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Korea, Democratic People's Republic of*

Country Reports on Human Rights Practices - [2005](#)

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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). It has an estimated population of 22.7 million. In 1998, the Supreme People's Assembly reconfirmed Kim as chairman of the National Defense Commission (NDC) and designated that position the "highest office of state." Kim's father, the late Kim Il Sung, was declared "eternal president." The titular head of state is Kim Yong Nam, the president of the Presidium of the Supreme People's Assembly (SPA). Elections for the 687-member assembly, held every five years, were last held in August 2003. Only the KWP and two small satellite parties participated, and the elections were not free. There was no civilian control of the security forces, and members of the security forces have committed numerous serious human rights abuses.

The government's human rights record remained extremely poor, and the regime continued to commit numerous serious abuses. The regime subjected citizens to rigid controls over many aspects of their lives. The following human rights abuses have been documented or alleged over the years:

- abridgement of the right to change the government
- extrajudicial killings, disappearances, and arbitrary detention, including many political prisoners
- harsh and life-threatening prison conditions
- torture
- forced abortions and infanticide in prisons
- lack of an independent judiciary and fair trials
- denial of freedom of speech, press, assembly, and association
- government attempts to control all information
- denial of freedom of religion, freedom of movement, and worker rights
- severe punishment of some repatriated refugees

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 over several years indicated that the regime executed political prisoners, opponents of the regime, some repatriated defectors, and others, including military officers suspected of espionage or of plotting against Kim Jong Il. In April 2004 the government enacted a new penal code by decree of the Supreme People's Assembly Presidium. The new code prescribes the death penalty for the most "serious" or "grave" cases of four "antistate" or "antination" crimes: 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 the past, prisoners were sentenced to death for such ill-defined "crimes" as "ideological divergence," "opposing socialism," and "counterrevolutionary crimes." In March a video allegedly filmed in the country depicting the public execution of three men was released on the Internet. The men were sentenced on charges of trafficking in persons; however, the international media alleged the men were accused of helping a refugee cross the border into China. The same video segment was aired as part of a CNN broadcast in November. In the past, border guards reportedly had orders to shoot to kill potential defectors. Similarly, according to refugees in past years, prison guards were under orders to shoot to kill those attempting escape from political prison camps.

Religious and human rights groups outside the country alleged that North Koreans who had contact with foreigners across the Chinese border had been 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 now than in past years.

As recently as 2004, defectors reported that pregnant female prisoners underwent forced abortions and in other cases babies were killed upon birth in prison camps. 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 individuals suspected of political crimes often were taken from their homes by state security officials and sent directly, without trial, to camps for political prisoners. There are no restrictions on the ability of the government to detain and imprison persons at will and to hold them incommunicado.

Numerous reports indicated that ordinary citizens were not allowed to mix freely with foreign nationals. Amnesty International (AI) reported in past years that a number of citizens who maintained friendships with foreigners have disappeared.

In 2002 the government acknowledged the involvement of DPRK "special institutions" in the kidnappings of 13 Japanese nationals between 1977 and 1983, and stated that those involved had been punished. Five surviving victims were allowed to visit Japan in October 2002 and decided to remain there. Japan continued to seek an accounting for 11 officially designated Japanese abductee cases of citizens said by the DPRK to be dead or never to have entered North Korea. Japan also hoped to gain answers regarding other cases of suspected abductions of Japanese nationals. In December the DPRK and Japan agreed to resume bilateral talks to include the abduction issue.

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

The Republic of Korea (ROK or South Korea) government estimated approximately 485 civilian South Koreans were abducted or detained by the DPRK since the 1950-53 Korean War. A number of South Korean prisoners of war (POWs) and missing in action were also believed to remain in the DPRK. In August DPRK and ROK Red Cross officials met to discuss the issue of ROK abductees and POWs, but the issue remained unresolved.

In March AI reported that North Korean defector Kang Gun may have been kidnapped from China by North Korean agents. The ROK reported it did not have information on this case.

In April alleged North Korean agent Yoo Young-hwa was sentenced by an ROK court to 10 years in prison for his role in the abduction of Kim Dong Shik. Kim, a missionary who worked with North Korean refugees in China, disappeared from his home near the China-DPRK border in 2000. He allegedly was kidnapped by North Korean agents for assisting in the resettlement of DPRK refugees in the ROK. Kim's whereabouts 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 (USCHRNC), torture was "routine" and "severe." Methods of torture 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.

In September a refugee reported that she lost the use of her feet due to severe beatings she received by North Korean police for attempting to leave the country.

