



U.S. DEPARTMENT of STATE

Korea, Democratic People's Republic of*

Country Reports on Human Rights Practices - [2006](#)

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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, the "highest office of state." The country has an estimated population of 22.7 million. Kim's father, the late Kim Il-sung, remains "eternal president." Elections held in August 2003 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, and arbitrary detention, including of political prisoners. Prison conditions were harsh and life-threatening, and torture reportedly was common. Pregnant female prisoners reportedly underwent forced abortions, and in other cases babies reportedly were killed upon birth in prisons. The judiciary was not independent and did not provide fair trials. Citizens were denied freedom of speech, the 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

Defector and refugee reports indicated that in some instances the regime executed political prisoners, opponents of the regime, repatriated defectors, and others, including military officers suspected of espionage or of plotting against Kim Jong-il. The law prescribes the death penalty for the most "serious" or "grave" cases of "antistate" or "antination" crimes, including: active 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; and suppressing the people's movement for national liberation. In March the government added "cutting electric power lines or communication lines and illegal drug transactions" to the list of antistate crimes punishable by death. In September a Japanese television station broadcast a video allegedly filmed in South Hamkyong Province. The video depicted the trial and public execution of Yoo Bun-hee. 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 escape from political prison camps. During the year a North Korean defector reported that he witnessed two public executions, one in 2000 and one in 2003, of prisoners who had attempted to escape the Yodok prison camp.

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 (see section 2.c.). However, anecdotal evidence from refugees suggested that refugees forcibly repatriated from China were generally being treated less harshly than in past years.

In March the government reportedly sentenced Son Jong-nam to death for espionage. Nongovernmental organizations (NGOs) claimed the sentence was the result of his contacts with Christian groups in China, proselytizing activities, and alleged sharing of information with his brother in the Republic of Korea (ROK or South Korea). Because the DPRK effectively bars outside observers from investigating such reports, it was not possible to verify the DPRK's claims about Son's activities or determine whether he was executed.

As recently as 2004, defectors reported that prison camp authorities mandated forced abortions and, in other cases, authorized infanticide. Prisoners reportedly continued to die from beatings, disease, starvation, or exposure (see section 1.c.).

b. Disappearance

The government was responsible for cases of disappearance. Defectors in recent years claimed that state security 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.

According to Amnesty International (AI), in August Lee Kwang-soo, who defected to the ROK in March, learned that 19 members of his family in the DPRK reportedly had disappeared after his defection.

Japan continued to seek further information about the cases of 11 officially designated Japanese nationals believed to have been abducted by DPRK government entities, despite the DPRK's insistence that the 11 were either dead or were never in North Korea. Japan also hoped to gain answers regarding other cases of suspected abductions of Japanese nationals.

Credible reports indicated that the DPRK has also kidnapped other nationals from locations abroad. However, the government continued to deny its involvement in the kidnappings of non-Japanese citizens.

The ROK government estimated that approximately 485 civilian South Koreans who were abducted or detained by the DPRK since the end of the Korean War remained in the DPRK. A number of South Korean prisoners of war (POWs) and missing in action were also believed to remain in the DPRK.

The whereabouts of defector Kang Gun remained unknown. In 2005 AI reported that Kang may have been kidnapped from China by North Korean agents.

At year's end the whereabouts of South Korean missionary Kim Dong-shik, who disappeared in 2000 near the China-DPRK border, remained unknown.

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 its practice. According to a 2003 report by the US Committee for Human Rights in North Korea, torture was "routine" and "severe." Methods of torture and other abuse reportedly included severe beatings, electric shock, prolonged periods of exposure, 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 one's 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, or a combination of these causes.

During the year a North Korean defector reported that, upon his repatriation from China in 2000, authorities forced him to crouch for long periods of time with a wooden pole placed between his calves and thighs; while crouching, booted guards would stomp on the top of his legs, crushing his toes and hyperextending his knees. He also reported that interrogators forced him to kneel forward onto fire-heated iron plates.

In September 2005 a defector reported that she lost the use of her feet due to severe beatings she received from police for attempting to leave the country.

Over the years there have been unconfirmed reports from a few defectors alleging the testing on human subjects of a variety of chemical and biological agents up through the early 1990s.

