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2008 Human Rights Report: Democratic People's Republic of Korea*

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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The Democratic People's Republic of Korea (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong-il, general secretary of the Korean Workers' Party (KWP) and chairman of the National Defense Commission (NDC), the "highest office of state." The country has an estimated population of 23.5 million. Kim's father, the late Kim Il-sung, remains "eternal president." Local elections held in July 2007 were not free or fair. There was no civilian control of the security forces, and members of the security forces committed numerous serious human rights abuses.

The government's human rights record remained poor, and the regime continued to commit numerous serious abuses. The regime subjected citizens to rigid controls over many aspects of their lives. Citizens did not have the right to change their government. There continued to be reports of extrajudicial killings, disappearances, arbitrary detention, and political prisoners. Prison conditions were harsh and life threatening, and torture occurred. Pregnant female prisoners underwent forced abortions in some cases, and in other cases babies were killed upon birth in prisons. The judiciary was not independent and did not provide fair trials. Citizens were denied freedom of speech, press, assembly, and association, and the government attempted to control all information. The government restricted freedom of religion, citizens' movement, and worker rights. There continued to be reports of severe punishment of some repatriated refugees. There were widespread reports of trafficking in women and girls among refugees and workers crossing the border into China.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary and Unlawful Deprivation of Life

There were numerous reports that the regime committed arbitrary and unlawful killings. Defector and refugee reports indicated that in some instances the regime executed political prisoners, opponents of the regime, repatriated defectors, and others. The law prescribes the death penalty for the most "serious" or "grave" cases of "antistate" or "antination" crimes, including: participation in a coup or plotting to overthrow the state; acts of terrorism for an antistate purpose; treason, which includes defection or handing over state secrets; suppressing the people's movement for national liberation; cutting electric power lines or communication lines; and illegal drug transactions.

In the past border guards reportedly had orders to shoot to kill potential defectors, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps, but it was not possible to determine if this practice continued during the year.

During the year the South Korean nongovernmental research organization North Korean Human Rights Infringement Record Center reported that North Korea carried out 901 public executions in 2007. North Korea also reportedly carried out 56 cases of summary executions with no judicial process.

A South Korean nongovernmental organization (NGO) reported that 15 North Koreans, including 13 women and two men, were shot in front of local residents on February 20 for illegally entering China.

On January 3, Agence France-Presse reported that a South Korean NGO stated North Korean authorities had executed a cooperative farm chief and two colleagues for starting a private farm in December 2007 in Pyongsong City. According to the report, the three were shot 90 times, four others were sentenced to life imprisonment, and the families of those executed were taken to prison camps.

On March 10, railway cargo guards allegedly beat 20 homeless children, killing several. The guards had caught the children stealing from a railway car.

On July 11, security forces shot and killed a South Korean tourist visiting the Mt. Kumgang Tourism Park.

On August 26, a South Korean NGO reported that soldiers beat 20 homeless adults for trying to steal corn from trucks in Hamheung city, South Hamgyong Province. The report said that one of the individuals was killed, and that the soldiers threw the body into a dumping ground near the station.

On October 8, a South Korean NGO reported that authorities in Hoeryong City, North Hamgyong Province, publicly executed five women accused of trafficking in persons. Family members of the women were not notified until after the execution. According to the report, the families petitioned the government, claiming the women were not granted due process, but the municipal government insisted the executions were carried out legally and did not respond to the petition.

Religious and human rights groups outside the country alleged that some North Koreans who had contact with foreigners across the Chinese border were imprisoned or killed.

There were no new developments in the alleged 2006 death penalty sentence for Son Jong-nam, whose brother reported that Son was still alive as of the spring of 2007.

b. Disappearance

The government was responsible for disappearances. In recent years defectors claimed that state security officers often apprehended individuals suspected of political crimes and sent them, without trial, to political prison camps. There are no restrictions on the ability of the government to detain and imprison persons at will and to hold them incommunicado. The penal code states that a prosecutor's approval is required to detain a suspect; however, the government ignored this law in practice.

