⁶ In June 1956, Korean War POWs were released from the political prison camp (*kwanliso*) after receiving People's Registration Cards, but most of them were assigned to coal mines located within the political prison camp (*kwanliso*) where they had been previously detained.

In October 2016, the two Korean War POWs (○○ Han, aged

1476_North Korean defector ○○○, 27 September 2012, interviewed in Seoul.

86 and ○○ Roh, aged 91) who had defected from North Korea in 2001 filed a damages suit against North Korea and Kim Jong Un for the forced labor they endured for 47 years. The two won the suit on 7 July 2020.¹⁴⁷⁷ Following the first lawsuit, five POWs filed another lawsuit against North Korea and Kim Jong Un. One of the plaintiffs claimed that he had worked for 51 years at the Aoji Coal Mine located in Gyeongwon County, North Hamgyeong Province, and another claimed that he had been detained for 40 years for attempting to defect from North Korea eight times.¹⁴⁷⁸ In the second lawsuit, damages were claimed for illegal acts under the Civil Act and violation of the obligation under the Armistice Agreement to repatriate prisoners of war.¹⁴⁷⁹

Forced labor imposed on Korean War POWs constitutes violations of both international humanitarian law and international human rights law. First of all, it violates Articles 13, 51 and 52 of the Geneva Convention (III), which stipulates that prisoners of war must at all times be humanely treated (Article 13) and that they must be granted suitable working conditions (Article 51). Moreover, the Geneva Convention (III) prohibits labor that is dangerous or harmful to the health of a prisoner of war (Article

1477_ "47 Years of Forced Labor: Korean War POWs defected from North Korea wins a lawsuit against North Korea and Kim Jong Un," *Edaily*, 7 July 2020.

1478_ "Five Korean War POWs filed a lawsuit against North Korea and Kim Jong Un, each claims for damages of 600 million won," *Chosun Ilbo*, 2 September 2020.

1479_ "Five Korean War POWs filed a lawsuit against North Korea and Kim Jong Un... Each claims for damages of 21 million won," *Dong-A Ilbo*, 2 September 2020.

52). Forced labor by Korean War POWs also violates Article 8, paragraph 3 of the ICCPR, which stipulates the prohibition against forced labor, and Article 10, paragraph 1 of the ICCPR, which stipulates humane treatment to everyone deprived of liberty.

Table V-28 Provisions on Forced Labor in the Geneva Convention (III)	
Article 13	Prisoners of war must at all times be humanely treated. Any unlawful act or commission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in their custody is prohibited and will be regarded as a serious breach of the present Convention. (The rest is omitted)
Article 51	Prisoners of war must be granted suitable working conditions, regarding accommodation, food, clothing and equipment. These conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work. (The rest is omitted)
Article 52	Unless it is voluntary, no prisoner of war may be employed on labor unhealthy or dangerous in nature. (The rest is omitted)

(D) Social Discrimination against Korean War POWs and Their Families

Korean War POWs and their families face social discrimination in North Korea. Cases have been reported in which Korean War POWs and their families were restricted in their choice of place of residence and jobs, and children of Korean War POWs were discriminated against in Party membership, college admissions and choosing a career.¹⁴⁸⁰ Testimonies have been collected stating that exceptional cases exist in which former POWs can join the Party or live without experiencing significant

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 1480_NKHR2015000095 2015-05-12.

discrimination. In recent surveys, testimonies of Korean War POWs and their families are rarely collected. As a result, it has not been confirmed whether the long-standing discrimination against Korean War POWs and their families has been resolved. Social discrimination against Korean War POWs and their families or relatives may constitute violations of both the ICCPR (Article 2, paragraph 1) and the ICESCR (Article 2, paragraph 2), which prohibit discrimination of any kind.

Table V-29 Cases of Discrimination against Korean War POWs and Their Families

Testimonies	Testifier ID
The testifier's uncle faced discrimination in job assignments on the grounds that the testifier's grandfather was a Korean War POW from South Korea.	NKHR2014000093 2014-07-15
The testifier's nephew/niece was accepted into the No. 5 Department of the Central Party, but this was canceled on the grounds that his/her grandfather was an exchanged POW.	NKHR2014000168 2014-10-07
The testifier's family background (<i>todae</i>) was considered very bad because his/her grandfather was a Korean War POW. Other family members faced discrimination in joining the Party, being selected as an official, and getting promotions at work.	NKHR2016000099 2016-06-14

(3) Treatment and Support for Returned Korean War POWs

Based on the Act on Repatriation and Treatment of the Republic of Korea Armed Forces Prisoners of War, the South Korean government provides all returned Korean War POWs with pensions, settlement grants, housing assistance and

remunerations calculated based on the length of their stay in captivity, starting from the date they were taken prisoner and ending with the date they retired from duty after returning to South Korea. If a POW died in North Korea, special grants would be provided for POW's spouse or children who defect from the North and enter South Korea. These special grants are provided in addition to the settlement assistance provided to North Korean defectors upon their entry into South Korea.

