

2023 Report on North Korean Human Rights

The Ministry of Unification

Center for North Korean Human Rights Records

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Report on
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- The testimonies and accounts presented in this report are based on firsthand or secondhand experiences of witnesses who have been guaranteed anonymity. North Korean defectors have a constitutional right to citizenship in the Republic of Korea and are entitled to equal protection of their liberties and rights. As such, their testimonies have been collected in a safe and secure environment, and they have voluntarily provided their accounts without any coercion or duress.
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Preface

As we commemorate the tenth anniversary of the United Nations Commission of Inquiry on Human Rights in North Korea and the twentieth anniversary of the United Nations Resolution on North Korea's Human Rights Situation, it is evident that more work should be carried out to promote the human rights situation in North Korea. Despite efforts made by the Republic of Korea and the international community, the northern part of the Demilitarized Zone remains a region devoid of human rights. Once again, the time has come for us to accept greater responsibility and take effective measures to ensure that our North Korean brethren can live with dignity as human beings.

To this end, the Center for North Korean Human Rights Records was established by the North Korean Human Rights Act enacted in 2016. Since 2017, the center has conducted an in-depth investigation into North Korea's human rights situation and classified cases of human rights violations in accordance with the

standards of the UN Universal Declaration of Human Rights and other international human rights treaties.

The ‘2023 Report on North Korean Human Rights’ published this year marks a significant milestone for the Republic of Korea’s enduring commitment to working towards genuine improvements in civil, political, economic, social, and cultural rights as well as other personal liberties of those living under the marginalized conditions in North Korea. In particular, this report focuses on providing a comprehensive overview of North Korean human rights situations from various perspectives and bringing people together in our common endeavor of improving them as practically as possible.

Therefore, it should be noted that the purpose of this report is neither a simple one-off accusation nor a blank condemnation of the North Korean regime’s crimes against humanity as well as

its collaborators' wrongdoings. Instead, it is a testament of our pledge that we, with the report and others, will keep record of such crimes and make sure the criminals against humanity will be held accountable.

The release of this report also demonstrates the Republic of Korea's strong commitment to working closely with the international community, especially with the like-minded countries. We hope this report will increase our global citizens' keen awareness of the real human rights conditions in North Korea and encourage their common action to improve the situations.

Moreover, we will make every effort to ensure that this report and future publications be regarded as a trustworthy source of information about North Korea's human rights. We will continue to address the long remaining issues of separated families, abductees, and prisoners of Korean War with greater

importance, as well. Thus, I would like to ask global citizens to pay more attention to our initiatives and join our common endeavor for resolving such humanitarian issues together.

Last but not least, I would like to thank everyone who helped prepare and publish this report for their hard work, especially the North Korean defectors who shared their painful experiences as human rights victims in North Korea, and the experts who provided their knowledge and opinions to facilitate the research and analysis.

Kwon, Youngse
Minister of Unification
Republic of Korea

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In the mid-1990s, as North Korea's food situation deteriorated rapidly and its economy continued to suffer, the international community provided humanitarian assistance at North Korea's request. The severity of North Korea's human rights situation became known to the outside world through the food aid process and the testimonies of North Korean defectors, and the issue of human rights in North Korea began to be discussed in earnest at the United Nations. The UN Human Rights Council passed the first resolution on North Korean human rights in 2003, and the UN General Assembly has passed resolutions on the rights of people in North Korea since 2005, expressing concern about the humanitarian situation and urging the North Korean authorities to make efforts to improve it.

Efforts have also been made in South Korea to accurately identify and improve the human rights situation in the North. The North Korean Human Rights Act was first proposed in August 2005. It was enacted in March 2016 by consensus of the ruling and opposition parties, after 11 years of debate. The North Korean Human Rights Act established the Center for North Korean Human Rights Record (hereinafter the Center) in the Ministry of Unification to collect and record information on the human rights situation of the North Korean people and to promote human rights. The Center is tasked with collecting, preserving, and publishing information on the human rights situation of the North Korean people, as well as investigating and researching military prisoners of war, abductees, and separated families. In January 2017, the Center started a survey on human

rights in North Korea. They began by conducting preliminary and pilot surveys, by interviewing North Korean defectors who entered the Settlement Support Center for North Korean Refugee (hereinafter Hanawon) every four weeks. As a result, 3,412 people were polled, and 2,075 questionnaires were collected by 2022.

The main findings were reported to the National Assembly, but there were limitations in disseminating them to the general public. Therefore, in August 2022, the government decided to compile and release a white paper on the human rights situation of North Koreans based on the collected testimonies so that the general public could understand the human rights situation in North Korea. The purpose of this report is to make the general public aware of the overall human rights situation in North Korea. However, the number of North Korean defectors entering South Korea has plummeted in recent years. Considering the dwindling number of North Korean refugees and the fact that this report is the first official report released by the government after the implementation of the North Korean Human Rights Act, we decided to compile the report by synthesizing data collected from 2017 to 2022, when the Center began its research. This report, was written in accordance with the editorial guidelines as follows. First, we focused on describing North Koreans' human rights "reality" as it is, so that the general public can easily understand the overall human rights situation in North Korea. Second, we concentrated on the North Korea's human rights situation over the last six years to help readers understand

the current situation. Third, we have attempted to objectively describe the reality of each Covenant right from a balanced perspective, and where conflicting testimonies on specific human rights violations exist, we have included testimonies from both sides.

The main body of the report is organized around key issues related to international human rights instruments and human rights in North Korea and is divided into four chapters: civil and political right, economic, social, and cultural rights (hereinafter referred to as ‘social rights’), vulnerable groups, and special issues. The report includes the rights stipulated in the International Covenant on Civil and Political Rights (ICCPR) as a whole and describes the situation of thirteen specific aspects of civil rights and five aspects of social rights separately in order to understand the overall human rights situation in North Korea. Socially vulnerable groups, such as women, children, and people with disabilities, are organized separately because they require special consideration and protection. Special issues are divided into two categories: political prisoners, which are a grave and serious human rights issue in North Korea, and POWs, abductees, and separated families which are humanitarian issues that must be addressed immediately while also being specifically stipulated in the North Korean Human Rights Act.

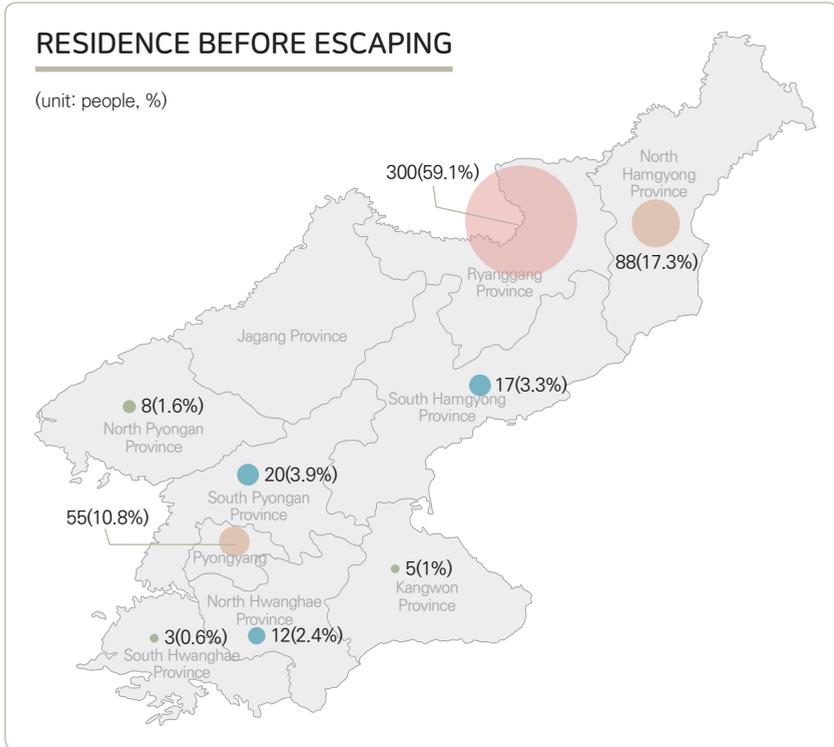
The materials utilized in the preparation of this report may be divided into two main categories. First, the data related to the situation of residents in North Korea are from a questionnaire prepared by the Center which records the testimonies of North

Korean defectors. These materials were collected by survey of North Korean defectors who entered Hanawon. All North Korean defectors who were admitted to Hanawon were surveyed one-on-one through the informed consent process. However, those who were children, had health problems, or did not want to be surveyed were excluded from the survey. The survey items were organized around the rights specified in the International Covenant on Civil and Political Rights, and if there were specific human rights violations as a result of the survey, in-depth interviews were conducted and the relevant information was written in a questionnaire according to the legal form. To capture the most recent human rights situation in North Korea, we selected incidents from the Center's data that occurred between 2017 and 2022. The 508 people who have testified about the human rights situation in North Korea since 2017 have shared over 1,600 cases of human rights violations and by 2022, a total of 2,075 people had completed the questionnaire. In the situation where fewer cases were collected after 2017, we reflected the cases that occurred after 2010. In a similar manner, if the cases were limited due to their nature (political prisoners, military prisoners of war, abductees and separated families) we included cases from before 2010 if they were deemed significant.

Second, the section on human rights legislation, which serves as the foundation for assessing North Korea's human rights situation, is based on international human rights treaties, North Korean laws, and data published or officially submitted by North Korea. Furthermore, the report incorporates general comments

by the UN Committee on Economic, Social, and Cultural Rights, North Korea's Universal Periodic Review (UPR) reports, Voluntary National Review (VNR) reports, and data published by North Korea's Korean Central News Agency and the Ministry of Unification.

The questionnaire, which was the primary source of data for the report, was completed by 508 North Korean defectors. The demographic characteristics of those defectors matched those of the total number of North Korean defectors surveyed by the Center, with minor exceptions, such as the gender ratio. The gender composition of the survey sample is 53% female and 47% male, in contrast to the gender composition of all North Korean defectors surveyed by the Center (80% female, 20% male). This is most likely due to the fact that female North Korean defectors enter South Korea after spending relatively more time in countries like China than male North Korean defectors, resulting in a higher proportion of men in this report, which documents the most recent violations. Before escaping, the majority of North Korean defectors lived in border regions such as Ryanggang and North Hamgyong provinces, which is comparable to the total number of people surveyed by the Center. However, while the Center surveyed that only 3% of the total number of North Korean defectors came from Pyongyang, the proportion of the 508 individuals cited in this report came from Pyongyang is 11%, which is slightly higher. This is likely due to the fact that, as North Korea's borders have been controlled since COVID-19, overseas dispatched workers account for a relatively high proportion of



North Korean defectors, and overseas dispatched workers are more likely to be from Pyongyang. The age of the defectors has decreased somewhat compared to the total population, but those in their 20s still account for the highest proportion at 31%, while those in their 30s and younger account for 67%. In terms of the year of escape, 2019 is the most common at 49%, with 80% of escape occurring between 2018 and 2019. Conversely only 7.5% of escaping occurred in 2020 or later, and only 1.8% in 2022.

		Defectors from North Korea	
		Number(person)	Ratio(%)
Gender	Male	238	46.9
	Female	270	53.1
Total		508	100
The year of escape	2017	63	12.4
	2018	156	30.7
	2019	251	49.4
	2000	19	3.7
	2001	10	2
	2022	9	1.8
Total		508	100
Age Group	0~19	86	16.9
	20~29	158	31.1
	30~39	97	19.1
	40~49	83	16.3
	50~59	71	14
	60~69	13	2.6
Total		508	100
The Residence (Province) before escaping	Rygangg	300	59.1
	North Hamgyong	88	17.3
	South Hamgyong	17	3.3
	North Pyongan	8	1.6
	South Pyongan	20	3.9
	North Hwanghae	12	2.4
	South Hwanghae	3	0.6
	Kangwon	5	1
	Jagang	0	0
	Pyongyang	55	10.8
Total		508	100

This report is based on the testimonies of North Korean defectors. The nature of these cases imposes certain inherent limitations, and it is important to note the following: First, the testimonies are concentrated in Rygangg and North

Hamgyong provinces, so cases from the border region are cited more than those from other regions, and there are limitations in generalizing the findings to the human rights situation in North Korea as a whole. Second, as North Korea imposed strict border closures and emergency quarantine measures due to COVID-19, the number of North Korean defectors plummeted, and the number of cases since 2020 is very small. Only nine North Korean defectors testified about the situation in 2022, which may be somewhat different from the current human rights situation in North Korea in 2023. Third, the testimonies of North Korean defectors are entirely dependent on their memories. Due to the time gap between the incidents experienced by North Korean defectors and their testimonies after escape, there may be errors such as loss or weakening of memory over time. Fourth, this report, which documents the contents of the research until 2022, includes some of the contents of recently enacted laws such as the Law on Emergency Anti-epidemic Work, the Law on Rejecting Reactionary Ideology and Culture, and the Youth Education Law, but specific human rights cases related to these laws were not collected. In the future, we will include relevant cases through the North Korean Human Rights Survey and reflect them in the report.

II

Summary

1. Civil and Political Rights

SUMMARY

Considering the overall situation of civil and political rights in North Korea, it has been found that North Korean residents are not guaranteed the fundamental freedoms and rights provided in the International Covenant on Civil and Political Rights.

The right to life is under severe threat in North Korea. There were numerous documented cases of arbitrary deprivation of life committed by the North Korean authorities, and it has been assessed that the death penalty is frequently imposed for activities that do not qualify as “the most serious crimes” justified under the International Covenant on Civil and Political Rights, including drug offenses, distribution of South Korean video content, and participation in religious or superstitious practices. Furthermore, there is deep concern about the high incidence of detainee deaths resulting from the harsh conditions prevalent in detention facilities.

The North Korean authorities’ violation of the right to be free from torture or inhumane treatment is another grave concern. Despite some legislative measures, such as the enactment of the Law on the Prevention of Beatings, various forms of torture, such

as beatings and being forcibly restrained in a fixed position are still being carried out during the interrogation. Of particular concern are the authorities' public executions, which violate the rights of both the executed and the witnesses to be free from cruel, inhuman, or degrading punishment or treatment.

Detainees held in *Kyohwaso* (prison camps) or *Rodong Danryundae* (labor training camps) are being subjected to forced labor that exceeds the time limit set by the United Nations Standard Minimum Rules for the Treatment of Prisoners. In addition, various forms of forced labor are being imposed, such as mobilization to construction sites through the *Rodong Kyoyang* penalty (labor education penalty) imposed by administrative organs and not by court sentence.

Even though the North Korean Socialist Constitution, Criminal Law and other laws explicitly prohibit arbitrary or unlawful arrests, it appears that there is no guarantee of the right to liberty and security.

It is assessed that the human rights of those detained in detention facilities such as *Daekisil* (temporary detention centers), *Kuryujang* (pre-trial detention centers), *Rodong Danryundae*, and *Kyohwaso* are not properly protected. Detainees are subjected to harsh conditions in terms of heating, meals, and hygiene, as well as brutal treatment. Nevertheless, there have been some testimonies that the directive to prevent human rights abuses has recently been issued, resulting in improvements in the detention environment and a decrease in cruel treatment, so it is necessary to continue to pay attention and monitor the situation.

While North Korea's Socialist Constitution explicitly guarantees the freedom of travel, the freedom of movement is still restricted

due to systems such as travel permits and accommodation inspections. In particular, additional approval is required when moving to special areas such as Pyongyang. The freedom of residence is also restricted through forced displacement.

It is also assessed that the North Korean authorities routinely violate its resident's right to privacy. The neighborhood watch units called *Inminban* and the life review sessions known as *Saenghwal Chonghwa* appear to perform extensive surveillance and control functions over North Korean residents. The Socialist Constitution establishes '*Kimilsungism-Kimjongilism*' as the sole guiding principle and residents' thoughts are controlled through the 'Ten Principles for the Establishment of the Party's Unitary Leadership System' and other principles. Furthermore, the authorities continue to violate the freedom of religion through policies such as anti-religious education.

The freedom of expression is also severely limited in North Korea. An example is the crackdown and punishment for verbal treason or *Mal Bandong*. The North Korean authorities have established special task forces to thoroughly control residents' access to and dissemination of external information. It has been observed that North Korea has strengthened the punishment for contact with or distribution of external information by revising legislation related to information control.

Due to the nature of North Korea's socialist system, it appears that residents remain unable to exercise their freedom of assembly and association, and right to political participation. Discrimination based on one's *Songbun* (background) and class is still prevalent and affects various aspects of life, including residence allocation, job assignments, promotions, job transfers, and college admission.

It has been revealed that arbitrary deprivation of life by state authorities exists in North Korea. Cases of summary executions in which individuals are deprived of their lives in border areas without due legal process continue to be documented. There have been instances in which escapees from detention facilities were caught and executed in public, or infants born to female detainees in the facilities were killed by detention guards. Testimonies have been collected regarding secret executions in some detention facilities. Furthermore, it has been found that the death penalty is being widely enforced in North Korea. Through amendments to the Criminal Law, North Korea has expanded the number of crimes punishable by the death penalty and recently enacted special laws, such as the Law on Emergency Anti-epidemic Work and the Law on the Prevention of Drug-related Crimes, that allow for the death penalty to be imposed for offenses such as violating quarantine measures. There have been testimonies of the death penalty being enforced not only for violent crimes like homicides but also for offenses that are not punishable by the death penalty under the International Covenant on Civil and Political Rights such as drug trafficking, watching or distributing South Korean videos, and engaging in religious or superstitious activities. Additionally, there have been instances where the death penalty was executed on children under 18 years of age and pregnant women.

It has been documented that torture and inhumane treatment frequently occur during interrogations in North Korea. Testimonies indicate that individuals were forced into confes-

sion, and beatings and other forms of torture are used to extract confessions. Although there have been testimonies that beatings are prohibited in detention facilities and investigations are conducted on human rights violations during interrogations, it is said that such abuses have not been substantially reduced. Testimonies of witnessing public executions in North Korea have been collected annually until 2020, which is considered inhumane treatment for both those executed and those who witness the execution. Public executions are generally carried out by firing squad in places such as sports grounds accessible by a large number of people. Residents, including children, are mobilized through schools, state-run companies, and *Inminban* (neighborhood watch units) to witness these executions. There have also been testimonies of North Korean authorities conducting biomedical experiments without the consent of the subjects. It has been revealed that detainees in *Kyohwaso* (prison camps) or *Rodong Danryundae* (labor training camps) are subjected to excessive labor. Even when detainees are sick, the assigned workload remains the same, and if they fail to meet their quota, they face beatings, punishment, restricted visitation, or denial of meals. In North Korea, labor punishment could be imposed through administrative decisions rather than court rulings, and such punishment appears to be common practice. According to testimonies, there are cases where bribes are offered to officials to expedite the release date because of the poor detention conditions and harsh labor. Those held in temporary facilities, such as waiting cells and *Jipkyulso* (holding centers for illegal

border crossers and travelers), were also found to be regularly forced into labor. Specifically, individuals who are forcibly repatriated and gathered in *Jipkyulso* are often mobilized into labor from sunrise until sunset, with no days off. Furthermore, it has been reported that ordinary residents are forcibly mobilized to local construction sites or farming fields through social organizations such as *Inminban*, state-run companies, or schools. The frequency of mobilization varied by organization, but it was found to be quite common. Some of these mobilized groups were given special names such as women *Dolgyeokdae* (shock brigades), college student *Dolgyeokdae*, and family *Dolgyeokdae*, and were sent to various construction sites. This type of labor seems to exceed what is typically expected as normal civic duty.

There have been numerous cases of frequent arbitrary and unlawful arrests and detentions in North Korea. Testimonies have been collected regarding the arrest and detention of individuals for expressing political opinions, engaging in religious activities, or exercising other rights guaranteed under the International Covenant on Civil and Political Rights. These arrests are often carried out without a warrant and in violation of the procedures outlined in North Korea's Criminal Procedure Law. In many cases, the arrest was made without any explanation for the cause of the arrest or the alleged offense. Families were not notified of the reason or place of confinement after the arrest. Furthermore, many detainees were questioned while being held, some of whom were detained for periods exceeding the legal maximum. Additionally, there have been continued testimonies of enforced

disappearances where individuals who were arrested for various reasons, including religious activities, criticism of the regime, or human trafficking, could not be located.

