

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR  
**2009 Country Reports on Human Rights Practices**  
March 11, 2010

The Democratic People's Republic of Korea (DPRK or North Korea) is a dictatorship under the absolute rule of Kim Jong-il, general secretary of the Korean Workers' Party (KWP) and chairman of the National Defense Commission (NDC), the "highest office of state." The country has an estimated population of 23.5 million. Kim's father, the late Kim Il-sung, remains "eternal president." National elections held in March 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 deplorable, and the government continued to commit numerous serious abuses. Citizens did not have the right to change their government. The government subjected citizens to rigid controls over many aspects of their lives. There continued to be reports of extrajudicial killings, disappearances, arbitrary detention, arrests of political prisoners, harsh and life threatening prison conditions, and torture. There were reports that pregnant female prisoners underwent forced abortions in some cases, and in other cases babies were killed upon birth in prisons. The judiciary was not independent and did not provide fair trials. Citizens were denied freedom of speech, press, assembly, and association, and the government attempted to control all information. The government restricted freedom of religion, citizens' movement, and worker rights. There continued to be reports of severe punishment of some repatriated refugees. There were widespread reports of trafficking in women and girls among refugees and workers crossing the border into China.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary and Unlawful Deprivation of Life

There were numerous reports that the government committed arbitrary and unlawful killings. Defector and refugee reports indicated that in some instances the government executed political prisoners, opponents of the regime, repatriated defectors, and others accused of crimes with no judicial process. The law prescribes the death penalty for the most "serious" or "grave" cases of "antistate" or "antination" crimes, including: participation in a coup or plotting to overthrow the state; acts of terrorism for an antistate purpose; treason, which includes defection or handing over state secrets; suppressing the people's movement for national liberation; cutting electric power lines or communication lines; and illegal drug transactions. An 2007 addendum to the penal code extended executions to include less serious crimes such as theft or destruction of military facilities or national assets, fraud, kidnapping, smuggling, and trafficking, Republic of Korea (ROK or South Korea) NGOs and think tanks reported.

In the past border guards reportedly had orders to shoot to kill potential defectors, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps, but it was not possible to determine if this practice continued during the year. During the year the security forces announced that attempting to cross the border or aiding others in such an attempt was punishable by execution. 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.

Press and South Korean NGOs reported that public executions were on the rise, but no statistics were available to document the reported trend.

In February two officials from the Ministry of Electric Industry were reportedly executed for "shutting down the electricity supply" to the Sunjin Steel Mill in Kimchaek, North Hamkyung Province (see section 4).

In June the navy allegedly killed three persons fleeing to South Korea on a small boat (see section 2.d.).

Also in June an NGO reported four inmates and a guard at Yodok prison camp were killed following a gas explosion. The incident reportedly occurred while five workers were unloading drums of gasoline. Two of the prisoners reportedly died in the explosion, and guards shot and killed two others. The guard on night duty who survived the accident reportedly was sentenced to death.

An NGO reported that in June four soldiers beat and killed a security guard after he refused to give them the potatoes he was guarding. Security agents reportedly arrested the soldiers. There was no additional information available regarding the soldiers' status at year's end.

It was unknown whether the government prosecuted or otherwise disciplined members of the security forces for killings that occurred in 2008, including the July 2008 shooting by security forces that killed a visiting South Korean tourist who strayed outside the boundary of the Mt. Kumgang Tourism Park.

During the year the brother of Son Jong-nam reported he believed that in December 2008 officials executed Son Jong-nam, who was sentenced to death in 2006 for maintaining contacts with organizations outside the country.

#### b. Disappearance

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

There were no new developments in the 2008 reported disappearance of 22 North Koreans who were repatriated after floating into South Korean waters.

Japan continued to seek further information about the cases of 12 Japanese nationals whom the Japanese government designated as having been abducted by DPRK government entities. The DPRK did not announce any progress or results of an investigation it agreed to reopen after discussions with the Japanese government in 2008. Japan also hoped to gain answers regarding other cases of suspected abductions of Japanese nationals.

ROK government and media reports indicated that the DPRK government also kidnapped other nationals from locations abroad in the 1970s and 1980s. However, the DPRK government continued to deny its involvement in the kidnappings. The ROK government estimated that approximately 480 of its civilians, abducted or detained by DPRK authorities since the end of the Korean War, remained in the DPRK. The ROK government estimated 560 South Korean prisoners of war and soldiers missing in action also remained alive in North Korea.