According to refugee reports, officials continued to prohibit live births in prison and ordered forced abortions, particularly in detention centers holding women repatriated from China. According to defectors, in some cases of live birth, prison guards killed the infant or left it for dead. In addition guards reportedly sexually abused female prisoners.

In April Cho Chang-ho, a former ROK POW who escaped in 1994, testified that the government held ROK POWs in various types of prison camps and forced them to work in coal mines and other types of forced labor. Cho reported POWs faced daily abuses, beatings, and threats.

Prison and Detention Center Conditions

An estimated 150,000 to 200,000 persons were believed to be held in detention camps in remote areas. NGO, refugee, and press reports indicated that there were several types of detention centers and camps, including forced labor camps; separate camps reportedly existed for political prisoners. Using commercial satellite imagery to bolster their assertions about the existence of the camps and point out their main features, defectors claimed the camps covered areas as large as 200 square miles. The camps appeared to contain mass graves, barracks, work sites, and other prison facilities. The government continued to deny the existence of political prison camps.

Reports indicated that conditions in the camps for political prisoners were harsh, and many prisoners were not expected to survive. During the year a former Yodok prisoner reported prisoners were expected to provide their own clothing, and food rations were barely life-sustaining. He reported that four or five persons per month died from malnutrition of approximately 200 to 250 persons in his "village."

Reeducation through labor was a common punishment and consisted of forced labor such as logging, mining, or tending crops under harsh conditions. Reeducation involving memorizing speeches by Kim Jong-il and forced self-criticism sessions focused on work performance were also a standard practice. According to refugees, in some places of detention, prisoners were given 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 penal code reflects the principle of *nullum crimen sine lege* (no crime without a law), but gaps remained between principles and practice.

Role of the Police and Security Apparatus

The internal security apparatus includes the Ministry of Public Security (MPS) and the State Security Department. Reports of diversion of food aid to the military and regime officials and of official quid-pro-quo bribery were indicative of corruption in the security forces.

Arrest and Detention

Members of security forces arrested and transported citizens to prison camps without trial.

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

Entire families, including children, reportedly have been imprisoned when one member of the family was accused of a crime (see section 1.f.).

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." Furthermore, individual rights are not acknowledged.

Trial Procedures

The Public Security Ministry dispensed with trials in political cases and referred prisoners to the State Security Department 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, stating 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 crimes and common criminals 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

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 picture, mentioning Kim Il-sung's limited formal education, or defacing photographs of the Kims. The number of political prisoners and detainees remained unknown.

Civil Judicial Procedures and Remedies

Article 69 of the Constitution states that "[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 interest or seek compensation for the encroached rights and interest.

In 2001 the UN Human Rights Committee expressed concern that "there is no independent national institution for the promotion and protection of human rights." It stated that article 69 of the constitution and the Law on Complaint and Petition are "no substitute for such an independent monitoring body" and recommended "establishment of a national human rights institution."

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 informers 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. Reportedly there were several separate phone networks: one for international calls, which was available to foreigners; another for foreign embassies; and a third for the domestic needs of citizens. Foreign diplomats in Pyongyang stated that the local network was subdivided further so phone use remained

a privilege. Although a government-controlled cellular phone network existed, cell phone use was banned for the general population since 2004. However, visitors to Pyongyang continued to report an increase in the number of persons with cell phones. NGOs also reported that migrants obtained cell phones in China and used them on a limited basis in border areas of the DPRK on the Chinese network. During the year North Korean defectors reported contacting their relatives in the country via this network. Foreign visitors to the country were required to leave their cell phones at their point of entry for the duration of their stay. Foreigners were allowed to have North Korean mobile phones, although in practice few did.

Allegations continued to circulate that imprisonment and execution had been ordered for individuals who made statements at home that were critical of the regime.