The Ministry of National Defense revised the Act on Repatriation and Treatment of the Republic of Korea Armed Forces Prisoners of War on 31 December 2008 and inserted a new provision that establishes the legal grounds for the provision of “social adjustment education” for returning Korean War POWs (Article 6-2). Since late 2008, the Ministry of National Defense has conducted special reorientation programs for returning POWs, so they can quickly adjust to life in South Korea. Returned Korean War POWs also receive professional education and psychiatric assistance offered by civilian organizations to gain the necessary skills and knowledge for their new lives.¹⁴⁸¹ The Act on Repatriation and Treatment of the Republic of Korea Armed Forces Prisoners of War was revised on 22 March 2013 to improve the level of assistance and support for Korean War POWs and their families. As a result, provisions on the protection

1481_ Ministry of National Defense, *2012 Defense White Paper*, p. 112.

of Korean War POWs and families of Korean War POWs born in the place of detention (Article 5-2), support for employment of family members of Korean War POWs born in the place of detention (Article 15-2), support for admission to ancient palaces, etc. (Article 15-3), and respectful treatment for Korean War POWs (Article 15-4) were newly added.

Table V-30 Residence of Returning Korean War POWs (Including the Deceased)

Region/ Category	Seoul	Incheon	Gyeonggi	Gangwon	Daejeon	S. Chung- cheong	N. Chung- cheong	Daegu	N. Gyeong- sang
No. of Persons	22	1	20	5	2	0	1	4	6
Percentage (%)	27.5	1.3	25.0	6.3	2.5	0.0	1.3	5.0	7.5
Region/ Category	Busan	Ulsan	S. Gyeong- sang	Gwangju	S. Jeolla	N. Jeolla	Jeju	Total	
No. of Persons	5	2	6	1	3	2	0	80	
Percentage (%)	6.3	2.5	7.5	1.3	3.8	2.5	0.0	100	

Source: Ministry of National Defense (as of 30 September 2022).

Table V-31 Residence of Surviving Korean War POWs

Region/ Category	Seoul	Incheon	Gyeonggi	Gangwon	Daejeon	S. Chung- cheong	N. Chung- cheong	Daegu	N. Gyeong- sang
No. of Persons	5	0	7	1	0	0	0	1	0
Percentage (%)	35.7	0.0	50.0	7.1	0.0	0.0	0.0	7.1	0.0
Region/ Category	Busan	Ulsan	S. Gyeong- sang	Gwangju	S. Jeolla	N. Jeolla	Jeju	Total	
No. of Persons	0	0	0	0	0	0	0	14	
Percentage (%)	0.0	0	0.0	0.0	0.0	0.0	0.0	100	

Source: Ministry of National Defense (as of 30 September 2022).

D. Evaluation

Separated families, abductees and Korean War POWs are humanitarian issues to which international humanitarian law applies and, at the same time, they have the characteristics of human rights issues to which international human rights law applies. As for separated families, their family rights are being infringed upon in violation of international humanitarian laws (Article 27 of the Geneva Convention (IV)). Moreover, the right to family unification is being violated in terms of separated families, abductees and Korean War POWs, i.e., the right of a family not to be subjected to arbitrary or unlawful interference (Article 17 of the ICCPR), and the right to form a family and be protected by society and the state (Article 23 of the ICCPR). In order to realize the right to family unification for these people, the accurate status of these people must be fully confirmed, reunions between separated families must be regularly held, and the scale of family reunions must be expanded. During the third cycle of the UPR in 2019, South Korea urged North Korea to implement the commitment it has made at several of inter-Korean summits to resolve the issue of separated families,¹⁴⁸² and North Korea stated in response that it would accept such a request.¹⁴⁸³ Indeed, some separated families, such as Korean War POWs and post-war

1482_ UN Doc. A/HRC/42/10 (2019), para. 126.149.

1483_ UN Doc. A/HRC/42/10/Add.1 (2019), para. 9(a).

abductees were able to meet during the 15 August 2018 National Liberation Day family reunion. However, from 2019 to September 2022, no progress was made in matters of exchanges between separated families.

The war-time abduction and detention of civilians by North Korea constitute violations of Articles 49 and 79 of the Geneva Convention (IV), which prohibit forced transfer and detention of civilians. Moreover, North Korea's denial of the existence of Korean War POWs and its refusal to repatriate them violate Article 118 of the Geneva Convention (III), which stipulates the release and repatriation of prisoners of war. Furthermore, forced labor imposed on Korean War POWs violates the right to humane treatment (Article 13), the right to appropriate work conditions (Article 51), and the right not to be used for labor that is harmful to health or dangerous (Article 52) specified in the Geneva Convention (III), as well as the right not to be forced into labor (Article 8) and the right to receive humane treatment when deprived of liberty (Article 10) provided for in the ICCPR. In addition, social discrimination against families of those who have fled to South Korea and Korean War POWs and their families may constitute violations of Article 2 of the ICESCR and Article 2 of the ICCPR, which stipulate that discrimination must be prohibited. Meanwhile, it has been found that there is a substantial number of victims of enforced disappearances among those who had been abducted to North Korea. During the third cycle of the UPR in 2019, North

Korea promptly rejected the recommendations related to abductees, Korean War POWs and enforced disappearances.¹⁴⁸⁴

In order to make progress in resolving the issues of separated families, abductees and Korean War POWs, such issues must be addressed separately from the political situation between the South and the North. North Korea should positively review the recommendations made by the international community, and actively engage in dialogues and negotiations with the South Korean government so that the issues raised can be fundamentally resolved.