The detention conditions in North Korean execution facilities are reportedly extremely poor. While each facility differs, the detention spaces are generally very cramped and mostly do not meet the United Nations minimum standards. In some cases, the facilities fail to provide sufficient blankets or flooring mats. Most of the testimonies indicate that the quantity and quality of meals provided is below standard. Detainees are often unable to maintain good health unless they obtain food from visitors, and there have been cases where detainees have died due to malnutrition. Those interviewed described detainees being covered with lice and fleas, as they are unable to bathe while in detention, leading to unhygienic conditions and unbearable smells in the facilities. Additionally, it has been found that the prison authorities do not take any active measures to treat sick detainees. The mistreatment of detainees in North Korean detention facilities is particularly concerning, as many report experiencing cruel and abusive treatment. Most detainees testified that they were forced to maintain a fixed posture in the cell and were unable to move. Additionally, many reported being subjected to torture or other degrading, cruel treatment when they did not confess or answer properly. Visits and letters were restricted, and in some facilities, there was no separation between detainees awaiting trial and those who had already been convicted, or between adults and minors. Women detainees

were also stated to be mistreated. They were forced to undress completely for a body search, which included vaginal inspection. Multiple women were inspected simultaneously by a single inspector with no regard for hygiene considerations, and in some cases, a male guard conducted the inspection. Women detainees are often victims of sexual violence, and some have stated being forced to undergo abortions. Cases have also been collected where measures such as prohibiting detention or imprisonment of pregnant women and suspending the execution of punishment have not been observed. However, some detention facilities have recently shown improvement in terms of human rights. Some testimonies indicate that the authorities have issued directives to punish officials who commit violent acts and improve detention conditions. Nonetheless, it is reported that violence and cruel treatment have not completely disappeared.

In principle, North Korean residents are not allowed to move to a different city or province without obtaining a travel permit, which can be a long and complicated process. Some have reported bribing officials to expedite the process or attempting to travel without a permit. It is even more difficult and expensive to obtain a permit to travel to Pyongyang or the border regions. Those who travel without a permit are subject to inspection and can be caught at various checkpoints or on trains. Although most cases are resolved with bribery, some received administrative penalties. Additionally, travelers must obtain approval from the authorities in order to stay overnight at their destination, and individuals without the required permit are at

risk of being caught during accommodation inspections, and many have resorted to using bribes. During crackdowns where the authorities visit each household, other illegal activities such as watching unauthorized materials or the use of unapproved electronic devices may also be subject to inspection and control. Individuals are required to obtain approval from the authorities when relocating their place of residence. Relocating to a different city or a special region such as Pyongyang requires additional procedures and approvals, making it difficult and time-consuming. It has been found that the policy of forced relocation is also implemented for reasons such as political reasons, contact with South Korean information, and drug trafficking. Forced relocation involves canceling and revoking the permission to use one's current residence and assigning new housing in the forced migration area, making it common for entire families to migrate together. Individuals are also restricted from traveling abroad. The authorities impose strict limits on passport issuance and punish those who are caught illegally crossing the border without proper documentation. Individuals who were forcibly repatriated faced varying consequences. Individuals who stayed in China for a short period or used bribes were often released without punishment while others who stayed longer were sentenced to *Rodong Kyohwa* (reform through labor).

Recent findings indicate that individuals in North Korea are not ensured the right to a fair trial. Administrative agencies can even impose *Rodong Kyoyang* (labor education penalty) which is equivalent to imprisonment. Those convicted of anti-state or

anti-nation crimes can be sent to political prison camps without a proper court trial. Furthermore, judicial independence is not recognized in North Korea. In line with the Socialist Constitution, which asserts that North Korea shall conduct all activities under the leadership of the Workers' Party of Korea, the judiciary is effectively controlled by the Workers' Party. Additionally, it has been found that public trials are employed as a tool for propaganda and to indoctrinate the populace in North Korea. In some cases, local public trials were conducted in front of a large audience to serve as a warning to others. There have also been testimonies of public disclosing gatherings that force suspects to admit their crimes in front of a large crowd. It has also been found that North Korean authorities do not fully guarantee defendants' rights, including the right to counsel, the right to silence, and the right to appeal. According to testimonies, defendants were not fully guaranteed the right to counsel even when there was a state-appointed attorney. Attorneys treated defendants like criminals and provided no practical defense during trials.

Residents are heavily monitored and controlled from a young age through their participation in social groups that are influenced by the authorities. The lowest level of this structure is made up of local *Inminban* groups that monitor and report on the activities and beliefs of residents in their area. *Inminban* leaders work alongside reporters and informants who receive orders from the authorities to closely monitor the daily lives and ideological leanings of households and visitors. Defectors and

their families reportedly face even more stringent surveillance measures than the general population. In addition, residents must participate in regular life review sessions, known as *Saenghwal chonghwa*, at least once a week within their respective organizations, such as schools, workplaces, military, *Inminban* groups, and the Women's League. This requirement extends to North Korean workers and students living abroad. During the life review sessions, participants are expected to reflect on their own failures and those of their colleagues in both their work and personal lives. Failure to attend can lead to criticism. House searches are also conducted to crack down on outside information, smuggled goods, and electronic devices. These searches are carried out during routine accommodation inspections, and in some cases, without the presence of a warrant or other due process protections. There have been testimonies of on-the-spot inspections of smartphones on the streets and in colleges, aimed at identifying illicit content among young people. Additionally, the authorities monitor residents' telephone conversations, and carry out regular inspections of correspondence, as well as portraits and insignia pins featuring Kim Il Sung and Kim Jong Il, and clothing. It seems that authorities have increased these inspections in response to residents' growing exposure to external information.

The Socialist Constitution provides that North Korea is guided in its building and activities only by great Kimilsungism-Kimjongilism, indicating that Kimilsungism-Kimjongilism is the guiding ideology of North Korea. Ideological education begins

from childhood and takes various forms, such as music, art, and physical activities. It is organized throughout the curriculum from elementary school onward and continues through lectures and study sessions in the military, workplace, and other organizations. Ideological education touches every aspect of people's daily lives through the *Inminban*. Every institution, state-run company, and school in North Korea has a room dedicated to the study of the revolutionary ideas of Kim Il Sung and Kim Jong Il. In every city and province, there are revolutionary museums and statues of Kim Il Sung and Kim Jong Il, to which people are expected to show their loyalty. It is said that every household must display portraits of Kim Il Sung and Kim Jong Il, and people must wear badges bearing their portraits on their outer clothing. It has also been found that no ideology other than Kimilsungism-Kimjongilism is allowed. Instances have been collected that indicate *Inminban* units keep an eye on residents' ideological tendencies, while the *Unified Command* engages in crackdowns and punishment of anti-socialist and non-socialist behaviors. Freedom of religion exists only in theory and is not guaranteed in practice. It has been found that, due to continued policy of religious persecution, most people have not experienced religion. Some testimonies suggest that anti-religious education is given in schools or organizations, while people have been publicly executed or sent to political prison camps for possessing the Bible or engaging in missionary activities. Superstitious acts are also considered non-socialist and subject to crackdown and punishment. While superstitious acts were rarely punished in

the past, crackdowns and punishment were strengthened from 2018, and some people were sentenced to *Rodong Kyohwa* (reform through labor) or even executed.

The freedom of expression is limited due to surveillance and censorship, with the authorities controlling media and publication content. The authorities have the power to recall publications that spread certain ideologies, cultures, and lifestyles deemed reactionary. Criticizing the Supreme Leader or the political system is considered *Mal Bandong* (verbal treason), and those who speak out can be arrested, disappear, or sent to a political prison camp, as testified by some defectors. The North Korean authorities are becoming stricter with surveillance and control due to advancements in communication technologies, which have given residents greater access to external information. External information is mostly brought into North Korea by students and laborers who are abroad, as well as by merchants, and is particularly popular among young people. To crack down on external information, a task force named the '*109 Unified Command*' was created, which conducts house searches and random street inspections. Since 2017, South Korean dramas and movies have gained widespread distribution in North Korea, prompting the authorities to crack down not only on the dissemination of external information, but also on fashion and lifestyle trends that may be influenced by it. Testimonies suggest that while in the past, small bribes were sufficient to avoid prosecution for possessing external information, now larger bribes are required, and instances of public criticism or labor

punishments have increased. The Law on Rejecting Reactionary Ideology and Culture enacted in 2020 stipulates that those accessing, possessing, or distributing external information could face up to ten years of *Rodong Kyohwa* (reform through labor), while those accessing, possessing or distributing South Korean dramas, movies, and music videos could face even harsher punishments.

North Korean people, whether they are students, laborers, farmers, soldiers, or housewives, are forcibly mobilized to attend state-controlled assemblies or public events several times a year. They are not allowed to assemble freely otherwise. These events include commemorations such as the anniversary of Kim Il Sung's death, the founding day of the North Korean regime, and the Workers' Party anniversary, as well as rallies. Attendance is mandatory, as failure to participate can lead to criticism and accusations of disloyalty to the party. Students, in particular, are often required to participate in mass gymnastics and endure extensive practice hours, with non-participation resulting in penalty fees. Additionally, residents are compelled to join organizations such as the Children's League, General Federation of Trade Unions, and Socialist Women's League starting from their second year of elementary school. It is reported that joining and leaving these organizations is automatic, and withdrawal based on individual will is not allowed. Members of these organizations are required to contribute supplies and effort and participate in lectures and life review sessions, and failure to do so can result in criticism. However, some individuals reportedly opt out of these

sessions by paying a certain amount of money.

Representatives who can be elected by popular vote in North Korea are members of the Supreme People's Assembly, as well as members of city, county, and provincial people's assemblies. Participation in elections is mandatory and failure to do so, or casting a dissenting vote, is believed to result in punishment. Therefore, voting is viewed as an obligation, not a right. Those interviewed stated that they typically vote in favor of the candidate by placing the ballot paper into the box without any marking. They also reported that they do not know how to vote against a candidate, nor have they ever heard of anyone doing so. The right to run for office is limited as well. Typically, candidates for people's assembly member positions are nominated from individuals who meet the Party Committee's criteria for *Songbun* (background) and party membership, and only one candidate appears on each ballot. Anyone who becomes a candidate is practically guaranteed to be elected.

North Korea has a social classification system called *Songbun* (background) or *Todae* (family background), which determines a person's social status and access to opportunities such as higher education, jobs, and membership in the Workers' Party. It appears that a person's place of residence, whether in Pyongyang or a province, or in an urban or rural area, is determined based on their *Songbun*. Furthermore, discrimination based on *Songbun* is evident even between central and surrounding districts within Pyongyang. *Songbun* also affects college admissions, job placements, promotions, and opportunities for occupational

or job changes. In some cases, people resort to bribery or connections to change their jobs.

Discrimination is prevalent among families of defectors, South Korean prisoners of war, separated families, returnees from Japan, and people with relatives in China. While the extent of discrimination varies, they are often subject to surveillance in their daily lives, and face discrimination in every aspect of social life such as difficulty in joining the party, getting into college, or being allowed to participate in party work.

2. Economic, Social, and Cultural Rights

SUMMARY

It has been found that people are not guaranteed the economic, social and cultural rights essential for a dignified life.

In terms of the right to food, people in North Korea are experiencing difficulties in securing adequate food, with discriminatory access to food based on social class and economic power. In addition, inequalities and insufficiencies in food distribution between Pyongyang and the provinces, prioritized rations to the elite class, and differences in ration amounts by state-run companies are exacerbating the food shortage situation for North Korean residents.

As for the right to health, essential vaccinations for children, including infants, are provided free of charge. However, there were conflicting testimonies regarding the management of highly infectious diseases such as tuberculosis by the authorities, with some indicating proper management while others citing a lack thereof. The free healthcare system, which forms the basis of the medical system in North Korea, is not being properly operated. People often have to bear the cost of medical services, and access

to healthcare services is discriminatory based on *Songbun*. As it is difficult for ordinary residents to access public medical services, unauthorized private medical practices have become widespread, posing a threat to the healthy lives of North Korean residents.

In North Korea, residents are forcibly placed in jobs, and veterans and graduates are collectively assigned to industries that are generally avoided. Due to inconsistent and often unpaid wages, many workers only attend work formally and engage in personal economic activities to make ends meet. There were testimonies that overseas dispatched workers suffer from excessive work hours ranging from 10 to 17 hours per day depending on the type of business. In terms of compensation, workers often take home very little after deduction of the state-planned quota and operating expenses, with some testifying that 80% of their income went toward the planned quota. Workers deployed abroad are subjected to the same surveillance and control as those within North Korea.

Despite the adoption of a 12-year free compulsory education system in North Korea, people are not receiving adequate education. The burden of paying for school operating expenses, as well as all necessary learning costs, places a significant financial strain on parents. Additionally, discrimination based on social class in college admissions, as well as a serious disparity of educational opportunities due to economic and regional differences, create further obstacles for students. The poor treatment of teachers also negatively impacts the quality of the educational environment.

North Korea's social security system falls short of its goal to protect vulnerable groups. Elderly pensions and working disability pensions are too meager to provide practical assistance, and

despite the relevant policies, survivor's pensions and subsidies often go unpaid, leaving socially disadvantaged groups largely unprotected.

It appears that the food ration is distributed in a discriminatory way based on different ratings, such as gender, age, occupation, and labor intensity. Even during the economic crisis of the 1990s when the distribution system did not function properly, privileged groups such as the party, military, the Ministry of State Security, and the Ministry of Social Security still received rations. Following the implementation of the Corporate Responsibility Management System in 2012, the ration distribution system has been divided into '*state ration*' and '*state-run company ration*.' *State ration* is distributed to children, social security beneficiaries, security apparatus, and those living in certain areas including Pyongyang. Distribution of rations to security apparatus and Pyongyang residents appears to be well-maintained, whereas rations for teachers and medical professionals, who were known as priority recipients, varied depending on the region and hospital. In the case of *state-run company ration*, there is significant disparity in the amount of rations depending on the circumstances of the companies. *State-run companies* earning foreign currency provided decent rations, but many other *state-run companies* provided only a very small amount that did not meet the regulations or no ration at all. Due to the breakdown

of the food ration system, most residents engage in personal economic activities such as cultivating small plots of land, raising livestock, trading in markets, and smuggling to supplement their scarce food supply.

Various testimonies suggest that the operation of North Korean-Chinese joint ventures has become difficult due to sanctions, and that mining operations have also been halted due to fuel and electricity shortages. Furthermore, the rising fuel prices have negatively affected the economy. The situation is particularly dire for those in border areas who rely on small-scale cross-border smuggling with China.

North Korea claims that the right to health is guaranteed through a system of preventive medicine and free medical care. Children and infants receive free essential vaccinations in schools or clinics. During outbreaks of infectious diseases such as typhoid, measures were reportedly taken to prevent the spread of disease through hygiene promotion campaigns and vaccination campaigns. There were conflicting testimonies regarding the management of the highly infectious tuberculosis outbreak by the authorities, with some indicating proper management while others citing a lack thereof. Since 2020, North Korea has enacted and amended the Law on Emergency Anti-epidemic Work to prevent the spread of COVID-19, taking measures such as closing borders and quarantining incoming travelers for 45 days. There were also testimonies that those who broke quarantine measures faced *Rodong Kyohwa* (reform through labor) punishment. North Korea claims to be protecting the residents' health through the

'household doctor system.' However, testimonies indicate that the duties of *household doctors* are primarily confined to hygiene campaigns and vaccinations, and that people have never met with them. They even prioritize private economic activities instead of official duties.

While North Korea claims to have a free medical care system, testimonies suggest that it is not functioning properly. While medical examination, treatment, and hospitalization seem to be free of charge, multiple testimonies suggest that patients have to pay medical staff in cash or in kind. Numerous testimonies also indicate that patients are responsible for paying for the costs of medicine, expendable supplies, and fuel to operate medical appliances. In addition, patients must purchase their own medicine. North Korea's medical system suffers from a lack of adequate equipment and facilities, and it seems that not everyone has equal access to medical supplies or professional medical services. It appears that access to specialized hospitals and advanced medical services is provided in a discriminatory manner based on family background and economic status. According to testimonies, hospitals in North Korea have specific departments catering to high-ranking cadres and their families, who receive expensive medicines and hospitalization free of charge. Recent testimonies indicate that personal connections and bribery have become important factors causing discrimination in medical services, allowing anyone with money to utilize special hospitals in Pyongyang. According to testimonies, illegal private medical practices are also being carried out openly, but there is

no active crackdown by the authorities. Additionally, it has been found that narcotics are being used indiscriminately in place of proper medication.

Regarding drinking water, it is reported that tap water is generally available, but the supply is limited due to power shortages, and that those who do not have access to tap water rely on public street pumps, rivers, or wells for drinking water. Some have even reported that the number of people buying bottled water has increased recently due to unclean tap water.

In North Korea, individuals are forcibly assigned jobs regardless of their personal preferences. The testimonies consistently indicate that family background is the most significant factor in determining job assignment. Consequently, people use personal connections or bribes to transfer or avoid being placed in undesirable jobs, indicating that economic power is increasingly important for job placement. There were reports of veterans being collectively assigned to work in farms and coal mines to alleviate the shortage of labor in industries that are avoided. Connections and bribes are also necessary to avoid being placed in such assignments. North Korea also punishes the unemployed or those who are absent from work. While inspections are generally conducted by social security officers responsible for residential areas and workplaces, there are also *'unified command'* (task force) dedicated to cracking down on unemployed individuals. Those who are arrested for being jobless or absent from work are subject to *Rodong Kyoyang* (law education penalty). However, many are able to avoid arrest

and punishment through personal connections or bribes. In addition, due to the failure of state-run companies to fully pay wages, some workers turned to private economic activities for their livelihood, working as *8.3 workers* who paid a set fee each month to their employer to avoid going to work. If classified as *8.3 workers*, they are excluded from inspection, and it appears that a significant number of workers skip work by paying this fee. The working environment of North Korean workers was found to be generally poor, although it varies by industry. Wages are very low, except in *state-run companies* that earn foreign currency. After various charges are deducted, there is little left for workers to take home. In practice, legal provisions that guarantee working hours, rest hours, and leave are often not enforced. Additionally, regulations pertaining to safety training and the provision of safety equipment at workplaces are frequently overlooked.

Shock brigades, known as *Dolgyeokdae*, work under extremely difficult conditions. They are organized for large-scale construction projects and recruited either forcibly through group assignments or temporary transfers, or voluntarily for party membership or college admission. *Dolgyeokdae* workers are mostly unpaid and suffer from high-intensity labor in harsh conditions. According to testimonies, working hours frequently extended beyond 10 hours per day, and malnutrition was widespread among workers. As a consequence, desertion from work was prevalent. Such poor treatment resulted in a decrease in the number of volunteers, and more positions had to be filled with forcibly mobilized individuals. With the reluctance to join

Dolgyeokdae increasing, some resorted to paying others to enlist on their behalf.

North Korean workers are deployed abroad such as China and Russia to earn foreign currency in construction, service, or manufacturing industries. Unlike *Dolgyeokdae*, those who volunteered to work abroad mostly pursue economic purposes; they go through a selection process that includes pre-screening based on family background, family relations, and reputation, as well as multiple rounds of interviews, with many resorting to bribery to secure their positions. However, it has been found that working conditions are different from what workers were initially led to expect. While wages may vary among different *state-run companies*, workers are in general partially paid and not on a consistent monthly basis. Unpaid wages are reportedly paid in a lump sum when workers return to North Korea after completing their deployment. In addition to their work duties, overseas workers are also required to pay state-planned quotas, party membership fees, and business operating expenses. Workers deployed overseas may also have to pay for embassy operating expenses, depending on the country they are sent to. As a result, their actual take-home pay is significantly reduced, with some reporting that up to 80% of their wages went toward state-planned quota. Furthermore, workers often have to work excessively long hours without rest days, with some working between 10 to 17 hours a day. Their living conditions are also poor, residing in containers on construction sites. Furthermore, they are subjected to the same strict surveillance and control

measures as they would be in North Korea, with resident security officers monitoring their every move and receiving detailed reports from informants among the workers. It is reported that workers are strictly prohibited from accessing external information, and the use of mobile phones is prohibited in principle. Even in cases where cell phones are allowed, smartphones are mostly prohibited, and state security officers regularly inspect personal belongings to find them. In most cases, those caught with a smartphone had to pay a fine to cover it up, but there were also cases where individuals were repatriated to North Korea for watching South Korean videos. Additionally, *life review sessions* are held on a weekly basis, but they are often perceived as a mere formality for non-party members who are simply instructed to return to work.

