

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Democratic People's Republic of Korea (DPRK or North Korea) is an authoritarian state led by the Kim family since 1949. Shortly after Kim Jong Il's death in 2011, his son Kim Jong Un was named marshal of the country and supreme commander of the Korean People's Army. His titles also include chairman of the Central Military Commission of the Worker's Party of Korea, chairman of the State Affairs Commission, and supreme representative of the Korean People. Kim Jong Un's grandfather, the late Kim Il Sung, remains "eternal president." The most recent national elections, held in March 2019, were neither free nor fair.

The internal security apparatus includes the Ministries of Social Security and State Security and the Military Security Command. A systematic and intentional overlap of powers and responsibilities existed between these organizations to prevent any potential subordinate consolidation of power and assure that each unit provides a check and balance on the other. Authorities maintained effective control over the security forces. Members of the security forces committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings by the government; forced disappearances by the government; torture and cruel, inhuman, and degrading treatment and punishment by government authorities; harsh and life-threatening prison conditions, including in political prison camps; arbitrary arrests and detentions; political prisoners and detainees; politically motivated reprisals against individuals located outside the country; no judicial independence; arbitrary or unlawful interference with privacy; serious restrictions on free expression, the press, and the internet, including violence, threats of violence, or unjustified arrests and prosecutions against journalists, censorship, and site blocking; substantial interference with freedom of peaceful assembly and freedom of association; severe restrictions of religious freedom; serious restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; severe restrictions on political participation; widespread corruption; lack of investigation of and accountability for violence against women; coerced abortion and forced sterilization; trafficking in persons; the outlawing of independent trade unions; the worst forms of child labor; the use of domestic

forced labor through mass mobilizations and as a part of the re-education system; and the imposition of forced labor conditions on overseas contract workers.

The government took no credible steps to prosecute officials who committed human rights abuses. Furthermore, the special rapporteur on the situation of human rights in the country reported that COVID-19 preventive measures limited international presence in the country and reduced escapee arrivals. As of year's end, the government had not accounted for the circumstances that led to the death of Otto Warmbier, who had been held in unjust and unwarranted detention by authorities, and who died soon after his release in 2017. Impunity continued to be a widespread problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government or its agents committed arbitrary and unlawful killings. The government had no functioning investigative mechanism.

Defector reports noted instances in which the government executed political prisoners, opponents of the government, forcibly returned asylum seekers, government officials, and others accused of crimes. The law prescribes the death penalty upon conviction for the most "serious" cases of "antistate" or "antination" crimes. These terms are broadly interpreted to include: 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; providing information regarding economic, social, and political developments routinely published elsewhere; and "treacherous destruction." Additionally, the law allows for capital punishment in less serious crimes such as theft, destruction of military facilities and national assets, distribution of narcotics, counterfeiting, fraud, kidnapping, distribution of pornography, and trafficking in persons. Defectors and media also reported that the government carried out infanticide or required mothers to commit infanticide if they were political prisoners, persons with disabilities, raped by government officials or prison guards, or forcibly repatriated from the People's Republic of China.

Nongovernmental organizations (NGOs) and press reports indicated that those attempting to leave the country without permission could be killed on the spot or

publicly executed, and guards at political prison camps were under orders to shoot to kill those attempting to escape.

The state also subjected private citizens to public executions. A 2016 survey found that 64 percent of defectors had witnessed public executions. Defectors reported going to public executions on school field trips. The 2019 edition of the *White Paper on Human Rights in North Korea*, a report based on interviews with recent escapees and published annually by the Korea Institute for National Unification (KINU), a South Korean government-affiliated think tank, reported that testimonies recounted continued public and secret executions. Escapees declared the purpose of the executions was to punish offenses including drug dealing, watching and disseminating South Korean videos, and violent crimes such as murder and rape. One defector said he witnessed the public execution of a man who shared South Korean movies in Hyesan, Ryanggang Province, in 2014. Two others said they saw the execution of another Hyesan man on the same charges and the killing of an estimated 20 South Hwanghae Province residents for drug dealing and distributing South Korean videos in 2017. Testimonies also stated executions were carried out for possession of Bibles, circulating antiregime propaganda material, and superstitious activities. KINU noted, however, that public executions might have become less frequent in recent years.

In March 2019 the Malaysian prosecutor dropped charges against one woman accused of assassinating Kim Jong Nam, Kim Jong Un's half-brother, at the Kuala Lumpur International Airport in 2017. Later that month a second woman charged in the case accepted a plea deal and received early release in Malaysia. Four government agents, including Ri Ji U and Hong Song Hac, returned to the country from Malaysia immediately following the attack without standing trial.

As of year's end, the government still had not accounted for the circumstances that led to the death of Otto Warmbier, who had been held in unjust and unwarranted detention by authorities, and who died soon after his release in 2017.

Killings by security forces did not appear to vary depending on race or ethnicity.

b. Disappearance

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

South Korean media reported the government dispatched Ministry of State Security agents to cities in China near the country's border to kidnap and forcibly return refugees. According to international press reports, the government may have also kidnapped defectors traveling in China after relocating to South Korea. In some cases the government reportedly forced these defectors' family members to encourage the defectors to travel to China in order to capture them. According to the Committee for Human Rights Committee in North Korea (HRNK), as political prison camps in border areas near China closed, thousands of inmates reportedly disappeared in the process of their transfer to inland facilities, amounting to enforced disappearance.

During the year there was no progress in the investigation into the whereabouts of 12 Japanese citizens believed to have been abducted by the government in the 1970s and 1980s.

South Korean government and media reports noted the government also kidnapped other foreign nationals from locations abroad in the 1970s and 1980s. The government continued to deny its involvement in the kidnappings. The UN special rapporteur on the situation of human rights in the country reported South Korea officially recognized 516 South Korean civilians abducted by regime authorities since the end of the Korean War with thousands more unaccounted for. South Korean NGOs estimated that 20,000 civilians abducted by the government during the Korean War remained in the country or had died.

Authorities took no steps to ensure accountability for disappearances.

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

The penal code prohibits torture or inhuman treatment, but many sources reported these practices continued. Numerous defector accounts and NGO reports described the use of torture by authorities in several detention facilities. 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; water torture; and being forced to stand up and sit down to the point of collapse, including "pumps," or being forced to repeatedly squat and stand up with their hands behind their back.

