DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

See endnote

EXECUTIVE SUMMARY

The Democratic People's Republic of Korea (DPRK or North Korea) is an authoritarian state led by the Kim family for more than 60 years. On December 30, Kim Jong Un was named supreme commander of the Korean People's Army following the December 17 death of his father Kim Jong Il. Kim Jong Un's grandfather, the late Kim Il Sung, remains "eternal president." The most recent national elections, held in March 2009, were neither free nor fair. Security forces report to the supreme leader of North Korea, Kim Jong Un, and to the civilians and military officers that form the National Defense Commission, the supreme ruling body of the state.

Citizens did not have the right to change their government. The government subjected citizens to rigid controls over many aspects of their lives, including denial of the freedoms of speech, press, assembly, association, religion, and movement and worker rights. There continued to be reports of a vast network of political prison camps in which conditions were often harsh and life threatening.

Defectors continued to report extrajudicial killings, disappearances, arbitrary detention, arrests of political prisoners, and torture. The judiciary was not independent and did not provide fair trials. There continued to be reports of severe punishment of some repatriated refugees and their family members. There were reports of trafficked women among refugees and workers crossing the border into China.

The government made no known attempts to prosecute officials who committed human rights abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

There were numerous reports that the government committed arbitrary and unlawful killings. Defector and refugee reports indicated that in some instances the government executed political prisoners, opponents of the government, repatriated defectors, and others accused of crimes with no judicial process. 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; and "treacherous destruction." In addition a 2007 penal code addendum extends executions to include less serious crimes such as theft, destruction of military facilities and national assets, fraud, kidnapping, smuggling, and trafficking.

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. In November the press reported that border guards shot and killed an unidentified man as he attempted to cross the border near Hyesan.

During the year nongovernmental organizations (NGOs) reported that public executions continued, but no official statistics were available. The Republic of Korea (ROK or South Korea) think tank the Korean Institute for National Unification (KINU) *2011 White Paper on Human Rights in North Korea* cited 53 public executions since 2009.

b. Disappearance

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

There was no progress in the investigation into the cases of suspected abductions of Japanese nationals by DPRK government entities. The DPRK had agreed to reopen the investigation after discussions with the Japanese government in 2008.

ROK government and media reports indicated that the DPRK government also kidnapped other nationals from locations abroad in the 1970s and 1980s. However, the DPRK government continued to deny its involvement in the kidnappings. The ROK Ministry of Unification reported that approximately 517 of its civilians, abducted or detained by DPRK authorities since the end of the Korean War, remained in the DPRK. ROK NGOs estimated 20,000 civilians were abducted by the DPRK during the Korean War.

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

The penal code prohibits torture or inhuman treatment, but many sources continued to report these practices. Numerous defector accounts and NGO reports released during the year described the use of torture by authorities in kwan-li-so political prisons. 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 or forced to stand up and sit down to the point of collapse, and forcing mothers 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. The 2010 study, *Witness to Transformation: Refugee Insights into North Korea (Witness to Transformation)*, published by the Peterson Institute for International Economics and based on a survey conducted in 2008, found that approximately half of the respondents who were detained in lower-level institutions (jip-kyul-so collection centers and ro-dong-dan-ryeon-dae labor training centers) reported seeing executions, an estimated three-quarters reported forced starvation, and nearly a third reported witnessing deaths from beatings and torture.

The KINU *2011White Paper on North Korean Human Rights* indicated that officials had in some cases prohibited live births in prison and ordered forced abortions. In some cases of live birth, the white paper reported that prison guards killed the infant or left it to die. The white paper reported that guards also sexually abused female prisoners.

Defectors reported that reeducation through labor, primarily through sentences at forced labor camps, was a common punishment and consisted of difficult physical labor, such as logging, mining, and tending crops under harsh conditions. Reeducation involved memorizing speeches by Kim Il Sung and 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. *Witness to Transformation* described four main types of prison and detention facilities: kwan-li-so, political penal-labor camps; kyo-hwa-so, correctional or reeducation centers; jip-kyul-so, collection centers for low-level criminals; and ro-dong-dan-ryeon-dae, labor training centers. Based on satellite imagery and defector testimony, one kwan-li-so camp, Camp 22, was estimated to