On February 8, a group of 22 North Koreans in two small boats floated into South Korean waters. South Korean authorities repatriated the individuals 13 hours later, claiming they had conducted interviews and determined the individuals were not defectors. Later in February, several South Korean news outlets quoted an anonymous source who reported that the 22 individuals were executed upon their return. The whereabouts of the 22 remained unknown at year's end.

There were no developments in the 2006 disappearance of Lee Kwang-soo's family following his defection to South Korea (Republic of Korea or ROK).

Japan continued to seek further information about the cases of 12 Japanese nationals whom the Japanese government designated as having been abducted by DPRK government entities. During the year Japan and the DPRK held discussions on the issue. The DPRK agreed to reopen the investigation into these cases but had not announced any progress or result. Japan also hoped to gain answers regarding other cases of suspected abductions of Japanese nationals.

In the past, credible reports indicated that the government also kidnapped other nationals from locations abroad, including citizens from Romania, Thailand, and possibly elsewhere. However, the government continued to deny its involvement in the kidnappings. The ROK government estimated that approximately 480 of its civilians who were abducted or detained by the DPRK since the end of the Korean War remained in the DPRK. The ROK government estimated 560 South Korean prisoners of war (POWs) and soldiers missing in action were also believed to remain alive in the country.

During the year the media reported South Korean missionary Kim Dong-shik had most likely died within a year of his 2000 disappearance near the China-DPRK border.

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

The penal code prohibits torture or inhumane treatment; however, many sources continued to confirm their practice. Methods of torture and other abuse reportedly included severe beatings; electric shock; prolonged periods of exposure to the elements; humiliations such as public nakedness; confinement for up to several weeks in small "punishment cells" in which prisoners were unable to stand upright or lie down; being forced to kneel or sit immobilized for long periods; being hung by the wrists; being forced to stand up and sit down to the point of collapse; and

forcing mothers recently repatriated from China to watch the infanticide of their newborn infants. Defectors continued to report that many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

During the year Shin Dong-hyuk, a defector born and confined in a political prison camp in Kaecheon in South Pyongan Province for 22 years, explained that beatings and torture were common within the camp. Shin reported that he was tortured with hot coals while being hung from the ceiling after members of his family tried to escape from the camp.

Officials prohibited live births in prison and ordered forced abortions, particularly in detention centers holding women repatriated from China, according to refugee reports. In some cases of live birth, there were reports that prison guards killed the infant or left it for dead. In addition guards reportedly sexually abused female prisoners.

Reeducation through labor, primarily through sentences at forced labor camps, was a common punishment and consisted of tasks such as logging, mining, or tending crops under harsh conditions. Reeducation involved memorizing speeches by Kim Jong-il.

Prison and Detention Center Conditions

NGO, refugee, and press reports indicated that there were several types of prisons, detention centers, and camps, including forced labor camps and separate camps for political prisoners. Defectors claimed the camps covered areas as large as 200 square miles. The camps appeared to contain mass graves, barracks, worksites, and other prison facilities.

Those sentenced to prison for nonpolitical crimes were typically sent to reeducation prisons where prisoners were subjected to intense forced labor. Those who were considered hostile to the regime or who committed political crimes, such as defection, were sent to political prison camps indefinitely. Many prisoners in political prison camps were not expected to survive. The government continued to deny the existence of political prison camps.

Reports indicated that conditions in the political prison camps were harsh. Systematic and severe human rights abuses occurred throughout the prison and detention system. Detainees and prisoners consistently reported violence and torture. According to refugees, in some places of detention, prisoners received little or no food and were denied medical care. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing.

The government did not permit inspection of prisons or detention camps by human rights monitors.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government did not observe these prohibitions in practice.

Role of the Police and Security Apparatus

The internal security apparatus includes the Ministry of Public Security (MPS) and the State Security Department (SSD). Reports of diversion of food aid to the military and regime officials and of official bribery were indicative of corruption in the security forces. The security forces do not have adequate mechanisms to investigate possible security force abuses.

The army has four branches: Ground Force, Naval Force, Air Force, and Civil Securities Force. The country has an estimated 1.1 million active military personnel, in addition to a reserve force of approximately three million.