Defectors continued to report many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes. Detainees in re-education through labor camps reported the state forced them to perform difficult physical labor under harsh conditions (see section 7.b.).

A report released on July 28 from the Office of the UN High Commissioner for Human Rights (OHCHR) catalogued numerous allegations of beatings, torture, and sexual violations against women who were forcibly repatriated after seeking to flee the country to find work, usually in neighboring China. KINU's white paper for 2019 reported that children repatriated from China underwent torture, verbal abuse, and violence including beatings, hard labor, and hunger.

Impunity for acts of torture and cruel, inhuman, or degrading treatment or punishment by members of the security forces was endemic.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. NGO, defector, and press reports noted the government operated several types of prisons, detention centers, and camps, including forced labor camps and camps for political prisoners. NGO reports documented six types of detention facilities: *kwanliso* (political penal-labor camps), *kyohwaso* (correctional or re-education centers), *kyoyangso* (labor-reform centers), *jipkyulso* (collection centers for low-level criminals), *rodong danryeondae* (labor-training centers), and *kuryujang* or *kamok* (interrogation facilities or jails). According to KINU's white paper for 2019, the Ministry of State Security administered *kwanliso* camps, and either it or the Ministry of Social Security administered the other detention centers.

According to a March report by the HRNK, the government operated six *kwanliso*-Camps 14, 15, 16, 18, and 25, as well as Choma-bong Restricted Area. According to KINU's most recent estimate in 2013, there were between 80,000 and 120,000 prisoners in the *kwanliso*. Defectors claimed the *kwanliso* camps contained unmarked graves, barracks, worksites, and other prison facilities. KINU identified the five *kwanliso* facilities as Gaecheon (Camp 14), Yodok (Camp 15), Hwaseong/Myeonggan (Camp 16), Gaecheon (Camp 18), and Cheongjin (Camp 25). In addition the HRNK reported that the Choma-bong Restricted Area, constructed between 2013 and 2014, had not been confirmed by eyewitness reports, but it appeared to be operational and bore all the characteristics of a *kwanliso*.

Kwanliso camps consist of total-control zones, where incarceration is for life, and may include “revolutionary” or re-education zones from which prisoners may be released. Those whom the state considered hostile to the government or who committed political crimes reportedly received indefinite sentencing terms in political prison camps. In many cases the state also detained all family members if one member was accused or arrested. According to KINU’s white paper for 2019, children were allowed to leave the camp after rising numbers of defectors made it difficult to send entire defector families to political prison camps. The government continued to deny the existence of political prison camps.

Reports indicated the state typically sent those sentenced to prison for nonpolitical crimes to re-education prisons, where authorities subjected prisoners to intense forced labor.

Defectors noted they did not expect many prisoners in political prison camps and the detention system to survive. Detainees and prisoners consistently reported violence and torture. Defectors described witnessing public executions in political prison camps. According to defectors, prisoners received little to no food or medical care in some places of detention. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing. The South Korean and international press reported that the kyohwaso re-education through labor camps held populations of up to thousands of political prisoners, economic criminals, and ordinary criminals. A March HRNK report entitled *North Korea’s Long-Term Prison Labor Facility Kyohwaso Number 1, Kaechon* postulated that the government may have operated more than 20 kyohwaso. That report, which relied on extensive analysis of satellite imagery, estimated the population of Kyohwaso Number 1, located near Kaechon in South Pyongan Province, at 2,000 to 6,000 prisoners.

A September report by the HRNK entitled *North Korea’s Long-Term Prison Labor Facility Kyohwaso Number 12, Jongori* stated the kyohwaso held both political and nonpolitical prisoners. According to the HRNK, based on extensive analysis of satellite imagery, Kyohwaso Number 12, located near Hoeryong City in North Hamgyong Province, held approximately 5,000 individuals, the majority of whom were accused of illegal border crossings into China. The HRNK described frequent deaths within Kyohwaso Number 12 from injury, illness, and physical and mental abuse by prison officials, and included first-hand accounts of crematorium operations designed to dispose of prisoners’ bodies surreptitiously.

In both kyohwaso and kwanliso prison camps, conditions were extremely brutal, according to the HRNK's 2017 report *The Parallel Gulag: North Korea's "An-Jeon-Bu" Prison Camps*. The report cited defector accounts of imprisonment and forced labor and the provision of below-subsistence-level food rations "for essentially political crimes."

Physical Conditions: Physical abuse by prison guards was systematic. Anecdotal reports from the South Korea-based NGO Database Center for North Korean Human Rights (NKDB) 2019 *White Paper on Human Rights* stated that in some prisons authorities held women in separate units from men and often subjected the women to sexual abuse. Reports from previous years attributed rape to the impunity and unchecked power of prison guards and other officials. OHCHR reporting noted that, contrary to international human rights standards that require women prisoners to be guarded exclusively by female prison staff to prevent sexual violence, female escapees reported they were overseen almost exclusively by male officers. In the same report, victims alleged widespread sexual abuse at holding centers (*jipkyulso*) and pretrial detention and interrogation centers (*kuryujang*) by secret police (*bowiseong*) or police interrogators, as well as during transfer between facilities.

An October report by Human Rights Watch (HRW) entitled *Worth Less Than An Animal: Abuses and Due Process Violations in Pretrial Detention in North Korea* stated the pretrial detention system was opaque, arbitrary, violent, and lacked any semblance of due process. Individuals in pretrial detention reportedly endured brutal conditions and to be routinely subjected to systematic torture, sexual violence, dangerous and unhygienic conditions, and forced labor.

Nutrition, hygiene, and the medical situation inside prison camps were dire, according to KINU's 2019 white paper. There were no statistics for deaths in custody, but defectors reported deaths were commonplace as the result of summary executions, torture, lack of adequate medical care, and starvation. The 2014 UN Commission of Inquiry (UNCOI) report cited an "extremely high rate of deaths in custody," due to starvation and neglect, arduous forced labor, disease, and executions.