1484_UN Doc. A/HRC/42/10 (2019), paras. 127, 127.30, 127.31, 127.51–127.53.

5

Disasters

North Korean authorities regard disasters as major obstacles to the country's development. Since Kim Jong Un came to power, North Korea has promoted science and technological development, particularly the advancement of technology related to weather observation and prediction, to emphasize efforts to mitigate damage from natural disasters.¹⁴⁸⁵ As such, North Korea has made the effort to develop its disaster response management capabilities.

In this regard, North Korea adopted the Law on Disaster Prevention, Rescue and Recovery on 27 June 2014. Prior to the Act's enactment, the authority and responsibilities related to disaster response and management were scattered between different institutions. The Law on Disaster Prevention, Rescue and Recovery is the framework legislation for disasters that reflects the four phases of disaster management that are widely accepted within the

1485_ "A Proud Achievement in Realizing Scientific Weather Forecasting," *Rodong Sinmun*, 23 May 2016.

international community and that comprehensively outlines the relevant rights and obligations.¹⁴⁸⁶ Despite the implementation of this framework law, North Korea’s disaster management system operates on the understanding that the residents themselves should make the effort to minimize possible damages under the principle of self-reliance, and there is a focus on educating people about countermeasures to be taken in the event of disaster rather than on crisis/disaster prevention.¹⁴⁸⁷

Table V-32 North Korean Laws on Disasters

Category	Relevant Laws	
	Adoption/Amendment	Laws
Disaster Prevention	27 June 2014	Law on Disaster Prevention, Rescue and Recovery
Epidemic Response	5 November 1997	Law on Prevention of Epidemics
	22 August 2020	
	22 August 2020 31 May 2022	Emergency Quarantine Law
Air Pollution	11 July 2012	Air Pollution Prevention Law
	24 July 2013	
Radioactive Materials	29 August 2011	Radioactive Contamination Prevention Law
Forest Protection	11 December 1992	Forest Law
	11 March 2015	
Nature Conservation	25 November 2009	Law on Nature Protection Area
	24 July 2013	
	29 April 1977	Land Law
	16 June 1999	
Earthquakes and Volcanic Activities	9 April 1986	Environmental Protection Law
	22 October 2014	
Earthquakes and Volcanic Activities	29 August 2011	Law on Prevention of Earthquake and Volcano Disasters and Rescue Operations
	21 December 2011	

1486_ Yongwoo Na *et al.*, *Necessity and Progress Directions for Establishment of the South–North Korean Disaster Co-Management System* (Seoul: KINU, 2021), pp. 104–106.

1487_ *Ibid.*, p. 111.

Since Kim Jong Un took office, North Korea has acknowledged its insufficient disaster response capabilities and has sought support and cooperation from the international community. In this context, North Korea developed the National Strategy for Disaster Risk Reduction 2019–2030 and presented it to the UN in 2019¹⁴⁸⁸ and specifically mentioned in its 2021 VNR report that frequent natural disasters are the key obstacles to North Korea’s implementation of SDGs.¹⁴⁸⁹

North Korea’s lack of response capabilities for disasters is a problem that cannot be easily solved in the short term due to a lack of technical, financial and professional resources. Due to the limited availability of resources for its disaster response, North Korea focuses primarily on glorifying the image of the Supreme Leader (*Suryeong*) as a benevolent leader to prevent social unrest. In addition, it uses the military and forcibly mobilizes residents for damage recovery.

In this chapter, major issues related to human rights violations in North Korea during disasters are discussed.

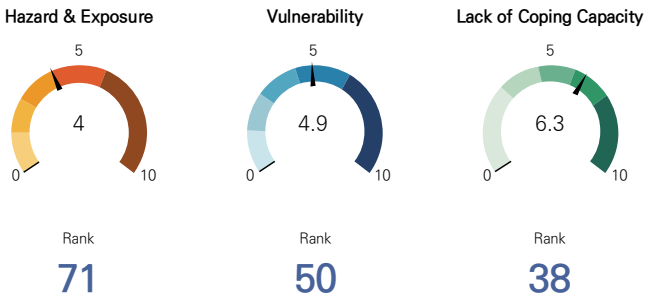
1488_DPRK, *National Strategy for Disaster Risk Reduction 2019–2030* (2019), pp. 1–36.

1489_DPRK, “Democratic People’s Republic of Korea Voluntary National Review on the Implication of the 2030 Agenda,” p. 6, 13, 15.

A. North Korea's Poor Disaster Management Capabilities

Despite the emphasis on the necessity and importance of crisis/disaster response, North Korean authorities lack the sufficient capacity to manage and respond to disasters. North Korea's lack of disaster management capabilities can be verified to some extent using recently published studies.

Figure V-2 Indicators for North Korea's Crisis Management for 2022



Source: INFORM, INFORM Risk Country Profile 2022 Scores: North Korea, (<https://web.jrc.ec.europa.eu/dashboard/INFORMRISK/?no-header=1&v-vISO3=AFG&no-scroll=1>) (Accessed 6 September 2022).