During the year one South Korean NGO reported that the role of the police increased significantly. The increased responsibility reportedly caused tension between the police and the military.

Arrest and Detention

Members of the security forces arrested and transported citizens suspected of committing political crimes to prison camps without trial. According to one South Korean NGO, on February 1, the People's Safety Agency was authorized to handle directly criminal cases without approval of prosecutors. Previously, once police officers arrested suspects, the preadjudication department examined facts and evidence of the case and passed the case to prosecutors. It was not until the completion of prosecutors' investigation that the court made an official decision on the case. The change was made reportedly because of corruption among prosecutors.

There were no restrictions on the government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other concerned persons found it virtually impossible to obtain information on charges against detained persons or the lengths of their sentences. Judicial review of detentions did not exist in law or in practice.

e. Denial of Fair Public Trial

The constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary did not exist. The constitution mandates that the central court is accountable to the Supreme People's Assembly, and the criminal code subjects judges to criminal liability for handing down "unjust judgments."

Trial Procedures

The MPS dispensed with trials in political cases and referred prisoners to the SSD for punishment. Little information was available on formal criminal justice procedures and practices, and outside access to the legal system was limited to show trials for traffic violations and other minor offenses.

The constitution contains elaborate procedural protections, providing that cases should be heard in public, except under circumstances stipulated by law. The constitution also states that the accused has the right to a defense, and when trials were held, the government reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed that the government offered trials and lawyers only to the latter. There was no indication that independent, nongovernmental defense lawyers existed.

Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, an estimated 150,000 to 200,000 persons were believed to be held in kwan li so political prison camps. The government considered critics of the regime to be political criminals. Reports from past years described political offenses as including sitting on newspapers bearing Kim Il-sung's or Kim Jong-il's picture, mentioning Kim Il-sung's limited formal education, or defacing photographs of the Kims.

Civil Judicial Procedures and Remedies

According to article 69 of the constitution, "[c]itizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." Under the Law on Complaint and Petition, citizens are entitled to submit complaints to stop encroachment upon their rights and interests or seek compensation for the encroached rights and interests. This right was not respected in practice.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the government did not respect these provisions in practice. The regime subjected its citizens to rigid controls. The government relied upon a massive, multilevel system of informants to identify critics and potential troublemakers. Entire communities sometimes were subjected to security checks. Possessing "antistate" material and listening to foreign broadcasts were crimes that could subject the transgressor to harsh punishments, including up to five years of labor reeducation.

The government monitored correspondence and telephone conversations. Private telephone lines operated on a system that precluded making or receiving international calls; international phone lines were available only under restricted

circumstances. Foreign diplomats in Pyongyang stated that the local network was subdivided so phone use remained a privilege. Although a government-controlled cellular phone network existed, cell phone use has been banned for the general population since 2004. During the year defectors reported contacting their relatives in the country via this network.

The government divided citizens into loyalty-based classes, which determined access to employment, higher education, place of residence, medical facilities, and certain stores.

Collective punishment was practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. A 2006 decree on cutting electric power or communication lines and conducting illegal drug transactions states that a violator's family shall be "expelled."

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The constitution provides for the right to petition. However, the government did not respect this right. For example, when anonymous petitions or complaints about state administration were submitted, the SSD and MPS sought to identify the authors, who could be subjected to investigation and punishment.

A South Korean NGO reported in March a professor at Gimchaek University of Technology was sentenced to five years in a reeducation center, and her party membership and professorship were revoked for speaking in the South Korean dialect during her class.

The government sought to control virtually all information. There were no independent media. The government carefully managed visits by foreigners, especially foreign journalists.

During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports. In all cases journalists were monitored strictly. They generally were not allowed to talk to officials or to persons on the street, and cellular or satellite phones were held at the airport for the duration of a visitor's stay.

Domestic media censorship continued to be enforced strictly, and no deviation from the official government line was tolerated. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets, unless altered, received only domestic programming; radios obtained from abroad had to be altered to operate in

a similar manner. Elites and facilities for foreigners, such as hotels, could be granted permission to receive international television broadcasts via satellite. The government continued to attempt to jam all foreign radio broadcasts. During the year the government condemned the activities of a defector-run broadcasting station in South Korea.