Political prisoners faced significantly harsher conditions than the general prison population. KINU's 2019 white paper noted political prisoners were often forced into hard labor, which one defector of Camp 18 said led to 10 deaths a year at the camp from overwork. Defectors reported that in Camp 14, prisoners worked 12

hours a day during the summer and 10 hours a day during the winter, with one day off a month. The camps observed New Year's Day and the birthdays of Kim II Sung and Kim Jong Il. Children ages 12 or older worked, and guards gave light duty to prisoners older than age 65. According to the 2016 HRNK report *Gulag, Inc.*, three political prison camps and four re-education camps contained mines where prisoners worked long hours with frequent deadly accidents. One prisoner reported suffering an open foot fracture and being forced to return to the mine the same day. Prisoners were forced to work even when they were sick. Prisoners who failed to meet work quotas reportedly faced reduced meals and violence. Those caught stealing faced arbitrary and serious violence.

By law the state dismisses criminal cases against a person younger than age 14. The state applies public education in case of a crime committed by a person older than 14 and younger than 17, but little information was available regarding how the law was applied. Authorities often detained juveniles along with their families and reportedly subjected them to torture and abuse in detention facilities.

Administration: There was little evidence to suggest prisoners and detainees had reasonable access to visitors. Refugees reported authorities subjected Christian inmates to harsher punishment than others. According to the NKDB, there was a report in 2016 of disappearances of persons whom prison authorities found were practicing religion within detention facilities. No information was available regarding whether authorities conducted proper investigations of credible allegations of abuse. There was no publicly available information on whether the government investigated or monitored prison and detention conditions. The 2019 HRNK Imagery Analysis of Pokchong-ni Lab noted officials, especially those within the military and the internal security organizations, continued to camouflage and conceal activity at prison camps.

Independent Monitoring: The government did not allow the UN special rapporteur into the country to assess prison conditions. The government did not permit other human rights monitors to inspect prisons and detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but according to defectors, media, and NGO reports, the government did not observe these prohibitions.

Arrest Procedures and Treatment of Detainees

The law limits detention during prosecution and trial, requires arrest by warrant, and prohibits forced confessions. The application of these provisions was not verified.

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, the Ministry of Social Security handles criminal cases directly without the approval of prosecutors, reportedly to bypass prosecutorial corruption. An NGO reported that, by law, investigators could detain an individual for investigation for up to two months. The HRNK reported Ministry of State Security or Ministry of Social Security units nonetheless interrogated suspects for months on end. No functioning bail system or other alternatives for release pending trial exists.

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. According to defector reports, families were not notified of arrest, detention, or sentencing. Judicial review or appeals of detentions did not exist in law or practice. According to an opinion adopted in 2015 by the UN Working Group on Arbitrary Detention, family members have no recourse to petition for the release of detainees accused of political crimes, as the state may deem any such advocacy for political prisoners an act of treason against the state and could result in the detention of family members. No information on detainees' access to a lawyer was available.

Arbitrary Arrest: Arbitrary arrests reportedly occurred. According to the 2019 report of the UN secretary-general on the situation of human rights in the country, arbitrary arrests appeared to be carried out in a widespread and systematic manner. According to KINU's 2019 white paper, arbitrary arrest commonly occurred for political crimes, attempting to enter South Korea, and engaging in religious activities, as well as for watching or distributing foreign media.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: According to defectors there was no mechanism for persons to challenge the lawfulness of detention before a court.

e. Denial of Fair Public Trial

The constitution states courts are independent and must carry out judicial proceedings in strict accordance with the law; however, an independent judiciary did not exist. According to KINU's white paper for 2019, there were many reports of bribery and corruption in the investigations or preliminary examination process and in detention facilities, as well as by judges and prosecutors in the trial stage. In October, HRW reported treatment of individuals in pretrial detention often depended on access to connections and money.

Trial Procedures

Little information was available on formal criminal justice procedures and practices, and outside access to the legal system was limited to trials for traffic violations and other minor offenses.

The constitution contains elaborate procedural protections, providing that cases should be public, except under circumstances stipulated by law. The constitution also states the accused has the right to a defense, and when the government held trials, they reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed the government offered trials and lawyers only to the latter. The Ministry of State Security conducted "pretrials" or preliminary examinations in all political cases, but the court system conducted the trial. Some defectors testified that the ministry also conducted trials. KINU's white paper for 2019 cited defector testimony that imprisonment in political prison camps is decided exclusively by the ministry, regardless of trial. There was no indication that independent, nongovernmental defense lawyers existed. There were no indications authorities respected the presumption of innocence. According to the 2014 UNCOI report, "the vast majority of inmates are victims of arbitrary detention, since they are imprisoned without trial or on the basis of a trial that fails to respect the due process and fair trial guarantees set out in international law."

Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, KINU's white paper for 2019 reported the state detained between 80,000 and 120,000 in the kwanliso political penal-labor camps. Incarceration in a kwanliso is in most cases for life and in many cases includes three generations of the prisoner's family. NGOs and media reported political prisoners were subject to harsher punishments and fewer protections than other prisoners and detainees. The government considered critics of the regime to be political criminals. Reports from

past years described political offenses as including attempting to defect to South Korea or contacting family members who had defected to South Korea, 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. The 2014 UNCOI report noted that many "ordinary" prisoners were, in fact, political prisoners, "detained without a substantive reason compatible with international law."

Politically Motivated Reprisal Against Individuals Located Outside the Country

There were credible reports that for political purposes the regime attempted to exert bilateral pressure on another country to repatriate refugees. According to the UN secretary-general, several UN member states, as well as OHCHR and the special rapporteur on the situation of human rights in the country, expressed concern that forcibly returned defectors, including children, faced a significant risk of human rights violations, including torture. Additionally, the government attempted to target, harass, and threaten defectors and other perceived enemies resident outside of the country.

Civil Judicial Procedures and Remedies

According to the constitution, "citizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." By law citizens are entitled to submit complaints to stop encroachment upon their rights and interests or seek compensation for the encroached rights and interests. Reports noted government officials did not respect these rights. For example, when individuals submitted anonymous petitions or complaints regarding state administration, the Ministry of Social Security and the Ministry of State Security sought to identify the authors and subject them to investigation and punishment.