According to the 2022 survey by the Index for Risk Management (hereinafter INFORM), which is an international initiative that seeks to provide objective indicators for the assessment of the risk of humanitarian crises and disasters in countries worldwide, North Korea is at high risk for humanitarian crises and disasters.¹⁴⁹⁰ North Korea was ranked 44th out of the 191 countries surveyed in

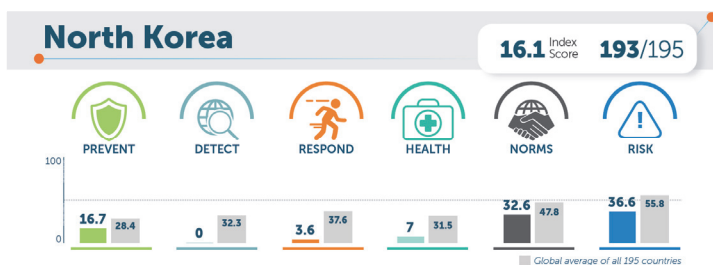
term of overall crisis/disaster risk. In particular, North Korea scored 6.3 points for its “Lack of Coping Capacity,” ranking in the bottom 38th in terms of the lack of crisis/disaster response capabilities. Given that North Korea was ranked 28th and 29th in 2019 and 2021, respectively,¹⁴⁹¹ it can be said that the country’s crisis/disaster response capacity has improved. However, North Korea’s overall crisis/disaster management and response capacity is still insufficient.

In addition, the COVID-19 pandemic has demonstrated that a country’s ability to respond to a public health crisis, such as the spread of an infectious disease, is also an important factor in protecting its citizens. North Korea’s response and management capabilities for health security threats are also considered to be ineffective.

1490_ INFORM, INFORM Risk Country Profile 2022 Scores: North Korea, (<<https://web.jrc.ec.europa.eu/dashboard/INFORMRISK/?no-header=1&v-vISO3=AFG&no-scroll=1>> (Accessed 6 September 2022).

1491_ The maximum score for the scale is 10, with higher scores indicating a lower management capacity. INFORM, “Korea DPR, Eastern Asia, INFORM Country Risk Profile, Version 2017,” (<<https://drmkc.jrc.ec.europa.eu/inform-index>>); Requoted in Ye Joon Rim & Kyu-Chang Lee, *Improving Disaster Cooperation for North Korea* (Seoul: KINU 2017), p. 62; INFORM, *INFORM Report 2021: Shared Evidence for Managing Crises and Disasters* (Luxembourg: Publications Office of the European Union, 2021), pp. 30-31.

Figure V-3 2021 Global Health Security Index Scores for North Korea



Source: NTI, *GHS Index 2021*, p. 245 (https://www.ghsindex.org/wp-content/uploads/2021/12/2021_GHSIndexFullReport_Final.pdf) (Accessed 6 September 2022).

According to the 2021 Global Health Security (GHS) Index released by the Nuclear Threat Initiative (hereinafter NTI) in December 2021, the overall 2021 GHS Index score for North Korea was 16.1 out of 100, which ranked the country 193rd out of 195 countries.¹⁴⁹² Although the ranking remained unchanged compared to 2019, the score decreased from 17.5 in 2019.¹⁴⁹³ In terms of individual categories, North Korea scored worse in 2021 compared to 2019 for four categories: prevention, detection and reporting, emergency response, and the health system. However, North Korea has shown some improvement in terms of compliance with relevant international norms and the risk

1492. NTI, *GHS Index 2021*, p. 245. (https://www.ghsindex.org/wp-content/uploads/2021/12/2021_GHSIndexFullReport_Final.pdf) (Accessed 6 September 2022).

1493. Development Initiatives, *Global Humanitarian Assistance Report 2021*, (Bristol: Development Initiatives, 2021), p. 22, (<https://devinit.org/resources/global-humanitarian-assistance-report-2021/chapter-one-people-and-crisis/#section-1-3>.) (Accessed 15 June 2021).

environment. However, North Korea's overall GHS Index score has declined between 2019 and 2021, and it continues to remain well below the global average.

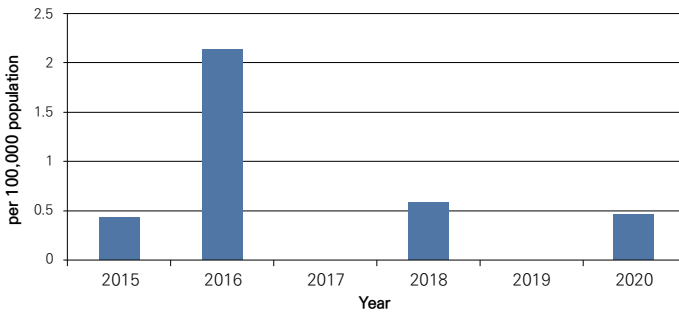
B. Infringement of the Right to Work and the Right to Food Due to Disasters

During a disaster, North Korean authorities provide certain relief measures for those affected but, due to the lack of necessary resources, North Korea's disaster resilience is too low to ensure a prompt and adequate response and the introduction of effective recovery measures.