Although North Korea guarantees universal 12-year compulsory education in the Socialist Constitution and the General Education Law, it has been found that various education expenses are being passed onto students. Textbook fees are often required, and there have been numerous instances where textbooks were not sufficiently provided to all students. Students had to pass them down to the next grade at the end of the school year. Consistent testimonies indicate that individuals are required to pay for school operating expenses and children's assignments known as '*kkoma kwaje*.' The cost of running schools has increased as school facilities modernization has progressed. The school's demand for money or goods was often enforced by teachers, and students who could not afford the costs often faced criticism or

embarrassment in front of their peers. As a result, it has been reported that many financially challenged students choose to drop out of school. Furthermore, significant disparities have been found in the educational environment between urban and rural areas in North Korea. Individuals also face discrimination in college admissions based on their background, and access to educational opportunities is often influenced by economic power. These factors suggest the existence of discrimination based on background, region, and economic power. Along with a poor educational environment, it appears that many schools lack basic facilities such as infirmaries, libraries, and proper hygiene facilities, despite efforts to modernize school facilities. In addition, inadequate economic compensation for teachers has led them to rely on support from well-off parents or mobilize students to work in their private gardens to make ends meet. As a result, students are deprived of proper educational conditions and opportunities. Furthermore, schools prioritize political and ideological education over general education, and include mandatory military training involving live-fire exercises in the curriculum, which compels students to participate.

North Korea's social security system includes pension programs such as elderly pensions, disability pensions, and survivors' pensions to guarantee basic livelihoods for those in need, and subsidy programs that function like social insurance. Elderly pensions are provided to those who have completed a certain number of years of continuous service and have reached a certain age. However, it is found that the level of pension

payment is not enough to be practically helpful for a living. Disability pensions are paid to those who have lost their ability to work for six months or longer due to industrial accidents or other reasons. However, there have been cases where individuals bribed their way into becoming eligible for social security benefits, but even then, pension was not provided, or the amount paid out was very small. There have been testimonies indicating that survivors' pensions, which are meant to compensate the surviving family members of workers who died on the job, have not been effectively paid out. Also, in many cases, various subsidies were not paid out despite being legally provided for. North Korea is propagandizing the construction of new elderly care facilities and support for the elderly, and there have been testimonies collected from people who claim to have witnessed nursing homes and other elderly care facilities in North Korea. However, cases were collected where elderly individuals were admitted to such facilities even if they had family members who could provide support. In some instances, children used their connections or bribes to have their parents admitted to these facilities, in order to avoid the burden of caring for them.

3. Vulnerable Groups

SUMMARY

When reviewing the human rights situation of vulnerable groups in North Korea, it appears that the rights of women, children, and persons with disabilities are not being adequately protected. North Korean society is predominantly patriarchal, which means that women are not guaranteed their rights and they are at risk of different types of violence at home, school, military, and detention centers. Moreover, female defectors are subjected to serious human rights violations, including human trafficking, while fleeing North Korea. Women who are trafficked are at risk of sexual violence, and those who are arrested and forcefully returned to North Korea by Chinese authorities suffer from various types of human rights abuses like naked body searches, vaginal inspections, sexual violence, and forced abortions in detention centers.

Although children are entitled to protection and care from the state and society, those in North Korea are not guaranteed their rights properly. North Korean children can sometimes be sentenced to death and publicly executed. Children under the age of 17 can be arrested and detained without a warrant for

watching South Korean videos or for other reasons, and they can be subjected to the same treatment as adults. North Korean children are also exposed to various forms of violence at home, in schools, or in shelters, and it has been found that the authorities take no proper measures to protect child victims. Additionally, North Korean students are mobilized by schools to participate in various labor activities, in addition to the *agricultural support activities* (production labor) that are required as part of the school curriculum. Students are also forcibly mobilized to various labor sites by institutions or organizations other than schools.

The Universal Declaration of Human Rights (UDHR) declares that all human beings are born equal. The Convention on the Rights of Persons with Disabilities stipulates that discrimination based on disability should be prohibited. However, persons with disabilities are negatively perceived in North Korea, as if their existence alone is a disgrace. Such perception leads to discrimination against persons with disabilities. It was also found that North Korean authorities restricted people with disabilities from changing their places of residence. Though the authorities have recently provided some support for the treatment and rehabilitation of people with disabilities, it appears to be insufficient.

In North Korea, there is a general perception that men are prioritized over women, and it appears that discrimination against women still exists in various aspects of life, including home, social, and educational settings. Violence against women is a major issue in North Korea. Many testimonies indicate that there is a lack of awareness about the need to report domestic

violence in North Korea, and even when reports are made, the authorities often do not intervene, as domestic violence is often perceived as a personal issue. Sexual harassment and sexual violence are also reported to occur in various settings, such as homes, schools, military, detention facilities, and *Dolgyeokdae* (shock brigades). However, most victims choose not to report sexual violence due to fear of humiliation and victimization if their case becomes public. Even when they decide to report, victims do not actively do so due to the likelihood of being blamed for the circumstances.

As the North Korean authorities provide free healthcare in principle, they claim that giving birth to a child costs nothing, and they have made efforts to promote the rights to health of pregnant women. However, it appears that there is insufficient medical support such as prenatal checkups and other support to assist with the delivery of a child, resulting in many children being born at home. Testimonies have indicated that although laws aim to protect motherhood, such as providing maternal leave before and after childbirth and reduced working hours for mothers with multiple children, in reality, people do not benefit from prenatal or postnatal leave or childbirth benefits.

It has been found that a significant number of women who fled North Korea primarily due to economic hardships are facing human rights violations. Many of them have fallen prey to human trafficking by brokers, and some have defected without even realizing they were being trafficked. Testimonies show that some women were aware they were being trafficked but felt they had

no other option as it was the only means to escape North Korea. Women who were trafficked were also at risk of sexual violence from their brokers, and many were forced into marriages with Chinese men or sold to the sex industry. In some instances, those who were arrested in China and forcibly repatriated to North Korea were subjected to naked body searches and vaginal inspections, as well as sexual violence and forced abortions during their transfer. It appears that even if they were identified as victims of human trafficking, they could not receive protective measures or avoid punishment as victims. Testimonies reveal that individuals who were forcibly repatriated were often punished, including being sentenced to *Rodong kwohwa* (reform through labor) for illegal border crossing, and were subjected to surveillance by the authorities even after being released.

Children's physical and mental immaturity requires special protection from violence and labor. However, it appears that the rights of children in North Korea are not being adequately protected. Testimonies have revealed that children below 18 years of age who were sentenced to death for committing a crime were publicly executed. Testimonies have also been collected, indicating that the due process of law was not observed during the arrest and detention of children, and that they were held without being segregated from adult detainees and subjected to the same treatment as them.

Ongoing testimonies of violence against children have shown that the authorities do not intervene or provide support due to the belief that domestic violence is a form of discipline.

There have been numerous cases of physical assault or abuse by teachers in educational institutions or children protection facilities. According to the testimonies, students were punished for failing to meet *kkoma kwaje* (children's assignments) or complete tasks when mobilized for field labor. Juvenile offenders are frequently subjected to verbal abuse, assault, and harsh treatment by handling officers, and minors are at risk of being trafficked while attempting to escape from North Korea.

It also appears that North Korean students, from elementary schools to senior middle schools, are frequently required to participate in after-school labor. During the spring and fall farming seasons, they attend classes in the morning and are then mobilized to nearby farms for agricultural work. As they advance to the next grades, they are mobilized more often and must endure longer hours and more intense labor. Senior middle schools even have '*agricultural support activities*' incorporated into their curriculum. Although the duration and frequency of mobilization vary by school, it appears that students are sent to the homes of farm members, where they stay for weeks and are mobilized for agricultural work for more than eight hours a day. There have been cases where principals and teachers openly mobilized students to their *bueupji* (small fields around individual houses) for their own personal interests, and there have also been cases where children under the age of 16 were assigned to *Dolgeokdae* (shock brigades). However, it has been found that there are no crackdowns or protective measures from North Korean authorities regarding child labor.

North Korea claims to be improving its children protection facilities, such as *yugawon* (orphans' nurseries) and *aeugwon* (orphans' kindergartens) for children without guardians. They also claim that students leaving these facilities can get a job of their choice. While there have been some partial improvements in the environment of these facilities, including the construction of new orphanages and modernization of existing facilities, testimonies show that many graduates are forcibly placed into *Dolgyeokdae* (shock brigades) or factories instead of going to college or getting job placements of their choice. In addition, homeless children called *kkotjebi* are subject to crackdowns by an organization called '*kkotjebi sangmu*' and are sent to detention facilities. However, due to the poor conditions and forced labor in these detention centers, they often end up running away from these facilities.

It appears that the perception of persons with disabilities remains low in North Korea. According to testimonies collected, they are often avoided and denied their right to freedom of movement and the right to liberty. The North Korean authorities restrict their ability to get married or have children and only allow them to live in isolated communities such as *Dwarf Village*. There were reports that persons with disabilities were forced to leave Pyongyang so that they could not live there. However, there have been some testimonies showing that the authorities have recently permitted individuals with disabilities to reside in the city.

It appears that the rights of persons with disabilities to

facilities, treatment, education, and work are not fully guaranteed as claimed by the North Korean authorities. It has been reported that facilities for people with disabilities are insufficient. Even in apartments where visually impaired people live together, there is a lack of proper passages customized for people with disabilities. Additionally, although there are assistive device factories to assist with the treatment and rehabilitation of persons with disabilities, it is reported that the authorities do not supply medical equipment free of charge. Rather, people have to pay for orthotic devices. While there are schools for the deaf and blind that provide special education for people with disabilities, there is no evidence that special classes or education are available for people with disabilities in regular schools. Regarding employment, it appears that separate workplaces are established for people with disabilities to perform light labor. However, similar to regular workers, disabled workers are frequently unpaid. On the other hand, there have been cases of people with disabilities being employed in regular state-run companies. It appears that *honorary soldiers* receive preferential support and social benefits from the authorities compared to other disabled individuals. According to testimonies, *honorary soldiers* are classified into a special class, class 1, class 2, or class 3, with those in the special class receiving sufficient food, daily necessities, and other resources. Reportedly, benefits received by *honorary soldiers* who are not in the special class are not very helpful.

4. Special Issues

SUMMARY

It has been found that political prison camp inmates, Korean War POWs, abductees, and separated families are particularly vulnerable to severe human rights violations. Based on the investigation conducted by the Center for North Korean Human Rights Records, a total of eleven political prison camps have been identified, of which five are reported to be currently operational. While the treatment of inmates may vary among facilities, inmates are generally exposed to cruel treatment. Korean War POWs, abductees, and separated families are subjected to surveillance and discrimination. However, given that few North Korean escapees have recently experienced or witnessed life in a political prison camp, it is difficult to obtain a detailed account of the current status of the camps and how inmates are treated. As for Korean War POWs and abductees, obtaining a detailed understanding of the extent of human rights abuses has also been challenging due to the limited number of testimonies available.

It is known that there are specialized facilities in North Korea designed for the confinement of political prisoners. Based on the investigation conducted by the Center for North Korean Human Rights Records, a total of eleven political prison camps have been identified, of which five are reported to be currently operational. Political prison camps are typically located in remote, mountainous regions that are difficult for ordinary citizens to access, which makes it extremely challenging for inmates to escape. Moreover, the size of these camps can be quite large, with some spanning an area equivalent to several *'ri's* and *'gu's* combined. The reasons for confinement in these camps are varied. These include having a poor *Songbun* (background), participating in activities perceived as insulting the authority of Kim Il Sung and Kim Jong Il (such as verbal treason), participating in espionage, practicing religion, being involved in power struggles or embezzlement within North Korean institutions, having family members who have escaped to South Korea, attempting to flee to South Korea, engaging in human trafficking, communicating with South Korean residents over the phone, and other issues related to South Korea. In most cases, family members of political prisoners are also subjected to confinement. It has been found that the arrest and detention of individuals in political prison camps are carried out without following due process of law. When an individual is arrested by the state security institute for an alleged political crime and subsequently goes missing, it is commonly assumed that they have been sent to a political prison camp, and the family members are often informed of this by institutional

officers.

While the treatment of inmates may vary depending on the facility, it has been found that political prison camps execute prisoners and subject them to forced labor. According to testimonies, those who attempted to escape from political prison camps but were caught were executed. Some executions were conducted in the presence of mobilized camp inmates, while others were carried out in secret. Inmates are typically assigned to physically demanding work in coal mining. Only those who are pardoned and released are given relatively easier jobs, such as leading work groups or performing tasks that do not involve working in the underground mine, such as blasting. According to testimonies, inmates usually lived in communal housing units known as *harmonica blocks*, which were cramped and in a state of severe disrepair, with extremely poor living conditions. While families were reportedly allowed to live together in political prison camps, there have been testimonies indicating that inmates were not allowed to form relationships or get married. However, there has been a report indicating that life inside the political prison camps was not significantly different from the lives of regular North Korean residents, implying that the level of control and treatment may have varied from camp to camp. There were testimonies of discrimination in healthcare and education between inmates and officers and their families in political prison camps. Some testimonies indicated a severe shortage of medicines available to inmates. Additionally, while education was provided, there were separate schools for the

children of inmates and the children of officers with different curriculums.

South Korean prisoners of war, civilian abductees, and those who have been separated from their families due to political, economic, or other reasons should be protected by the state and safeguarded against discrimination based on their background and other reasons. Although there are limited testimonies on South Korean prisoners of war, it appears that they are under constant surveillance and face discrimination. Many of these prisoners were forced to work in coal mines or farms, and there have been testimonies of several dozen of them living in Musan County in North Hamgyong Province and Tanchon City in South Hamgyong Province. North Korean authorities classify South Korean prisoners of war as Category 43 and manage them separately, subjecting not only the POWs themselves but also their immediate family members to surveillance. Testimonies indicate that children of POWs face discrimination in practically all aspects of life, including college admission, job placement and promotion, party membership, and military service. According to testimonies, the prisoners of war were constantly monitored and had to report separately to state security officers even when moving with permission. Most POW children were unable to pursue higher education, join the military or become party members and were often assigned to work in coal mines or farms as a group.

North Korean authorities have repeatedly denied the existence of abductees. However, there have been testimonies individuals

who were abducted as part of the North Korean Voluntary Army experienced discrimination and surveillance. There have been testimonies indicating that during the Korean War, abducted civilians lived in a variety of locations, but many were assigned to work in coal mines in groups. These abductees and their families were under constant surveillance through the *Inminban* system. Due to the limited number of available testimonies, it is challenging to gain a comprehensive understanding of the human rights violations committed against abductees.

The issue of separated families involves two groups: families of those who fled to South Korea and families of defectors to North Korea. However, these two groups were not subjected to the same kind of discrimination, and the degree of discrimination also varied. Some testimonies indicated that individuals whose families had defected to South Korea were barred from becoming party workers or legal workers, while others stated they could become civil servants. Another testimony indicated that the person was unable to gain admission to a military officer school or a state security college because of a family member or relative's defection to South Korea. Defectors to North Korea and their families also faced difficulties finding employment in the party job, military, or certain universities. Some testified that, after meeting their families from South Korea through South-North family reunion events, their children were subjected to surveillance and discrimination.

III

Civil and Political Rights

1. Right to Life

The right to life is the foundation of all other human rights, and its guarantee is an indispensable prerequisite for the realization of all other rights. The Universal Declaration of Human Rights declares that everyone has the right to life in Article 3, which precedes any other substantive rights provision. The International Covenant on Civil and Political Rights (hereinafter ‘ICCPR’) also enshrines the right to life in Article 6. Specifically, Article 6, paragraph 1 of the ICCPR stipulates that “Every human being has the inherent right to life. The right shall be protected by law. No one shall be arbitrarily deprived of his life.” Paragraph 2 and subsequent paragraphs of Article 6 provide for limitations on the imposition and execution of the death penalty.

As a party to the ICCPR, North Korea has a legal obligation to ensure the protection of the right to life of its residents. The North Korean Socialist Constitution of 2019 stipulates that one of the duties of the prosecutor’s office and the court is to “protect the lives and property of the people.”¹ Additionally, Article 11

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¹ The Socialist Constitution (2019) Article 156, Article 162.

of the Law on Protection of the Rights of the Child of 2014 recognizes the right to life of children, while Article 38 of the Law on the Protection of the Rights of Women of 2015 provides that women have inviolable rights to health and life.

A. Arbitrary Deprivation of Life

Article 6, paragraph 1 of the ICCPR guarantees the right to life and prohibits arbitrary deprivations of life. The UN Human Rights Committee interpretes the notion of ‘arbitrariness’ more broadly than ‘illegality’, to include the lack of elements of reasonableness, due process of law, and proportionality.² Therefore, in addition to cases of extrajudicial execution without legal basis, even in cases of lawful deprivation of life under the domestic law of a state party, if the rights guaranteed by the ICCPR, such as the right to a fair trial, were not properly ensured, the deprivation of life may be considered an arbitrary deprivation of life under Article 6.

In 2014, North Korea asserted through the Association for Human Rights Studies of North Korea that it recognizes the obligation to protect the right to life under Article 6 of the ICCPR, stating that “No one is, without recourse to the law, deprived of their rights to life, which is guaranteed by the criminal law and regulations.”³ Furthermore, during the UN Universal Periodic

2 UNHRC. CCPR General Comment, No. 36, Article 6: Right to life, paras. 11–12.

3 The Association for the DPRK Human Rights Studies, ‘Report of the DPRK Association for

Review (UPR) process, North Korea has consistently emphasized that the right to life is effectively guaranteed in the country.⁴ In the third UPR report submitted in 2019, North Korea stated that “The right to life is guaranteed by the Socialist Constitution, the Criminal Law, and other laws concerned and protected by the prosecutorial, judicial and public security organs.”⁵

The testimonies of North Korean defectors reveal that arbitrary deprivation of life is being perpetrated by the North Korean authorities within its territory. In border areas, instances of “summary executions,” in which people are deprived of their lives without undergoing judicial proceedings, continue to be documented. These cases include instances of eyewitnesses seeing border guards killing residents attempting to escape from North Korea, as well as instances heard directly from guards who had carried out the killings. According to the testimonies of defectors who heard directly from the guards, there is a rule that states, “If someone does not stop when warned three times, they shall be shot.” In 2019, a porter who had been mobilized for smuggling at the North Korea-China border was apprehended for theft and detained at a guard post by a state security officer who was implicated in the smuggling activities. When the porter attempted to cross the border into China during a lapse in surveillance, the state security officer who observed it executed him on

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Human Rights Studies, 2014, pp. 73–74.

4 UN Doc. A/HRC/WG.6/6/PRK/1 (2009), para. 33; UN Doc. A/HRC/WG.6/19/PRK/1 (2014), para. 30.

5 UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 20.

the spot. Another testimony indicates that in 2020, the authorities issued a directive to residents and border guards stating that anyone who enters the border blockade area will be shot on sight without prior warning, citing COVID-19 prevention as a reason. There have been actual cases where people who entered the blockade area were killed by border guards in accordance with this directive.

It has been revealed that arbitrary deprivation of life by the North Korean authorities also occurs in North Korean detention facilities. Consistently collected testimonies from fellow inmates who witnessed the execution of prisoners caught while on the run from *Kyohwaso* (prison camp), one of North Korea's penal institutions. In 2016 and 2017, consecutive executions of prisoners caught on the run were carried out at *Hamhung Kyohwaso*. Several cases of executions of prisoners caught while attempting to escape from other *Kyohwaso*, including *Jeongeori Kyohwaso* were also collected. Based on the common thread in these testimonies, the executions were carried out by firing squad at the initiative of the *Kyohwaso's* warden, and although it is unclear whether there was a trial before the execution, there was a reading of the death penalty for the offense of escaping from *Kyohwaso*. The warden gathered all the inmates in the front yard of *Kyohwaso* and forced them to witness the execution, saying, "Watch what happens to you if you try to escape."

“On the day of the execution, all male and female prisoners were gathered in the courtyard of the *Kyohwaso*. Upon arrival, we saw one prisoner with a rope tied around his neck who had been hung from the top of the main gate. The beating was so severe that it was difficult to recognize the face. When all the inmates had assembled, three shots were fired at the prisoner who was hanging from the gate. Afterwards, the body was placed on the ground. The *Kyohwaso* warden then instructed the inmates to pick up stones from piles that had been prepared in advance and throw them at the body. The stones thrown by the inmates, one by one, formed a cairn.”

Based on the collected testimonies, it appears that certain detention facilities practice ‘secret execution’ of their detainees. There is a detention center called ‘*Kukeumso*’ managed by the Ministry of State Security where most of the detainees are transferred to political prison camps or secretly executed, and it is very rare for them to be transferred to *Kyohwaso*. A defector who directly heard it from the head of the *Kukeumso* testified that in 2014, a male detainee was secretly executed on the grounds of homosexuality, and in 2013, a female detainee was secretly executed on the grounds of prostitution.