In 2008 the media reported South Korean missionary Kim Dong-shik had most likely died within a year of his 2000 disappearance near the China-DPRK border.

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

The penal code prohibits torture or inhuman treatment; however, many sources continued to report these practices. Methods of torture and other abuse reportedly included severe beatings, electric shock, prolonged periods of exposure to the elements, humiliations such as public nakedness, confinement for up to several weeks in small "punishment cells" in which prisoners were unable to stand upright or lie down, being forced to kneel or sit immobilized for long periods, being hung by the wrists or forced to stand up and sit down to the point of collapse, and forcing mothers recently repatriated from China to watch the infanticide of their newborn infants. Defectors continued to report that many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

A 2008 *Washington Post* article on Shin Dong-hyuk, a defector born and confined in a political prison camp in Kaecheon in South Pyongan Province for 22 years, stated that beatings and torture were common within the camp. Shin reported that he was tortured with hot coals while being hung from the ceiling after members of his family tried to escape from the camp.

The North Korean Human Rights Database Center's *2009 White Paper on North Korean Human Rights* indicated that officials have in some cases prohibited live births in prison and ordered forced abortions, particularly in detention centers holding women repatriated from China, according to first-hand refugee testimony. In some cases of live birth, the white paper reported that prison guards killed the infant or left it for dead. Guards also sexually abused female prisoners according to the white paper.

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

#### Prison and Detention Center Conditions

NGO, refugee, and press reports indicated that there were several types of prisons, detention centers, and camps, including forced labor camps and separate camps for political prisoners. Defectors claimed the camps covered areas as large as 200 square miles and contained mass graves, barracks, worksites, and other prison facilities. The *Washington Post* reported in July that numerous prison camps can be seen in satellite images and that the camps have been consolidated from 14 locations to five. An NGO reported six major prison camp complexes across the country.

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

Reports indicated that conditions in the political prison camps were harsh and that systematic and severe human rights abuses occurred throughout the prison and detention system. Detainees and prisoners consistently reported violence and torture. According to refugees, in some places of detention, prisoners received little or no food and were denied medical care. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing. An NGO reported that one reeducation center was so crowded that prisoners were forced to sleep on top of each other or sitting up. The same NGO reported that guards at a labor camp stole food brought for inmates by their family members.

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

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The internal security apparatus includes the Ministry of Public Security (MPS) and the State Security Department (SSD). Corruption in the security forces was endemic. The security forces do not have adequate mechanisms to investigate possible security force abuses.

The country has an estimated 1.1 million active duty military personnel, in addition to a **reserve force** of approximately three million. The military conscripts citizens into military service at age 17, and they serve for four to 10 years.

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

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

In 2008 one South Korean NGO reported that the role of the police increased significantly. The increased responsibility reportedly caused tension between the police and the military.

#### Arrest Procedures and Treatment While in Detention

Members of the security forces arrested and reportedly transported citizens suspected of committing political crimes to prison camps without trial. According to one South Korean NGO, beginning in 2008 the People's Safety Agency was authorized to handle directly criminal cases without approval of prosecutors. Previously, once police officers arrested suspects, the preadjudication department examined facts and evidence of the case and passed the case to prosecutors. It was not until the completion of prosecutors' investigation that the court made an official decision on the case. The change was made reportedly because of corruption among prosecutors.

There were no restrictions on the government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other concerned persons found it virtually impossible to obtain information on

charges against detained persons or the lengths of their sentences. Judicial review of detentions did not exist in law or in practice.

In January the Sooseong Reeducation Center reportedly doubled the sentences of inmates near the end of their three- and four-year terms.

In March a ROK national was apprehended at the Kaesong Industrial Complex and detained for four months without being allowed to speak with ROK government officials.

#### e. Denial of Fair Public Trial

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

#### Trial Procedures

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

The constitution contains elaborate procedural protections, providing that cases should be heard in public, except under circumstances stipulated by law. The constitution also states that the accused has the right to a defense, and when trials were held, the government reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed that the government offered trials and lawyers only to the latter. There was no indication that independent, nongovernmental defense lawyers existed. According to a *Washington Post* report, most inmates at prison camps were sent there without a trial and without knowing the charges against them.

A paper published during the year reported that only 13 of 102 defectors who had been imprisoned said they received a trial.

#### Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, a 2003 report by the U.S. Committee for Human Rights in North Korea, *The Hidden Gulag*, reported an estimated 150,000 to 200,000 persons were believed to be held in a type of political prison camps known as kwan li so. The government considered critics of the regime to be political criminals. Reports from past years described political offenses as including sitting on newspapers bearing Kim Il-sung's or Kim Jong-il's picture, mentioning Kim Il-sung's limited formal education, or defacing photographs of the Kims.

#### Civil Judicial Procedures and Remedies

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

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

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

In October a South Korean NGO reported that after soldiers in South Pyongan Province found pamphlets with antigovernment messages, counterintelligence and security agents conducted an investigation of organizations and homes with computers in the region to determine the source.

The government monitored correspondence and telephone conversations. Private telephone lines operated on a system that precluded making or receiving international calls; international phone lines were available only under restricted circumstances. Foreign diplomats in Pyongyang stated that the local network was subdivided so telephone use remained a privilege.

During the year a broader range of citizens gained access to an internal mobile phone network with an estimated 120,000 users. The system was segregated from systems used by foreigners and could not be used for international calls. In the border regions with China, an unauthorized mobile phone network was reported to exist for use in making international calls. Those caught using cell phones illegally were arrested and required to pay a fine or face charges of espionage.

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

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

In September an international NGO reported that a 76-year-old former security officer was executed for a crime during the Korean War. His two sons, three daughters, and five grandsons were sent to a political detention center.

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

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

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

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

Domestic media censorship continued to be strictly enforced, and no deviation from the official government line was tolerated. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subject to severe punishment. Radios and television sets, unless altered, received only domestic programming; radios obtained from abroad had to be altered to operate in a similar manner. Elites and facilities for foreigners, such as hotels, could be granted permission to receive international television broadcasts via satellite. The government continued to attempt to jam all foreign radio broadcasts. The government condemned the activities of a defector-run broadcasting station in South Korea.

### Internet Freedom

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

Borders named the country an "Internet Enemy" due to its strict Internet restrictions.

#### Academic Freedom and Cultural Events

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

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

The government continued its attempt to limit foreign influences on its citizens. According to an NGO, the government warned children that imitating foreign songs and dances would result in detention in a discipline center. Listening to foreign radio and watching foreign films is illegal; however, numerous NGOs reported that Chinese and South Korean DVDs, VCDs, CDs, and videotapes continued to be smuggled into the country. The government intensified its focus on preventing the smuggling of imports of South Korean popular culture, especially television dramas. According to media and NGO reports, in an attempt to enforce the restriction on foreign films, police routinely cut electricity to apartment blocks and then raided every apartment to see what types of DVDs and videos were stuck in the players.

There were numerous examples of the government's crackdown on foreign DVDs. One South Korean NGO reported in March that four university students in Sinuiju were publicly criticized and expelled from school for watching foreign movies. The same NGO reported in April that two persons who sold South Korean dramas were put on public trial and sent to a reeducation center. The NGO reported a crackdown on illegal videos and CDs in South Pyongsung Province in September. Residents caught with any suspicious items were arrested, interrogated, and either sent to a reeducation center or a city discipline center.

One NGO reported that inspectors confiscated televisions, VCRs, and unregistered computers, holding them until a bribe was paid. Tetris was the only foreign computer game allowed in North Korea. However, according to an NGO, children of high-ranking officials could obtain and play foreign films and games on their computers.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for freedom of assembly; however, the government did not respect this provision in practice and continued to prohibit public meetings not previously authorized.

##### Freedom of Association

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

The personality cult of Kim Il-sung and Kim Jong-il continued to resemble a state religion that provided a spiritual underpinning for the regime. Refusal to accept the leader as the supreme authority was regarded as opposition to the national interest and continued to result in severe punishment.

The Korea Institute for National Unification's *2009 White Paper on Human Rights in North Korea* concluded that the regime used authorized religious entities for external propaganda and political purposes and strictly barred local citizens from entering places of worship. For example, funds and goods that were donated to government-approved churches

were channeled to the KWP by the government.

According to defector reports, the government reportedly was concerned that faith-based South Korean relief and refugee assistance efforts along the border with China had both humanitarian and political goals, including overthrow of the regime, and alleged that these groups were involved in intelligence gathering. In 2007 *Asia News* reported that the army published and distributed a pamphlet to soldiers warning them about the dangers of Christianity and urging vigilance against its spread within the armed forces.