In 2003 Kim Yong, a former police lieutenant colonel, told USCHRNC that as an inmate in a political prison camp in the 1990s, he had been forced to kneel for long periods with a steel bar placed between his knees and calves, suspended by his handcuffed wrists, and submerged in waist-deep cold water for extended periods.

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 reports from refugees who fled the DPRK in the last five years, North Korean officials continued to prohibit live births in prison, and forced abortions were performed, particularly in detention centers holding women repatriated from China. According to defectors, in at least some cases of live birth, the child was killed or left for dead by prison guards. In addition guards reportedly sexually abused female prisoners.

Prison and Detention Center Conditions

An estimated 150 thousand to 200 thousand persons were believed to be held in detention camps in remote areas, including for political reasons. NGO, refugee, and press reports indicated that there were several types of camps, and 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 contained mass graves, barracks, work sites, and other prison facilities. The government continued to deny the existence of political prison camps. In recent years the government reportedly reduced the total number of prison camps from as many as 20 to fewer than 10, but the prison population appeared to have been consolidated rather than reduced.

Reports indicated that conditions in the camps for political prisoners were extremely harsh and many prisoners were not expected to survive. In the camps, prisoners received little food and no medical care.

Reeducation through labor was a common punishment, consisting 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. In the past, visitors to the country observed prisoners being marched in leg irons, metal collars, or shackles. According to refugees, in some places of detention prisoners were given little or no food and were denied medical care. Sanitation was poor, and refugees who escaped from labor camps continued to report that they were rarely able to bathe or wash their clothing, nor were they given changes of clothing during months of incarceration.

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

d. Arbitrary Arrest or Detention

In 2004 the penal code was revised to reflect the principle of *nullum crimen sine lege* (no crime without a law), a shift from the past position, which conferred powers on the authorities to criminalize acts not covered by the criminal code by means of "analogous interpretation" of the law. According to UN reports, the government also published a compendium of laws for general distribution, but gaps remained between principles and practice.

Role of the Police and Security Apparatus

The omnipresent internal security apparatus includes the Ministry of Public Security (MPS) and the State Security Department. Members of security forces committed numerous serious human rights abuses including arresting and transporting political prisoners to prison camps without trial and participating in torture and other cruel and unusual punishment of prisoners in prison camps. 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

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.).

Amnesty

On August 15, the regime announced amnesties of an unknown number of persons in honor of the 60th anniversary of Korean liberation. Criminals were occasionally amnestied on Kim Il Sung's (April 15) or Kim Jong Il's (February 16) birthdays.

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 has been 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 some 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

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.

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. The possession of "antistate" material and listening to foreign broadcasts are 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 very restricted circumstances. Reportedly there were several separate phone networks: one was for international calls, which was available to foreigners; another allowed embassies to communicate with DPRK ministries and organizations; and a third served the domestic needs of citizens. Foreign diplomats in Pyongyang stated that the local network was further subdivided so phone use remained a privilege. Although a government-controlled cellular phone network exists, cell phone use was banned for the general population in the aftermath of the April 2004 train explosion at Ryongchon. During the year the network officially remained closed, although visitors to Pyongyang reported observing an increased number of persons with cell phones. NGOs also reported that migrants were able to obtain cell phones across the border in China and used them on a limited basis in border areas of the DPRK on the Chinese network. Foreigners were allowed to have North Korean mobile phones, although in practice few do.

Reports from previous years indicated that persons had been placed under surveillance through their radio sets. 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. Indirect evidence in recent years--for example, favorable portrayals of persons with bad class backgrounds who were hard workers--suggested that the regime wished to moderate its stance. Economic reforms may also have eroded rigid loyalty-based class divisions to some extent, although growing economic disparities have also resulted from price and wage reforms. In his August 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 important ideological underpinnings of the regime, at times seeming to resemble tenets of a state religion. Faced with famine and the succession process in the mid-1990s, Kim Jong Il's regime increasingly emphasized a "military first" policy to gradually replace *juche* (often described as extreme self-reliance) as the de facto ruling logic. However, *juche* still remained an important ideological concept. 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. He also repeated past calls for the intensification of mandatory ideological study and discussion sessions for adult workers. Indoctrination continued to involve mass marches, rallies, and staged performances, sometimes including hundreds of thousands of persons.

Collective punishment reportedly was practiced in the past. Entire families, including children, have been imprisoned when one member of the family was accused of a crime. In November 2003 an investigator for a human rights NGO said that punishment could involve imprisonment of three generations for life at hard labor. Refugees have also documented this practice in prior years.