Internet Freedom

Internet access for citizens was limited to high-ranking officials and other designated elites, including select university students. This access was granted via international telephone lines through a provider in China, as well as a local connection that was linked with a German server. An "intranet" was reportedly available to a slightly larger group of users, including an elite grade school; selected research institutions, universities, and factories; and a few individuals. The Korean Communication Corporation acted as the gatekeeper, downloading only acceptable information for access through the intranet. Reporters Without Borders reported that some e-mail access existed through this internal network. According to a press report, an increasing number of citizens had e-mail addresses on their business cards, although they were usually e-mail addresses shared among all the employees of an organization.

Academic Freedom and Cultural Events

The government restricted academic freedom and controlled artistic and academic works. A primary function of plays, movies, operas, children's performances, and books was to buttress the cult of personality surrounding Kim Il-sung and Kim Jong-il.

According to North Korean media, Kim Jong-il frequently told officials that ideological education must take precedence over academic education in the nation's schools. Indoctrination was carried out systematically through the mass media, schools, and worker and neighborhood associations. Indoctrination continued to involve mass marches, rallies, and staged performances, sometimes including hundreds of thousands of persons.

A South Korean NGO reported that the government seized a music teacher's license and confiscated her diploma for "violating socialist ideology." The teacher had been providing illegal private lessons.

The government continued its attempt to limit foreign influences on its citizens. Listening to foreign radio and watching foreign films is illegal; however, numerous NGOs reported that Chinese and South Korean DVDs continued to be smuggled into the country. The government intensified its focus on preventing the smuggling of imports of South Korean popular culture, especially television dramas. According to a media report, in an attempt to enforce the restriction on foreign films, police routinely cut electricity to apartment blocks and then raided every apartment to see what types of DVDs were stuck in the players. In January, an NGO reported that

three citizens received death sentences for involvement in handling movies smuggled from China and South Korea. The NGO also reported that the government in August began a crackdown on illegal media in Hyesan City, Ryanggang Province and that those caught watching South Korean movies were sentenced to reeducation.

A South Korean NGO reported that in early July five students at the Machinery Vocational School in Onsung County, North Hamgyong Province, were detained and sentenced to six months at a labor camp for watching South Korean dramas.

Another NGO reported in September that five students faced a public trial for watching South Korean DVDs. One of the students reportedly was sentenced to seven years in prison and his family was expelled from Pyongyang. The four others were sentenced to two years of forced labor.

One NGO reported that authorities banned the sale of Chinese VCRs during the year. The NGO reported that on October 29, security officers visited private homes and confiscated all televisions and VCRs registered after October 2005. However, the NGO reported that individuals were able to bribe the security officers in order to keep the equipment.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, the government did not respect this provision in practice and continued to prohibit public meetings without prior authorization.

Freedom of Association

The constitution provides for freedom of association; however, the government failed to respect this provision in practice. There were no known organizations other than those created by the government. Professional associations existed primarily to facilitate government monitoring and control over organization members.

c. Freedom of Religion

The constitution provides for "freedom of religious belief"; however, in practice the government severely restricted religious freedom unless supervised by officially recognized groups linked to the government. The law also stipulates that religion "should not be used for purposes of dragging in foreign powers or endangering public security." Genuine religious freedom did not exist.

The personality cult of Kim Il-sung and Kim Jong-il continued to resemble a state religion that provided a spiritual underpinning for the regime. Refusal to accept the

leader as the supreme authority was regarded as opposition to the national interest and continued to result in severe punishment.

The 2007 Korea Institute for National Unification's White Paper on Human Rights in North Korea concluded that the regime used authorized religious entities for external propaganda and political purposes and strictly barred local citizens from entering places of worship. For example, funds and goods that were donated to government-approved churches were channeled to the KWP by the government.

There were unconfirmed reports that the nonreligious children of religious believers may be employed at mid-levels of the government. In the past such individuals suffered broad discrimination with sometimes severe penalties or even imprisonment.