In the late 1950s the regime began dividing society into three classes: "core," "wavering," and "hostile." Security ratings were assigned to individuals; according to some estimates, nearly half of the population was designated as either "wavering" or "hostile." Loyalty ratings determined access to employment, higher education, place of residence, medical facilities, and certain stores. They also affected the severity of punishment in the case of legal infractions. Citizens with relatives who fled to the ROK at the time of the Korean War were classified as part of the "hostile class." Between 20 and 30 percent of the population was considered potentially hostile. Members of this class were subject to discrimination, although defectors reported their treatment had improved in recent years. Economic reforms may have eroded rigid loyalty based class divisions to some extent, although growing economic disparities also resulted from price and wage reforms. In his August 2005 report, the UN special rapporteur on the situation of human rights in North Korea stated that "while this practice may have been abolished in law, it seems to persist and is implied by the testimonies of those who leave the country in search of refuge elsewhere."

Citizens of all age groups and occupations remained subject to intensive political and ideological indoctrination. The cult of personality of Kim Jong-il and his father remained an important ideological underpinning of the regime, at times seeming to resemble tenets of a state religion. The government continued to emphasize a "military first" policy along with *juche* principles (often described as extreme self-reliance). Indoctrination was intended to ensure loyalty to the system and the leadership, as well as conformity to the state's ideology and authority.

Indoctrination was carried out systematically through the mass media, schools, and worker and neighborhood associations. 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 continued to involve mass marches, rallies, and staged performances, sometimes including hundreds of thousands of persons.

Collective punishment reportedly was practiced. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. The March decree on cutting electric power or communication lines and 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. Articles of the constitution that require citizens to follow "socialist norms of life" and to obey a "collective spirit" took precedence over individual political and civil liberties. In February international media reported that 21 North Korean cheerleaders who had participated in the Busan Asian Games in 2002 had been imprisoned in the Daeheung prison camp, reportedly for discussing what they had seen in the ROK upon their return to the DPRK. According to the UN special rapporteur's January report, the government banned discussion of Kim Jong-il's succession at the end of 2005, after media speculation on the topic.

The constitution provides for the right to petition. However, when anonymous petitions or complaints about state administration were submitted, the State Security Department and MPS sought to identify the authors, who could be subjected to investigation and punishment.

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

On occasion, when it served its agenda, the government allowed foreign media to cover certain events. During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports. In all cases journalists were strictly monitored. 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 (see section 1.f.). In March a group of 24 South Korean reporters covering family reunions at Kumgangsan left in protest after officials prevented two broadcasters from transmitting stories and asked one reporter to leave. Reporters without Borders reported that in May North Korean authorities blocked the arrival of 200 ROK journalists to the Kaesong Industrial Complex (KIC) after the ROK press criticized North Korea's decision to halt a railroad project between the two countries.

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 must be altered to operate in a similar manner. During the year the government attempted to jam all foreign radio broadcasts. In October the government condemned the activities of a defector-run broadcasting station and urged ROK authorities to shut down the organization. During the year there was evidence that radios were more accessible than in the past due primarily to corrupt border guards. Some NGOs reported that more defectors said they had listened to foreign broadcasts than in previous years. Numerous NGOs reported that Chinese and South Korean DVDs smuggled from China were available in the northern border area and perhaps in Pyongyang.

Internet Freedom

Some deluxe hotels in Pyongyang offered Internet service in the rooms of foreign visitors when it was ordered in advance. 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 new local connection that was linked with a German server. NGO and press reports claimed that the DPRK established an "intranet" in 2004, available to a slightly larger group of users including an elite grade school, selected research institutions, universities, factories, and a few individuals. The Korean Communication Corporation acts as the gatekeeper, downloading only acceptable information for access through the intranet. Reporters Without Borders reported that some e-mail access existed through this network.

Academic Freedom and Cultural Events

The government has long 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.

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, except that which was 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 remained a virtual civil religion that provided a spiritual underpinning for the regime. Refusal on religious or other grounds to accept the leader as the supreme authority exemplifying the state and society's needs was regarded as opposition to the national interest and continued to result in severe punishment. In his January report, the UN special rapporteur on the situation of human rights in the DPRK observed that "the regime's emphasis is to inculcate religiously upon the people from a young age a belief in and total adherence to the past and current political leadership, coupled with massive ideological mobilization akin to cult worship."

In its 2002 report to the UN Commission on Human Rights, the government reported the existence of 500 "family worship centers," although the existence of such centers has not been independently confirmed. Some unconfirmed reports indicated that such worship centers were tolerated as long as they did not openly proselytize or have contact with foreign missionaries. There continued to be unconfirmed reports of underground Christian churches.