In its 2021 VNR report, North Korea stated that the number of deaths and missing persons attributed to disasters is 0.47 per 100,000 people and highlighted that it has been implementing the 2019-2030 National Disaster Risk Reduction Strategy.¹⁴⁹⁴

¹⁴⁹⁴ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implication of the 2030 Agenda," p. 40.

Figure V-4 Number of Deaths and Missing Persons Attributed to Disasters per 100,000 People



Source: DPRK, *Democratic People's Republic of Korea Voluntary National Review on the Implication of the 2030 Agenda for the Sustainable Development* (2021), p. 40.

However, due to North Korea's low disaster resilience and difficult food situation, it is difficult for North Korean people to lead a healthy and safe life and exercise their basic rights in the event of a disaster.

It appears that in the event of a disaster, North Korean authorities provide some relief measures, such as housing or relief goods, for affected residents but, at the same time, they place non-coercive and coercive pressure on people to contribute to the authorities' efforts to provide labor or goods for damage recovery.

Conflicting testimonies have been collected regarding government-led relief measures. Some testifiers have reported that the authorities provide relief goods, including food, following a natural disaster (e.g., flooding), but some testifiers have claimed that the state or the Party does not provide any notable relief measures for natural

disasters. Taking these testimonies into consideration, it seems that government-led relief measures are implemented differently depending on the type and/or location of the disaster. It appears that, while the authorities are able to employ various relief measures for region-specific disasters such as flooding that require urgent intervention, they find it difficult to implement effective measures (e.g. food support) for climate events such as drought because their impact extends across the entire country. This issue is examined in detail here based on defector testimonies.

First, it appears that North Korean authorities fail to take any measures when a severe drought occurs, and thus North Korean residents inevitably have to overcome difficulties on their own.

A North Korean defector who defected in 2019 testified that the crop harvest was not good due to drought in 2018, but he/she did not receive any state support.¹⁴⁹⁵ Another North Korean defector who defected in 2019 also testified that, although droughts occur frequently, there is no support provided by the authorities, and North Korean children have classes in the morning and go to fetch water for farming in the afternoon. The testifier also said that when the crop production was very low in 2017 due to an extended period of high temperatures that lasted for about 40 days, there was no support from the state.¹⁴⁹⁶

1495_NKHR2019000055 2019-07-29.

1496_NKHR2020000040 2020-10-31.

On the other hand, it has been reported that North Korean authorities provide some relief measures in the event of flooding, such as providing housing, food, and daily necessities. A North Korean defector who defected in 2018 testified that the state provided free housing when flooding occurred in Wonsan in 2017,¹⁴⁹⁷ and a North Korean defector who defected in 2017 testified that when severe flooding occurred in July 2012, he/she received approximately 5 kg of noodles and rice from the state.¹⁴⁹⁸

A North Korean defector who defected in 2020 testified that he/she heard that when flooding occurred in Musan in 2016, people from all over North Korea, particularly soldiers and enterprise employees, came to Musan to help to build houses, and each affected household was given 50 kg of rice.¹⁴⁹⁹ A North Korean defector who defected in 2019 said he/she knows that when flooding hit North Hamgyeong Province in 2016, the state provided support to build houses, rationed food, and supplied daily necessities.¹⁵⁰⁰

A North Korean defector who defected in 2018 testified that whenever flooding occurred, temporary relief measures, such as 15 days' worth of food rations, were introduced upon request by his/her People's Unit (*inminban*) and, when severe flooding hit

1497_NKHR2019000062 2019-07-29.

1498_NKHR2018000019 2018-04-09.

1499_NKHR2021000021 2021-10-17.

1500_NKHR2021000029 2021-11-23.

his/her hometown in 2017, he/she received free food from the state.¹⁵⁰¹

Table V-33 Cases of Support for Disasters

Testimonies	Testifier ID
The testifier received approximately 5 kg of noodles and rice when severe flooding occurred in July.	NKHR2018000019 2018-04-09
When flooding occurred in 2016, the authorities mobilized the military to build houses for the residents of the flood-damaged areas.	NKHR2018000099 2018-10-01
The state provided free housing when flooding occurred in Wonsan in 2017. Whenever flooding occurred, temporary relief measures, such as 15 days' worth of food rations, were introduced upon request by the testifier's People's Unit (<i>inminban</i>). When severe flooding hit the testifier's hometown in 2017, he/she received free food from the state.	NKHR2019000062 2019-07-29
When flooding occurred in 2016, those living in the flood-hit areas were given food by the state. Shock troops (<i>dolgyeogdae</i>) and soldiers were mobilized to build 20-30 apartment buildings for affected residents; they worked day and night and it took only two months to erect all of the buildings.	NKHR2019000057 2019-07-29

In the event of a disaster, North Korean authorities mobilize ordinary residents and the military for damage recovery. Cases have also been reported in which the authorities demanded citizens to provide relief goods.

A North Korean defector who defected in 2019 testified that the basic policy of the North Korean authorities is to mobilize the military for disaster recovery, while Party units and enterprises are required to provide relief goods such as clothing. According to the testifier, the food rations were not sufficient.¹⁵⁰²

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1501_NKHR2019000062 2019-07-29.