Individuals and organizations do not have the ability to appeal adverse domestic decisions to regional human rights bodies.

f. Arbitrary or Unlawful 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. The regime subjected its citizens to rigid controls. According to a December 2019 HRNK report entitled *Digital Trenches: North Korea's Information Counter-Offensive*, the regime relied upon a massive, multilevel system of informants called *inminban*, which may be loosely translated as “neighborhood watch unit,” to identify critics or political criminals. Authorities sometimes subjected entire communities to security checks, entering homes without judicial authorization.

The government appeared to monitor correspondence, telephone conversations, emails, text messages, and other digital communications. Private telephone lines operated on a system that precluded making or receiving international calls; international telephone lines were available only under restricted circumstances.

The Ministry of State Security strictly monitored mobile telephone use and access to electronic media in real time. Government authorities frequently jammed cellular telephone signals along the Chinese border to block use of the Chinese network to make international telephone calls. Authorities arrested those caught using cell phones with Chinese SIM cards and required violators to pay a fine, bribe, or face charges of espionage or other crimes with harsh punishments, including lengthy prison terms. An HRNK October report entitled *Eroding the Regime's Information Monopoly: Cell Phones in North Korea* stated the number of both illegal Chinese-made cell phones and legally registered cell phones had risen sharply in recent years. Mobile networks were said to reach approximately 94 percent of the population, although only 18 percent of the population owned a cell phone. The Ministry of State Security and other organs of the state actively and pervasively surveilled citizens, maintained arresting power, and conducted special purpose nonmilitary investigations.

The government divided citizens into strict loyalty-based classes known as *songbun*, which determined access to employment, higher education, place of residence, medical facilities, certain stores, marriage prospects, and food rations.

NGOs reported the eviction of families from their places of residence without due process.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, but the government prohibited the exercise of these rights.

Freedom of Speech: There were numerous instances of persons interrogated or arrested for saying something construed as negative towards the government. In June 2019 Australian citizen Alek Sigley was detained and deported after the government cited “antistate incitement” in articles Sigley published in international publications. In its September 2019 report entitled *North Korea's Organization and Guidance Department: The Control Tower of Human Rights Denial*, the HRNK asserted that all citizens are required to participate in monitored political meetings and regular self-criticism sessions to demonstrate their loyalty to the Kim family, and that failure to participate enthusiastically may be punished, including through forced labor, internal exile, detention, or denial of food and medical attention. KINU's 2019 white paper reported that expression of political opinion differing from that of North Korean authorities, negative reference to the Kim family, and positive reference to South Korea constituted “misspeaking” and often resulted in extrajudicial detention in a *kwanliso* political prisoner camp.

Freedom of Press and Media, Including Online Media: The government sought to control virtually all information; independent media do not exist. Domestic journalists had no freedom to investigate stories or report freely. The government tightly controlled print media, broadcast media, book publishing, and online media through the Propaganda and Agitation Department of the Workers' Party of Korea (WPK). Within the department, the Publication and Broadcasting Department controls all media content, including content used on television, in newspapers, and on the radio. The law allows for up to one-year sentences to a labor camp for individuals who access or disseminate unapproved broadcasts or content and up to five years for multiple offenses.

The government carefully managed visits by foreigners, especially journalists, and at times expelled or denied foreign journalists' entry to the country. During visits by foreign leaders, authorities permitted groups of foreign journalists to accompany official delegations and file reports. In all cases the state strictly monitored journalists. Government officials generally prevented journalists from talking to officials or to persons on the street.

Censorship or Content Restrictions: Strict enforcement of domestic media censorship continued, with no toleration for deviation from official messages. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subjected to severe punishment. Radios and television

sets, unless altered, received only domestic programming; radios obtained from abroad were altered for the same end. Elite citizens and facilities for foreigners, such as hotels, had access to international television broadcasts via satellite. The government continued attempts to jam all foreign radio broadcasts, but the HRNK's *Digital Trenches: North Korea's Information Counter-Offensive* noted a proliferation of foreign broadcasting transmitters had in recent years begun to overwhelm the jamming effort. Officials imprisoned and punished citizens for listening to foreign radio or watching foreign television broadcasts and, in some cases, for simply owning radio or television sets able to receive nongovernment broadcasts.

National Security: Defector and NGO reports included accounts of individuals detained and punished, including by execution, for antistate crimes such as criticism of the government and Kim Jong Un.

Internet Freedom

Internet access was limited to high-ranking officials and other designated elites, including selected university students. In December 2019 the HRNK reported that the government maintained complete visibility of all network traffic. The Korea Computer Center, which acts as the government's gatekeeper to the internet, granted access only to information it deemed acceptable, and employees constantly monitored users' screens.

A tightly controlled and regulated intranet was reportedly available to a growing group of users centered in Pyongyang, including an elite primary school; selected research institutions, universities, and factories; and a few individuals. The NGO Reporters without Borders reported some email access existed through this internal network. Government employees sometimes had limited, closely monitored access to email accounts. The 3G cell phone network was described by the HRNK in an October report as antiquated and limiting users' access to an internal intranet. The HRNK separately reported that the government installed monitoring programs on every smartphone and tablet that, among other things, log every webpage visited and randomly take undeletable screenshots.

The government continued its attempt to limit foreign influence on its citizens. Individuals accused of viewing or possessing foreign films were reportedly subjected to imprisonment and possibly execution. According to KINU's white paper for 2019, defectors reported varying penalties for consuming South Korean media ranging from three to 10 years in a correctional labor prison, as well as

proclamations stating that those caught would be sentenced to death. According to KINU's white paper for 2019, the number of persons executed for watching or distributing South Korean video content increased in recent years, with additional reports of correctional labor punishment. In December 2019 the HRNK reported the government's introduction of a file watermarking system on Android smartphones and on personal computers that adds a user- or device-specific data string to the end of the filename of any media file each time it is shared.

Based on defector interviews conducted in 2015, InterMedia estimated as many as 29 percent of defectors listened to foreign radio broadcasts while inside the country and that approximately 92 percent of defectors interviewed had seen foreign DVDs while in the country. The HRNK reported that younger individuals preferred foreign digital video content to foreign radio broadcasts.