There continued to be reports of underground Christian churches. The government repressed and persecuted unauthorized religious groups. Defectors reported that persons engaged in religious proselytizing, persons with ties to overseas religious groups, and repatriated persons who contacted foreigners while outside the country were arrested and subjected to harsh punishment. Defectors asserted that citizens who received help from foreign churches were considered political criminals and received harsher treatment, including imprisonment, prolonged detention without charge, torture, and execution. Former North Korean security agents who defected to South Korea reported intensified police activity aimed at halting religious activity at the border.

According to the Associated Press, authorities publicly executed a woman on June 16 for distributing the Bible and sent her husband and three children to a prison camp.

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

#### Societal Abuses and Discrimination

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

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

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

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

The government continued to restrict the freedom to move within the country. Only members of a very small elite class and those with access to remittances from overseas had access to personal vehicles, and movement was hampered by the absence of an effective transport network and by military and police checkpoints on main roads at the entry to and exit from every town. Use of personal vehicles at night and on Sundays was restricted. An NGO reported that in the provinces along the Chinese border, persons traveling without authorization papers were arrested and fined 100,000 won (approximately \$700). (Note: the government revalued its currency on November 30. Approximations in this report are based on the prevalued rates.)

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

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

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

The government did not allow emigration, and beginning in 2008 it tightened security on both sides of the border, which

dramatically reduced the flow of persons crossing into China without required permits. NGOs reported strict patrols and surveillance of residents of border areas and a crackdown on border guards who may have been aiding border crossers. According to an NGO, on February 10, a navy patrol boat captured a fishing boat that crossed into international waters; they arrested the captain and crew for attempting to flee to South Korea. Authorities reportedly beat one crewmember to death during a preliminary hearing. Six crewmembers were released, but five, including the captain, remained in custody.

**Substantial numbers of citizens have crossed the border into China over the years, and NGO estimates of those who lived there during the year ranged from tens of thousands to hundreds of thousands.** Some settled

semipermanently in northeastern China, others traveled back and forth across the border, and others sought asylum and permanent resettlement in third countries. A few thousand citizens gained asylum in third countries during the year.

The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of "labor correction." An NGO reported that minors over age 14 found crossing the border were tried as adults. In "serious" cases defectors or asylum seekers are subject to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees who were returned involuntarily were imprisoned under harsh conditions. Some sources indicated that the harshest treatment was reserved for those who had extensive contact with foreigners.

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

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

#### Protection of Refugees

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

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

Citizens do not have the right to change their government peacefully. The KWP and the Korean People's Army (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 and legislation presented by the party leadership.

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

#### Elections and Political Participation

Elections of delegates to the SPA were held in March. The elections were neither free nor fair, and the outcome was virtually identical to prior elections. The government openly monitored voting, resulting in nearly 100 percent participation and 100 percent approval.

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

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

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

#### Section 4 Official Corruption and Government Transparency

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

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

An international NGO reported numerous examples of bribery at all levels of government. For example, applicants paid bribes of up to 500,000 won (approximately \$3,500) to secure a spot at a professional medical school. Health examiners accepted bribes to evaluate healthy persons as sick so they would be taken off worker attendance sheets.

A South Korean NGO reported that bribes were necessary to obtain a divorce. According to the report, 200,000 won (approximately \$1,400) was reported to secure a divorce trial within two months; it takes six months to one year to get a divorce with a smaller bribe.

A South Korean NGO reported that party leaders took advantage of their positions, using them to make money, and that party leaders were exempt from labor mobilization campaigns.

The same NGO also reported several attempts by the government to suppress corruption. It reported that public housing officials in at least five cities were dismissed from their jobs and sent to work camps for living in new or luxurious homes paid for with government funds. It reported that in February authorities publicly executed two senior electricity officials in Pyongsung for overcharging for electricity and diverting electricity from the military to businesses who were bribing them. A public conference was held in Sinuiju to showcase misconduct and bribery engaged in by prosecutors. These examples were illustrative, not exhaustive, and the approximate number of cases of corruption was unknown.

Foreign media reported that the government launched a formal corruption investigation in 2008 specifically targeting the National Economic Cooperation Federation and the North Korean People's Council for National Reconciliation. The federation reportedly accepted bribes to label Chinese-made goods as "Made in North Korea," allowing them to be exported to South Korea duty free. There were no new developments during the year.

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

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

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

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

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

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

##### Women

The government appeared to criminalize rape, but no information was available on details of the law and how effectively

the law was enforced. Women in prison camps reportedly were subject to rape and forced abortions.

Violence against women has been reported as a significant problem both inside and outside the home.