be 31 miles long and 25 miles wide and hold 50,000 inmates. Defectors claimed the kwan-li-so camps contained unmarked graves, barracks, worksites, and other prison facilities. Kwan-li-so penal-labor camps are administered by the Ministry of State Security (MSS); kyo-hwa-so reeducation centers are administered by the Ministry of People's Security (MPS). During the year an NGO reported that five kwan-li-so facilities remained under the command of the MSS, including Kaecheon (Camp14) in South Pyongan Province, Yoduk (Camp 15) in South Hamkyung Province, Hwasung (Camp 16), Chongjin (Camp 25), and Hoiryeong (Camp 22) in North Hamkyung Province. The same NGO reported the police began to dismantle the sixth facility, Bukchang (Camp 18) in South Pyongan Province, in 2006 and it was unclear if the camp remained in operation in 2011.

Reports indicated that 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 government or who committed political crimes reportedly were sent to political prison camps indefinitely. In many cases family members were also detained if one member was accused or arrested. The government continued to deny the existence of political prison camps.

Reports indicated that conditions in the prison camp and detention system were harsh and life threatening and that systematic and severe human rights abuses occurred. Many prisoners in political prison camps and the detention system were not expected to survive. Detainees and prisoners consistently reported violence and torture. Press reports and *Witness to Transformation* included defector accounts of public executions in political prison camps. 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. An NGO reported that one reeducation center was so crowded that prisoners were forced to sleep on top of each other or sitting up. The same NGO reported that guards at a labor camp stole food brought for inmates by their family members. Based on interviews with 15 former detainees at the Yoduk political prison, an Amnesty International report estimated that 40-percent of inmates died of malnutrition.

The South Korean and international press reported that kyo-hwa-so, or labor rehabilitation camps, hold populations of up to 10,000 political prisoners, economic criminals, and ordinary criminals.

Estimates of the total number of prisoners and detainees in the kwan-li-so camps ranged between 130,000-200,000. In July the ROK think tank Database Center on North Korean Human Rights reported that 138,000 people were being held in DPRK detention centers, with between 130,500 and 131,000 held in five active political prison camps, possibly 200-300 in the Bukchang facility, and the rest dispersed in more than 182 other locations. NGO and press reports estimated that there were between 182 and 490 detention facilities in the country.

Information on the number of women and juvenile prisoners was not available. Anecdotal reports from the Database Center on North Korean Human Rights indicated that in some prisons women were held in separate units from men, but no information was available on whether conditions varied for women. One NGO reported that political prisoners sent to punishment facilities were subject to torture without consideration of their gender.

One NGO reported that women make up the majority of prisoners in ro-dong dan-ryeon-dae, or labor-training centers; the majority of prisoners in these facilities were repatriated from China.

Under the criminal procedure law, a criminal case is dismissed in the case of a crime committed by a person under 14 years of age, and under Article 62 public education is applied in case of a crime committed by a person above 14 and under 17 years of age.

No information was available indicating whether prisoners and detainees had reasonable access to visitors. In past years defectors reported that Christian inmates were subjected to harsher punishment if their faith was made public. No information was available on whether prisoners or detainees could submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhumane conditions. It is also not known whether results of investigations were made public. There was no information on whether the government investigated or monitored prison and detention conditions. Neither the UN special rapporteur on the human rights situation in the DPRK nor the UN special rapporteur on torture have been allowed to independently access conditions inside the country.

The government did not permit human rights monitors to inspect prisons and detention facilities. There was no information on whether there were ombudsmen to act on behalf of prisoners and detainees, consider such matters as alternatives to incarceration for nonviolent offenders, alleviate inhumane overcrowding, address

the status and circumstances of confinement of juvenile offenders, improve the administration of pretrial detention, bail, and recordkeeping procedures, or ensure that prisoners did not serve beyond the maximum sentence for the charged offense.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but reports indicated that the government did not observe these prohibitions in practice. *Witness to Transformation* reported that authorities had a high level of discretion in detaining, arresting, prosecuting, and releasing people.

Role of the Police and Security Apparatus

The internal security apparatus includes the Ministry of People's Security (MPS) and the Ministry of State Security (MSS). The security forces do not have adequate mechanisms to investigate possible security force abuses. There was no information that the government took action to reform the security forces.