The government maintained efforts to prevent the import of South Korean popular culture, especially television dramas. According to media and NGO reports, police could search homes to enforce restrictions on foreign films. According to the HRNK, the government added a software-based censorship program known as the "signature system" to all domestic mobile telephones. This system makes it impossible to view foreign media on mobile phones. Mobile phones were randomly inspected physically for illegal media, and a history of all activity on the device was available for export upon inspection through monitoring software called TraceViewer. In October 2019 *NW News* reported that Kim Jong Un created a special police unit to restrict and control the flow of outside information into the country.

Academic Freedom and Cultural Events

The government restricted academic freedom and controlled artistic works. School curricula were highly controlled by the state. The government severely restricted academic travel. The primary function of plays, movies, operas, children's performances, and books was to buttress the cult of personality surrounding the Kim family and support of the regime.

The state carried out systematic indoctrination through the mass media, schools, and worker and neighborhood associations. Such indoctrination involved mass marches, rallies, and staged performances, sometimes including hundreds of thousands of persons.

b. Freedoms of Peaceful Assembly and Association

The government severely restricted freedoms of peaceful assembly and of association.

Freedom of Peaceful Assembly

While the constitution provides for freedom of peaceful assembly, the government did not respect this provision and continued to prohibit public meetings not previously authorized and not under government control.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for the “freedom to reside in or travel to any place”; however, the government did not respect this right.

In-country Movement: The government restricted freedom of movement for those lawfully within the state. Those who violated travel regulations were subject to warnings, fines, or forced labor. Only members of a very small elite class and those with access to remittances from overseas reportedly had access to personal vehicles. Security checkpoints on main roads at entry and exit points from every town hampered movement. KINU's white paper for 2019 reported that individuals were able to move more freely within their own province as the use of bribery as a means to circumvent the law became more widespread. An increasing number of persons traveled without a permit, only to pay a bribe when caught.

The government strictly controlled permission to reside in, or even to enter, Pyongyang, where food availability, 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.

Due to fears regarding the spread of COVID-19, media and NGOs reported the government tightened in-country movement restrictions, making internal movement extremely difficult since March. NGOs, foreign diplomats, and UN agency personnel were not allowed to leave Pyongyang. This severely hampered foreign observers' already extremely limited ability to monitor human rights and humanitarian aid conditions in the country.

Foreign Travel: The government restricted foreign travel. The government limited issuance of exit visas for foreign travel to officials and trusted businesspersons, artists, athletes, academics, and workers. Short-term exit papers were available on a very limited basis for some residents to visit relatives, undertake short-term work opportunities, or to engage in small-scale trade.

The government did not allow emigration, and media and NGOs reported that due to fears of importing COVID-19, it continued to tighten security on the border, dramatically limiting the flow of persons crossing into China with and without required permits. NGOs reported strict patrols and surveillance of residents of border areas and a crackdown on border guards who may have been aiding border crossers in return for bribes.

The law criminalizes defection and attempted defection. Individuals, including children, 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 the state subjects asylum seekers to indefinite terms of imprisonment and forced labor, confiscation of property, or death. According to KINU's white paper for 2019, most repatriated defectors were detained at kyohwasos in Jeongeori, North Hamgyeong Province, or Gaechon, South Pyeongan Province.

Many would-be refugees who returned involuntarily from foreign states were imprisoned under harsh conditions. OHCHR reporting included the accounts of several forcibly repatriated escapees who said authorities reserved particularly harsh treatment for those who had extensive contact with foreigners or religious groups or who had spent time in South Korea, including those with family members resettled in South Korea.

Media reported in 2018 that Kim Jong Un ordered government agencies to exert greater pressure on family members of defectors to pressure them to return home. Defectors reported that family members in the country contacted them to urge their return, apparently under pressure from government officials. According to the South Korean Ministry of Unification website, the number of defectors leaving the country remained nearly the same from 2017 (188) to 2018 (168), rose slightly in 2019 (204), and fell to 39 as of March.

Past reports from refugees noted the government differentiated between persons who crossed the border in search of food (who may be sentenced only to a few months of forced labor or in some cases merely issued a warning) and persons who crossed repeatedly for “political” purposes (who were sometimes sentenced to harsher punishment), including those who had alleged contact with religious organizations based near the Chinese border. The law stipulates a sentence of up to two years of “labor correction” for illegally crossing the border.

Exile: The government reportedly forced the internal exile of some citizens. In the past it forcibly resettled thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses and included those judged to be politically unreliable based on their family’s songbun, or loyalty-based class.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government did not cooperate with the Office of the UN High Commissioner for Refugees or other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not 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 asylum seekers and did not participate in international refugee fora.

Section 3. Freedom to Participate in the Political Process

Citizens do not have the ability to choose their government peacefully.

Elections and Political Participation

Recent Elections: The most recent national elections to select representatives to the Supreme People's Assembly occurred in March 2019. These elections were neither free nor fair. The government openly monitored voting, resulting in a reported 100 percent participation rate and 100 percent approval of the preselected government candidates. Local elections in 2015 were likewise neither free nor fair. The government reported a 99.97 percent turnout, with 100 percent approval for the government candidates.

Political Parties and Political Participation: The government has created several "minority parties." Lacking grassroots organizations, the parties existed only as rosters of officials with token representation in the Supreme People's Assembly.

Participation of Women and Members of Minority Groups: Although the law affords women equal right to vote and hold political office, few women were elected or appointed to senior government positions. As of 2016 women constituted approximately 3.1 percent of members and 2.8 percent of candidate members of the Central Committee of the WPK and held few key WPK leadership positions. In August media reported the appointment of a woman, Pak Myong Sun, to the WPK Central Committee Political Bureau, the party's highest-level body, and as director of a WPK Central Committee department. With her appointment, the country had only two women in the 31-member Political Bureau, the other being Kim Jong Un's sister, Kim Yo Jong. Among approximately 20 party departments and offices, only one was headed by a woman. The 2014 UNCOI report indicated only 10 percent of central government officials were women.

The country is racially and ethnically homogenous. There are officially no minorities.

Section 4. Corruption and Lack of Transparency in Government

Verifiable information was not available on whether criminal penalties for official corruption were actually applied. International organizations widely reported senior officials engaged in corrupt practices with impunity.