According to press reports, prostitution is illegal; there was no available information on the prevalence of prostitution in the country. During the year South Korean NGOs reported that prostitution was on the rise. In August an NGO reported that authorities uncovered a prostitution ring in Hyeson, Yangang Province, which included teenage prostitutes. There continued to be reports of trafficking in women and young girls who had crossed into China.

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

It was difficult to obtain accurate information regarding reproductive rights in the country. According to the country's initial report to the Convention on the Elimination of All Forms of Discrimination Against Women submitted in 2002, "family planning is mapped out by individual families in view of their actual circumstances and in compliance with laws, regulations, morality, and customs...Women have the decision of the spacing of children in view of their own wish, health condition, and the like. But usually the spacing of children is determined by the discussion between the wife and the husband."

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

#### Children

Citizenship is derived from one's parents (*jus sanguinis*) and in some cases birth within the country's territory (*jus soli*).

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

Foreign visitors and academic sources reported that from fifth grade children were subjected to several hours a week of mandatory military training and that all children had indoctrination in school.

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

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

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.

Article 153 of the criminal law states that a man who has sexual intercourse with a girl under the age of 15 shall be "punished gravely."

On April 21, a South Korean NGO reported that authorities sentenced middle school students at Osanduk Middle School in Hoeryeong, North Hamgyong Province, to work on collective farms for life because the students refused to sign KPA enrollment petitions.

According to NGO reports, there was a large population of street children, many of them orphans, who were denied entrance to public schools. An NGO provided several reports of homeless children being rounded up from detention centers and welfare institutions and sent to work on collective farms or at construction sites. However, one report indicated that 63 of 80 children sent to work at Mount Baekdu escaped to resume their lives on the street.

#### Trafficking in Persons

Article 7 of the 1946 Law on Equality of the Sexes forbids trafficking in women and states that licensed or unlicensed prostitution shall be forbidden and offenders shall be punished. It was unclear whether this law was used to prosecute traffickers. The laws reportedly used to prosecute traffickers sought to limit crossborder migration and often harmed trafficking victims. The government claimed crackdowns on "trafficking networks" were a result of its desire to control all

activity within its borders, particularly illegal emigration, rather than to combat trafficking in persons. Trafficking in persons and trafficking of women and young girls into and within China continued to be widely reported. According to some estimates, more than 80 percent of North Koreans living outside the country were victims of human trafficking. The government reportedly continued to use forced labor as part of an established system of political repression.

Some North Korean women and girls who voluntarily crossed into China were picked up by trafficking rings and sold as brides to Chinese nationals or placed in forced labor. In other cases, North Korean women and girls were lured out of the country by the promise of food, jobs, and freedom, only to be forced into prostitution, marriage, or exploitive labor arrangements. A network of smugglers facilitated this trafficking. Many victims of trafficking, unable to speak Chinese, were held as virtual prisoners, and some were forced to work as prostitutes. Traffickers sometimes abused or physically scarred the victims to prevent them from escaping. Officials facilitated trafficking by accepting bribes to allow individuals to cross the border into China.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

A 2003 law mandates equal access for persons with disabilities to public services; however, implementing legislation has not been passed. Traditional social norms condone discrimination against persons with physical disabilities. Although veterans with disabilities were treated well, other persons with physical and mental disabilities have been reportedly sent out of Pyongyang into internal exile, quarantined within camps, and forcibly sterilized. According to a report released in 2006 by the World Association of Milal, an international disability NGO, persons with disabilities constituted approximately 3.4 percent of the population, more than 64 percent of whom lived in urban areas. The North Korean Federation for the Protection of the Disabled has endorsed this number. A foreign NGO reported that the North Korean Federation for the Protection of the Disabled allowed them to operate in North Korea. The NGO was allowed to provide support and training at an orthopedic hospital, a school for hearing-impaired children, a coal mine hospital, and a home for elderly persons with disabilities. It was not known whether the government restricted the right of persons with disabilities to vote or participate in civic affairs.

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

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

#### Other Societal Violence or Discrimination

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

#### Section 7 Worker Rights

##### a. The Right of Association

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

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

##### b. The Right to Organize and Bargain Collectively

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

There was one special economic zone (SEZ) in the Rajin-Sonbong area. The same labor laws that apply in the rest of

the country apply in the Rajin-Sonbong SEZ, and workers in the SEZ were selected by the government.