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" again took precedence over individual political and civil liberties.

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

The government sought to control virtually all information. The government carefully managed visits by foreigners, especially foreign journalists. In April 2004 the government denied journalists access to the scene of a train explosion at Ryongchon station that killed hundreds of persons, although foreign diplomats were granted access. On occasion, when it served its agenda, the government allowed foreign media to cover certain events, including the 60th anniversary celebration of the KWP founding and the annual Arirang festival. During visits by foreign leaders, groups of foreign journalists were permitted to accompany official delegations and to file reports. During the year numerous reports indicated that the DPRK granted more visas for known journalists, particularly at times that coincided with high-profile events. In August CNN founder Ted Turner visited the DPRK and met with Kim Yong Dae, vice president of the Presidium of the SPA. CNN reporter Mike Chinoy accompanied Mr. Turner and interviewed Vice Foreign Minister Kim Gye Gwan. 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 had to be held at the airport for the duration of a visitor's stay.

Domestic media censorship continued to be enforced strictly, and no deviation from the official government line was tolerated. In 2004 Reporters Without Borders (RWB) reported that a state radio journalist was punished for mistakenly referring to a deputy minister as minister. He reportedly was sent to a "revolutionization" camp for several months. The regime 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. RWB reported that in 2004 authorities designated radio sets as "new enemies of the regime," after human rights activists announced their intention to send transistor radios by balloon into the country. During the year there was evidence that radios were more accessible than in the past, due primarily to corrupt border guards. Some NGOs have reported that more defectors said they had listened to foreign broadcasts than in previous years.

Some deluxe hotels in Pyongyang offered Internet service in the rooms of foreign visitors when it was ordered in advance, but for citizens Internet access was provided only 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. Reporting from foreign diplomats indicated that North Koreans employed by foreign organizations and missions in Pyongyang have considerable access to the Internet. 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. RWB reported that some e-mail access existed through this network.

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, including organized religious activity, 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." There was no change in the poor level of respect for religious freedom during the year, and 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.

According to a South Korean press report, in 2002 the chairman of the Association of North Korean Catholics stated that the Catholic community in the North had no priests but held weekly prayer services at the Changchung Catholic church in Pyongyang. In its 2002 report to the UN Committee 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 continue to be unconfirmed reports of underground Christian churches.

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 schools for religious education existed in the country, including three-year religious colleges for training Protestant and Buddhist clergy. A religious studies program also was taught at Kim Il Sung University. In 2000 a Protestant seminary was reopened with assistance from foreign missionary groups. In 2003, construction reportedly was completed on the Pyongyang Theological Academy, a graduate institution for pastors and evangelists.

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, but noted others appeared to have little knowledge of religious doctrine or teachings. During the year the Korea Institute for National Unification's (KINU) white paper on human rights in North Korea indicated that the regime utilized authorized religious entities for external propaganda and political purposes and that local citizens were strictly barred from entering their places of worship. Ordinary citizens considered such sites to be primarily "sightseeing spots for foreigners."

Many religious figures have visited the country in recent years, including papal representatives and religious delegations from foreign countries. In June Venerable Beop Jang, the chair of the national council on religious leaders in the ROK, traveled to Pyongyang to mark the fifth anniversary of the Inter-Korean summit.

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. Some foreigners who visited the country stated that church services contained political content supportive of the regime in addition to religious themes.

Members of government-controlled religious groups did not appear to suffer discrimination. Some reports claimed, and circumstantial evidence suggested, that many have been mobilized by the regime. 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.

According to some defectors, the regime has 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 operating across the border in China, and specifically, persons repatriated and found to have contacted Christian missionaries outside the country have been arrested and subjected to harsh punishment. During the year ROK media reports, including testimony from a North Korean who defected in 2003, asserted that North Koreans who received help from churches inside China 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, including overthrow of the regime.

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. Members of underground churches connected to border missionary activity were regarded as subversive elements.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the [2005 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 regime continued to attempt to control internal travel. Numerous reports, including the UN special rapporteur's August report, 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 severely restricted. For a period of a few weeks early in 2004, the government also restricted the use of bicycles to major roads in Pyongyang. The bicycle ban, while explained as a security measure following a streetcar accident, was seen as an attempt to further control movement.

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 only issued exit visas for foreign travel to officials and trusted businessmen, artists, athletes, academics, and religious figures. Short-term exit papers were available for some individuals seeking to engage in small-scale trade and residents on the Chinese border to enable visits with relatives in bordering regions of China.