Corruption: Corruption was reportedly widespread in all parts of the economy and society and endemic in the security forces. A 2016 meeting chaired by Kim Jong Un marked the first public recognition of systemic abuse of power and reportedly addressed the practice of senior officials who sought privileges, misused authority, abused power, and manifested “bureaucratism” in the party. Defectors interviewed for the OHCHR 2019 report, *The Price Is Rights*, said workers paid off guidance officers at government factories so that they would not have to report to work and could engage in outside commercial activity.

Reports of diversion of food to the military and government officials were further indicators of corruption.

Multiple ministries and party offices were responsible for handling issues of corruption.

Financial Disclosure: Information was not publicly available on whether the state subjects public officials to financial disclosure laws and whether a government agency is responsible for combating corruption.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

There were no independent domestic organizations to monitor human rights conditions or comment on the status of such rights. The government reported many organizations, including the Democratic Lawyers' Association, General Association of Trade Unions, Agricultural Workers Union, and Democratic Women's Union, engaged in human rights activities, but observers could not verify the activities of these organizations.

The international NGO community and numerous international experts continued to testify to the grave human rights situation in the country. The government decried international statements regarding human rights abuses in the country as politically motivated interference in internal affairs. The government asserted 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 United Nations or Other International Bodies: The government emphasized it had ratified a number of UN human rights instruments, but it continued to refuse to cooperate with UN representatives. The government prevented the UN special rapporteur from visiting the country to carry out his mandate, which it continued to

refuse to recognize. In October the special rapporteur reported that COVID-19 preventative measures made it impossible for diplomats and international organizations to continue operating inside the country and lamented the resultant decline in the amount of first-hand knowledge available to the international community concerning the human rights situation in the country. He further stated that the number of escapees from the country who arrived in South Korea during the year declined significantly.

The UN special rapporteur on the rights of persons with disabilities has not visited the country since 2017. The visit did not focus on allegations of human rights abuses, and the government continued to resist the special rapporteur's mandate.

Government Human Rights Bodies: The government's Association for Human Rights Studies denied the existence of any human rights violations.

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

Women

Rape and Domestic Violence: The government criminalized rape of women. Conviction of Rape is punishable by reform through labor for up to five years; if the assailant "commits a grave offense," a term of more than 10 years; and if the rape was "particularly grave," a life term or the death penalty. No information was available on how effectively the law was enforced. The 2014 UNCOI report found the subjugation of inmates and a general climate of impunity created an environment in which guards and other prisoners in privileged positions raped female inmates. This was reconfirmed in OHCHR reporting on women who attempted to flee the country, were forcibly repatriated, and finally escaped for good. The women testified they had been subjected to widespread, systemic sexual violence while detained after repatriation. The 2018 HRW report *You Cry at Night but Don't Know Why* reported endemic sexual and gender-based violence and detailed cases of sexual assault or coerced sexual acts by men in official positions of authority between 2011 and 2015. When cases of rape came to light, the perpetrator often escaped with mere dismissal or no punishment. For example, HRW reported a 2009 case in which a woman arrested for illegally fleeing the country was raped by a police chief. After she told her lawyer, the lawyer refused to mention it during her trial and said nothing would be done and the woman could be punished more severely for bringing it up. As noted in the KINU white paper for 2019, the law prohibits domestic violence, but the UN Committee on the Elimination of All Forms of Discrimination against Women expressed concern that

the government was not taking any protective or preventive measures against such violence. Defectors continued to report violence against women was a systematic problem both inside and outside the home. According to the KINU white paper, in a survey of defectors conducted from 2013 to 2017, more than 75 percent of respondents believed domestic violence was “common.” It also stated that spousal rape was not considered a crime.

Sexual Harassment: Despite the law defectors reported the populace generally accepted sexual harassment of women due to patriarchal traditions. They reported there was little recourse for women who had been harassed. Defectors also reported lack of enforcement and impunity enjoyed by government officials made sexual harassment so common as to be accepted as part of ordinary life. According to the 2019 KINU white paper, authorities repeatedly stated there was no sexual harassment issue in workplace, suggesting willful ignorance on the part of the government.

Coercion in Population Control: NGOs and defectors reported state security officials subjected women to forced abortions for political purposes, to cover up human rights abuses and rape in particular, and to “protect” ethnic purity, and not population control. KINU’s white paper for 2019 stated that officials had in some cases prohibited live births in prison and ordered forced abortions as recently as 2013. According to a July OHCHR report on women detained who were forcibly returned, detainees were denied maternity protections mandated in legislation to protect women’s rights. Detainees reported being sent for forced abortions as recently as 2015 and that prison officials sought to force abortion through beatings and hard labor. Cases of infanticide were also reported.

Discrimination: The constitution states, “women hold equal social status and rights with men”; however, few women reached high levels of the party or the government, and defectors said gender equality was nonexistent. KINU reported discrimination against women emerged in the form of differentiated pay scales, promotions, and types of work assigned to women, in addition to responsibility for the double burden of labor and housework, especially considering the time and effort required to secure food.

Children

Birth Registration: Children derive citizenship from one’s parents and, in some cases, birth within the country’s territory.

Education: The law provides for 12 years of free compulsory education for all children. Many NGO reports indicated that authorities denied some children educational opportunities and subjected them to punishment and disadvantages as a result of the songbun loyalty classification system and the principle of “collective retribution” for the transgressions of family members. NGO reports also noted some children were unable to attend school regularly because of hidden fees or insufficient food. NGOs reported that children in the total-control zones of political prisons did not receive the same curriculum or quality of education available to those outside the total-control zones.

Foreign visitors and academic sources reported that from the fifth grade, schools subjected children to several hours a week of mandatory military training and that all children received political indoctrination. In its 2019 report *The Lost Generation: The Health and Human Rights of North Korea's Children, 1990-2018*, the HRNK characterized the national curriculum as prioritizing political indoctrination and unswerving loyalty to the regime, while punishing those who deviate from the curriculum.

Medical Care: There was no verifiable information available on whether boys and girls had equal access to state-provided medical care. Access to health care largely depended on loyalty to the government. In a December 2019 report on broader health and well-being trends in the country, the NKDB, using publicly available data and interviews of defectors who arrived in the South Korea during the year, documented widespread inadequacies in medical care for children.