Under a special law that created the Kaesong Industrial Complex (KIC), located close to the demilitarized zone between South Korea and North Korea, special regulations covering labor issues negotiated with South Korea were in effect for the management of labor in the area. Those regulations did not contain provisions that guarantee freedom of association or the right to bargain collectively.

According to South Korea's Ministry of Unification, a total of 117 South Korean firms were operational at the KIC as of December, and approximately 41,900 North Korean workers were employed at KIC as of November. South Korea's Ministry of Unification reported that the DPRK's Central Special Zone Development Guidance Bureau provided candidates for selection by South Korean companies. Under an inter-Korean agreement, North Korean workers at the KIC reportedly earned a monthly basic minimum wage of \$57.88 after social welfare deductions (according to the KIC Labor Law, wages are set in U.S. dollars). Employing firms reported, however, that with overtime the average worker earned approximately \$85 per month before deductions. Due to a lack of transparency, it was difficult to determine what proportion of their earned wages workers ultimately took home. Although the special laws governing the KIC require direct payment to the workers, the wages were in fact paid to the North Korean government, which withheld a portion for social insurance and other benefits and then remitted the balance (reportedly about 70 percent) to the workers in an unknown combination of "commodity supply cards," which could be exchanged for staple goods, and North Korean won, converted at the official exchange rate.

Workers at the KIC do not have the right to choose employers. In December 2008 the government restricted border crossings and South Koreans' access to the KIC, protesting what it called the "hostile policies" of the South Korean government. On May 15, North Korea threatened to end operations at Kaesong and cancel all KIC-related inter-Korean agreements. In June North Korea demanded that wages for its workers at Kaesong be increased to \$300 per month, with annual increases of 10 to 12 percent. These demands were addressed by the South Korean government with an increase of 5 percent and an agreement to construct a children's nursery. On September 1, North Korea restarted regular border crossings. As of September 11, North Korea abandoned its demands for significant wage increases in 2009.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. However, the government mobilized the population for construction and other labor projects, including on Sundays, the one day off a week. The penal code criminalizes forced child labor; however, there were reports that such practices occurred (see section 7.d.). The government also frequently gathered large groups together for mass demonstrations and performances. "Reformatory labor" and "reeducation through labor," including of children, 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." There were numerous reports that farms and factories did not pay wages or provide food to their workers. According to reports from one NGO, during the implementation of short-term economic plans, factories and farms increased workers' hours and asked workers for contributions of grain and money to purchase supplies for renovations and repairs. According to the penal code, failure to meet economic plan goals can result in two years of "labor correction."

From April to September, numerous reports indicated that the government initiated a "150-day battle" labor-mobilization campaign to boost the economy by increasing work hours and production goals. The 150-day battle campaign exhorted workers to work harder to resolve food shortages and to rebuild infrastructure. The labor drive was part of the country's larger goal of building a "great, prosperous, and powerful" nation by 2012, the birth centennial of Kim Il Sung. Immediately after the 150-day battle the country engaged in a second labor-mobilization campaign, the "100-Day battle," to further increase output.

A South Korean NGO reported that a decision made by the city party in Hoeryung, North Hamgyong Province, to punish absent workers prompted factories to send every worker who was illegally absent for 15 to 20 days during the 150-day battle campaign to the municipal reeducation center. The same NGO reported that youth and housewives in North Hamgyong Province were forced to participate in the 150-day battle without compensation.

#### d. Prohibition of Child Labor and Minimum Age for Employment

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

School children sometimes were sent to work in factories or in the fields for short periods to assist in completing special projects, such as snow removal on major roads, or in meeting production goals. Children were forced also to participate in cultural activities and, according to academic reports, were subjected to harsh conditions during mandatory training sessions. According to a South Korean press report, the government required high school and college students to participate in unpaid "voluntary work," particularly rice-planting efforts, during their vacation periods. According to a South Korean NGO, in April students were forced to graduate early and join the military. An international NGO reported that students at a middle school in Soonchan, South Pyongan Province, were forced to work as night security guards in the unheated building after new electronic devices were stolen from the school.

e. Acceptable Conditions of Work

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

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

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

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

Citizens suffered human rights abuses and labored under harsh conditions while working abroad for North Korean firms and under arrangements between the government and foreign firms. Contract laborers worked in Africa; Central and Eastern Europe (most notably in Russia); Central, East, and Southeast Asia; and the Middle East. In most cases employing firms paid salaries to the North Korean government, and it was not known how much of that salary the workers received. Workers were typically watched closely by government officials while overseas and reportedly did not have freedom of movement outside their living and working quarters.

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