Another North Korean defector who defected in 2018 said that when flooding occurred sometime in 2016–2017 in Chongjin and Hoeryong, the state mobilized the KPA to build houses and provided daily necessities for affected residents, and the testifier remembers that people were told to provide some cash and items such as clothes and plates as relief goods, so the testifier him/herself provided some cash in 2017.¹⁵⁰³

Table V-34 Cases of the Collection of Relief Supplies for Disasters

Testimonies	Testifier ID
When flooding occurred in North Hamgyeong Province in 2016, Kim Jong Un used television broadcasts to call on all people to provide relief supplies, and accordingly, people in cities including Chongjin sent sacks of corn to flood-stricken areas in North Hamgyeong Province.	NKHR2019000057 2019-07-29
When flooding occurred in Musan in 2017, people were forced to provide support items, so the testifier offered some clothes and blankets.	NKHR2018000105 2018-10-01
The testifier had never seen any action taken by the authorities to restore flood-stricken areas. When flooding occurred in Musan, individual regions, enterprises and People's Units (<i>inminban</i>) provided relief goods.	NKHR2018000104 2018-10-01
When flooding occurs, each People's Unit (<i>inminban</i>) instructs people to provide support. There is no coercion, and people voluntarily offer clothes and certain items. The testifier him/herself provided some clothes.	NKHR2020000047 2020-11-28

A North Korean defector who defected in 2018 said that people are systematically mobilized to work in rural areas damaged by droughts or flooding. The testifier said that, in particular, students

1502_NKHR2021000002 2020-08-13.

1503_NKHR2021000011 2021-09-10.

are frequently sent to drought-hit rural areas to help people fetch water and are forced to participate in “weeding battles” during weeding seasons.¹⁵⁰⁴

A North Korean defector who defected in 2018 testified that, when flooding occurs, North Korea’s policy priority is providing housing and various supplies including furniture for the residents of flood-stricken areas, and people are instructed by Party organizations such as the Ministry of State Security and security institutions to donate support items for flood victims. The testifier said that he/she provided some cash so these organizations could buy the supplies needed.¹⁵⁰⁵

A North Korean defector who defected in 2019 said that, whenever flooding occurred, the head of the People’s Unit (*inminban*) the testifier was affiliated with called on the members to provide support for flood-hit residents, and then the people voluntarily offered support items, which were delivered to the neighborhood (*dong*) office, together with a list of people who provided items prepared by the People’s Unit (*inminban*) head.¹⁵⁰⁶

While North Korea avoided disclosing the damage caused by natural disasters in the past, it is now more active in sharing with the international community the extent of damage in the search for

1504_NKHR2022000007 2022-05-25.

1505_NKHR2021000005 2020-08-20.

1506_NKHR2021000017-2 2022-05-26.

attention and support from other countries. Defector testimonies have confirmed that North Korean residents are aware of relief support provided by the international community, such as the UN. A North Korean defector who defected in 2019 said that if a disaster occurs in North Korea, the authorities no longer hide the fact and openly admit that they obtain support from the UN.¹⁵⁰⁷

A North Korean defector who defected in 2016 testified that, when the state delivered rice to the people of flood-stricken areas, these people knew that the rice was actually provided by the UN.¹⁵⁰⁸ Another North Korean defector who defected in 2016 also testified that, when heavy flooding took place in August 2016, he/she received supplies including some seafood, blankets and spoons, which were of great help, and he/she knew that the supplies had been provided by the UN.¹⁵⁰⁹

In addition, North Korean authorities have been making efforts to highlight the image of Kim Jong Un as a benevolent leader who cares for the people by actively engaging in disaster relief and recovery. However, the authorities' forcible mobilization of residents to participate in these government-led relief or recovery activities infringes upon the North Korean people's right to freedom of labor.

1507_NKHR2021000017-2 2022-05-26.

1508_NKHR2017000006 2017-04-10.

1509_NKHR2018000118 2018-10-22.

A North Korean defector who defected in 2019 said that, when floods struck Musan, the entire military was mobilized and various People's Units (*inminban*) participated in repairing the flood damage. According to the testifier, shock troops (*dolgyeogdae*) under the Women's Union were particularly active in restoration activities, and he/she heard that the houses built by these shock troops (*dolgyeogdae*) for affected residents whose houses had been destroyed were far better than the ones the residents had lived in before the flooding.¹⁵¹⁰ A North Korean defector who defected in 2020 testified that floods frequently occur in North and South Hamgyeong Provinces and, whenever a flood occurs, employees from individual enterprises are selected and sent to flood-stricken areas to participate in recovery activities, which include the building of houses for those whose houses have been destroyed.¹⁵¹¹

A North Korean defector who defected in 2022 testified that, when heavy floods struck Hoeryong and Samjiyeon and nearby Chinese regions in 2016, he/she was mobilized to participate in restoration activities.¹⁵¹² According to the testifier, factory enterprises and various organizations gathered food and sent it to Hoeryong, and the testifier was told by a relative living in

1510_NKHR2021000017-2 2022-05-26.

1511_NKHR2022000022 2022-06-21.

1512_NKHR2022000025 2022-06-23.