The MPS, responsible for internal security, social control, and basic police functions, is one of the most powerful organizations in the country. It controlled an estimated 144,000 public security personnel. The MPS maintains law and order, investigates common criminal cases, manages the prison system, controls traffic, monitors citizens' political attitudes, conducts background investigations, has responsibility for the census and civil registration, controls individual travel, manages the government's classified documents, protects government and party officials, and patrols government buildings and some government and party construction activities. Border Guards are the paramilitary force of the MPS and are primarily concerned with monitoring the border and with internal security.

The formal public security structure was augmented by a pervasive system of informers throughout the society. Surveillance of citizens, both physical and electronic, was routine.

Arrest Procedures and Treatment While in Detention

Revisions to the criminal code and the criminal procedure code in 2004 and 2005 added shortened periods of detention during prosecution and trial, arrest by warrant, and prohibition of collecting evidence by forced confessions. There was no confirmation of whether these changes were incorporated in practice.

Members of the security forces arrested and reportedly transported citizens suspected of committing political crimes to prison camps without trial. According to one South Korean NGO, beginning in 2008, the PSA was authorized to handle criminal cases directly without the approval of prosecutors. The change was reportedly made because of corruption among prosecutors. One NGO reported that investigators could detain an individual for the purpose of investigation up to two months.

There were no restrictions on the government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other concerned persons 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. There was no known bail system and no information on whether a lawyer was provided to detainees.

During the year ROK NGOs reported the case of Shin Suk-ja, who was allegedly detained at the Yodok labor camp because her husband, Oh Kil-nam, defected to the ROK.

e. Denial of Fair Public Trial

The constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with the law; however, an independent judiciary did not exist. There was no information on whether authorities respected court orders. 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." *Witness to Transformation* reported that only 13 percent of the 102 respondents who had been incarcerated in the country received a trial.

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 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. According to a *Washington Post* article and the ROK National Human Rights Commission report, most inmates in prison camps were sent there without a trial and without knowing the charges against them. There were no indications that the right to the presumption of innocence was respected in practice.

Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, a 2011 report by the North Korea Database estimated that 138,000 people were held in detention centers, of whom 130,500 were held in five political prisons. Political prisoners are held separately from other detainees. NGOs and the press reported that political prisoners were subject to harsher punishments and fewer protections than other prisoners and detainees. The government considered critics of the regime to be political criminals. The government did not permit access to persons by international humanitarian organizations. Reports from past years described political offenses as including burning old currency or criticizing the government's currency revaluation, sitting on newspapers bearing Kim Il Sung's or Kim Jong Il's picture, mentioning Kim Il Sung's limited formal education, or defacing photographs of the Kims.

Civil Judicial Procedures and Remedies

According to 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. Reports indicated these rights were 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. An ROK NGO reported that authorities entered homes without judicial authorization. Possessing "antistate" material and listening to foreign broadcasts were crimes that could subject the transgressor to harsh punishment, 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.

During the year press reports indicated the number of persons with access to an internal mobile phone network increased to an estimated one million. DailyNK reported that approximately 60 percent of the population of Pyongyang between the ages of 20 and 50 regularly used mobile phones. Mobile phone use was strictly monitored. The system was segregated from systems used by foreigners and could not be used for international calls. In the border regions adjacent to China, unauthorized Chinese mobile phones were reported to be used for making international calls. Those caught using such cell phones were reportedly arrested and required to pay a fine or face charges of espionage, or harsher punishments. In May CNN reported that the government initiated an intensive crackdown on illegal mobile phone use to prevent uprisings such as those in the Middle East.

The Korean Worker's Party (KWP) is the key governing body in the country; party membership is dictated by social and family background and is the key determinant of social mobility. The government divided citizens into strict loyalty-based classes known as "songbun," which determined access to employment, higher education, place of residence, medical facilities, certain stores, and marriage prospects.

DPRK authorities practice collective punishment. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. Collective punishment reportedly can extend to three generations.

ROK NGOs reported that most of the 38 family members and other relatives of Park Nam-ki, who was allegedly executed in 2010 for his role in the 2009 currency revaluation, were sent to labor detention centers where they reportedly died of illness, severe malnutrition, and suicide.

NGOs reported the eviction of families from their places of residence without due process. In April the press reported that 300 families of defectors who had

resettled in the ROK were relocated from Hoeryoung to a controlled area in South Hamkyoung province. In August ROK NGOs reported that the DPRK Central Party had established a policy of relocating the entire family of people found to be receiving help from relatives overseas.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

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

Freedom of Speech: There were numerous instances of persons being interrogated or arrested for saying anything that could be construed as negative towards the government.