According to defector reports, the government reportedly was concerned that faith-based South Korean relief and refugee assistance efforts along the border with China had both humanitarian and political goals, including overthrow of the regime, and alleged that these groups were involved in intelligence gathering. According to an unconfirmed claim from one foreign religious NGO, nine North Korean nationals in its network disappeared in 2007. The reason for their reported disappearance could not be confirmed.

There continued to be reports of underground Christian churches. The government repressed and persecuted unauthorized religious groups in recent years. Defectors reported that persons engaged in religious proselytizing, persons with ties to overseas evangelical groups, and repatriated persons who contacted foreigners while outside the country were arrested and subjected to harsh punishment. Defectors asserted that citizens who received help from foreign churches were considered political criminals and received harsher treatment, including imprisonment, prolonged detention without charge, torture, and execution.

According to NGO reports, 10 college students were arrested by the National Security Agency for reading a Bible and watching a DVD about the Bible.

Religious and human rights groups outside the country continued to provide numerous unconfirmed reports that members of underground churches were beaten, arrested, detained in prison camps, tortured, or killed because of their religious beliefs.

Societal Abuses and Discrimination

There was no information on societal violence, harassment, or discrimination against members of religious groups.

There was no known Jewish population, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for the "freedom to reside in or travel to any place"; however, the government did not respect this right in practice. During the year the government continued to attempt to control internal travel. The government did not cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

The government continued to restrict the freedom to move within the country. Only members of a very small elite class and those with access to remittances from overseas had access to personal vehicles, and movement was hampered by the absence of an effective transport network and by military and police checkpoints on main roads at the entry to and exit from every town. Use of personal vehicles at night and on Sundays was restricted. Violators of the karaoke bar ban reportedly were warned that punishment could include relocation to other regions within the country.

The government strictly controlled permission to reside in, or even to enter, Pyongyang, where food supplies, housing, health, and general living conditions were much better than in the rest of the country. Foreign officials visiting the country observed checkpoints on the highway leading into Pyongyang from the countryside.

The government also restricted foreign travel. The regime limited issuance of exit visas for foreign travel to officials and trusted businessmen, artists, athletes, academics, and religious figures. Short-term exit papers were available for some residents on the Chinese border to enable visits with relatives or to engage in small-scale trade.

It is not known whether the laws prohibit forced exile; the government forced the internal exile of some citizens. In the past the government engaged in forced internal resettlement of tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses, although social engineering was also involved. For example, although disabled veterans were treated well, other persons with physical and mental disabilities, as well as those judged to be politically unreliable, have been sent out of Pyongyang into internal exile.

The government did not allow emigration, although officials in border areas reportedly took bribes from, or simply let pass, persons crossing the border into China without required permits. The media and NGOs reported periodic crackdowns on this practice, with a stepped-up military presence along the border. Late in the

year, several NGOs also reported stricter penalties recently imposed on attempted defectors.

Substantial numbers of citizens have crossed the border into China over the years, and NGO estimates of those who lived there during the year ranged from tens of thousands to hundreds of thousands. Some settled semi-permanently in northeastern China, others traveled back and forth across the border, and others sought asylum and permanent resettlement in third countries. A few thousand citizens gained asylum in third countries during the year.

The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of "labor correction." In "serious" cases defectors or asylum seekers are subject to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily were imprisoned under harsh conditions. Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners. In 2006 China reported it had repatriated a North Korean asylum seeker known as Kim Chun-hee, despite requests from the international community not to repatriate her. Kim's whereabouts remained unknown. In 2006 Chinese police arrested and deported to North Korea nine relatives of South Korean POWs; one NGO reported that the nine were likely in prison, but their whereabouts remained unknown.

In the past, reports from defectors indicated that the regime differentiated between persons who crossed the border in search of food (who might be sentenced only to a few months of forced labor or in some cases merely issued a warning) and persons who crossed repeatedly or for political purposes (who were sometimes sentenced to heavy punishments). The law stipulates a sentence of up to two years of "labor correction" for the crime of illegally crossing the border.