Hoeryong who was affected by the floods that the relative was given clothing, food, and a new house.¹⁵¹³ The testifier said that, in the event of a disaster, people can learn about it through disaster broadcasts, and it is mandatory for people to participate in restoration activities.¹⁵¹⁴ The testifier recalled the routine implementation of preventive measures due to frequent occurrences of bird flu and hepatitis C infections, and said he/she remembers employees of local clinics visiting schools to ensure that students and teachers wash their hands with liquid disinfectant.¹⁵¹⁵

Acknowledging that deforestation has aggravated the impact of floods in North Korea, North Korean authorities have emphasized the importance of forest restoration since Kim Jong Un took office. In this regard, North Korea declared 2015 as the first year of a “battle for forest restoration” and implemented the National Forest Restoration Plan. However, for economic reasons, North Korean people tend not to comply with the relevant measures implemented by the government for forest restoration and protection.

According to a North Korean defector, there are many more tree nurseries in North Korea compared to the past, more trees are being planted in North Korea, and military training for soldiers

1513_NKHR2022000025 2022-06-23.

1514_NKHR2022000025 2022-06-23.

1515_NKHR2022000025 2022-06-23.

tends to be postponed for one to two months so that they can be mobilized for tree planting.¹⁵¹⁶ A North Korean defector who defected in 2019 testified that North Korean people agree with the government policy on forest restoration, but they tend to use the land to grow crops.¹⁵¹⁷

It has been reported that the forest restoration policy led by the central government has adversely affected the food supply for ordinary North Korean people. A North Korean defector who defected in 2019 testified that, while he/she had been able to secure food through personal farming under the Kim Jong Il regime, Kim Jong Un has prohibited people from cultivating hillside fields for crops.¹⁵¹⁸ Another Korean defector said that the food situation worsened with the commencement of the tree-planting movement in 2015 because the authorities began to retrieve land from citizens to plant trees.¹⁵¹⁹ A North Korean defector who defected in 2019 testified that, in North Korea, people who do not have personal vegetable gardens used to procure food by cultivating small plots of land in the nearby mountains but, after Kim Jong Un came to power, the policy to plant trees in the mountains according to specified standards was

1516_North Korean defector ○○○, 5 October 2021, interviewed in Seoul; Yongwoo Na *et al.*, *Necessity and Progress Directions for Establishment of the South-North Korean Disaster Co-Management System*, p. 84.

1517_NKHR2021000017-2 2022-05-26.

1518_NKHR2019000052 2019-07-20.

1519_NKHR2019000074 2019-08-26.

issued, which resulted in a decrease in the amount of cultivable land.¹⁵²⁰

C. Violation of the Right to Freedom of Movement Due to COVID-19

In January 2020, following the outbreak of COVID-19 at the end of 2019, the North Korean government promptly introduced a border closure policy to prevent the spread of COVID-19 into its territories by strictly controlling the movement of both people and goods.

In response to the COVID-19 pandemic, North Korean authorities have exerted efforts to prevent the transmission of the disease by providing personal hygiene education on COVID-19. A North Korean defector who defected in 2020 testified that, in late January and early February 2020, the authorities instructed people to wear masks and sanitize their hands to prevent the spread of COVID-19, asked people to regularly wash their hands at home, and sprayed disinfectant on people on the streets or in the market. According to the testifier, people who are employed in companies are well aware of the symptoms of COVID-19 because their companies provide the necessary education, but the testifier him/herself did not know much about the disease because he/she

1520_NKHR2019000042 2019-07-01.

was unemployed when he/she lived in North Korea. The testifier added that the People's Unit (*inminban*) he/she was affiliated with taught him/her about the disease.¹⁵²¹ In addition, a North Korean defector who defected in 2021 said that, when he/she was in North Korea, the authorities emphasized the importance of physical distancing in preventing the spread of COVID-19, patrol officers routinely patrolled the streets, and the Party informed people of COVID-19 rules through People's Unit (*inminban*) meetings.¹⁵²²

Conflicting testimonies have been collected regarding the introduction of relevant measures by the government for infectious diseases. While some testifiers have reported that the state does not take action in response to the outbreak of an infectious disease, other testifiers have claimed that the relevant authorities take measures to prevent the spread of infectious diseases.

A North Korean defector who defected in 2019 testified that, when an infectious disease breaks out, only those who get ill are allowed to stay home and rest, and people who do not have money are likely to die from the disease.¹⁵²³ A North Korean defector who defected in 2020 said that even the military suffers from poor

1521_NKHR2021000021 2021-10-17.

1522_NKHR2021000012 2021-09-13.

1523_NKHR2021000001 2021-08-13.

sanitation, and the testifier had seen soldiers catching scabies, chickenpox, and tuberculosis.¹⁵²⁴

A North Korean defector who defected in 2019 testified that, in North Korea, local hospitals and clinics are primarily in charge of conducting medical examinations, imposing disease control measures, and administering vaccinations, but there are not enough facilities for confirmed patients.¹⁵²⁵ Another North Korean defector who defected in 2019 testified that, when an epidemic broke out in 2018, people from the local clinic visited the testifier's home to disinfect the entire house and give him/her a lot of disinfectant.¹⁵²⁶

Testimonies have been collected claiming that North Korean authorities have systematically and successfully responded to infectious diseases. Taking these testimonies into consideration, it is assumed that North Korea's infectious disease response system operates differently depending on the affected region.