Testimonies have been also collected, stating that prison guards committed infanticide in North Korean detention facilities. All cases of infanticide were committed against defectors who were forcibly repatriated from China while pregnant. In 2014, a woman who had been forcibly repatriated from China was detained while 8 months pregnant. The guards induced labor with medication and, upon the baby’s birth, killed it because

they suspected that the baby was ethnically Chinese. Another testimony involved witnessing infanticide in *Jipkyulso* (holding center) in 2011. A pregnant woman who had been forcibly repatriated gave birth in the cell, and the head of *Jipkyulso* ordered the newborn infant to be killed because it was believed to be of Chinese descent. Guards then suffocated the baby to death.

B. Widespread Application of Death Penalty

Pursuant to Article 6, paragraph 2 of the ICCPR, in State parties that have not abolished the death penalty, sentence of death can be imposed only for ‘the most serious crimes’ in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the ICCPR. The Human Rights Committee clarifies that the death penalty cannot be imposed where the criminalization of conduct, such as offending a head of State, would itself violate the ICCPR.⁶ The Committee also emphasizes that the term ‘the most serious crimes’ must be interpreted narrowly so that the death penalty is an exceptional measure and that crimes, such as corruption, economic and political crimes, and drug-related offenses, do not qualify as the most serious crimes.⁷

North Korea has established the death penalty as a fundamental

6 UNHRC, CCPR General Comment, No. 36, Article 6: right to life, para. 36.

7 *Ibid.*, para. 35.

punishment in its criminal law and has gradually expanded the range of crimes for which it can be applied through amendments to the criminal law.⁸ The Criminal Law of 2012 listed seven crimes for which the death penalty could be imposed, including conspiracy for national subversion (Article 60), terrorism (Article 61), treason against the country (Article 63), destruction and sabotage (Article 65), national rebellion (Article 68), drug trafficking and dealing (Article 208), and intentional homicide (Article 266). Subsequent amendments to the criminal law added the crime of illegal opium cultivation and drug production, bringing the number of capital crimes to eight in the Criminal Law of 2015. In the Criminal Law of 2022, the crimes of illegal opium cultivation and drug production are separately defined, the crime of insulting the dignity of the state is added, and the death penalty is added as a statutory penalty for the crime of hostility against foreigners. The total number of crimes for which the death penalty can be imposed has increased to 11.⁹ However, according to the Human Rights Committee, crimes such as treason against the country (Article 63), insulting the dignity of the state (Article 64), national rebellion (Article 70), illegal opium collection (Article 234), illegal drug production (Article 235), and drug trafficking and dealing (Article 237) under the Criminal

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⁸ North Korea has made over thirty amendments to its criminal law since adopting it on December 15, 1990, through Decision No. 6 of the Standing Committee of the Supreme People's Assembly. The latest amendment to the criminal law was made on May 17, 2022, through Decree No. 967 of the Presidium of the Supreme People's Assembly.

⁹ The Criminal Law(2022), Article 35, Article 36.

Law (2022) cannot be considered the most serious crimes, and therefore the death penalty cannot be imposed. Nonetheless, North Korea's criminal law stipulates that the death penalty can be imposed for such crimes.

Moreover, North Korea has established the Addendum to the Criminal Law (General Offenses), which enables the imposition of the death penalty for certain general crimes by using abstract terms such as 'extremely serious' and 'particularly serious' for aggravating circumstances, even if they are not punishable by death under the Criminal Law of North Korea.¹⁰ Specifically, Article 11 of the Addendum to the Criminal Law (General Offenses) of 2010 stipulates that the death penalty can be imposed in cases where an offender has committed multiple crimes and is deemed unreformable, or where the severity of the crimes is particularly grievous.¹¹ This leads to the widespread application of the death penalty in North Korea.

North Korea has established special laws that allow for the death penalty to be imposed for certain illegal acts. In 2020,

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- 10** The crimes punishable by the death penalty under the "Addendum to the Criminal Law (General Crimes)" amended in 2010 include: extremely severe acts of intentional destruction of weapons, ammunition, combat technology and equipment, and military facilities, extremely severe acts of embezzlement of national property, extremely severe acts of robbery of national property, extremely severe acts of intentional destruction of national property, extremely severe currency counterfeiting, extremely severe acts of smuggling and trafficking of precious metals and colored metals, extremely severe acts of escaping from *Kyohwaso* (prison camps), extremely severe kidnapping, extremely severe raping, extremely severe acts of personal property robbery, and crimes that may exceptionally be subject to the punishment of indefinite *Rodongkyohwa* (life imprisonment) or the death penalty.
- 11** The Addendum to the Criminal Law (General Crimes) of 2010, Article 11, Crimes that may exceptionally be subject to the punishment of indefinite *Rodongkyohwa* (life imprisonment) or the death penalty.

North Korea enacted the Law on Emergency Anti-Epidemic Work, wherein Article 8 stipulates that the emergency quarantine period is considered equivalent to a wartime period. Article 65 of the Law provides that the death penalty can be imposed for violating orders and instructions related to emergency quarantine operations. Additionally, Article 68 of the Law stipulates that the death penalty can be imposed for neglecting duties related to the closure of border and marine areas. Furthermore, in 2021 North Korea amended the Law on Emergency Anti-Epidemic Work and ratcheted up the criminal penalties for disrupting emergency quarantine operations, such as illegal entry into quarantined areas and preventing quarantine inspections, by adding the death penalty to the possible penalties.¹² However, pursuant to Article 4 of the ICCPR, the right to life is a non-derogable right. Hence, States parties cannot derogate from its legal obligation to protect the right to life in all circumstances. The Human Rights Committee clarifies that the guarantees against arbitrary

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¹² Article 73 (Offenses disrupting Emergency Quarantine Operations) of the Law on Emergency Anti-epidemic Work (2021): Anyone who engages in any act that disrupts quarantine operations, including beating or assault disobeying legitimate requests related to emergency quarantine operations, preventing supervision or inspection, leaving a quarantined area or facilitating such leaving, or bringing someone into a quarantined area, illegally hunting in a quarantined area, or unlawfully entering a national blockade zone, shall be sentenced to Rodongdanryun punishment. Those who repeatedly commit such acts, illegally cross the border, smuggle goods without permission, distribute smuggled goods, or condone, encourage or organize the disruption of emergency quarantine operations shall be subject to a Rodongkyohwa punishment sentence of up to five years. Those who have caused significant confusion in emergency quarantine operations by committing acts under paragraphs 1 and 2 shall be sentenced to Rodongkyohwa punishment of at least five years but not exceeding ten years. Those who have committed extremely severe acts disrupting emergency quarantine operations shall be subject to a Rodongkyohwa punishment sentence of at least ten years. In cases where the offense of disrupting emergency quarantine operations is extremely severe, the offender shall be subject to either the death penalty or indefinite Rodongkyohwa punishment (life imprisonment).

deprivation of life continue to apply in all circumstances, including in situations of armed conflict and other public emergencies that threatens the life of the nation.¹³

Furthermore, in 2021, North Korea enacted the Law on the Prevention of Drug-related Crimes, which contains a provision that stipulates that individuals who illegally use or store drugs acquired through seizure or confiscation can be punished with a maximum penalty of the death sentence by merging it with the provisions on illegal drug use or on illegal drug storage in the Criminal Law, which do not carry the death penalty as a standard punishment.¹⁴ Additionally, although not all the provisions of the Law on Rejecting Reactionary Ideology and Culture, enacted in 2020, have been confirmed, the Law reportedly includes provisions that allow for the death penalty.

In relation to the execution of the death penalty, Article 6, paragraph 2 of the ICCPR stipulates that the death penalty can only be carried out pursuant to a final judgment rendered by a competent court. In this regard, the Human Rights Committee clarifies that any death penalty can be carried out only after providing the sentenced person with an opportunity to resort

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¹³ UNHRC, CCPR General Comment, No. 36, Article 6: right to life, para. 67.

¹⁴ Article 39 of the Law on the Prevention of Drug-related Crimes, which was adopted on July 1, 2021 by Degree No. 638 of the Presidium of the Supreme People's Assembly, stipulates that those who illegally dispose of confiscated or seized property related to drug crimes will be subject to the crime of embezzlement of state property under the Criminal Law. If the person smuggles, trades, uses, or stores confiscated or seized drugs, the crime of drug smuggling or trading, the crime of illegal drug use, or the crime of illegal drug storage will be merged with it, and the offender shall be subjected to Rodongdanryun punishment, definite Rodongkyohwa punishment, indefinite Rodongkyohwa punishment, or death penalty with confiscation of property.

to all judicial appeal procedures and resolving all available non-judicial avenues.¹⁵ North Korea stipulates in Articles 47 and 49 of the Criminal Procedure Law of 2021 that crimes punishable by death shall be under the jurisdiction of provincial (municipal) courts or the Central Court, and guarantees the right to appeal to the defendant in Article 279 of the same law. The execution of the death sentence is stipulated to be carried out by a method such as firing squad, in the presence of a prosecutor, by the agency responsible for enforcing the punishment, after receiving the death warrant and a copy of the verdict issued by the Central Court.¹⁶ North Korea reported in its third UPR report of 2019 that the death penalty is applied only to extremely serious crimes and that even if a person committed a deliberate and heinous murder, he is to be subjected to death penalty only in extremely serious cases.¹⁷

Based on the testimonies of North Korean defectors, it has come to light that in practice, the death penalty is widely enforced in North Korea, not only for serious crimes such as murder but also for activities that are not punishable by death under the ICCPR, such as religious and superstitious activities, drug smuggling and trafficking, watching and distributing South Korean videos, distributing pornography, and engaging in prostitution. In most instances, the execution was carried out by means of firing

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¹⁵ UNHRC, CCPR General Comment, No. 36, Article 6: right to life, para. 46.

¹⁶ The Criminal Procedure Law (2021), Article 417, Article 418: The Judgment and Decisions Enforcement Law (2005), Article 21.

¹⁷ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 21.

squad without affording the sentenced person the opportunity to appeal.

There have been a number of documented cases where the death penalty has been imposed on individuals based on charges of religious and superstitious activities. Among these cases are instances where the death penalty has been carried out for religious activities, including the mere possession of the Bible. In 2018, a North Korean defector witnessed that one of 18 defendants was sentenced and immediately executed for possessing the Bible and preaching Christianity, during a public trial held in Pyongsong City, North Pyongan Province. Another witness testified that in 2019, a group suspected of running an underground church in secrecy in Pyongyang was dismantled, resulting in the public execution of five leaders and the subsequent incarceration of the remaining members in political prison camps or *Kyohwaso* (prison camps). Moreover, since 2018, directives and decrees have been disseminated through public institutions and state-run companies, stating that not only those who engage in superstitious activities but also those who observe them shall be punished, and that in severe cases, the death penalty may be imposed. Consequently, a special crackdown group known as “Gruppa”¹⁸ was established to carry out comprehen-

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¹⁸ ‘Gruppa’, also known as ‘Sangmu’ or ‘Unified Command,’ is organized by the North Korean authorities through the recruitment of personnel from five institutions, including the Central Party, Central Prosecutor’s Office, Central Court, Ministry of State Security, and Ministry of Social Security. Its mission is to screen and crack down on non-socialist elements in the lives of residents. (National Institute for Unification Education, Ministry of Unification, North Korea Knowledge Dictionary, 2021, pp. 381–384).

sive crackdowns on superstitious activities. In 2019, these crackdowns were implemented throughout the country, starting in North Pyongan Province and extending to Pyongyang. Witness testimony reveals that in 2019, a large-scale crackdown on superstitious activities was conducted in North Hamgyong Province, resulting in the arrest of a group for engaging in such activities and a subsequent public trial. The group was labeled as a cult, and its leader was sentenced to death and immediately executed in public.

Instances of the death penalty for drug-related offenses have been documented. As per the account of a North Korean defector who witnessed a public execution in 2018, a man was executed by firing squad under the suspicion of smuggling and trading drugs at an airfield in Ranggang Province. Additionally, there have been cases of capital punishment for watching and disseminating South Korean dramas. A North Korean defector testified that public executions were displayed in a video shown during a lecture to educate residents. As recounted by him, a man was publicly executed in Ranggang Province in 2020 for importing South Korean videos from China and disseminating them to multiple North Korean residents. In 2018, individuals apprehended for clandestinely selling South Korean products such as high heels and cosmetics in a back alley in Pyongsong, South Pyongan Province, were condemned to death and immediately executed in public. Another North Korean defector testified that in a public trial in Ranggang Province in 2017, a man was sentenced to death and immediately executed by firing squad

for watching and disseminating a South Korean drama. There have also been cases of capital punishment for disseminating pornographic material. According to a witness's testimony, a man was publicly executed in 2017 for distributing pornography on a vacant lot of a collective farm in South Hwanghae Province. In addition to these, the execution of seven people for participating in prostitution was also recorded. According to testimony, in 2017, seven women in Sariwon City, North Hwanghae Province, were sentenced to death and immediately executed by firing squad in a public trial for organizing prostitution.

“A group of women recruited young women between the ages of 18 to 25 from rural areas, as well as economically disadvantaged women living in Sariwon City. Brokers in parking lots would approach men looking for a place to stay, and upon indicating their preferred age, connect them with the corresponding woman for prostitution. The group was subjected to a public trial before being executed. They were convicted of promoting prostitution in socialist society and sentenced to death according to several articles of the criminal law. At the execution, sixteen guards each fired three bullets, causing all convicted individuals to be killed instantly with their heads dropped.”

C. Death Penalty against Children and Pregnant Women

Article 6, paragraph 5 of the ICCPR stipulates that “Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.” According to the Human Rights Committee’s

general comment, the age standard of 'below 18' refers to the offender's age at the time the crime was committed. North Korea also stipulates in Article 37 of its Criminal Law of 2022 that "those who have not reached 18 years of age at the time of committing the crime cannot be sentenced to death, and pregnant women cannot be executed." In its third UPR report submitted in 2019, North Korea reported that "Death penalty is not imposed on those who were under 18 years of age when they committed crimes, nor executed against pregnant women."¹⁹

According to the testimonies of North Korean defectors, in practice, individuals under the age of 18 have been sentenced to death and executed in North Korea. In 2018, two residents of Chongjin City were publicly executed on charges of religious and superstitious activities on a riverbank, and one of them was below the age of 18. In 2015, six children who graduated from a senior secondary school (high school) were sentenced to death and immediately executed by firing squad for watching South Korean videos and using opium in a stadium in Wonsan City, Kangwon Province. There have also been recorded cases of pregnant women being executed. As recounted by a North Korean defector, a video of a woman dancing in her home was circulated in 2017, and she was publicly executed for the gesture of pointing at the portrait of Kim Il Sung with her finger, which was considered ideologically impure. At the time of execution, the woman was reportedly six months pregnant.

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¹⁹ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 21.

D. Death in Detention

The UN Human Rights Committee clarifies that the right to life is a right that should not be interpreted narrowly.²⁰ States parties have an obligation to protect the right to life, which includes not only a passive obligation to prohibit arbitrary deprivation of life, but also an active obligation to take legislative and other measures to ensure its effective realization. This active obligation of States parties is particularly heightened when a State has arrested and detained an individual.²¹ Therefore, if a State party fails to take necessary measures to protect the life of a detainee, it may constitute a violation of Article 6 (1) of the ICCPR. In other words, if a detainee dies because the State party failed to provide him with adequate food or necessary medical care, this omission by the State party may also be considered a violation of Article 6(1) of the ICCPR.

As per the accounts given by North Korean defectors, it is apparent that in North Korea, there are persisting instances of detainees perishing as a result of deficient detention conditions. Testimony from a family member of a detainee reveals that during the winter of 2020, the detainee suffered from frostbite at Kuryujang (pre-trial detention center) of the state security division in Ranggang Province due to the lack of heating and subsequently died while in custody without receiving any

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²⁰ UNHRC, CCPR General Comment, No. 36, Article 6: right to life, paras. 3–4.

²¹ *Ibid.*, para. 25.

necessary medical treatment. Another defector, who had been held at Hamhung *Kyohwaso*, testified that a prisoner who contracted tuberculosis at the *Kyohwaso* died in 2017 due to inadequate medical treatment, and in 2018, witnessed an inmate die from malnutrition due to the poor food provisions within the *Kyohwaso*.

2. Right Not to be Tortured or Receive Inhumane Treatment

The purpose of the right to be free from torture and inhuman treatment is to protect the individual's physical and mental dignity as well as integrity. Article 5 of the Universal Declaration of Human Rights declares that 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment', and Article 7 of the ICCPR states that 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected to medical or scientific experimentation without their free consent to medical or scientific experimentation.' The UN Human Rights Committee has held that Article 7 of the ICCPR is supplemented by Article 10(1) (rights of detainees) of the ICCPR, which provides that 'All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.'²²

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²² UNHRC, CCPR General Comment, No. 20, Article 7: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 2.

A. Torture and Inhuman Treatment in Interrogation Processes

Article 7 of the ICCPR prohibits torture as well as cruel, inhuman, or degrading treatment or punishment, but it does not define these terms. In this regard, the Human Rights Committee has interpreted that there is no need for a clear distinction between various forms of prohibited treatment and punishment as stipulated in Article 7, and that such treatment and punishments have a much broader scope than the commonly understood torture.²³ Torture is commonly defined as “the intentional infliction of severe physical or mental suffering by a public official or other person acting in a public capacity for a specific purpose, such as to obtain information or a confession, or to intimidate or coerce a person.”²⁴ Thus, even forms of treatment that lack certain characteristics of torture and are difficult to identify as torture may comprise cruel, inhuman, or degrading treatment. Article 7 of the ICCPR may be violated by solitary confinement and incommunicado detention, according to the Human Rights Committee.²⁵ In situations where violations of Article 7 of the ICCPR, such as those that occur during interrogation procedures, are likely to occur, it is necessary for the State parties to take

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²³ UNHRC, CCPR General Comment, No. 7, Article 7: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 2.

²⁴ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1.

²⁵ *Ibid.*, para. 2.

measures to prevent such violations. It is essential to prohibit the use in criminal proceedings of statements or confessions obtained through torture or other prohibited treatment during interrogation, to conduct prompt and impartial investigations into reported violations of Article 7, to criminalize and punish violations of Article 7, and to provide effective reparation for victims.²⁶

North Korea also has regulations regarding torture and inhumane treatment. Article 280 of the North Korean Criminal Law (2022) states, “A person who extrajudicially interrogates a person or exaggerates or fabricates an incident shall be punished by labor discipline, and if the act causes serious bodily harm, death, or unjustified criminal liability, shall be punished by labor discipline for a term of not more than five years, and if the act is of a more serious nature shall be punished by labor discipline for a term of not more than ten years.”²⁷ Article 6 of the North Korean Criminal Procedure Law (2021) states that “the state shall comprehensively assure human rights in the handling of criminal cases,” while Article 37 states that “a criminal’s words cannot be used as evidence if they were obtained through coercion or inducement.”²⁸ In addition, Article 163 of the same law states that a Yesimwon (officer in charge of preliminary examination) may not use coercion to compel an accused person to

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²⁶ UNHRC, CCPR General Comment No. 20, Article 7: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, paras. 11–14.

²⁷ An interrogation (Sim–mun in South Korea), is called ‘Sin–mun’ in North Korean Criminal Law

²⁸ A suspect (*piujja* in South Korea) is called *pisimja* in North Korean Criminal Prosecution Law

confess guilt or make a statement. Article 22 of the Law on the Prevention of Beatings, enacted on November 30, 2021, states that “if a worker of law enforcement agencies or supervisory and control agency, including a social security institution, fails to prevent a beating, fails to promptly investigate a beating after receiving a report, or commits a beating in the course of his or her duties,” he or she shall be punished by unpaid labor for up to three months or more, or by *kangjik* (demotion), *haeim* (dismissal), or *Chuljik* (expulsion) from employment.²⁹ North Korea has consistently asserted in its UPR reports that it protects human rights by assuring scientific rigor and objectivity in the handling of criminal cases.³⁰ It has also been found that its prosecutors regularly monitor investigative, pre-trial, and trial institutions to prevent the use of torture and other inhumane treatment and punishment.³¹

However, according to the accounts of North Korean defectors, torture and inhuman treatment during interrogation are common in North Korea. As part of the interrogation techniques used to elicit confessions, beatings and other forms of torture were reportedly used to coerce confessions. One North Korean defector testified that when he was arrested and detained by

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²⁹ Article 15 of the Law on the Prevention of Beating of North Korea, adopted in 2021, provides that if the victim was at fault, the beating may be lightly be used or not used if the perpetrator of the beating is remorseful and confesses to the wrongdoing. It is necessary to limit the application of this provision in situations where violations of Article 7 of the ICCPR can easily occur, such as in the case of inquisition proceedings.