During the year the government reportedly continued to enforce the policy that all border crossers be sent to prison.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, nor has the government established a system for providing protection for refugees. The government did not grant refugee status or asylum. The government had no known policy or provision for refugees or asylees and did not participate in international refugee fora.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government peacefully. The KWP and the KPA, with Kim Jong-il in control, dominated the political system. Little reliable

information was available on intraregime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented by the party leadership.

The government justified its dictatorship with nationalism and demanded near deification of both Kim Jong-il and Kim Il-sung. All citizens remained subject to intensive political and ideological indoctrination, which was intended to ensure loyalty to the leadership and conformity to the state's ideology and authority.

Elections and Political Participation

Elections of delegates to the provincial, municipal, and county people's assemblies were held in July of 2007. The elections were not free and fair, and the outcome was virtually identical to prior elections. The government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval.

The government has created several "minority parties." Lacking grassroots organizations, they existed only as rosters of officials with token representation in the SPA. The government regularly criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Women made up 20 percent of the membership of the SPA as of the 2003 elections, and approximately 4 percent of the membership of the KWP central committee.

The country is racially and ethnically homogenous. Officially there are no minorities, and there is, therefore, no information on minority representation in the government.

Government Corruption and Transparency

It is not known whether the law provides criminal penalties for official corruption, whether the government implemented any such laws effectively, or how often officials engaged in corrupt practices with impunity.

Reports of diversion of food aid to the military and government officials and bribery were indicative of corruption in the government and security forces. The government continued to deny any diversion of food aid, although it hinted that it was combating internal corruption.

Foreign media reported that the government launched a formal corruption investigation in January specifically targeting the National Economic Cooperation Federation (NECF) and the North Korean People's Council for National Reconciliation. The NECF reportedly accepted bribes to label Chinese-made goods as "Made in North Korea," allowing them to be exported to South Korea duty free.

It is not known whether public officials are subject to financial disclosure laws and whether a government agency is responsible for combating corruption. There are no known laws that provide for public access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no independent domestic organizations to monitor human rights conditions or to comment on the status of such rights. The government's North Korean Human Rights Committee has denied the existence of any human rights violations in the country.

The government ignored requests for visits from international human rights NGOs. The NGO community and numerous international experts continued to testify to the grave human rights situation in the country during the year. The government decried international statements about human rights abuses in the country as politically motivated and as interference in internal affairs. The government asserted that criticism of its human rights record was an attempt by some countries to cover up their own abuses and that such hypocrisy undermined human rights principles.

The government emphasized that it had ratified most UN human rights instruments but continued to refuse cooperation with UN representatives. The government continued to prevent the UN Special Rapporteur on the Situation of Human Rights in the DPRK, Vitit Muntarbhorn, from visiting the country to carry out his mandate. The government continued to refuse to recognize the special rapporteur's mandate and rejected the offer of the Office of the High Commissioner on Human Rights to work with the government on human rights treaty implementation.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution grants equal rights to all citizens. However, the government has never granted its citizens most fundamental human rights in practice, and it continued pervasive discrimination on the basis of social status.

Women

The government appeared to criminalize rape, but no information was available on details of the law and how effectively the law was enforced. Women in prison camps reportedly were subject to rape and forced abortions.

Violence against women was a significant problem both inside and outside the home.

According to press reports, prostitution is illegal; there is no available information on the prevalence of prostitution in the country. There continued to be reports of trafficking in women and young girls who had crossed into China.

The constitution states that "women hold equal social status and rights with men;" however, although women were represented proportionally in the labor force, few women had reached high levels of the party or the government.

Children

The state provides 11 years of free compulsory education for all children. However, in the past some children were denied educational opportunities and subjected to punishments and disadvantages as a result of the loyalty classification system and the principle of "collective retribution" for the transgressions of family members.

Foreign visitors and academic sources reported that from fifth grade children were subjected to several hours a week of mandatory military training and that all children have indoctrination at their schools.

The UN Committee on the Rights of the Child repeatedly has expressed concern over de facto discrimination against children with disabilities and the insufficient measures taken by the state to ensure these children had effective access to health, education, and social services.