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 MSS and MPS sought to identify the authors, who could be subjected to investigation and punishment.

Freedom of Press: The government sought to control virtually all information. Print media, broadcast media, and book publishing were all tightly controlled by the government. There were no independent media. The government carefully managed visits by foreigners, especially journalists. In September the Associated Press (AP) reached an agreement to expand its television service to an all-format news bureau in Pyongyang. International AP reporters were not resident in the country.

Violence and Harassment: Domestic journalists had little freedom to investigate stories or report freely. In 2010 an NGO reported the alleged execution of someone making an illegal international call to report on rice prices.

During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and file reports. In all cases journalists were monitored strictly. Journalists generally were not allowed to talk to officials or to persons on the street. For all foreign visitors, including journalists, cell or satellite phones were held at the airport for the duration of the stay.

Censorship or Content Restrictions: Domestic media censorship continued to be strictly enforced, and no deviation from the official government line was tolerated. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets, unless altered, are set to receive only domestic programming; radios obtained from abroad had to be altered to operate in a similar manner. Elite citizens and facilities for foreigners, such as hotels, reportedly had access to international television broadcasts via satellite. The government continued to attempt to jam all foreign radio broadcasts.

Internet Freedom

Internet access for citizens was limited to high-ranking officials and other designated elites, including select university students. An "intranet" was reportedly available to a slightly larger group of users, including an elite grade school, select research institutions, universities, and factories, and a few individuals. The Korea Computer Center 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.

Academic Freedom and Cultural Events

The government restricted academic freedom and controlled artistic works. Curriculum was highly controlled by the state. Academic travel was severly restricted. A primary function of plays, movies, operas, children's performances, and books was to buttress the cult of personality surrounding the Kim family.

According to North Korean media, Kim Jong-il frequently told officials that ideological education must take precedence over academic education in the 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.

The government continued its attempt to limit foreign influence on its citizens. Listening to foreign radio and watching foreign films is illegal; however, numerous NGOs reported that foreign DVDs, VCDs, CDs, and videotapes 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 media and NGO reports, in enforcing restrictions on foreign films, police were authorized to search people's homes to search for contraband DVDs. One NGO reported the majority of people incarcerated in low-level detention facilities were detained for watching illegal foreign films.

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 not previously authorized.

Freedom of Association

The constitution provides for freedom of association, but 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

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

In-country Movement: The government continued to restrict freedom to move within the country. Only members of a very small elite class and those with access to remittances from overseas had access to personal vehicles; 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.

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

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

Exile: It was not known whether the law prohibits forced exile; the government reportedly forced the internal exile of some citizens. In the past it forcibly resettled tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses, although there were reports that 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, were sent out of Pyongyang into internal exile.

Emigration and Repatriation: The government did not allow emigration, and reports indicated that it tightened security on the border, which dramatically reduced the flow of persons crossing into China without required permits. NGOs reported strict patrols and surveillance of residents of border areas and a crackdown on border guards who may have been aiding border crossers in return for bribes.

Substantial numbers of citizens have crossed the border into China over the years. Reports suggested that the number of North Koreans living in northeastern China declined during the year.

The South Korean press reported that the government issued orders for guards to shoot-to-kill attempted border crossers. NGOs reported that Kim Jong Un called for stricter punishments for those suspected of illegal border crossing. The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of "labor correction." In

"serious" cases defectors or asylum seekers are 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 particularlyharsh treatment was reserved for those who had extensive contact with foreigners, including those with family members resettled in the ROK.

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

Repatriated refugees were subject to harsh punishments, including imprisonment. During the year the government reportedly continued to enforce the policy that all border crossers be sent to prison or reeducation centers. An NGO reported that families of resettled defectors in South Korea were treated harshly and were forcibly relocated to areas away from the border.

Witness to Transformation reported that approximately one-quarter of defectors surveyed in 2004 who had successfully escaped North Korea reported having been arrested in China and repatriated to North Korea at least once before their successful departure.

In October the press reported that more than 20 defectors were caught in China and likely repatriated.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 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. Following the death of Kim Jong Il on December 17, his son, Kim Jong Un, was given the title of Supreme Commander of the KPA. There was no effort to carry out this transition by democratic means.