On August 13, the Holy Trinity Russian Orthodox Church opened in Pyongyang. Most of the 300 Buddhist temples in the country were regarded as cultural relics, but in some of them religious activity was permitted. Monks reportedly resided at a few temples that were being restored, although they were expected to serve primarily as guides for South Korean tourists.

Several government sponsored religious organizations served as interlocutors with foreign church groups and international aid organizations. Foreigners who met with representatives of these organizations reported that some were genuinely religious, while others appeared to have little knowledge of religious doctrine or teachings. Some foreigners who visited the country stated that church services contained political content supportive of the regime in addition to religious themes. The 2005 Korea Institute for National Unification's white paper on human rights in North Korea indicated that the regime used authorized religious entities for external propaganda and political purposes and strictly barred local citizens from entering places of worship. Ordinary citizens considered such sites to be primarily "sightseeing spots for foreigners."

There were reports that the government channeled to the KWP funds and goods that had been given to government-approved churches. There were unconfirmed reports that the nonreligious children of religious believers may be employed at midlevels of the government. In the past such individuals suffered broad discrimination with sometimes severe penalties or even imprisonment.

Overseas religious relief organizations have been active in responding to the country's food crisis; however, they have been denied access to many areas of the country and their movement restricted and closely monitored.

According to some defectors, the government increased repression and persecution of unauthorized religious groups in recent years. These defectors reported that persons engaging 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. During the year defectors asserted that North Koreans who received help from foreign churches were considered political criminals and received harsher treatment. This has included imprisonment, prolonged detention without charge, torture, and execution. According to defector reports, the government was concerned that faith-based South Korean relief and refugee assistance efforts along the northeast border of China had both humanitarian and political goals.

Religious and human rights groups outside the country continued to provide numerous unconfirmed reports that members of underground churches have been beaten, arrested, detained in prison camps, tortured, or killed because of their religious beliefs in prior years. Members of underground churches connected to border missionary activity were regarded as subversive elements.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for the "freedom to reside in or travel to any place"; however, the government did not respect these rights in practice. During the year the government continued to attempt to control internal travel. Numerous reports suggested that internal travel rules were relaxed to allow citizens to search for food, conduct local market activities, or engage in enterprise-to-enterprise business activities.

Only members of a very small elite 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. According to NGO reports, in response to a scarlet fever outbreak, the government banned travel to or from infected areas and closed schools.

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.

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. During the year press reports claimed that the DPRK and China had ended their visa waiver program for short-term visitors.

In the past the government engaged in forced internal resettlement to relocate 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 legal emigration, although officials in border areas reportedly often have taken bribes from, or simply let pass, persons crossing the border into China without required permits. During the year official media reported periodic crack-downs on this practice, with a stepped-up military presence along the border.

Substantial numbers of North Koreans have crossed the border into China over the years, and NGO estimates of those that lived there during the year ranged from tens of thousands to hundreds of thousands. Some settled semipermanently in northeastern China, others traveled back and forth across the border, and still others sought asylum and permanent resettlement in third countries. There was evidence that the number of North Koreans crossing into China leveled off during the year, after declining in 2005. A few thousand North Koreans were able to gain 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 (see section 1.a. and 1.c.). Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners. In March China reported it repatriated a North Korean asylum seeker known as Kim Chun-hee, despite requests from the international community to treat her humanely. Kim's whereabouts remained unknown. In October Chinese police arrested and deported to North Korea nine relatives of South Korean POWs; one NGO reported that the nine were likely in prison in the DPRK, but their whereabouts were unknown.

Reports from defectors indicated that the regime was differentiating 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. According to the UN special rapporteur's August 2005 report, there was a new policy to enable persons leaving the country for nonpolitical reasons to return with the promise of a pardon under the penal code. Other NGO reports indicated that North Koreans returning from China were often able to bribe North Korean border guards into letting them freely pass across the border. Several NGOs operating in the region confirmed that punishments seemed to be less severe than in the past. During the year a North Korean who fled the country in 2004 reported that repatriated North Koreans generally were sentenced to six months of hard labor at a labor training camp and then released. He reported that, in certain cases, such as when defectors were accused of denouncing the

DPRK, punishments could be harsher.