³⁰ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 27; UN Doc. A/HRC/WG.6/19/PRK/1 (2014), para. 38; UN Doc. A/HRC/WG.6/6/PRK/1 (2009), para. 37.

³¹ UN Doc. A/HRC/WG.6/6/PRK/1 (2009), para. 37.

the Ministry of State Security in 2018 for attempting to escape, the Bureau forced him to make confession during interrogation process, that he had attempted to cross the border. When he refused, he was beaten mercilessly. It is stated that in 2019, when a person was being investigated by the 109 Unified Command (task force),³² a guard refused to receive food from his family and forced him to starve because he refused to confess.³³ The witness stated that he was unable to endure the hunger and told the guard that he would confess his guilt if he was given food. There were allegations of other forms of torture during interrogation, in addition to beatings. A witness who was investigated by the Ministry of State Security in 2017 stated that he was tortured by officers for providing incorrect answers and for lying.

“They hit me with a square-shaped ruler stick, and when I raised my handcuffed hands to stop them to protect my head, the agent handcuffed me behind my back again, tied my arms to the back of a chair, and then hit me with the stick. This happened repeatedly for the first five days of the investigation. I was also subjected to ‘airplane torture,’ which involves standing in front of a wall, bending over so that the back of your head is against the wall, and then raising your arms so that the backs of your hands are against the wall. If you moved during the airplane torture, they would beat you mercilessly all over your body. People were kept in the airplane torture position

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32 The “109 Unified Command,” also known as the “109 *Sangmu*” or “109 *Grouppa*,” is an ad hoc enforcement organization created by the North Korean authorities to crack down on ‘unsocialistic’ behavior in the country by pulling personnel from five agencies: the Central Party, the Central Prosecutor’s Office, the Central Court, the Ministry of State Security, and the Ministry of Social Security.

33 In North Korea, getting food from their family while in prison is called ‘Myeon-sik’

for up to two hours at a time. People were also tortured by inserting a square-shaped wooden bar between their calves, forcing them to kneel, and then pressing their feet against the wooden bar.”

In the meantime, there have been reports that measures have been taken to prohibit the use of physical punishment in detention centers. One witness stated that he was not beaten during his investigation by the Ministry of State Security in 2018. He was informed that there was a policy against beating detainees and that beatings were uncommon. Nevertheless, based on the collected testimony, it appears that these measures were superficial and had little impact on the already rampant beatings. In 2018, a North Korean defector who was interrogated by the Ministry of State Security reported hearing a detainee being beaten in the next room during the interrogation process. According to testimony, it is uncommon for victims of interrogation beatings to claim damages or for the perpetrators to be legally punished.

“Even if human rights violations happen during the investigation, prosecutors rarely punish those responsible. Sometimes powerful people have complained to the Central Party. But the Central Party is not very open to those complaints.”

B. Public Executions

According to the UN Human Rights Committee, states are required to conduct out executions in a manner that minimizes the

physical and mental suffering of the condemned; failure to do so constitutes a violation of Article 7 of the ICCPR.³⁴ Therefore, even if the death penalty has been imposed by a final judgment of a competent court for the most severe crimes, a public execution would violate Article 7 of the ICCPR, which prohibits “cruel, inhuman, or degrading punishment.” In the case of so-called summary executions, which are carried out without a trial, public execution would violate both Articles 6 and 7 of the ICCPR. The Human Rights Committee has determined that Article 7 of the ICCPR may also apply in instances where the victim’s execution results in mental anguish.³⁵ Consequently, witnesses to public executions are subjected to inhumane treatment, which violates Article 7 of the ICCPR.

The Criminal Procedure Law (2021) and the Judgments and Decisions Enforcement Law (2005) of North Korea outline the procedure and mode of executions, but neither law specifies whether executions may be made public. However, at the eighth meeting of the 33rd session of the UPR Working Group on May 9, 2019, North Korea acknowledged that public executions take place, stating that “executions are carried out in public if there is a strong request from the victim’s family and other relevant parties, but such cases are extremely rare.”³⁶

Until 2020, cases of public executions in North Korea were

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³⁴ UNHRC, CCPR General Comment No. 20, Article 7: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 6.

³⁵ *Ibid.*, para. 5.

³⁶ UN Doc. A/HRC/42/10 (2019), para. 75.

collected annually. According to the collected testimonies, public executions occur in highly accessible public locations, such as markets, riverbanks, and sports fields. Public executions are typically carried out after mobilizing the population, including children, through their institutions or organizations, such as schools, state-run companies, and *Inminban* (neighborhood watch units).³⁷ One witness testified that he witnessed a public execution in 2018, at which over a thousand people were present, the majority of whom were mobilized by factories, businesses, etc., and he himself was mobilized by *Inminban*. The mobilization was accomplished by informing individuals of the time and location of public executions and compelling them to attend. There are also testimonies of individuals being coerced into inventing excuses to avoid attending. A female witness who was horrified by the execution scene during her first attendance stated that she missed all subsequent public executions by claiming illness.

Public executions are reportedly carried out for a variety of reasons, including murder, drug trafficking, superstition and religious practices, and viewing and distributing South Korean videos. In 2018, according to a witness, a man was publicly executed on an airfield in Ryanggang Province for drug trafficking. In 2018, a second witness claimed to have witnessed the public execution of a person for disseminating Bibles and another for

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³⁷ *Inminban* is North Korea's lowest-level administrative unit and citizen surveillance organization, organized by the People's Council based on the number of households set by the Cabinet (Article 9 of the Resident Administration Law) and has the power to report suspected persons, including undocumented residents and job absconders. (Article 10 of the Crowd Reporting Law).

grave robbing on a collective farm in Pyongsung. A man was publicly executed in Ryanggang Province in 2020 for viewing and distributing South Korean drama series.

Social security organizations coordinate public executions, and the identity and crimes of executed person are disclosed prior to being shot. Several witnesses claimed to have observed public executions on multiple occasions, and according to their accounts, the victim was tied to a pole and shot nine times, three times in the head, three times in torso, and three times in legs. One witness testified that he saw three executioners shoot a total of nine bullets, three shots each, during a public execution conducted under the supervision of the State Security Bureau in South Pyongan province in 2018. According to a second witness, a guard re-executed a prisoner who was still alive after the execution to confirm that they were indeed dead. Reportedly, in 2018, a public execution was carried out with machine gun on the banks of the Suseongcheon River in Cheongjin, North Hamgyong Province.

“Five machine gunners carried out the execution. After the shots were fired, another five gunners pointed and fired their machine guns at the dead bodies. I had to see the public execution because the head of *Inminban* (neighborhood watch unit) said it was mandatory without exceptions. So at that time, I could not refuse. The crowd of observers was very big. There were so many people there that it took us more than an hour to get out of the place after the execution was over.”

Most witnesses to public executions reported experiencing significant mental anguish as a consequence of their observation.

One witness stated that he was unable to eat or sleep for several days after eye witnessing for the first time the killing of a human being. Another witness testified that the image of the condemned criminal being shot and collapsing to the ground still haunted him and that he was tormented at night by memories of the scene.

C. Human Experimentation

The ICCPR provides in the latter part of Article 7 that ‘No one shall be subjected to medical or scientific experimentation without his free consent.’ According to the Human Rights Committee, no medical or scientific experiment that may have a negative effect on a person’s health shall be conducted on a person who is incapacitated of providing valid consent.³⁸ North Korea’s health laws encompass the Medical Law, the Drug Control Law, and the Public Health Law, but none of these laws regulate medical experiments or drug clinical trials, in contrast to South Korea’s laws and regulations such as the “Standards for the Management of Drug Clinical Trials.”

According to the collected testimonies, North Korea conducts biomedical experiments, including medical experiments on living bodies, without the consent of the test subjects. The majority

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³⁸ UNHRC, CCPR General Comment No. 20, Article 7: Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment, para. 7.

of biomedical experiments were conducted at Hospital No. 83 or *Kwanliso* No. 83 (henceforth referred to as ‘No. 83’). The occupants of No. 83 were either mentally ill, such as those with schizophrenia, or intellectually disabled and unable to provide legitimate consent for biomedical research. Even in No. 83, according to compiled testimonies, consent was not necessary. According to the testimony, transfer to No. 83 was authorized to carry out their experiments by the Inspectorate Division of the Ministry of People’s Security, which obtained the consent of the test subjects’ families. Some individuals testified that a *Anjeonwon* (social security officer) threatened them with deportation to a political detention camp if they did not agree to their family’s placement in No. 83. Once a person was chosen for No. 83, security officers allegedly administered sleeping pills and forcibly transferred them. The administration of Hospital No. 49 in North Hamgyong Province reportedly transferred a patient to Hospital No. 83 in 2019 after the patient cursed about Kim Jong Un in the hospital. In some instances, patients were transferred to No. 83 against their will by North Korean authorities, but in other instances, patients were relocated by their families for reasons such as drug and gambling addiction. According to the testimonies, test subjects can be sent to No. 83 if their immediate family members sign a statement stating, “This person has committed humanely abhorrent acts and there is no hope for redemption.”

3. Right Not to be Forced into Labor

Article 4 of the Universal Declaration of Human Rights states, “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” Article 8.3 of the ICCPR prohibits all forms of slavery and the slave-trade, as well as forced or compulsory labor.

North Korea’s Socialist Labor Law (2015) stipulates that the labor force of factories and enterprises cannot be mobilized for other purposes without approval from the authorities. In particular, during the agricultural season, farmers are prohibited from being mobilized for tasks unrelated to farming.³⁹ The Law on Protection of the Rights of the Child (2014) also prohibits child labor,⁴⁰ and the Voluntary National Report on the Implementation of the Sustainable Development Goals (2021 VNR Report) asserts that neither forced nor child labor shall exist.⁴¹

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³⁹ The Socialist Labour Law(2015), Article 35

⁴⁰ Law on Protection of the Rights of the Child (2014), Article 19(prohibition of child labor), Child labor is strictly prohibited in the Democratic People’s Republic of Korea. Institutions, state-run companies, organizations, and individual citizens are prohibited from forcing children to work.

⁴¹ Democratic People’s Republic of Korea Voluntary National Review On the Implementation of the 2030 Agenda, 2021, 4.8. Goal 8. Establish self-reliant and knowledge-based economy, and ensure work for all 4.8.1 Progress and Challenge. “As the youth unemployment, forced

A. Imposition of Labor through Legal Sanctions

(1) Imposition of Labor in Penal Institutions

(Kyohwaso and labor Rodong Danryundae)

According to Article 8(3) of the ICCPR, the imposition of heavy labor customarily required of a person detained pursuant to a court order or on conditional release does not constitute forced labor.⁴² In particular, the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Mandela Rules) require that the daily and weekly hours of work for prisoners be set in consideration of the working hours of free persons.⁴³

The Criminal Law of North Korea (2022) specifies Indefinite *Rodongkyohwa* (reformation through labor), Definite *Rodongkyohwa*, *Rodongdanryun* (disciplining through labor) as punishments that may involve forced labor.⁴⁴ The imposition of labor on

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labour and child labour which are common problems in the world do not exist in the DPRK, the SDG target 8.7 had already been achieved.”

- 42** ICCPR Article 8(3)(c) For the purpose of this paragraph the term ‘forced or compulsory labour’ shall not include: (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention; (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors; (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community; (iv) Any work or service which forms part of normal civil obligations.
- 43** Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 97 (2) Prisoners shall not be held in slavery or servitude. Rule 102 (1) The maximum daily and weekly working hours of the prisoners shall be fixed by law or by administrative regulation, taking into account local rules or custom in regard to the employment of free workers. (2)The hours so fixed shall leave one rest day a week and sufficient time for education and other activities required as part of the treatment and rehabilitation of prisoners. Rule 103 (1) There shall be a system of equitable remuneration of the work of prisoners.
- 44** Criminal Law(2022), Article 38 Labor punishment without set term and labor punishment with set term is to put criminals in training camp and put them under a labor punishment.

prisoners in North Korean penal institutions, such as *Kyohwaso* (prison camps) and *Rodong Danryundae* (labor training camps), appears to be comparable for *Kyohwa* and *Danryun* inmates. Frequently, the number of hours of labor designated to inmates in *Kyohwaso* and *Rodongdanryundae* was twelve or more hours. In some instances, the work hours were set, but in the majority of cases, they were required to meet quotas. When they failed to adhere to their daily regimens, they were subject to beatings or punishment.

It appears that *Kyohwaso* classifies inmates into various categories based on their number of previous incarcerations and the length of their sentence, including newcomers, end-of-sentence, repeat offenders, and life sentences. The inmates are assigned to various work divisions comprising farming, forestry, textiles, goods, and wig-making divisions, while some of them are also assigned to work in mines or coal mines. Typically, inmates are assigned to a work division one month after their incarceration and continue working until their release. As can be seen from the name of the work division they are assigned to, they perform a variety of tasks such as farming, raising livestock, logging, military uniform or boot production, eyelash/wig/hat

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the term for fixed term punishment is between 1 to 15 years; Article 39, Labor training punishment is to send criminals to labor training camp and send them for labor punishment, the period is between 6 months to a year. North Korea's response to 3rd UPR Working Group (A/HRC/42/10, para73) : Regarding reform institutions, the labour performed by prisoners as required by a conclusive court judgment did not qualify as forced labour. Prisoners were treated in conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Monitoring of reform institutions was undertaken by the prosecutors in the concerned area.

production, working in mines or coal mines, construction or carpentry, and more. The work was done from early morning until evening, and the daily work assessment was based on the assigned workload, not the amount of time the labor force worked. There were testimonies that the daily workload was excessive, and to avoid punishment, inmates had to reduce their sleeping hours to complete the work. Even if inmates developed a fever or were injured during work, the planned workload did not change, and those who did not achieve the planned workload were punished by being beaten by prison guards or having their visitation rights restricted, and they were not allowed to eat during mealtimes. Inmates sometimes preferred tasks that allowed for rest, such as working in the farming or animal husbandry divisions or preparing meals, because the daily labor allocation for manufacturing processed goods was excessive.

“During my time incarcerated at Hamhung Kyohwaso until 2018, I worked on making metal rings. I had to work continuously for the rest of the day, excluding mealtime and daily work evaluation session. In the winter, I worked from 6 a.m. to 9 p.m., and in the summer, I worked from 5 a.m. to 10 p.m. Every day, there was a total work evaluation at 5 p.m., and those who did not perform well were punished by the Kyohwaso’s officers by hitting their faces several times with the inmates’ shoes.”

It appears that inmates in the *Rodongdanryundae* were also subjected to excessive labor in a similar manner. Each inmate’s work was evaluated daily through a “performance evaluation,”

and there were cases where they were forced to raise their daily output. If they worked in *Bueopji* (small field) operated separately by the *Rodongdanryundae*, where the winter working hours were short and the amount of work was less, they were assigned more indoor work. Like the inmates in *Kyohwaso*, if they failed to meet the daily quota, they were criticized, beaten, or punished.

(2) Imposition of Labor under the Administrative Penalty Law

According to Article 8(3) (b) of the ICCPR, imprisonment with hard labor may only be imposed as a sanction for an offense on the basis of a court order issued in accordance with the law governing the imposition of labor sentences. However, North Korea stipulates the Unpaid Labor Penalty and the *Rodongkyoyang* Penalty as types of punishment in the Administrative Penalty Law of 2021, allowing for labor punishment to be imposed through administrative agencies rather than court sentencing.⁴⁵

The labor punishment that can be imposed by North Korean administrative agencies includes the ‘Unpaid Labor Penalty’ and the ‘*Rodongkyoyang* Penalty’.⁴⁶ The Unpaid Labor Penalty is a type of administrative sanction imposed when an illegal act is committed during the performance of official duties, with a

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⁴⁵ Administrative Penalty Law(2021), Article 344 Administrative penalties are imposed by Socialist Legal Life Guidance Committees of all levels, the cabinet, judiciary organizations, public security organizations, arbitration organizations, censorship supervision organizations, and licensing organizations.

⁴⁶ Administrative Penalty Law(2021), Article 15

period of one month to six months, while the Rodongkyoyang Penalty is an administrative sanction imposed on ‘citizens’ who have committed illegal acts, with a period of five days to six months.⁴⁷ North Korea significantly expanded the scope of illegal acts that can be subject to sanctions with the amendment of the Administrative Penalty Law in 2016, from 195 to 296 acts, and further expanded it to 307 acts with the amendment in 2020. The agencies that can make decisions on labor sanctions include the Socialist Law-Life Guidance Committee, Cabinet, Prosecution, Court, Social Security Agency, Arbitration Agency, and Censorship Supervision Agency. Cases, where labor sanctions have been imposed based on the Administrative Penalty Law, include instances of forced repatriation after defection, cases of crackdowns on external information contacts, storage, and dissemination,⁴⁸ cases of crackdowns on unemployment and absenteeism, cases of crackdowns on illegal international currency exchange, and cases of crackdowns on non-residents at the address. The facilities where labor sanctions are enforced are the *Rodong Kyoyangdae* (labor education center),⁴⁹ but it appears

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- ⁴⁷ Administrative Penalty Law(2021), Article 17, Article 18
- ⁴⁸ Following the amendment of Administrative Penalty Law and Reactionary Ideology and Culture Rejection Law, it seems that contacting, possessing, or disseminating external information has been removed from the scope of administrative penalties.
- ⁴⁹ Article 18 of the Administrative Penalty Law (2021) stipulates that “Rodongkyoyang penalty is an administrative sanction that sends a citizen who committed a severe illegal act to a *Rodong Kyoyangdae* and subjects them to labor.” The law designates the executing agency as a ‘*Rodong Kyoyangdae*.’ The “Interpretation of the Administrative Penalty Law of North Korea” states, “*Rodong-kyoyang* penalty is carried out by sending individuals to a *Rodong Kyoyangdae* organized at the level of city (district) or county, and having them perform difficult and arduous labor.” However, according to the North Korean defectors’ testimonies, North Korean residents generally use the term ‘*Rodong Danryundae*’ to refer to both *Rodong Kyoyangdae* and *Rodong Danryundae*.

that the place of execution was not limited to only the Rodong Kyoyangdae, as there are cases where the punishment was received while being detained in Jipkyulso (holding center).

The labor imposed on detainees at *Rodong Kyoyangdae* varied in form, including work in nearby businesses, mobilization to construction sites, farming in collective farms or *Bueopji*, making bricks, chopping firewood, working in the *Kyoyangdae's* kitchen, and other tasks. There have been a case where a detainee was assigned to build a ranch while serving a six-month *Rodong Kyoyang* Penalty after being caught without a travel permit. Another case is that detainee was forced to work in the construction of a local courthouse and livestock raising after being forcibly repatriated following defection. Although some working hours were fixed, most detainees had to work from dawn until dusk, except during meal times. There were no holidays, and detainees were found to be working for 12-13 hours a day during the punishment period. Many detainees found it difficult to endure the labor imposed on them, as they were often provided with only corn rice without side dishes for meals. Some detainees even bribed the officers to obtain early release or to be assigned to lighter work. There were instances of detainees giving bribes to the *Kyoyangdae's* social security officer to work inside the *Kyoyangdae's* office, or bribing the *Kyoyangdae's* head to be released a few days after being detained and imposed *Rodong Kyoyang* Penalty.

“In 2017, I worked in Hyesan City’s *Rodong Kyoyangdae*. I got up between 5 and 6 a.m., did some preliminary work, had breakfast at 7am, and started work at 7:30am until around 1-1:30pm when we took a break to eat lunch. We briefly had dinner in the middle and worked until 9pm. We worked in front of the train station doing cement loading and unloading or were deployed to construction sites in other areas. One officer from the *Rodong Kyoyangdae* would take about 30 people and go out to assign work, monitoring those who worked sloppily. If detainees were caught scheming on the job, they would receive separate punishment or be beaten.”

(3) Imposition of Labor in a Temporary Detention Facility

Article 10 (2) of ICCPR stipulates that accused persons shall be subject to separate treatment appropriate to their status as unconvicted persons. The United Nations Minimum Standards for the Treatment of Prisoners explicitly prohibits imposing work obligations on those who are not yet convicted.⁵⁰ This is because labor should not be imposed as a punishment for a crime by a legitimate court order.

North Korea’s Prosecution and Surveillance Law (2012) allows for the detention of those involved in criminal cases, even if they are not suspects in criminal proceedings.⁵¹ The People’s Security Enforcement Law (2007) also stipulates that law violators may

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⁵⁰ Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 116.