Elections and Political Participation

Recent Elections: Elections of local representatives to the SPA were held in July. The elections were neither free nor fair, and the outcome was virtually identical to prior elections. One NGO reported that travel certificates were reportedly not issued during the election period. The government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval. An NGO reported that citizens were ordered to participate in the July elections.

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

Participation of Women and Minorities: Women made up 20 percent of the membership of the SPA as of the 2003 elections. Women constituted approximately 4.5 percent of the membership of the Central Committee of the KWP but held few key KWP leadership positions.

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

Section 4. Official Corruption and Government Transparency

It was not known whether the law provides criminal penalties for official corruption, whether the government implemented any such laws effectively, or how often officials engaged in corrupt practices with impunity. Corruption was reportedly widespread in all parts of the economy and society. Corruption in the security forces was endemic.

Reports of diversion of food to the military and government officials and bribery were indicative of corruption in the government and security forces.

It was 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 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

The government allowed the U.S. special envoy for North Korean human rights issues to enter to the country and held brief conversations about human rights issues with him, it but did not allow access to assess human rights conditions outside of Pyongyang. The international 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.

UN and Other International Bodies: The government emphasized that it had ratified a number of UN human rights instruments but continued to refuse to cooperate with UN representatives. The government prevented the UN special rapporteur on the situation of human rights in the DPRK, Marzuki Darusman, from visiting the country to carry out his mandate, which it continued to refuse to recognize. It rejected the offer of the Office of the High Commissioner on Human Rights to work with the government on human rights treaty implementation. The government did not grant entry to any thematic special rapporteurs, such as those on torture or violence against women.

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

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

Women

Rape and Domestic Violence: The government appeared to criminalize rape, but no information was available on details of the law or how effectively it was enforced. Women in prison camps reportedly were subject to rape by prison guards and to forced abortions.

Violence against women has been reported as a significant problem both inside and outside the home. No information was available on governtment efforts to combat rape, domestic violence, and other societal violence directed against women.

Sexual Harassment: Women who have left the country reported that although "sexual violation" was understood, "sexual harassment" is not defined in the DPRK. Despite the 1946 "Law on Equality of the Sexes," defectors reported that sexual harassment of women was generally accepted due to patriarchal traditions. Defectors reported that there was little recourse for women who have been harassed.

Reproductive Rights: It was difficult to obtain accurate information regarding reproductive rights. The country's initial report to the Convention on the Elimination of All Forms of Discrimination Against Women, submitted in 2002, claimed that "family planning is mapped out by individual families in view of their actual circumstances and in compliance with laws, regulations, morality, and customs…women have the decision of the spacing of children in view of their own wish, health condition, and the like. But usually the spacing of children is determined by the discussion between the wife and the husband." The UN Population Fund estimated that the maternal mortality ratio in 2008 was 250 per 100,000 live births. In 2000 the country reported in UNICEF's multiple indicator cluster survey that a doctor, nurse, or skilled midwife delivered 96.7 percent of babies.

Discrimination: 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 reached high levels of the party or the government.

The press and think tanks have reported that while women were less likely than men to be assigned full-time jobs, they had more opportunity to work outside the socialist economy.

Children

Birth Registration: Citizenship is derived from one's parents and in some cases birth within the country's territory.

Education: The state provides 11 years of free compulsory education for all children. However, reports indicated 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. NGO reports also indicated some children were unable to attend school regularly because of hidden fees or insufficient food.

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 had indoctrination in school.

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

Child Abuse: Information about societal or familial abuse of children remained unavailable. Article 153 of the criminal law states that a man who has sexual intercourse with a girl under the age of 15 shall be "punished gravely."

Sexual Exploitation of Children: There were reports of trafficking in young girls among persons who had crossed into China.

Displaced Children: According to NGO reports, there was a large population of street children, many of them orphans, who were denied entrance to public schools.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

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

Trafficking in Persons

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

A 2003 law mandates equal access for persons with disabilities to public services; however, implementing legislation had 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 reportedly sent out of Pyongyang into internal exile, quarantined within camps, and forcibly sterilized. It was not known whether the government restricted the right of persons with disabilities to vote or participate in civic affairs.

The Korean Federation for the Protection of the Disabled (KFDP) was founded in 1999 to coordinate the work with the disabled population country-wide.