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. Since most of these persons were sent out in the past, there was no indication that this practice continued on a large scale.

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 with China without required permits. During the year, periodic crack-downs on this practice, with a stepped-up military presence along the border, were reported in official media.

Substantial numbers of North Koreans crossed the border into China over the years, and tens of thousands were estimated to live there during the year. Some settled semipermanently in Northeastern China, others traveled back and forth across the border, and still others seek asylum and permanent resettlement in third countries. Approximately 1,300 North Koreans were permanently resettled in the ROK after transiting through other Asian countries during the year. There was evidence that the number of North Koreans crossing into China declined during the year.

China considered North Koreans to be illegal economic migrants, denied the office of the UN High Commissioner for Refugees (UNHCR) access to this population, and detained and deported an estimated few hundred North Koreans to the DPRK each month. In April China reportedly repatriated 30 North Koreans following a visit by North Korean Vice Foreign Minister Kang Sok Ju. In October China repatriated seven North Koreans who had sought refuge at a Korean international school.

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 subjected to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily have been imprisoned under harsh conditions (see section 1.a.). Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners. In October the ROK press reported that seven North Korean refugees who tried to cross the border from China into Russia in 2000 and were subsequently deported to the DPRK were imprisoned in a camp, where several died.

Regulations under the 2004 penal code may be aimed at differentiating between defectors and the migrants who illegally leave the country to seek economic opportunities in China. Sentences of up to two years of "labor correction" for the lesser crime of illegally crossing the border are stipulated. Reports from defectors indicated that as recently as 2003 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, and persons who crossed repeatedly or for political purposes, who were sometimes sentenced to heavy punishments. According to the UN special rapporteur's August report, there was a new policy to enable persons leaving the country for nonpolitical reasons to return to the DPRK with the promise of a pardon under the 2004 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.

AI reported that in September 2004 Chang Gyung Chul and Chang Gyung Soo were sentenced to 10 years' imprisonment for their unauthorized exit from the country. Their cousin Chang Mi Hwa reportedly was sentenced to 5 years' imprisonment and was thought to be under house arrest.

Since the June 2000 inter-Korean summit, there have also been several family reunions in the North and the South involving hundreds of persons.

The government has 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 leadership or government peacefully. The KWP and the KPA, with Kim Jong Il in control, dominated the political system. Little reliable information was available on intraregime politics. The legislature, the Supreme People's Assembly (SPA), meets only a few days per year to rubber-stamp resolutions presented to it by the party leadership.

The regime justified its dictatorship with unabashed nationalism and demanded a near diety-like reverence for both Kim Jong Il and the late 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 North Korean method of governance.

Elections and Political Parties

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 August 2003; the outcomes of all were virtually identical.

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 regime officials and of official *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 did hint that it was combating internal corruption.

The government earned hard currency through illicit activities including narcotics trafficking, counterfeiting of currency and goods such as cigarettes, and smuggling.

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 maintained that most international human rights norms, particularly individual rights, were illegitimate, alien, and subversive to the goals of the state and party. In 2001 a North Korean delegate reporting to the UN Human Rights Committee dismissed reports of human rights violations in the country as the propaganda of "egoistic" and "hostile forces" seeking to undermine the sovereignty of the country.

The government has ignored requests for visits from human rights NGOs; none were known to have taken place since a 1996 AI visit. The NGO community and numerous international experts continued to testify to the grave human rights situation in the country during the year.

A number of countries that have established relations with the DPRK in recent years have sought to raise the matter of human rights abuses. North Korea emphasized that it had ratified most UN human rights instruments. In April for the third consecutive year, the UNCHR adopted a resolution on the situation of human rights in the country. The resolution expressed "deep concern about reports of systemic, widespread and grave violations of human rights...and note(d) with regret that the authorities...have not created the necessary conditions to permit the international community to verify these reports...." In November, for the first time, the UN General Assembly passed a similar resolution condemning the DPRK's human rights record. 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 August Muntarbhorn issued a report that formed the basis of the UN General Assembly debate on the issue. In 2004 the United Kingdom sent a delegation to Pyongyang for formal discussions on human rights; two members of the UN Committee on the Rights of the Child also visited the country in 2004.