⁵¹ Prosecutor’s Monitoring Law(2012), Article 32 Arrest and detainment of people involved in criminal cases.

be detained.⁵² There have been cases where individuals have been arrested and detained in Traveler *Jipkyulso* for not having a travel permit, which is usually required for North Koreans to leave their place of residence. Defectors who were forcibly repatriated have been detained in various facilities while being sent to their place of residence before facing a criminal trial. Additionally, there have been cases where individuals who violated the People's Security Enforcement Law (2007) and the Administrative Penalty Law (2020) have been detained.

Temporary detention facilities include *Daekisil* (temporary detention center),⁵³ *Jipkyulso* for travelers and illegal border crossers,⁵⁴ and Unified Command offices. Among the temporary detention facilities, it appears that the Unified Command Office, where the majority of criminal investigations are conducted, does not engage in the labor mobilization of detainees.⁵⁵ On the other hand, it was discovered that labor mobilization of individuals

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52 People's Security Enforcement Law(2007), Article 47–Article 50 On subject of detainment, offenders of law and order as well as process of their transfer for detainment, announcement for detainment and the period of detainment.

53 The '*Daekisil*' is a place set up by the municipal security department to hold people until a decision is made on their disposition in detention, and the period of detention seems to be relatively short.

54 'Gathering centers' are facilities that temporarily detain offenders outside of their place of residence, such as those who have been forcibly repatriated after escaping (gathering facility of those who have illegally crossed border) and for those who are detained for not carrying documents outside of their residence (travelers).

55 The 'Unified Command Office' refers to the office space of an organization composed of members from the Ministry of State Security, the Ministry of Social Security, the Socialist Patriotic Youth League, and the Prosecutor's Office. The Unified Command may refer criminal offenders to the Ministry of Social Security for criminal prosecution, but it may also impose administrative penalties, such as labor and education penalties, and detention periods for these penalties are reportedly a few days.

detained in travelers' centers for travel order violations or detained in illegal border crosser centers prior to being repatriated and transferred to residences after escape was a common practice.

Specifically, during the transfer process of North Korean defectors who were forcibly repatriated to their place of residence, they were frequently mobilized for work both inside and outside of the *Illegal Border Crosser Jipkyulso*. This labor included internal construction projects such as expanding the *Jipkyulso* building, as well as nearby construction sites and private housing construction, post-flood road repairs, and cement loading and unloading. There have been also many cases where detainees have been subjected to forced labor in *Bueopji* (small fields) operated by the *Jipkyulso*, or in nearby collective farms, such as rice planting, picking edible greens, or harvesting crops. It is unclear whether the type or location of work was determined in advance. Working hours varied slightly depending on the season, but it was more than 12 hours from early morning to evening. Some detainees even testified working on holidays during their detention. There were also testimonies that during the winter season when the demand for labor is relatively low, the waiting period at the *Jipkyulso* is shorter, but it is longer during the farming season. It appears to be related to the testimony that some notifications for transferring detainees to their place of residence are intentionally delayed at the *Illegal Border Crosser Jipkyulso*. There have been no testimonies of detainees being paid for the labor they are mobilized to perform at the *Illegal Border*

Crosser Jipkyulso. Instead, there are testimonies suggesting that labor is imposed on detainees to benefit the *Jipkyulso*'s profits.

"In 2017, I was forcibly repatriated and sent to the *Illegal Border Crosser Jipkyulso* in Cheongjin City for five days and forced to do labor. I carried cement at a cement production site, which made my eyes sore and painful due to the chemical composition of cement. I also had to carry coal. The managers pressured us to work faster and made it difficult for us."

B. Mobilization of Labor through Social Organizations

According to Article 8 (3) of the ICCPR, work or service which does not constitute forced labor for members of society are those exacted in cases of emergency or calamity threatening the life or well-being of the community, and those forming part of normal civil obligations. It seems difficult to regard the mobilization of residents through North Korean workplaces and social organizations to construction sites, etc. as "any work of service which forms part of normal civil obligations." This is because, in terms of the scope of mobilization, duration, and compulsory participation, most of these aspects cannot be considered normal civil obligations.

It has been observed that in North Korea, the mobilization of labor through organizations such as *Inminban*, workplaces, etc. is a daily occurrence. It is carried out through organizations such as *Inminban* in residential areas, the Socialist Women's Union

composed of full-time housewives (hereinafter referred to as the women's union), the Socialist Patriotic Youth League of all levels of schools (hereinafter referred to as the youth league), and the General Federation of Trade Unions of workplaces (hereinafter referred to as the workers' union) In particular, there were many testimonies that the mobilization of labor through the women's union, an organization of married women who do not work in workplaces, has become very frequent. There were testimonies that the mandatory mobilization for labor has increased on women's union members in the Janggangdo area, where there was no remuneration, such as on construction sites in the area or in rural mobilization, for at least 8 hours once or twice a week. If they did not participate properly, they were not only reported to their husbands' workplaces, but also publicly criticized and denied material provided during holidays. The frequency of mobilization through the women's union varies by region, but there were cases where they were mobilized almost every day, more than 5 times a week. Recently, they have been staying for several days at large construction sites and mobilizing, and the term "Women's Union *Dolgyeokdae* (shock brigade)" has been coined. The Women's Union *Dolgyeokdae* is mainly made up of full-time housewives from each generation of *Inminban*, excluding women over 50 and military officials' families, and usually consists of around 10 people. This appears to have arisen due to the large-scale construction, such as the construction of the Samjiyon city in the Ranggang province. There were cases where it was difficult for Women's Union members to participate

in mobilization, so they paid a certain amount of money each month, and they were called the Women's Union Profit Unit.

"Until 2019, there were *Noryeok Dongwon* (labor mobilization) to mobilize people whenever instructed by the Women's Union. Internal mobilization refers to mobilization of people who briefly go to work from their homes, and external mobilization refers to cases where they pack food and go out to work for several days, which is called a "Women's Union *Dolgyeokdae*". In the case mobilizing all residents to construction projects such as railways and roads, residents were mobilized almost daily about five times a week. Such mobilization was difficult for individuals as it was mandatory and forced regardless of their personal circumstances like health conditions or economic conditions."

In addition, the testimonies of North Korean defectors indicate that students from senior secondary schools, vocational schools, specialized schools, and colleges are mobilized. In particular, students from senior secondary schools are understood to be mobilized regularly, in addition to rural mobilization included in their curriculum. There have been documented cases where students from the local secondary schools were mobilized to have them work in the construction sites for school construction in a border region. While professional work in construction was done by paid laborers, tasks such as carrying dirt and stones, and assisting in plastering were assigned to students, and tasks that should have been done by adults were assigned to school staff. It is also found that students were obligated to participate in mobilization and would have to pay a

certain amount to the school to avoid this mobilization.

It has been revealed that labor mobilization is also frequently occurring among students in vocational schools, technical colleges, and universities. They were mobilized to large and minor construction sites in the vicinity of their schools, including the construction of statues of Kim Il Sung and Kim Jong Il, railway maintenance, apartment construction for city maintenance, and food factories. Specifically, in order to secure the necessary labor force for the Samjiyon project that began in earnest in 2017, nearby colleges students were assigned and mobilized, and they were called the ‘college student *Dolgyeokdae*.’ If one attended a technical college, it appears that they perceived mobilization as a major schedule, considering rural mobilization or mobilization to construction sites in the area to be a natural occurrence. It was found that for apartments being built as part of city maintenance, some work is assigned to local institutions, and concrete tasks such as plastering, tiling and window framing construction are done by institution staff or students.

“I was mobilized to a construction site for about three months while studying at the functional engineering school in 2018. We completed all our assigned tasks plastering, putting down heated floors, laying tiles, attaching windows, connecting water pipes, etc. in the areas where the framework and cement work for the apartment were finished. We worked from around 8:30 am to 7 pm, and I know that male students with military backgrounds even had to work night shift. We did not receive any compensation for the mobilization. There was no way to avoid it since we were told that we would not be given graduation certificates if we did not participate in the mobilization.”

In areas where urban redevelopment was carried out on a large scale, it was also mandatory for residents of demolished houses to work on the construction sites where they would be supplied with new housing. They were referred to as 'family *Dolgyeokdae*.' There is a case where one person from each household was required to participate in the construction, and the labor force that participated in the construction was evaluated daily to determine the number of floors of the apartment complex that each household would be allocated. As the eligibility to move in was determined by participation in the construction site, it appears that the mobilization of the residents from the demolished houses was also mandatory. In cases where participation was difficult, households were required to pay a monthly fee instead.

4. Right to Liberty and Security of Person

Physical liberty refers to the absence of physical confinement or restraint, whereas physical security refers to the absence of physical and mental injury. Article 3 of the Universal Declaration of Human Rights guarantees everyone the right to liberty and security of person. Article 9 of the ICCPR also recognizes the right to liberty and security of the person, clarifying in paragraph 1, no one shall be arbitrarily or unlawfully arrested or detained and in paragraphs 2 through 5, procedural safeguards to ensure physical liberty and security.

Article 79 of the Socialist Constitution (2019) provides for the right to physical liberty and security by stating that citizens have the inalienable right to life and cannot be detained or apprehended without legal justification. Article 279 of the North Korean Criminal Law (2022) stipulates that anyone who unlawfully arrests, detains a person shall be punished with *Rodongdanryun* punishment (disciplining through labor), and anyone who commits these acts repeatedly or causes severe consequences shall be punished with *Rodong Kyohwa Punishment* (reform through labor) for up to five years.

A. Arbitrary and Unlawful Arrest and Detention

Article 9(1) of the ICCPR states that no one shall be arrested or detained arbitrarily. Even if a state's laws regulate enforcement and punishment, the UN Human Rights Committee has determined that arrest and detention for the lawful exercise of rights guaranteed by the ICCPR is arbitrary.⁵⁶

Arrests and detentions are frequently used as punishment in North Korea for the legitimate exercise of ICCPR-guaranteed rights, such as freedom of religion and freedom of expression. Consistently, arrests and detentions were reported for behaviors deemed 'anti-socialist' or 'un-socialist' in North Korea, such as exercising superstition and possessing South Korean videos. In 2019, according to one witness, there was a nationwide crackdown on superstitious behavior, with more than 50 individuals arrested and publicly tried for superstitious behavior in Pyongyang alone. Another witness testified that he was arrested in 2019 during a 109 Unified Command crackdown on external information while having South Korean video that was discovered in his residence. In some instances, family members of suspected criminals were arbitrarily and maliciously arrested and detained. According to one witness, she was detained by the Ministry of State Security because of her son's escape, and when interrogated, she was accused of facilitating her son's escape and compelled to confess.

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⁵⁶ UNHRC, CCPR General Comment, No. 35, Article 9: Liberty and security of person, para. 17.

In addition to prohibiting arbitrary arrest and detention, the final portion of Article 9(1) of the ICCPR prohibits unlawful arrest and detention, stating that no one shall be deprived of the right to liberty and security of the person except for reasons and in accordance with legal procedures. Failure to comply with the provisions on arrest and detention in a state party's criminal procedure law constitutes unlawful arrest and detention, according to the Human Rights Committee.⁵⁷

Criminal proceedings are divided into two stages under the North Korean Criminal Procedure Law (2021): an investigation to identify suspects and a preliminary examination to determine the suspect and disclose the entire criminal case.⁵⁸ In general, coercive measures such as arrest and detention are reserved for the preliminary stage,⁵⁹ whereas during the investigation stage, they can only be carried out with the prosecutor's authorization, i.e. an arrest warrant, in cases of exceptional necessity.⁶⁰ Detainees must be presented with a law enforcement officer's identification and a valid arrest warrant before they can be arrested.⁶¹ Additionally, there are limited grounds for arrest and detention without an arrest warrant, such as the commission of a current crime.⁶²

57 UNHRC, CCPR General Comment, No. 35, Article 9: Liberty and security of person, paras. 22–23.

58 The Criminal Procedure Law(2021), Article 130 and Article 144

59 The Criminal Procedure Law(2021), Article 172 and Article 174

60 According to the Article 177 of Criminal Procedure Law(2021), Prosecutors issue a warrant and the issuing of warrant is considered as an approval by the prosecutor.

61 The Criminal Procedure Law(2021) Article 176 and Article 178

62 The Criminal Prosecution Law(2021), Article 139 (Grounds for arrest, search, and seizure

In North Korea, a number of cases of unlawful arrest and detention without a warrant have been compiled. According to the collected testimony, the majority of arrests were made during the investigation phase without an arrest warrant and did not fall under the exceptional circumstances that permit warrantless arrests. One witness stated that in 2019, he was taken to a *bunjuso*⁶³ without an arrest warrant, and without being informed about the reason for being taken there only to be told by a security officer at his residence, “We have something to investigate.” Another witness stated that in 2019 she was abducted from her office, detained, and investigated by the Bureau.

“A security officer met me in front of my workplace. He gave me a smile and asked me to wait for a while, then he went into his office. He didn’t come out, and I saw a car pulled in. At the moment, I had no idea if I would be arrested. Two men got out of the car, and without telling me why, they arrested me. As soon as they had me in custody, they took off my shoes and pants. Then they put me in the car and didn’t let me lift my head. I was taken to the Ministry of State Security, where I was detained.”

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without prosecutor’s authorization) An investigator may arrest a suspected criminal, search his or her body or residence, and seize evidence without the approval of a prosecutor in the following cases.

1. was discovered while committing or immediately after committing the offense
2. the victim or other person who saw the offense being committed grabbed or pointed to the offender as the offender
3. the suspect’s body or place of residence shows signs of having committed the crime
4. the suspected criminal is suicidal, attempting to flee, or being pursued.
5. the alleged offender is not telling the truth about where they live.

63 ‘*Bunjuso*’ is another name for ‘People’s Security Office,’ the last level of people’s security established in the *Dong* and *Ri* units.(North Korean Social Science Publishing House, Dictionary of Chosun Language, Vol. 2, 2017, p. 866).

B. Lack of Procedural Safeguards

(1) Reason for Arrest - Not Informed of Intentions

Article 9(2) of the ICCPR stipulates that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. Article 179 of the Criminal Procedure Law (2021) of North Korea states, “when a decision is made to arrest and detain a person, the suspect shall be informed, and within 48 hours of the arrest and detention, the suspect’s family or affiliated organization and the relevant social security organization shall be informed of the reason for the arrest and detention and the place of detention.”

As per the collected testimonies regarding arrests, it indicates that the majority of those arrested were not informed of the reason for their arrest or the details of the charges against them at the time of the arrest. In 2017, according to one witness, a security officer visited her school and stated, “There is something to investigate. Come along with me.” She did not know the reason for her detention at the time, but she learned during the investigation that she was suspected of distributing South Korean products. Another defector testified that in 2018, a security officer visited her home and asked if she knew a certain person. When she indicated that she did, he promptly arrested her and detained her in the *Kuryujang* of the Ministry of State Security without informing her of the reason for her arrest. Another

defector testified that when she was arrested at her home in 2019, she was initially unaware of the reason for her arrest. During the subsequent interrogation, she learned that the reason for her arrest was due to cohabiting with a man who was not her husband. Additionally, cases were compiled in which security officers intimidated and forcibly arrested individuals without informing them of the reason for their arrest or their intentions.

“I was arrested by a state security officer. He walked up to me and asked to use my cell phone because he needed to call someone. When I gave him my phone, he called someone, and within five minutes, three motorcycles came. He told me to get on one motorcycle because he had something to ask for me. I got on one of them, and it took me to the State Security Department of the city. When I refused to get on the motorcycle, they cursed at me and said, ‘Get on it quickly while we treat you nicely.’”

The detainees’ families were not apprised of the reasons for their detention and the location of their detention, according to a number of testimonies gathered after their detention. One witness stated that when he was detained by the state security department in 2017 on suspicion of planning for escape, his family was not informed of the reason for his detention or the location of his detention. Another witness detained by the same department in 2019 stated that his family was not notified of his detention. According to the testimony, the Ministry of State Security is not required to notify the families of arrests or detainment.

(2) Excessive Pre-trial Detention

Article 9(3) of the ICCPR stipulates that “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.” The Human Rights Committee states that “the organs authorized to exercise judicial power” are impartial, independent, and objective, which does not include prosecutors.⁶⁴ In North Korea, there is no system for judicial review of warrants, and investigators as well as Yesimwon (social security officers in charge of preliminary examinations) are required to obtain prosecutorial approval before carrying out arrests and detentions.⁶⁵ According to the Criminal Procedure Law (2021), when a suspect or criminal is detained during the investigation phase, a detention decision must be made within 48 hours, approved by the prosecutor, and the suspect must be investigated within 10 days of the date of detention.⁶⁶ If it is not approved by the prosecutor or it is not certified that the individual is a criminal within 10 days of the

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⁶⁴ UNHRC, CCPR General Comment, No. 35, Article 9: Liberty and security of person, para. 32.

⁶⁵ Criminal Procedure Law(2021), Article 173

⁶⁶ Criminal Procedure Law(2021), Article 140

date of detention, the individual must be released.⁶⁷ During the preliminary examination phase, detention can last up to two months and can be extended to a maximum of five months.⁶⁸

According to the collected testimony, it is common practice in North Korea for detainees to be investigated and given a preliminary examination while in detention. During the investigation and preliminary examination phases, we also gathered the testimonies of those who had been detained for longer than the statutory maximum. A witness stated that after being apprehended during a 2017 accommodation inspection he was investigated by the social security department and detained for 75 days. Another individual was under the preliminary examination by the social security department in 2019 for carrying and using a Chinese mobile phone, and was held in a *Kuryujang* (pre-trial detention center) for six months without cause. Another witness testified that he was held for nine months in a *Kuryujang* in the state security department on suspicion of being an escape broker.

(3) Lack of Other Procedural Guarantees

Article 9(4) of the ICCPR states that “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide

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⁶⁷ Criminal Procedure Law(2021), Article 140

⁶⁸ Criminal Procedure Law(2021), Article 183, Article 184

without delay on the lawfulness of his detention and order his release if the detention is not lawful.” It appears that In North Korea, there is no formal system for reviewing the legality of arrests and detentions after they have been made, such as the writ of habeas corpus.

Article 9(5) of the ICCPR states that “Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.” In its Second Periodic Report submitted to the UN Human Rights Committee in 2000 and Common core document submitted to the UN in 2016, North Korea made reference to “criminal compensation regulations.”⁶⁹ There were no provisions regarding criminal compensation in publicly accessible North Korean statutes. No examples of unlawful arrest or detention compensation were collected.

C. Enforced Disappearance

According to Article 2 of the UN International Convention for the Protection of All Persons from Enforced Disappearance, ‘enforced disappearance’ means ‘the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to

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⁶⁹ UN Doc. CCPR/C/PRK/2000/2 (2000), para. 17(d); UN Doc. HRI/CORE/PRK/2016 (2016), para. 52.

acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.’⁷⁰ The UN Human Rights Committee has stated that ‘enforced disappearances’ are a form of arbitrary detention that violates multiple Articles of the ICCPR.⁷¹

In North Korea, enforced disappearances continue to occur. Numerous testimonies were gathered from defectors who have witnessed or heard of cases in which individuals were detained by the government and then vanished without a trace. According to the collected statements, individuals have vanished after being detained for activities such as religious practice, regime criticism, espionage, human trafficking, and attempting to escape to South Korea. According to one witness, a villager vanished in 2017 after being detained by the State Security Bureau for allegedly accepting funds from a South Korea’s Christian organization and conducting missionary work in the village.

The preponderance of enforced disappearances were either unaccounted for or believed to be held in *Kwanliso* (political prison camps). In 2017, a person who had talked to his sibling in South Korea using a Chinese mobile phone was caught in the state security department's wiretapping, and was arrested. Since the family cannot find out whether the person is alive or not,

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⁷⁰ Article 2 of International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the 61st Session of the United Nations General Assembly in 2006

⁷¹ UNHRC, CCPR General Comment, No. 35, Article 9: Liberty and security of person, para. 17.

they have designated the date of arrest as the day of death and are mourning. Another witness stated that in 2018, an elderly couple in his village was arrested after accusing soldiers who stole their goats of being “worse than South Korea’s hostile forces.” The couple’s whereabouts became unknown after their arrest, but the witness stated that the villagers believe they are being held in a *Kwanliso*. There were also testimonies that the family of a missing person disappeared together. In 2018, a party official was arrested with his family after making critical comments about the Kim Jong-un regime in a private setting, which was reported by those around him, and their whereabouts have been unknown since then.