It is not known whether boys and girls have equal access to state-provided medical care; access to health care was largely dependent upon loyalty to the government.

Information about societal or familial abuse of children remained unavailable. There were reports of trafficking in young girls among persons who had crossed into China.

Trafficking in Persons

There were no known laws specifically addressing the problem of trafficking in persons, and trafficking of women and young girls into and within China continued to be widely reported. Some North Korean women and girls who voluntarily crossed into China were picked up by trafficking rings and sold as brides to Chinese nationals or placed in forced labor. In other cases, North Korean women and girls were lured out of North Korea by the promise of food, jobs, and freedom, only to be forced into prostitution, marriage, or exploitive labor arrangements. A network of smugglers facilitated this trafficking. Many victims of trafficking, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes. Traffickers sometimes abused or physically scarred the victims to prevent them from escaping. Officials facilitated trafficking by accepting bribes to allow individuals to cross the border into China.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

A law enacted in 2003 mandates equal access for persons with disabilities to public services; however, implementing legislation has not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been sent out of Pyongyang into internal exile. According to a report released in 2006 by the World Association of Milal, an international disability NGO, persons with disabilities constituted approximately 3.4 percent of the population, more than 64 percent of whom lived in urban areas. A foreign observer who travels to the country reported during the year that rehabilitation centers for the disabled are beginning to appear, together with facilities for the elderly. A foreign NGO reported that the North Korean Federation for the Protection of the Disabled allowed them to operate in North Korea. It is not known whether the government restricts the right of persons with disabilities to vote or participate in civic affairs.

Other Societal Abuses and Discrimination

No information was available on other societal abuses and discrimination, such as societal violence or discrimination based on sexual orientation.

No information was available regarding discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The constitution provides for freedom of association; however, this provision was not respected in practice. There were no known labor organizations other than those created by the government. The KWP purportedly represents the interests of all labor. There was a single labor organization, the General Federation of Trade Unions of Korea. Operating under this umbrella, unions functioned on the classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

Unions do not have the right to strike. According to North Korean law, unlawful assembly can result in five years of correctional labor.

b. The Right to Organize and Bargain Collectively

Workers do not have the right to organize or to bargain collectively. Factory and farm workers were organized into councils, which had an impact on management decisions. According to the International Trade Union Confederation, North Korean law does not contain penalties for employers who interfere in union functions, nor does it protect workers who might attempt to engage in union activities from employer retaliation.

There was one special economic zone (SEZ) in the Rajin-Sonbong area. The same labor laws that applied in the rest of the country applied in the Rajin-Sonbong SEZ, and workers in the SEZ were selected by the government.

Under a special law that created the Kaesong Industrial Complex (KIC), located close to the demilitarized zone between South Korea and North Korea, special regulations covering labor issues negotiated between North Korea and South Korea were in effect for the management of labor in the area. Those regulations did not contain provisions that guarantee freedom of association or the right to bargain collectively. According to South Korea's Ministry of Unification, at year's end approximately 79 South Korean firms, including small firms operating in an apartment-type factory, were producing goods at the KIC. There were approximately 33,000 North Korean workers employed at the site. South Korea's Ministry of Unification reported that the DPRK's Central Special Area Development Directing Bureau provided candidates for selection by the South Korean companies. Under this agreement North Korean workers in the KIC reportedly earned a monthly minimum wage of approximately \$63.40 (according to the Kaesong Industrial Complex Labor Law, wages are set in U.S. dollars), after a second 5 percent wage increase took effect in August. Employing firms reported that, with overtime, the average worker earned approximately \$74 before deductions. Due to the lack of transparency, it was difficult to determine what proportion of their earned wages workers ultimately took home. Although the special laws governing the KIC require direct payment to the workers, the wages were in fact paid to the North Korean government, which withheld a portion for social insurance and other benefits and then remitted the balance (reportedly about 70 percent) to the workers in an unknown combination of "commodity supply cards," which could be exchanged for staple goods, and North Korean won, converted at the official exchange rate. On December 1, the government restricted border crossings and access to the KIC, protesting what it called "hostile policies" of ROK President Lee Myung Bak.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. However, the government mobilized the population for construction and other labor projects, including on Sundays, the one day off a week. The penal code criminalizes forced child labor; however, there were reports that such practices occurred (see section 6.d.). The government also frequently gathered large groups together for mass demonstrations and performances. "Reformatory labor" and "reeducation through labor" have traditionally been common punishments for political offenses. Forced and compulsory labor, such as logging and tending crops, continued to be the common fate of political prisoners.