The government permitted an increasing number of overseas Koreans to visit relatives in North Korea over the past decade.

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 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 Korean People's Army, 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. The military first policy and "our style socialism" mark the twin pillars of the government's ideology under Kim Jong-il's direction. Military first touts the People's Army as the main ideological force of the revolution, and "our style socialism" emphasizes the supposed superiority of the North Korean method of governance.

Elections and Political Participation

In an effort to give the appearance of democracy, the government has created several "minority parties." Lacking grassroots organizations, they existed only as rosters of officials with token representation in the SPA. Free elections have never existed, and the regime regularly criticized the concept of free elections and competition among political parties as an "artifact" of "capitalist decay."

Elections to the SPA are held every five years. Provincial, city, and county assemblies were held irregularly. Elections were not free and fair. Elections were held in 1990, 1998, and in 2003; the outcomes of all were virtually identical. The government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval rate.

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

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

Reports of diversion of food aid to the military and government officials and of quid pro quo 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.

There are no known freedom of information laws. The government has not taken steps towards transparency that would make it eligible for membership in international financial institutions.

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 decried international statements about human rights abuses in the country as politically motivated and an interference in internal affairs. The government said that criticism of its human rights record was an attempt by some countries to cover-up their own abuses, and said that such hypocrisy undermined human rights principles. In December the UN General Assembly passed a resolution condemning the country's human rights record. In November 2005 in a meeting with the UN high commissioner on human rights, the DPRK's permanent representative to the UN office in Geneva rejected the high commissioner's offer to work with the DPRK on human rights treaty implementation.

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.

North Korea emphasized that it had ratified most UN human rights instruments.

The government has not allowed UN Special Rapporteur on the Situation of Human Rights in the DPRK Vitit Muntarbhorn to visit the country to carry out his mandate. In response to a letter from the special rapporteur, the government wrote in a December 2005 letter that it did not recognize his mandate and therefore did not wish to communicate with him on human rights issues. Muntarbhorn has issued several reports

documenting the country's human rights abuses. The European Parliament also passed a resolution on the issue of North Korean human rights in June.

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 there continued to be pervasive discrimination on the basis of social status.

Women

The UN special rapporteur on the situation of human rights in the DPRK reported that violence against women was a significant problem both in and out of the home. Women in prison camps reportedly were subject to rape and forced abortions (see section 1.c.).

There continued to be reports of trafficking in women and young girls who had crossed into China (see section 5, Trafficking).

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. Working-age women, like men, were required to work. They were thus required to leave preschool-age children in the care of elderly relatives or in state nurseries. According to the law, women with large families are permitted to work shorter hours. During the year approximately two-thirds of the refugees who found safe haven in the ROK were women.

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 (see section 1.f.).

Like others in society, children were the objects of intense political indoctrination; even mathematics textbooks propound party dogma. In addition, foreign visitors and academic sources reported that from an early age, children were subjected to several hours a week of mandatory military training and indoctrination at their schools.

The World Food Program's (WFP) Protracted Relief and Recovery Operation, which went into effect in June, aspired to provide nutritional assistance to 1.9 million persons, primarily children and pregnant or nursing women, through targeted feeding programs in schools, hospitals, and orphanages. A nutrition survey carried out in 2004 by the UN Children's Fund and the WFP, in cooperation with the government, found that in the sample of 4,800 children under six, 23 percent were underweight, 37 percent were stunted (chronic malnutrition, measured by height for age) and 7 percent suffered from "wasting" (acute malnutrition, measured by weight for height). The survey also found that 32 percent of mothers with children under two were malnourished, and 35 percent were anemic.

The UN Committee on the Rights of the Child has repeatedly 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.

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 (see section 5, Trafficking).

School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects or in meeting production goals (see section 6.c.). Children were also used in cultural activities and, according to academic reports, were subjected to harsh conditions during mandatory training sessions.

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 women and girls were sold by their families or by kidnappers as wives or concubines to men in China; others fled of their own volition to escape starvation and deprivation. A network of smugglers reportedly facilitated this trafficking. According to defector reports, many victims of trafficking, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes. According to some defectors, traffickers sometimes abused or physically scarred the victims to prevent them from escaping.