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. UNICEF has noted that very high levels of malnutrition indicate serious problems for both the physical growth and psychosocial development of young children. The UN Food and Agriculture Organization (FAO) estimated that 7.8 million people, 33 percent of the population, were undernourished. The FAO estimated 32 percent of children suffered from stunted growth.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There are no laws against homosexuality, but no information was available on discrimination based on sexual orientation or gender identity.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for freedom of association, but workers do not have the right to organize, strike, or bargain collectively. 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 (GFTUK). Operating under this umbrella, unions functioned according to a classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities. By law unlawful assembly can result in five years of correctional labor. The government controls all aspects of employment, including assigning jobs and determining wages. Joint ventures and foreign-owned companies are required to hire their employees from government-vetted lists. Factory and farm workers were organized into councils, which had an impact on management decisions. Although the law stipulates that employees working for foreign companies can form trade unions and that foreign enterprises must guarantee conditions for union activities, the law does not protect workers who might attempt to engage in union activities from employer retaliation, nor does it impose penalties for employers who interfere in union activities.

There was one special economic zone (SEZ) in the Rajin-Sonbong area. The same labor laws that apply in the rest of the country apply in the Rajin-Sonbong SEZ. 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 the ROK and the DPRK, special regulations covering labor issues negotiated with the ROK 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.

b. 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 7.c.). "Reformatory labor" and "reeducation through labor," sometimes of entire families, have traditionally been common punishments for political offenses. Forced and compulsory labor in such activities as logging, mining, tending crops, and manufacturing continued to be the common fate of political prisoners.

According to HRW, one defector reported that he was forced to work 16 hours a day in a mine.

The penal code requires that all citizens of working age must work and "strictly observe labor discipline and working hours." There were numerous reports that farms and factories did not pay wages or provide food to their workers. According to reports from one NGO, during the implementation of short-term economic plans, factories and farms increased workers' hours and asked workers for contributions of grain and money to purchase supplies for renovations and repairs. According to the penal code, failure to meet economic plan goals can result in two years of "labor correction."

Forced labor continued to take place in brick making, cement manufacturing, coal mining, gold mining, iron production, and textile industries. Foreign media and NGOs reported that authorities ordered university students to abandon their studies to work on construction projects related to centennial celebrations of the birth of Kim Il-sung planned for April 2012. They included completing 100,000 housing units and a hotel in Pyongyang.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

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

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. Thousands of children were reportedly held and forced to work in labor camps alongside their parents.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

No reliable data was available on the minimum wage in state-owned industries. After the 2002 economic reforms, compensation underwent significant change, as citizens sought to earn hard currency to support themselves and their families.

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.

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." Workers themselves do not have an enumerated right to remove themselves from hazardous working conditions.

Leave or rest from work were sometimes compromised as mandatory participation in mass events on holidays, which might also require 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. Citizens were required to participate in mourning activities following the death of Kim Jong-Il.

In practice many worksites were hazardous, and the industrial accident rate was high.

Citizens labored under harsh conditions while working abroad for North Korean firms and under arrangements between the government and foreign firms. Contract laborers worked in Africa; Central and Eastern Europe (most notably in Russia); Central, East, and Southeast Asia; and the Middle East. 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 had little 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.

According to the ROK Ministry of Unification (MOU), 144 South Korean firms were operational at the KIC and approximately 50,000 North Korean workers were employed at KIC as of December. The MOU reported that the DPRK's Central Special Zone Development Guidance Bureau provided candidates for selection by

South Korean companies. Under an inter-Korean agreement, North Korean workers at the KIC reportedly earned a monthly basic minimum wage of $60.77 after social welfare deductions (according to the KIC Labor Law, wages are set in U.S. dollars). Employing firms reported, however, that with overtime the average worker earned approximately $88 per month before deductions.

Due to a 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 in cash to the workers, their wages were in fact deposited into accounts controlled by the North Korean government, which withheld a portion for social insurance and other benefits and then remitted the balance (reportedly approximately 70 percent) to the workers in an unknown combination of "commodity supply cards," which could be exchanged for staple goods, and North Korean won, converted at the official exchange rate. Workers at the KIC do not have the right to choose employers. The KIC remained a highly sought-after place of employment.

Endnote: Note on Sourcing

The United States does not have diplomatic relations with the Democratic People's Republic of Korea. North Korea does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions or confirm reported abuses. Some reports that rely on defector testimony can be dated because of the time lapse between departure from North Korea and contact with NGOs or officials able to document human rights conditions.