The penal code requires that all citizens of working age must work and "strictly observe labor discipline and working hours." According to the penal code, failure to meet economic plan goals can result in two years of "labor correction."

d. Prohibition of Child Labor and Minimum Age for Employment

According to the law, the state prohibits work by children under the age of 16 years.

School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects, such as snow removal on major roads, or in meeting production goals. Children were forced also to participate in cultural activities and, according to academic reports, were subjected to harsh conditions during mandatory training sessions. According to a South Korean press report, the government required high school and college students to participate in unpaid "voluntary work," particularly rice-planting efforts, during their vacation periods. A defector interviewed by the UN special rapporteur reported that the government sometimes took young people from the street and forced them to work on the farms.

e. Acceptable Conditions of Work

No reliable data were available on the minimum wage in state-owned industries. However, anecdotal reports indicated that the average daily wage was not sufficient to provide a decent standard of living for a worker and family. Since the 2002 economic reforms, compensation underwent significant change as citizens sought to earn hard currency to support themselves and their families. Workers often had to pay for services that previously had been provided either free or at highly subsidized rates by the state, such as rent for housing and fees for transportation. While education and medical care technically remained free, educational materials and medicines appeared available only for purchase in markets. Foreign observers who visited the country reported that many factory workers regularly failed to go to work, paying a bribe to managers to list them as present, so they could engage in various trading and entrepreneurial activities instead. The same source stated that many government factories were not operating, primarily due to electricity shortages.

Class background and family connections could be as important as professional competence in deciding who received particular jobs, and foreign companies that have established joint ventures continued to report that all their employees must be hired from registers screened by the government.

The constitution stipulates an eight-hour workday; however, some sources reported that laborers worked longer hours, perhaps including additional time for mandatory study of the writings of Kim Il-sung and Kim Jong-il. The constitution provides all citizens with a "right to rest," including paid leave, holidays, and access to sanitariums and rest homes funded at public expense; however, the state's willingness and ability to provide these services was unknown. Foreign diplomats reported that workers had 15 days of paid leave plus paid national holidays. Some persons were required to take part in mass events on holidays, which sometimes required advance practice during work time. Workers were often required to "celebrate" at least some part of public holidays with their work units and were able to spend a whole day with their families only if the holiday lasted two days.

Many worksites were hazardous, and the industrial accident rate was high. The law recognizes the state's responsibility for providing modern and hygienic working conditions. The penal code criminalizes the failure to heed "labor safety orders" pertaining to worker safety and workplace conditions only if it results in the loss of lives or other "grave loss." In addition workers do not have an enumerated right to remove themselves from hazardous working conditions.

Citizens suffered human rights abuses and labored under harsh conditions while working abroad for North Korean firms and under arrangements between the North Korean government and foreign firms. According to press reports, such contract laborers worked in Mongolia, Russia, Libya, Saudi Arabia, Bulgaria, and Angola. In most cases employing firms paid salaries to the North Korean government, and it was not known how much of that salary the workers received. Workers were typically watched closely by government officials while overseas and reportedly did not have freedom of movement outside their living and working quarters.

Wages of some of the several thousand North Koreans employed in Russia reportedly were withheld until the laborers returned home, making them vulnerable to deception by North Korean authorities, who promised relatively high payments.

*Note on Sourcing: The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions or confirm reported abuses. Refugee testimony often is dated because of the time lapse between refugee departures from North Korea and contact with NGOs or officials able to document human rights conditions, although in recent years some refugees have been able to relate their stories in a more timely fashion.