Although not involved in monitoring human rights, the World Food Program (WFP) visited 160 of the country's 203 counties during the year to monitor food distribution and survey nutritional needs. While the number of WFP monitoring visits increased substantially since the WFP first established its presence in the country, the average number of visits per month declined over the last 2 years, from 513 per month in 2003 to 440 per month in 2004 and 388 per month through November of 2005. The government usually approved proposed visits, but it continued occasionally to cancel or amend visits during the year. The government has never permitted monitoring visits to certain areas of the country it has deemed "sensitive," nor has it ever permitted monitoring visits to be made on a random or short-notice basis, limiting the effectiveness of the technique in verifying that aid reached intended recipients on a sustained basis. Another monitoring shortcoming is that the government has not provided the WFP with a full list of the institutions (schools, orphanages, hospitals, etc.) that receive food. The WFP has not been allowed to bring in native Korean speakers for its staff; however, WFP staff has been permitted to study the Korean language.

In August the government asked the UN to end all humanitarian aid programs by the end of the year. It also asked all resident international staff of NGOs providing humanitarian assistance to leave the country by the end of the year. The regime stated that beginning in 2006 it would accept only "development" aid, to be administered by DPRK nationals. Expatriate staff would be allowed to visit only two to three times a year. The rationale given was that humanitarian assistance was no longer necessary, given the improved food situation in the country. The move to terminate humanitarian aid has raised numerous concerns, including doubts that the food emergency has truly ended and that, without WFP monitoring, donated food will get to the most vulnerable populations. At year's end the WFP ended its large-scale food distribution program but retained a skeleton staff in Pyongyang and was in discussions with the regime about a follow-on development assistance program.

The ROK provided a substantial amount of bilateral aid to the DPRK, including a donation of 500 thousand tons of rice and other food and 350 thousand tons of fertilizer. This aid was donated outside of the WFP, and its distribution was not systematically monitored, but for the third year ROK monitoring teams were allowed briefly to observe the distribution of bilateral aid at previously agreed-upon distribution points. The ROK reported conducting 20 monitoring visits in connection with its food aid programs during the year.

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 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. In addition there were indications that the number of women in the workforce declined since economic reforms were instituted. There was no evidence that this decline was the result of a government policy; rather, it was probably the consequence of widespread state factory closures. The DPRK is a party to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and in July sent a delegation to attend the annual

session of states parties.

There was no information available on domestic and general societal violence against women; women in prison camps reportedly were subject to rape and forced abortions (see section 1.c.).

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

The WFP reported feeding 2.8 million children during the year. A nutrition survey carried out in 2004 by UNICEF 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). This represented a modest improvement compared with 2002, when 21 percent were underweight, 42 percent were stunted, and 9 percent were wasted. The latest survey also found that 32 percent of mothers with children under two were malnourished and 35 percent were anemic, unchanged from the 2002 survey.

In practice children did not enjoy any more civil liberties than adults. 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, and to facilitate their full integration into society. In July in New York, the committee heard the DPRK's report under the Convention on the Rights of the Child.

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).

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.

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.

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-Songbon area. The same labor laws that applied in the rest of the country applied in the Rajin-Songbon SEZ, and workers in the SEZ were carefully screened and selected. The Kaesong Industrial Complex (KIC) began operating in December 2004, 8 miles north of the Demilitarized Zone with 15 South Korean companies selected for the pilot phase. While the workers for the KIC were also screened and selected, special regulations were negotiated between the two Koreas in 2002 and 2003 for the management of the area. The respective assemblies of both North and South Korea approved the Kaesong Industrial Complex Act. Under this agreement, North Korean workers in the KIC are guaranteed a monthly minimum wage.

c. Prohibition of Forced or Compulsory Labor

In its 2000 and 2001 reports to the UN Human Rights Committee, the government claimed that its 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 year's rice planting and harvesting effort, designed by the government to help boost the country's food production, was an example of such projects. 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 2004 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 like snow removal on major roads.

e. Acceptable Conditions of Work

No data was 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. At the KIC, South Korean companies deposit North Korean workers' salary of \$57.50 per month into a central account in North Korea, of which \$50 went directly to the worker and \$7.50 went to the government as a social insurance fee. Unconfirmed reports indicate that the salary actually received by workers may be significantly lower.

Class background and family connections may 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. Unlike the previous penal code, the 2004 code does not address persistent tardiness.

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 often only get to spend a whole day with their families if the holiday lasts 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 also suffered serious 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. For example, according to the Czech Republic Ministry of Labor, approximately 300 North Korean women worked in extremely harsh conditions in garment and leather factories in several locations throughout the Czech Republic. The women were kept in tightly controlled environments, and their earnings were deposited into an account controlled by the North Korean embassy. 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.

***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 to the country and NGOs working on Chinese border. Refugee testimony is often

dated because of the time lapse between refugee departures from North Korea and contact with NGOs 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.

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