Child Abuse: Information regarding societal or familial abuse of children remained unavailable. The law states that a man convicted of having sexual intercourse with a girl younger than age 15 shall be “punished gravely.” There was no reporting on whether the government enforced this law.

Child, Early, and Forced Marriage: The minimum age for marriage is 18 for men and 17 for women.

Sexual Exploitation of Children: Because many girls and young women attempted to flee repressive conditions, poverty, and food shortages for their own survival or the betterment of their families, 2019 international media reports and the 2014 UNCOI report noted they were often subjected to sexual exploitation by traffickers. Traffickers promised these young girls jobs in other parts of the country or in China but then exploited them in forced marriages or domestic servitude or made them work in prostitution after being smuggled out of the

country. In its November 2019 publication *Inescapable Violence: Child Abuse within North Korea*, the Seoul-based NGO People for Successful Corean Unification documented endemic child abuse, including child sexual abuse, in schools, homes, camps, orphanages, and detention centers.

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Displaced Children: According to NGO reports, there were numerous street children. The HRNK reported in 2019 that while not all were orphans, some were abandoned due to economic difficulties or escaped abusive family situations. Displaced children were forced to survive by begging and stealing at local markets or in front of train stations.

Institutionalized Children: Guards subjected children living in prison camps to torture if they or a family member violated the prison rules. Reports noted authorities subjected children to forced labor for up to 12 hours per day and did not allow them to leave the camps. Prisons offered them limited access to education.

Daily NK, a defector-run online newspaper operating in South Korea, reported children at boarding schools for orphans received inadequate nutrition and that staff stole food to pay school debts.

In addition to children in detention facilities, the number of children living in orphanages and other institutions drastically increased following the famines of the 1990s. In 2019 the HRNK reported that Kim Jong Un directed that 40 child-protection facilities, including orphanages, elementary academies, and middle academies, be modernized to accommodate these children. The HRNK's interviews of those who had lived in these facilities reported substandard conditions, including lack of adequate food, clothing, and shelter. As a result many were malnourished and in poor physical condition. While living in orphanages, children often received only one meal a day, leading them to compete and fight for food or run away from the orphanage to survive. Children living in orphanages were often subjected to forced labor instead of attending school. Several respondents explained how children were forced to perform "simple work" such as carrying stones rather than being cared for and protected in orphanages.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at

<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Although the government claims the law meets the international standards of rights for persons with disabilities, in a 2016 National Human Rights Commission of Korea survey, 89 percent of defectors said there was no consideration for persons with disabilities.

While the law mandates equal access to public services for persons with disabilities, the government did not provide consistent support for them. Traditional social norms condone discrimination against persons with disabilities, including in the workplace (also see section 7.d.). NGO reports, including KINU's 2019 white paper, stated that while the government on balance treated veterans with disabilities well, escapees often described support for veterans with disabilities as inconsistent and only at a perfunctory level. The government reportedly provided no support to other persons with physical and mental disabilities. In some cases authorities sent persons with disabilities from Pyongyang to internal exile, quarantined them within camps, and forcibly sterilized them. Persons with disabilities experienced discrimination in accessing public life.

The UN special rapporteur on the rights of persons with disabilities visited the country for the first time in 2017 and noted most infrastructure, including newly constructed buildings, was not accessible to persons with physical disabilities.

The UN Committee on the Rights of the Child repeatedly expressed concern, most recently in 2017, regarding de facto discrimination against children with disabilities and insufficient measures taken by the state to ensure these children had effective access to health, education, and social services. KINU's 2019 white

paper evaluated the provision of special education to children with disabilities as poor.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

There are no laws against consensual same-sex sexual activity between adults, but little information was available on discrimination based on sexual orientation or gender identity. NGOs expressed concern that decency and obscenity laws could be used legally to discriminate based on sexual orientation or gender identity. In 2014 the Korean Central News Agency, the state news agency, denied the existence of consensual same-sex sexual activity in the country. According to lesbian, gay, bisexual, transgender, and intersex (LGBTI) rights group Equaldex, no legal mechanisms exist for LGBTI individuals to protect against discrimination in housing and employment. Same-sex adoption is illegal. Equaldex characterized legal protections toward same-sex sexual activity, the right to change legal gender, and gay and lesbian persons serving openly in the military as ambiguous.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

Workers do not have the right to form or join independent unions, bargain collectively, or strike. There were no known labor organizations other than those created and controlled by the government. While the law stipulates that employees working for foreign companies may form trade unions and that foreign enterprises must provide conditions for union activities, the law does not protect workers who might attempt to engage in union activities from employer retaliation, nor does it provide penalties for employers who interfere in union activities. Unlawful assembly may result in five years of correctional labor.

The WPK purportedly represents the interests of all labor. The WPK Central Committee directly controls several labor organizations in the country, including the General Federation of Trade Unions of Korea and the Union of Agricultural Workers of Korea. Operating under this umbrella, unions functioned according to a classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities, and did not provide a vehicle for worker voice.

The government controlled all aspects of the formal employment sector, including assigning jobs and determining wages. Joint ventures and foreign-owned companies were required to hire employees from government-vetted lists. The government organized factory and farm workers into councils, which purportedly afforded a mechanism for workers to provide input into management decisions.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. Nonetheless, the government mobilized the population for construction and other labor projects. “Reformatory labor” and “re-education through labor,” sometimes of entire families, were common punishments for political offenses. Forced and compulsory labor in such activities as logging, mining, tending crops, and manufacturing continued to be the common fate of political prisoners.

The law requires all citizens of working age to 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. Forced labor continued to take place in the brick making, cement manufacturing, coal mining, gold mining, logging, iron production, agriculture, and textile industries. The Walk Free Foundation, in its 2018 *Global Slavery Index*, estimated that one of every 10 individuals, or approximately 2.6 million persons, in the country were in situations of modern slavery.

According to reports from an 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. By law failure to meet economic plan goals may result in two years of “labor correction.” In 2019 workers were reportedly required to work at enterprises to which the government assigned them and then the enterprises failed to compensate or undercompensated them for their work. In June women in Hyesan reported that government officials required all women in the area to work daily on construction and other projects. Those physically unable to work had to pay a fine, and security forces arrested evaders.