5. Right of Detainees

A person whose freedom has been taken away by a law or other authority has detainee rights. According to Article 10(1) of the ICCPR, “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” While the Human Rights Committee stated in its General Comment No. 9 that this provision applies not only to prisons but also to any institution where a person is lawfully detained against his or her will, including hospitals and detention facilities,⁷² this report focuses exclusively on prisons.

A. General Detention Centers

In North Korea, there are two categories of general detention facilities: those where individuals are detained or held pending criminal proceedings, and those where individuals are punished or administratively punished. Detention facilities consist of

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⁷² UNHRC, CCPR General Comment, No. 9, Article 10: Humane treatment of persons deprived of their liberty, para.1.

Daekisil, Kuryujang, Jipkyulso, Kukeumso whereas penal and administrative punishment facilities consist of *Kyohwaso, Rodong Danryundae, Rodong Kyoyangdae*. It appears that these facilities are operated by either Ministry of Social Security or Ministry of State Security. Facilities under the Ministry of Social Security include *Daekisil, Kuryujang, Traveler Jipkyulso, Illegal border crosser Jipkyulso, Kyohwaso, and Rodong Danryundae*. Facilities under the Ministry of State security include *Jipkyulso (Kuryujang), and Kukemso*. There were testimonies that *Rodong Kyoyangdae* in each region are operated by the People's Committees, but the operating agency of the Unified Command (*Sangmu*) was not clear.

'*Daekisil*' established by local social security departments under the Ministry of Social Security are locations where individuals are detained prior to a decision to detain them. '*Kuryujang*' is a facility established by the Social Security bureau of each province and social security departments⁷³ of each municipality for the detention of perpetrators (suspects) during investigation, preliminary examination, and trial. The '*Jipgyulso*' are the facilities where individuals who have been arrested or detained outside their place of residence, or who have been forcibly repatriated after the escape, wait prior to being transferred to

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73 North Korea's security institution, Ministry of Social Security went through series of changes. Ministry of Social Security(1951) → Social Security Department(1972) → Ministry of Social Security(1993) → Ministry of People's Security(2000) → People's Security Department(2010) → Ministry of People's Security(2016)→Ministry of Social Security(2020), thus interviewed person may have been confused between the name of the institution or the affiliation of the guard.

their home jurisdiction for investigation, trial, punishment, etc. According to the statement, there are ‘*traveler Jipkyulso*’ and ‘*illegal border crosser Jipkyulso*,’ which are facilities that detain individuals apprehended for traveling without authorization within North Korea. The majority of *Jipkyulso* for illegal border crossers are located in frontier regions and appear to be used to detain individuals who attempt to escape and are arrested or forcibly repatriated.

North Korean defectors referred to *Kuryujang* located in the state security bureau of each province and the state security departments of each city under the Ministry of State Security as *Jipkyulso*, but it was found that these facilities are different from *traveler Jipkyulso* or *illegal border crosser Jipkyulso*. They are similar to *Kuryujang* in that suspects are detained there during investigations, preliminary examination, and trials. The ‘*Kukeumso*’ is a facility run exclusively by the state security bureau or higher, and appears to be used primarily to detain political prisoners suspected of committing offenses related to political prisoners (related to South Korea). The detention center is where individuals are detained pending a determination as to whether or not they will be transferred to the department for a preliminary examination.

The Ministry of Social Security administers the penal institutions *Kyohwaso* and *Rodong Danryundae*. *Kyohwaso* is a correctional facility specified in the Criminal Law that accommodates those who have been sentenced to *Rodongkyohwa* punishment (reformation through labor) following an investigation, preliminary

examination, and trial. *Rodong Danryundae* is a facility that houses individuals who have been sentenced to *Rodongdanryun* punishment (disciplining through labor) through a court proceeding. The North Korean Criminal Law also specifies *Rodong Danryundae* as the location of *Rodongdanryun* sentences,⁷⁴ and it appears that *Rodong Danryundae* are frequently operated as a supplement to prisons. The North Korean Administrative Penalty Law specifies that ‘*Rodongkyoyang* penalty’ be carried out at *Rodong Kyoyangdae* (2020).⁷⁵ North Koreans have used the terms ‘*Rodong Kyoyangdae*’ and ‘*Rodong Danryundae*’ interchangeably. It appears that *Rodong Kyoyangdae* are located in local areas as well as relatively large workplaces and farms.

In addition, a significant number of detainees were detained at the facilities of the so-called Unified Command, which was coordinated by the Ministry of Social Security, the Ministry of State Security, the Prosecutor’s Office, and the Youth League for various crackdowns. In these instances, the location of detention was not fixed and was frequently arbitrary, such as the office space of an organization. The People’s Security Enforcement Law (2007) refers to such imprisoning people in facilities as ‘detention.’⁷⁶

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- 74 Criminal Law(2022), Article 39(Labor Training Punishment), Labor Training Punishment is about sending criminals to labor training camp for labor punishment.
- 75 Criminal Procedure Law(2021), Article 18, labor training punishment is about sending people who have conducted illegal actions for administrative sanction as means of punishment.
- 76 People’s Security Enforcement Law(2007) Article 47, People’s security organs may detain persons who break the law, escape, or conspire to break the law or obstruct investigations, vagrants, and unidentified persons. Article 50 (Detention Period) The detention period for a person who breaks the law is three days at the people’s security station and ten days at the

B. Treatment of Detainees

The ICCPR imposes obligations on States Parties to treat persons deprived of their liberty and in a state of vulnerability with respect. Furthermore, in accordance with the right of persons deprived of their liberty not to be subjected to torture or to cruel, inhuman, or degrading treatment or punishment, no person shall be subjected to medical or scientific experimentation without his or her free consent. No person deprived of liberty shall be subjected to any additional hardships or pressures.⁷⁷ The United Nations Standard Rules for the Treatment of Prisoners specify standards for the treatment of detainees and the operation of penal institutions, such as the separation of detainees by gender, age, and criminal history; living facilities, including sleeping quarters and sanitary facilities; personal hygiene, including the maintenance of health and cleanliness; and the provision of health care services to detainees, in addition to restrictions, discipline, and punitive measures.⁷⁸

Article 6 of the Criminal Procedure Law (2021) states, “The

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municipal (district) military civil security station.

77 UNHRC, CCPR General Comment, No. 21, Article 10: Humane treatment of persons deprived of their liberty, para. 3.

78 The UN standard for detainees includes ① The Standard Minimum Rules for the Treatment of Prisoners/ Nelson Mandela Rule) : first adopted in 1957 and amended in 2015 following the UN General Assembly’s resolution ② The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1998 ③ the Code of Conduct for Law Enforcement Officials, 1978 ④ the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1982). (UNHRC, CCPR General Comment, No. 21, Article 10: Humane treatment of persons deprived of their liberty, para. 5.)

State shall ensure that all human rights are completely respected in the administration of criminal cases.” Article 6 of the People’s Security Control Law (2007) states, “The State shall ensure that human rights are completely respected in criminal proceedings.”

In North Korea, Article 6 of the Criminal Procedure Law (2021) states that “the State shall ensure that human rights are comprehensively protected in the handling of criminal cases,” while Article 6 of the People’s Security Control Law (2007) states that “the State shall not violate human rights or abuse its authority in the people’s security control.” To date, however, there are no specific provisions on the treatment of detainees during detention and execution of punishment in the published laws.

(1) Poor Detention Conditions

Detention space

The UN Standard Minimum Rules for the Treatment of Prisoners recommend that each detainee be provided with a private and sufficiently sized sleeping space, and that when shared cells are used, the number of detainees in a cell should be such that they can ‘coexist peacefully.’⁷⁹

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⁷⁹ Implementing the United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 12. (1)Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself. If for special reasons, such as temporary overcrowding, it becomes necessary for the central prison administration to make an exception to this rule, it is not desirable to have two prisoners in a cell or room. (2)Where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions. There shall be regular supervision by night, in keeping with

In North Korea, the capacity of detainee living accommodations varied widely between institutions, with the majority of cells being shared. Even when a small number of detainees were confined to a single cell, the majority failed to meet the UN Standard Minimum Rules for the Treatment of Prisoners. Depending on the time and location of detention, there were also significant variations in the space allocated for detention. In some cases, detainees were alone in their cells because there were no other detainees where they had been held after forced repatriation. However, in the majority of cases, detainees were held in cramped conditions, sometimes with as many as 30 people in a single cell and in some cases with as many as 50 people in a single *Daekisil*, making it impossible to sleep.

The floors were frequently described as consisting of bare cement with no flooring and were unheated, making them colder in the winter and wetter in the summer. Moreover, there were instances in which they had to slumber on cushions and small blankets on the cement floor due to a lack of bedding supplies. However, some detention facilities, such as *Rodong Kyoyangdae*, were adequately heated.

Food

The UN Standard Minimum Rules for the Treatment of Prisoners state that detainees should be provided with sufficient

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the nature of the prison.

food and water to maintain their health and physical stamina,⁸⁰ but this was not always the case in North Korean detention centers. Meals served to detainees were comparable across all detention institutions, regardless of location or facility type. Three meals were provided per day. Most facilities served only steamed corn, known as ‘kangnangi-bop (steamed whole corn kernels)’ or ‘jaksal-bop (steamed pulverized corn)’ Occasionally, salted radish was served as a side dish, but ‘shiraegi-guk (salted cabbage broth)’ was the main course. Although some institutions claimed to have improved the treatment of detainees, the supper consisted of corns with soybeans or rice, many other institutions served detainees only corns. In 2019, there were reports of detention centers under the jurisdiction of city and county-level security departments providing white rice, bean sprouts, and fake meat as side dishes, and there were cases of prisons providing beans and nutritional porridge to malnourished inmates in response to an increase in nutritionally-related deaths. However, the quantity and quality of meals provided in the majority of detention centers are frequently insufficient to maintain good health, and the majority of inmates reported that it is challenging to remain healthy without ‘myeonsik (food at visit).’ It was commonly believed that detainees drank water from a faucet in their cell’s toilet. However, in many facilities with limited or no access to tap water, the daily water supply to each cell was also

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⁸⁰ Ibid., Rule 22. (1) Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

used for drinking.

“We were given 700–800 kernels of boiled corn for meals at the *Jipkyulso* under the state security bureau in Ryanggang province, and 200g of rice mixed with 50/50 corn and soybeans, corn soup, and salted cabbage (similar to sauerkraut) for meals at the *Kukeumso* under the state security bureau in Ryanggang province. Once a month, they were weighed, and those who were weak were given ‘sokdojeon powder (processed corn powder),’ one spoonful of oil, and one spoonful of sugar mixed with water.”

Hygiene

The UN Standard Minimum Rules for the Treatment of Prisoners stipulate that detainees must be supplied with the water and hygiene products necessary to maintain a clean body.⁸¹ In accordance with the UN Rules for the Treatment of Women Detainees and the Non-Custodial Measures for Women Offenders, menstruating women must be provided with the necessary supplies.⁸²

Detainees who spend many days in detention centers and other facilities must wash and bathe, but the provision of water

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⁸¹ Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 18. Prisoners shall be required to keep their persons clean, and to this end they shall be provided with water and with such toilet articles as are necessary for health and cleanliness.

⁸² United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rule 5. The accommodation of women prisoners shall have facilities and materials required to meet women’s specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breast feeding or menstruating.

and amenities did not appear to be sufficient or varied across institutions. In some instances, used water was recycled to wash garments or flush toilets, whereas in others, there was no water for washing, and detainees reported being unable to bathe while in detention. In some institutions, toiletries were sparsely provided, with detergent constituting the majority of the offerings. As detainees had to share the same space, it was rumored that the provided supplies were extremely limited. Many detainees in the *Daekisils* and *Kuryujang* of the social security department reported that they were permitted to bring in items from the outside world and received domestic items from their families, whereas detainees in other institutions were unable to bathe.

In some instances, however, there was a weekly fixed time for group bathing, sufficient soap was provided, detainees were encouraged to bathe frequently, and bedding and clothing were allowed to dry in the sun. In places where detainees are held for extended periods of time, such as prisons, conditions were better: baths were limited to once per week, toilet paper was provided, and soap and toothpaste were only provided to detainees who did not have a visitor. The provision of sanitary napkins to female prisoners appeared to have improved since they could now request them from the guards. In some instances, sanitary napkins were substituted with toilet paper or linens due to a lack of availability.

In facilities where detainees were held for relatively brief periods of time, such as *Kuryujang* and *Daekisil*, flush toilets were

provided in sleeping areas. However, many detainees reported that the water supply was unreliable and the odor was foul. In some instances, detainees were crowded into confined spaces with no access to bathing, resulting in the spread of bedbugs and head lice. While there were numerous statements regarding the unsanitary conditions of detainees' living quarters, there were also examples of improvements in certain institutions. Facilities that are kept clean by frequent cleaning are found to have better sanitary conditions. There were reports of diminished odors in prisons where conventional toilets had been converted to flush toilets following extensive renovations.

“When I had my period, I raised my hand and asked the guards for sanitary pads. They gave me one at a time. But because we were all women in the same group, perhaps because of hormones influences, our menstrual cycles start to look alike. When a lot of us asked for sanitary pads at once, the guards must have thought it was too much trouble to give us all the pads we needed, so they sometimes just didn't give them to us, saying there were none left. We were all crammed into a room that was about 6 meters long and 4 meters wide. There was a toilet bowl in the room, and I remember how uncomfortable it was to sleep in the room.”

Healthcare

The UN Standard Minimum Rules for the Treatment of Prisoners state that it is the responsibility of the state to provide health care to detainees, and that detainees should have access to the same level of health care as the rest of society, as well as

to all necessary health care services without regard to their legal status.⁸³

In detention centers, despite the fact that patients may become malnourished or sustain traumatic injuries as a result of mistreatment, they rarely receive medical care, and the quality of the services provided is subpar. Even in cases where detainees were injured on the job or assaulted by staff, they were not actively treated. There were few reports of medical services being provided or manned in detention centers other than penal facilities. On the other hand, it was discovered that medical personnel were present in correctional facilities and that diseases such as tuberculosis were managed.

On the other hand, it was determined that criminal proceedings and sentences were suspended for ill prisoners. In some instances, those sentenced to labor punishment were not detained due to the issuance of medical certificates and bribes, and they were rarely treated prior to being sent to prison.

The treatment of fatalities in custody varied between penal institutions and other detention facilities. In most prisons, families were only informed of a detainee's passing when they arrived to pay a visit. Bodies were discovered interred or cremated near the facility instead of being returned to their families. At *Jeongeori Kyohwaso*, there were reports that when inmates died of

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⁸³ Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 25. (2) The health-care service shall consist of an interdisciplinary team with sufficient qualified personnel acting in full clinical independence and shall encompass sufficient expertise in psychology and psychiatry. The services of a qualified dentist shall be available to every prisoner.

illness, male inmates would take their bodies to a nearby location known as '*Bulmang Mountain*' (prison-run incineration facility for deceased prisoners) and burn them; the families were not notified and only found out when they arrived to visit. In the case of the *Rodong Kyoyangdae*, however, there were reports that the family was notified when a prisoner died and that the body was returned to the family. There were also reports that the body of a prisoner who died while being investigated by the state security department was returned to the family. The body of a prisoner who was killed by a fellow detainee in a *Rodong Kyoyangdae* was not returned to the family.

"In 2017 and 2018, I saw two people die in Hamhung Prison. One died of untreated pulmonary tuberculosis in 2017, and the other of malnutrition in 2018. For the latter, I was informed of the diagnosis after he was dead. He had been always sick but was not able to get any treatment. Only a patient could be tested, however, the cause was not always known even if the person did get a chance to get checked out. Also, even the cause was known, there is no medicine to treat it. As far as I know, dead bodies are cremated in the prison, and the families don't seem to be informed. In one case, a son of a detainee who died in February 2018 came to see his father at the end of March"

(2) Harsh Treatment of Detainees

The UN Standard Minimum Rules for the Treatment of Prisoners state that no detainee shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment, and

that such conduct cannot be justified under any circumstances.⁸⁴ It also states that disciplinary offenses and types of punishment for detainees shall be determined by law or rule in accordance with the principles of due process,⁸⁵ and that torture or other cruel, inhuman, or degrading treatment or punishment shall be prohibited, even if the punishment is disciplinary.⁸⁶

Article 280 of the North Korean Criminal Law (2022) criminalizes assault during an interview by stating, “A person who unlawfully interrogates a person or exaggerates or fabricates an incident shall be punished by labor discipline, and if the act causes serious injury or death or unjustified criminal liability, the person shall be punished by labor discipline for a term of between five and ten years.” The Law on the Prevention of Beating was enacted in 2021, allowing members of legal institutions, including social security institutions, and supervisory and control institutions to be punished with a severe warning or unpaid labor for up to

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84 Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 1.

85 *Ibid.*, Rule 37. The following shall always be subject to authorization by law or by the regulation of the competent administrative authority:

- (a) Conduct constituting a disciplinary offence;
- (b) The types and duration of sanctions that may be imposed;
- (c) The authority competent to impose such sanctions;
- (d) Any form of involuntary separation from the general prison population, such as solitary confinement, isolation, segregation, special care units or restricted housing, whether as a disciplinary sanction or for the maintenance of order and security, including promulgating policies and procedures governing the use and review of, admission to and release from any form of involuntary separation. Rule. 39. (1) No prisoner shall be sanctioned except in accordance with the terms of the law or regulation referred to in rule 37 and the principles of fairness and due process. A prisoner shall never be sanctioned twice for the same act or offence.

86 *Ibid.*, Rule 43. (1) 1. In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment.

three months, and in severe cases, to be demoted, dismissed, or removed from office.⁸⁷

Numerous documented instances exist in North Korea of agents assaulting detainees during interrogations when they refuse to confess or provide erroneous responses. In one instance, a detainee apprehended for working as a money transfer broker was beaten and bruised because he lied during an investigation by the Ministry of State Security. A resident engaged in an illegal business was apprehended on a complaint and detained in a *Daekisil*, where he was beaten with a security guard's waistband while being questioned, resulting in severe bruising to his legs and back. There were also reports of police officers punching individuals in the abdomen with their heels or beating them with a wooden stick in an effort to coerce them into confessing. In addition to assaults, detainees in the holding cells were pummeled for moving their bodies, and some had teeth knocked out after being struck in the face with a wooden stick. In some instances, detainees who argued with one another were severely beaten by officers. In the *Traveler Jipkyulso* and *Rodong Danryundae*, detainees who attempted to escape or failed to perform their work correctly were beaten. To prevent defecting, captains were chosen among the inmates to oversee or approve the assault. It was discovered that prisons and labor training facilities use physical force against detainees who fail to complete their daily assigned work. In one instance, the day's work was

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⁸⁷ Prevention of Beating Law(2021), Article 22

‘reviewed’ collectively at 5:00 p.m., and prisoners who had not completed their assignments were repeatedly struck in the face with a shoe.

During their daily regimen in their cells, it was commonly believed that prisoners were required to do a position known as the ‘fixed position’ or ‘cross-legged.’ They are instructed to keep their hands on their knees, with their legs crossed and immobilized, and they are prohibited from communicating with other detainees. Guards would attack prisoners or punish the entire group at the slightest trace of movement. In the cell of *Kuryujang* under the state security department, a guard punched a detainee in the head for moving from a stationary position, whereas in the detention center of the Security Bureau of Ryanggang Province, moving from a stationary position was punished with repeated sitting, standing, and push-ups. They were compelled to remain in this position for approximately an hour with a 10-minute respite before bedtime. In addition, they were required to request permission from the guards before defecating in their cells; depending on the sentry, they were either denied permission or criticized. When they were moved from their cells to be interrogated, they were required to maintain a specific posture: they had to walk backwards out the door with their backs bowed, and they had to move with their backs bowed and their heads lowered.

“In 2019, the guards at the *Jipkyulso* under the state security bureau in Ryanggang province were brutal. They took off their indoor shoes and slapped me on the forearms, kicked me, and hit me with their fists and palms. They hit me in a way that didn’t leave any visible marks on my body. I was punched way more times than I can remember. I was beaten more by the *Jipkyulso* guards than by the detention center’s interrogation officers. In the *Jipkyulso*, you have to sit in one place all day with your hands on your lap. You can’t move or talk to the person next to you. The guards would call you to the cage bars and hit you on the head or body with their fists, or they would make you slam your head into the steel bars. With no clear reason, they would hit you whenever they felt like hitting.”