A North Korean defector who defected in 2019 said that the infectious disease response system is well established in North Korea and, because of this, he/she was able to receive information about disease control measures from various sources, including the school, the People's Unit (*inminban*), and workplaces of the

1524_NKHR2021000019 2021-10-15.

1525_NKHR2021000002 2021-08-13.

1526_NKHR2021000007 2021-09-06.

testifier's parents.¹⁵²⁷ In addition, a North Korean defector who defected in 2018 testified that, during the outbreak of Severe Acute Respiratory Syndrome (hereinafter SARS), the testifier was informed of basic infection control measures, instructed to temporarily close down the factory and not to eat poultry meat such as chicken and turkey, and told to participate in a meeting held by the head of his/her People's Unit (*inminban*) where he/she received information about SARS and the measures taken by the government regarding the disease; the testifier added that he/she did not receive masks or medicine.¹⁵²⁸

In addition, some testimonies have been collected regarding the COVID-19 situation in North Korea. A North Korean defector who defected in early 2021 testified that there was no confirmed case of COVID-19 in North Korea up until he/she entered South Korea.¹⁵²⁹ A North Korean defector who defected in 2020 said that he/she was told that no one had been infected with COVID-19 until around April 2022, but the disease spread across the country soon thereafter.¹⁵³⁰

While it is widely known that regional blockade measures have been implemented by North Korean authorities following the outbreak of COVID-19 to strictly control the movement of people

1527_ *Ibid.*

1528_NKHR2021000020 2021-10-16.

1529_NKHR2022000030 2022-07-22.

1530_NKHR2022000022 2022-06-21.

within North Korea, some testifiers have reported that movement between regions has not been completely prohibited.

A North Korean defector who defected in 2021 said that he/she heard that, in response to the COVID-19 pandemic, the North Korean authorities had closed down the customs offices to block the movement of people and goods, instructed all North Korean companies in China to shut down, and quarantined people who had been in close contact with Chinese people for 45 days. The testifier said that he/she thinks the North Korean authorities have imposed strict control measures to prevent the transmission of COVID-19.¹⁵³¹

Another North Korean defector who defected in 2021 testified that people's movement outside their place of residence, particularly to the border and areas bordered by the enemy (*jeonyeonjidae*), has been strictly controlled and, as a result, one of his/her neighbors who had earned money by working as a plasterer in a city near the border returned home because he/she was no longer able to stay there; the testifier added that people were even prohibited from going to the beach.¹⁵³²

It appears that, although the North Korean authorities' strict regional blockades have increased the economic difficulties faced by North Korean people, no support was given by the state or the

1531_NKHR2021000021 2021-10-17.

1532_NKHR2022000030 2022-07-22.

Party. A North Korean defector who defected in 2021 testified that he/she experienced financial difficulties during the pandemic and lived on his/her savings. According to the testifier, prices for food rose during the COVID-19 period; rice prices rose from 3,500 North Korean won to 4,000 North Korean won, pork prices doubled, prices for batteries rose more than five-fold, and prices for domestic red pepper powder and imported seasoning also increased. In addition, prices for goods imported from China rose two- to three-fold.¹⁵³³ The testifier also said that, while people were allowed to visit markets, they were prohibited from eating food on the market streets, and the number of market stands and the number of products sold at these stands decreased because imports from China had been halted.¹⁵³⁴

D. Evaluation

In the event of disasters, maintaining daily living becomes a challenge for the people living in affected regions. Since Kim Jong Un came to power, North Korea has recognized the importance of its disaster response and management and has made an effort to improve its relevant capabilities. However, it appears that North Korea is still unable to effectively respond to disasters due to a lack of appropriate technology, infrastructure, and

1533_NKHR2022000030 2022-07-22.

1534_NKHR2022000030 2022-07-22.

financing.

Defector testimonies have confirmed that the level of North Korea's disaster response varies depending on the type of disaster and the affected region. It has been found that North Korea's disaster response and management is more effective for floods than droughts because floods are region-specific. North Korean authorities provide support to affected areas by mobilizing soldiers or residents for damage recovery and sending necessary supplies. In addition, forest restoration projects, which have been implemented to prevent future disasters, have negatively impacted the livelihood of the North Korean people, especially by restricting the food supply for ordinary residents.

The outbreak of COVID-19 has led to the adoption of stricter border closure by North Korean authorities. In addition, it has been reported that North Korean authorities imposed stringent regional blockades in May 2022 following reports of the first confirmed COVID-19 cases in the country. The North Korean people's right to freedom of movement is severely infringed upon in the event of disasters. Moreover, considering that conflicting testimonies have been collected regarding the introduction of relevant measures by the government in response to infectious diseases, it is assumed that North Korea's infectious disease response system operates differently depending on the affected region.

Fortunately, if a disaster occurs in North Korea, unlike in the

past, North Korean authorities openly admit its occurrence both to its people and to the international community. It is assumed that the purpose of this openness is to elicit support and cooperation from the international community.

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Major Issues

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