The May 2019 UN report *The Price Is Rights* noted work “outside the State system, in the informal sector, has become a fundamental means to survival [but] access to work in the informal sector has become contingent on the payment of bribes.” In addition NGOs and media reported that stricter border and internal travel restrictions, due to government fears concerning the spread of COVID-19,

made it extremely difficult for persons to pursue a living through informal trading. The HRNK's September report entitled *Imagery Analysis of Kyo-hwa-so No. 12, Jongno-ri, Update 3* detailed the use of forced labor by prison officials in the production of false eyelashes.

According to Open North Korea's report *Sweatshop North Korea*, 16- or 17-year-old individuals from the low-loyalty class were assigned to 10 years of forced labor in military-style construction youth brigades. One worker reportedly earned a mere 120 won (less than \$0.15) per month. During a 200-day labor mobilization campaign in 2016, for example, these young workers worked as many as 17 hours per day. State media boasted that the laborers worked in subzero temperatures. One laborer reported conditions were so dangerous while building an apartment building that at least one person died each time a floor was added. Loyalty class status also determines lifelong job assignments, with the lowest classes relegated to dangerous mines.

HRW reported the government operated regional, local, or subdistrict level "labor training centers" and forced detainees to work for short periods doing hard labor, with little food and subject to abuse, including regular beatings. Authorities reportedly sent individuals to such centers if suspected of engaging in simple trading schemes or unemployed. In 2018 the HRNK reported that thousands of citizens including children were detained in prison-like conditions in these centers and suggested that satellite imagery indicated the number and size of such camps were expanding.

The vast majority of North Koreans employed outside the DPRK were located in Russia and China. Workers were also reportedly in the following countries: Angola, Cambodia, Equatorial Guinea, Guinea, Iran, Kenya, Mauritius, Mozambique, Niger, Oman, Qatar, Republic of the Congo, Senegal, South Sudan, and Vietnam. Some of these countries subsequently removed most or all of these workers during the year. Reports suggested several countries either had not taken action or had resumed issuing work authorizations or other documentation, allowing these individuals to resume work.

Numerous NGOs noted workers abroad were subjected to forced labor. NGO reports indicated the government managed these laborers as a matter of state policy and that they were under constant and close surveillance by government security agents. Laborers worked between 12 and 16 hours per day, and sometimes up to 20 hours per day, with only one or two rest days per month. Employers stated the average wage was 270,000 to 900,000 won per month (\$300 to \$1,000), but in

most cases employing firms paid salaries directly to the government, which took between 70 percent and 90 percent of the total earnings, leaving approximately 90,000 won (\$100) per month for worker take-home pay. The government reportedly received hundreds of millions of dollars from this system each year. The state reportedly withheld some wages in certain instances until the laborers returned home after the completion of their three-year contracts. Workers reportedly worked in a range of industries, including but not limited to apparel, construction, footwear manufacturing, hospitality, information technology services, logging, medical, pharmaceuticals, restaurant, seafood processing, textiles, and shipbuilding.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

By law the state prohibits work by children younger than age 16 and restricts children 16 to 17 from working in hazardous conditions. The law criminalizes forced child labor, but there were reports such practices occurred. NGOs reported government officials held thousands of children and forced them to work in labor camps with their parents.

Officials occasionally sent schoolchildren to work in factories or fields for short periods to assist in completing special projects, such as snow removal on major roads or meeting production goals. The UN Committee on the Rights of the Child noted children were also sometimes subjected to mass mobilizations in agriculture away from their families, with long working hours per day, sometimes for periods of a month at a time. HRW previously published students' reports that their schools forced them to work without compensation on farms twice a year for one month each time. HRW also reported schools required students under the minimum working age to work in order to raise funds for faculty salaries and maintenance costs for school facilities. According to August 2019 media reports, students ages 14 and 15 were required to work in WPK opium fields.

Children ages 16 and 17 were enrolled in military-style youth construction brigades for 10-year periods and subjected to long working hours and hazardous work. Students suffered from physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies as a result of required forced labor.

d. Discrimination with Respect to Employment and Occupation

While the law provides that all citizens “may enjoy equal rights in all spheres of state and public activities” and all “able-bodied persons may choose occupations in accordance with their wishes and skills,” the law does not prohibit discrimination with respect to employment or occupation based on race, religion, ethnicity, or other factors. There is no direct reference to employment discrimination in the law; classification based on the songbun loyalty system has a bearing on equal employment opportunities and equal pay.

Despite the law according women equal social status and rights, societal and legal discrimination against women continued. Labor laws and directives mandate sex segregation of the workforce, assigning specific jobs to women while impeding access of others to these jobs. Women’s retirement age is also set at age 55, compared with age 60 for men, which has material consequences for women’s pension benefits, economic independence, and access to decision-making positions.

Persons with disabilities also faced employment discrimination. Most of the approximately 1,200 workshops or light factories for persons with disabilities built in the 1950s were reportedly no longer operational; there were limited inclusive workplaces.

e. Acceptable Conditions of Work

There is no legal minimum wage in the country. No reliable data were available on the minimum wage paid by state-owned enterprises. Wages are sometimes paid at least partially in kind rather than in cash.

The law stipulates an eight-hour workday, although 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 law provides all citizens with a “right to rest,” including one day’s rest per week (Sunday), paid leave, holidays, and access to sanitariums and rest homes funded at public expense. The state’s willingness and ability to provide these services were unknown, however.

The law recognizes the state’s responsibility for providing modern and hygienic working conditions. The law criminalizes the failure to heed “labor safety orders” pertaining to worker safety and workplace conditions but only if the conditions result in the loss of lives or other “grave loss.” Workers themselves do not have a

designated right to remove themselves from hazardous working conditions. No information is available on enforcement of labor laws.

Mandatory participation in mass events on holidays and practice sessions for such events sometimes compromised leave or rest from work. Workers were often required to “celebrate” at least some part of public holidays with their work units and were able to spend an entire day with their families only if the holiday lasted two days. Failures to pay wages were common and reportedly drove some workers to seek income-generating activity in the informal or underground economy.

Many worksites were hazardous, and the industrial accident rate was high.

Endnote: Note on Sourcing

The United States does not have diplomatic relations with the Democratic People's Republic of Korea. The DPRK does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions or confirm reported abuses.