Persons with Disabilities

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. The government passed a law in 2003 on the protection of persons with disabilities, ensuring equal access for persons with disabilities to public services; however, implementing legislation has not been passed. According to a report released in April by the World Association of Milal, approximately 3.4 percent of the population was disabled. According to the report, more than 64 percent of persons with disabilities lived in urban areas. During the year a North Korean who defected in 2005 reported that "there are no people with physical defects in North Korea" because babies born with disabilities were killed in a practice encouraged by the government.

Section 6 Worker Rights

a. The Right of Association

The constitution provides for freedom of association; however, this provision has never been 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.

The country was not a member of the International Labor Organization, but it had observer status.

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. Unions do not have the right to strike.

There was one special enterprise 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.

At year's end 18 South Korean companies were producing goods at the KIC. A North Korean agency provides candidates for selection by the South Korean companies; there are approximately 10,000 workers currently employed at the site. Special regulations covering labor issues were negotiated for the management of the area, and the respective assemblies of both North and South Korea approved the Kaesong Industrial Complex Act. Under this agreement, North Korean workers in the KIC were guaranteed a monthly minimum wage of approximately \$50. Employing firms reported that, with overtime, the average worker earned about \$67 before deductions. Although the special laws governing the KIC require direct payment to the workers, the wages were paid to the 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 coupons, which could be exchanged for staple goods, and North Korean won, converted at the official exchange rate. Due to the lack of transparency, it was difficult to determine how much workers ultimately took home.

c. Prohibition of Forced or Compulsory Labor

The laws prohibit forced or compulsory labor. However, the government sometimes mobilized the population for construction and other voluntary labor projects, including on Sundays, the one day off a week; the 2005 rice planting and harvesting effort, designed by the government to help boost the country's food production, was an example of such projects. Following severe flooding in July, several NGOs observed mobilized work groups, including both soldiers and private citizens, engaged in infrastructure reconstruction projects. 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. A North Korean 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. 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, and the penal code criminalizes forced child labor. Still, school children may be assigned to factories or farms for short periods to help meet production goals and to other work such as snow removal on major roads.

e. Acceptable Conditions of Work

No data were available on the minimum wage in state-owned industries. Since the 2002 economic reforms, wages have become the primary form of compensation, and factory managers have had more latitude to set wages and provide incentives. Workers were expected to use some of their increased income to pay for services that had previously 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.

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 authorities.

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 for two days.

Many worksites were hazardous, and the rate of industrial accidents 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.

North Koreans 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, North Korean contract laborers worked in the Czech Republic, Poland, 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 actually received. Workers were typically watched closely by North Korean government officials while overseas and reportedly did not have freedom of movement outside their living and working quarters. For example, according to the Czech Republic Ministry of Labor, approximately 400 North Korean women worked in garment and leather factories in several locations throughout the Czech Republic. The Czech Labor Ministry investigated their situation and concluded that although the situation was "troubling" in several aspects, the women were working voluntarily. North Koreans sought opportunities to work abroad, and most were vetted by the party for their ideological health and background.

It was reported that wages of some of the several thousand North Koreans reportedly employed in the Russian Far East were withheld until the laborers returned home, making them vulnerable to deception by North Korean authorities, who promised relatively high payments. AI charged that a 1995 bilateral agreement with North Korea allowed the exchange of free labor for debt repayment, although the Russian government claimed that a 1999 intergovernmental agreement gave North Koreans working in Russia the same legal protections as Russian citizens.

***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 fully assess human rights conditions or confirm reported abuses. This report is based on information from interviews, press reports, nongovernmental organizations (NGOs) reports, and refugee testimony obtained over the past decade, and supplemented where possible by information drawn from more recent reports from visitors, both private and official, to the country and NGOs working on the Chinese border. Refugee testimony is often dated because of the time lapse between refugee departures from North Korea and contact with NGOs or officials able to document human rights conditions. The report cites specific sources and time frames wherever possible, and reports are corroborated to the best of our ability. While limited in detail, the information in this report is indicative of the human rights situation in North Korea in recent years.