(3) Restrictions on Visits and Correspondence

The UN Standard Minimum Rules for the Treatment of Prisoners state that a detainee should be permitted to communicate with family and acquaintances at regular intervals via “correspondence or available telecommunications, electronic, digital, or other means and meetings.”⁸⁸

It was discovered that the availability of visits and correspondence during incarceration varies depending on the institution in which an individual is confined. Specifically, testimonies showed that the Ministry of State Security did not permit visitation in principle, but most people did not know the reason.

Visits were reportedly permitted at the center for illegal border

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⁸⁸ Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 58. (1) Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals: (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and (b) By receiving visits.

crossers, but because it is a holding area for the transfer of forcibly repatriated individuals to their homes, it is difficult for family members to learn about the forced repatriation and detention, making it difficult for them to visit or bring in outside items.

The majority of *Daekisils* at the Ministry of Social Security were closed to the public, but there were reports that food and supplies were carried in from outside. On the other hand, there are instances in which visits were conceivable, possibly due to regional variances or bribery.

Those detained by allied organizations, such as ‘*gruppa*’ and ‘*sangmu* (task force),’ experienced similar conditions to those in the *Daekisil*. They were denied visitation but outside food and items were allowed.

It appears that detainees confined in *Kuryujang* under the Ministry of Social Security or in *Kuryujang* (or *Jipkyulso*) under the Ministry of State Security are prohibited from receiving visitors. A man was not permitted visits during the four months he was held in a *Kuryujang* under the social security department for preliminary examination and prosecution, and another man was not permitted to visit his sister while she was detained in a *Kuryujang* under the social security department. Others stated that they were not permitted visits at the *Kukeumso* under the state security bureau, while others did not even attempt to visit because they knew they were not permitted to do so while in *Kuryujang* under the state security bureau. They were, however, permitted to carry in items from both institutions. In the case of pretrial and trial detention, it is challenging to maintain good

health with the meals provided by the facility because the detention period is frequently extended to several months. The food carried into the prison from the outside was referred to as ‘*Myunsik*.’ In some instances, detainees were permitted to receive their *Myunsik* at *Kuryuja* in the social security department on every morning, and there are reports that they received food from visitors at the Province Security Bureau.

For detainees of *Rodong Kyoyangdae* (Labor Education Center), visitations and outside food was allowed. There were instances of family members visiting detainees, and some members testified that they visited the workplace within the facility to see the detainee.

Some sources stated that visitors were permitted once every three months, while others claimed that they could visit twice per month if they bribed the officer in command. Bringing in ‘*Sokdojeon powder*’ such as cornmeal, oil, malted legumes, and miso varied from prison to prison. Although they were permitted to carry in some necessities, there were reports that the guards confiscated certain items. Visiting inmates in *Rodong Danryundae* appeared comparable to visiting prisoners.

“In 2017, my sister was arrested for illegally crossing the borders and put in a detention center where she had a preliminary hearing and trial. She could only eat private food once a week, and even then, I had to bribe the people in charge of the preliminary hearing for it. The amount of the bribe wasn’t set, and I had to give whatever amount they asked. No visits were allowed so I couldn’t go see her even once.”

(4) Segregation

The ICCPR requires that accused persons be separated from the accused except in exceptional circumstances,⁸⁹ and the Convention on the Rights of the Child requires that children deprived of their liberty be separated from adults unless non-separation is in the child's best interests.⁹⁰ In addition, the UN Regulations for the Treatment of Detainees stipulate that male and female detainees, as well as civil and criminal detainees, must be held separately.⁹¹

The criteria for segregation in social security *Kuryujang* are gender, accomplice, and trial conclusion; there are no other criteria, although we found that the criteria varied from institution to institution. Segregation by gender was observed in the majority of detention centers, but not always. There were allegations of men and women sharing sleeping quarters at the *Rodong Danryundae* in 2019 due to the lack of segregation.

There were claims in 2019 that pending and completed sentences were held in separate detention institutions, but it was unclear whether this was the case. There were instances of sentenced prisoners being held with prisoners who are not sentenced

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⁸⁹ International Covenant on Civil and Political Rights, Article 10(2)(a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons; Article. 10(3) The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

⁹⁰ Convention on the Rights of the Child, Article 37(c).

⁹¹ Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 11.

in *Kuryujang* if they had a short remaining sentence and then being released, as well as instances of sentenced prisoners being held in *Kuryujang* with unsentenced prisoners before being transferred to *Kyohwaso*.

In a number of facilities, the isolation of minors from adults was described, sometimes adequately and sometimes inadequately. In 2018, it was reported that a woman's infant and toddler children were isolated from other detainees with a guardian at the Province Security Bureau. In some instances, they were housed separately from adults, but there were also allegations that they shared space. In some instances, forcibly repatriated children under the age of 14 were released the same day without being detained or were confined in non-detention centers, such as warehouses, until they were transferred to a residence. However, there were multiple accounts of children held in the same room as adults beginning at age 15. In addition, there were claims about the existence of detention centers for minors only, but we were unable to obtain information about their experiences in these facilities, so details were unavailable.

"When my sister was sent back to North Korea, she was a kid, only 15 years old. She was given a sentence of one year and four months of correctional labor punishment for illegal border crossing. After she got out of jail, she told me about what happened to her there. At the *Kuryujang*, she said that she had to sit in the same cell as an adult in a fixed position. She said that she was treated like a grown-up at the *Kyohwaso*."

C. Treatment of Women Detainees

In its General Comment No. 28, the Human Rights Committee noted that detainees should be protected equally regardless of gender, and that States parties should report on whether women deprived of their liberty are supervised exclusively by female prison officers.⁹² Rule 81 of the UN Standard Minimum Rules stipulates that only female staff members shall visit and supervise female prisoners. The 2010 Bangkok Rules for the Treatment of Women Prisoners and the Non-Custodial Measures for Women Offenders (the Bangkok Rules) detail the treatment of women deprived of their liberty.⁹³

The North Korean Criminal Procedure Law (2021) mandates a female person to be present at a body search of another female,⁹⁴ prohibits the use of remand detention for expectant defendants, and suspends the execution of punishment for female detainees.⁹⁵

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⁹² UNHRC, CCPR General Comment, No. 28, Article 3: The equality of rights between men and women, para. 15.

⁹³ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) improves on Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners to provide specific guidelines for female detainees which includes health(hygiene, physical health, prevention of epidemic) and care for pregnant women and women with children to care.

⁹⁴ Criminal Procedure Law(2021), Article 217

⁹⁵ Criminal Procedure Law(2021), Article 175(The reason for arrest, and detainment), a pregnant defendant cannot be detained between three months before giving birth and 7 months after giving birth.

(1) Strip Searches and Body Cavity Searches

The use of strip searches and body cavity searches should be limited to exigent circumstances,⁹⁶ and alternatives to these searches should be developed.⁹⁷ Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same gender as the prisoner. Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.⁹⁸

Women repatriated from North Korea are reportedly subjected to an additional body cavity investigation⁹⁹ referred to as

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96 Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 52. (1) Intrusive searches, including strip and body cavity searches, should be undertaken only if absolutely necessary. Prison administrations shall be encouraged to develop and use appropriate alternatives to intrusive searches. Intrusive searches shall be conducted in private and by trained staff of the same gender as the prisoner. (2) Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.

97 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) Rule 20. Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

98 Implementing the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners, Rule 52. (2) Body cavity searches shall be conducted only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.

99 A 'strip search' is an examination of a detainee's belongings and clothing, which takes place

a ‘cervical examination.’¹⁰⁰ These examinations do not appear to be intended to determine the health status of detainees, and the naked body searches, as well as the search of personal possessions, appear to be intended to locate and remove potentially dangerous objects that may be concealed on clothing. According to statements made by women who have been forcibly repatriated, the purpose of the cavity examination, also known as a pelvic examination, is to detect any valuables that the deportee may be transporting. In cases of detention for general offenses, regardless of the detention center, only female officers conduct strip searches individually. The officers removed all buckles and straps from the detainee’s clothing and combed through their possessions in search of potential weapons. In cases where women are imprisoned through forced repatriation, the scope of examinations, the gender of personnel in charge, and whether or not they are conducted on an individual basis vary depending on the institution where they are detained. In the case of strip searches, after examining the woman’s garments, the officers would physically examine her vagina or use their hands to detect any concealed items. There were also reports of women being asked to perform a so-called ‘pumping,’ in which they were instructed to repeatedly sit and stand up nude.

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after the detainee is disrobed.

¹⁰⁰ According to North Korean defectors, ‘cervical examination’ are usually conducted after defectors are forcibly repatriated and detained, and are accompanied by an examination of their belongings prior to detention. It is often accompanied by a search of belongings prior to detention. It is believed that women being repatriated are searched for money hidden in their anus or vagina.

The nude body cavity examination was conducted in an unsanitary environment and appears to have been performed on multiple individuals simultaneously, as opposed to one at a time. In one instance, a group of women who were forcibly repatriated were taken to a single room at the *illegal border crosser Jipkyulso* under the Social Security bureau, and subjected to simultaneous naked body searches and uterine examinations. During the uterine examination, the staff performed the examination on multiple women without washing their hands. In some instances, individuals who were not of the same gender as the examinees and who had not received training from healthcare professionals also conducted medical examinations. In one instance, a woman working in the cafeteria of a municipal security bureau conducted a naked body check upon entering the department, and in another instance, a male guard was asked to perform a cervical exam on a female detainee at the Metropolitan Security Bureau's illegal border crosser center. However, there were also testimonies that in some areas facilities used obstetric and gynecological instruments for cervical examinations and others conducted only blood and infectious disease tests.

“When I was moved to a *Jipkyulso* in Cheongjin City in 2017, I was told to go into the room. Two male sergeants told us to take off all our clothes when 20 people came in, so we did. They made us do 100 squats, and then they told us all to get down on our knees. Then they stood behind the prostrate prisoners and poked their fingers into all the anuses and vaginas looking for money.”

(2) Sexual Violence

Sexual violence in detention centers occurred in a variety of institutions, including the Social Security Bureau, the *illegal border crosser Jipkyulso*, and the social security department, and the perpetrators included *Kuryujang* guards, officials, and officers. In some instances, women in *Kuryujangs* were sexually assaulted outside the *Kuryujang*, whereas in other cases, hospital inmates were assaulted within the hospital. In addition, there were reports of an official at a facility for unlawful border crossers attempting to molest women in his private office or calling inmates late at night to sexually assault them. In these instances, the same individual caused injury to multiple inmates at the same facility.

There were also reports of guards or staff at a detention center repeatedly sexually assaulting detainees, with the same staff member committing multiple assaults on the same detainee over the duration of their detention. Using their positions, perpetrators sexually assaulted detainees. The women stated that they were unable to inform the detention facility because they feared for their safety if they refused or complained.

“In 2016, a guard raped me at an *Jipkyulso* in Ryanggang Province. While I was in the *Kuryujang*, he asked me to come out in the evening. He then took me to a warehouse full of stacked corn, forcibly stripped me naked, and raped me. He told me that if I resisted, I would be beaten and my sentence would be lengthened.”

(3) Forced Abortion

Women who were compelled to undergo abortions while pregnant in detention centers, as well as those who witnessed them, were interviewed. The majority of detainees who were compelled to have abortions were women who had escaped from North Korea and become pregnant with Chinese nationals while in China.

According to a source with expertise in the field, women who are repatriated from China while pregnant are required to undergo an abortion and then be transferred to their registered domicile, regardless of the number of months of pregnancy. Since the late 1990s, when escape and forced repatriation were on the increase, women who become pregnant while in a relationship with a foreigner have been ordered to undergo an abortion.

Forced abortions appear to be performed during the forced repatriation procedure, either at the illegal border crosser's *Jipkyulso* of Social Security Bureau or at the investigation stage of the State Security departments. The majority of abortions are performed in hospitals close to detention centers, done by military doctors who are frequently deployed to detention centers. A woman who was detained and forcibly repatriated from China while three months pregnant was seen traveling to an outside hospital for an abortion, according to reports. In another instance, a woman who had been forcibly repatriated while eight months pregnant was examined by a military doctor at a center for illegal border crossers, who then transported her to a nearby

hospital for an abortion before returning. Less frequently, there were instances that expectant women were transported to their registered residence while being pregnant, and were forced to have abortions there.

“In 2017, I saw a pregnant woman who had been repatriated with me being forced to have an abortion. The woman said she had been sent back to North Korea less than a year after leaving Ryanggang Province. She was about three months pregnant at the time. She had an abortion at a hospital outside of town, as I remember it. I met the woman after she was set free and heard what happened.”

(4) Arrest and Detention of Pregnant Women

According to the UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, non-custodial sentences should be favored for expectant and child-supporting women.¹⁰¹

In its Criminal Procedure Law, North Korea prohibits the arrest and detention of expectant women from three months prior to conception to seven months after childbirth,¹⁰² and suspends the execution of their sentences.¹⁰³

In relation to the treatment of expectant women, there have

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¹⁰¹ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rule 64. Pregnant women and women with children to raise.

¹⁰² Criminal Procedure Law(2021), Article 175

¹⁰³ Criminal Procedure Law(2021), Article 427

been few instances of the prohibition on arrest and detention and the suspension of the execution of sentences. Pregnant women were seen in the *Kuryujangs* of the Ministry of Social Security, the Office of the Unified Command, and the gathering centers of the Ministry of State Security. Pregnant women held at the *Kuryujang* of the Ministry of Social Security reported that they were apprehended and detained for investigation and trial before reaching seven months of pregnancy, which is a prohibited reason for detention, and then released. There was also a case in which a pregnant woman was arrested and detained on suspicion of human trafficking, released before giving birth, and then returned to the detention facility seven months postpartum. In one instance, a woman was detained at *Kuryujang* in the State Security Bureau, but she was released shortly before she gave birth.

According to testimonies, when a female suspect was arrested, she was not detained because she was seven months pregnant and no criminal charges were filed. In this instance, criminal proceedings were initiated immediately after the suspect gave birth, but she could not be summoned to the Ministry of Social Security, let alone detained, so the preliminary hearing was conducted at her residence. After the preliminary hearing, the court conducted the trial and confirmed a six-month labor discipline sentence, but the execution was suspended seven months after the child's birth.

In other instances, the ban on detention and suspension of sentence execution for expectant women was not observed.

In one case, a pregnant woman was arrested and detained at the time of her forced repatriation; in another, a woman was arrested and detained by the Province Security Bureau when she was four months pregnant, and when she was approximately seven months pregnant, her family was informed by the aide in charge that she was being held in a political prison camp.

“Before I married her, my wife worked as an escort for workers going from North Korea to China. In 2015, five people who looked like they were from the Province Security Bureau’s *Jipkyulso* broke into my house and took my wife away from me. The next day, the head of the bureau center and four officers, along with my wife, came to my house without a search warrant and started looking around. The leader asked me, ‘Is your wife pregnant?’ after the search. When I told him that my wife was four months pregnant at the time, he said, ‘Okay,’ picked her up, and took her back to a *Jipkyulso*. In 2015, a bureau officer came to my house and told me that my wife had been taken to a *Kwanliso*.”

D. Improving Detainee Treatment

Ill-treatment of detainees in detention centers was a common theme among interviewees who had been detained, but there were signs of improvement in some instances.

Regarding mistreatment of detainees, testimonies confirmed that assaults and mistreatment occurred frequently against individuals detained through forced repatriation or detainees

in criminal proceedings for ordinary crimes. On the other hand, there have been efforts to reduce the use of cruel and unusual punishment against detainees. In detention centers, it was tacitly decided that detainees should be moved with their backs bent and heads down; however, prior to and following 2017, detainees were requested to move with their heads only slightly down and were not shackled during investigations. During the daily routine, prisoners were not permitted to move or speak to one another while sitting in their cells, and only with permission could they access the lavatory. Prisoners who did not comply were assaulted, but it was reported that these assaults had decreased. This did not mean that all assaults and aggressive behavior had vanished, but it was an improvement from prior years.

Similar instances were gathered from prisons, where it was reported that “policies on eradicating human rights violations” were frequently issued around 2017. The policy’s specifics were “eliminate the dead and infirm from prisons, do not punish individuals for failing to complete duties or plans, and do not beat or drive individuals around.” After the policy was issued, there were reports that malnourished detainees were occasionally given porridge, bean paste, and humus.

Before concluding an investigation in one instance, a state security department asked, “Have you been subjected to any human rights violations during the investigation?” Some stated that they were instructed by the Ministry of Social Security or the Ministry of State Security not to assault detainees when investigating alterations in their treatment. A former employee

of the municipal security department stated that the agency was aware of the potential for human rights violations against the subject of the investigation.

“If you talk or move around inside the *Kuryujang* without staying at attention, they will make you kneel down as a punishment. Since 2015, when guards who beat up prisoners in the *Kuryujang* got his rank reduced, which is a drop in rank, there have been a lot fewer attacks. Once or twice a month, the head of the pretrial department or the party secretary would gather the guards for a lecture. The lecture would say things like, ‘Don’t violate human rights,’ ‘Don’t act in a non-classical way,’ ‘Don’t secretly let them eat outside food or have visitors,’ etc.”

There were also instances in which staff members were subject to disciplinary action. In one instance, a lieutenant assisting a staff member in the labor and education unit assaulted another inmate, culminating in the inmate’s death; the captain of the labor and education unit was relieved of his duties and placed in a *Daekisil*. In another instance, a resident was assaulted by a security officer during an interrogation in the Ministry of Social Security’s *Daekisil*, and the incident was reported. The security officer was disciplined for his actions. In one instance, a resident who was assaulted during an interview with the district security department submitted a complaint, which resulted in the perpetrator being punished and the victim receiving consolation from a higher authority.

There were also allegations that detainees received winter blankets, sanitary napkins, powder soap, hand soap, and tooth-

paste. In one instance, a woman and a seven-month-old infant detained by the State Security Bureau were not held in the *Kuryujang*, but rather in an office, and the meals provided to them, such as white cooked rice, were distinct from those provided to other detainees.

6. Right to Freedom of Movement and Residence

One of the fundamental rights for human survival is freedom of movement and of residence, which is expressly guaranteed in both the Universal Declaration of Human Rights and the ICCPR. Article 13 of the Universal Declaration of Human Rights states that “Everyone has the right to freedom of movement and residence within the borders of each State”, and Article 12 of the ICCPR also provides for freedom of movement and residence. Article 12(1) of the ICCPR states that everyone lawfully residing within the territory of a State has the right to move freely and to choose his or her place of residence. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Article 12(2) of the ICCPR guarantees the freedom to leave any country, including one’s own, Everyone shall be free to leave any country, including his own. and Article 12(4) provides for the right to return to one’s country. No one shall be arbitrarily deprived of the right to enter his own country.

Article 75 of the Socialist Constitution of North Korea (2019) states that “Citizens shall have the freedom of residence and travel” and specifies the freedom of movement and residence; however, in practice, North Korea restricts the free movement and residence of North Koreans via the travel permit system.

A. Restrictions on Movement

Article 12(1) of the ICCPR states that “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” In accordance with Article 12(3) of the ICCPR, the right to freedom of movement may be restricted when necessary to protect security, public order, public health, or the rights and freedoms of others. The Committee has emphasized that restrictions on the right to freedom of movement must not impair its essential content, and has held that prohibiting movement within the country on the grounds that a person does not have a specific permit or delaying the processing of an application for such a permit is not a justifiable restriction under Article 12 (3), of the ICCPR.¹⁰⁴

Regarding freedom of movement, North Korea stated at the 19th session of the eighth session of the UPR Working Group in 2014 that “freedom of movement is fully guaranteed by the Con-

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¹⁰⁴ UNHRC, CCPR General Comment, No. 27, Article 12: Freedom of movement, para. 17.

stitution and the law, and the people are free to move throughout the country, except for the frontline and military installations, which require permits.”¹⁰⁵ Nonetheless, North Korea employs a travel permit system and an accommodation registration system that limit the freedom of movement within the country. In addition, individual laws and regulations sanction those who violate travel laws and regulations.

(1) Travel Permit System

According to the testimonies of North Korean defectors, North Koreans are only permitted to travel within their home city or province, and even then, they must possess an identification card known as a public citizen’s card. The authorities must issue them a travel certificate (hereafter referred to as a ‘travel permit’) in order for them to leave their city or province. Article 30 of the People’s Security Crackdown Law (2007) and Article 299 of the Administrative Penalty Law (2021) permit public security organs to clamp down on travel disorder and fine or imprison violators of the travel order for up to three months at hard labor.¹⁰⁶

Direct regulations on the issuance of travel permits are not available to the public and therefore cannot be verified; however, collected testimony suggests that travel permits are issued by the local people’s committee or the ‘second department’ of

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¹⁰⁵ UN Doc. A/HRC/27/10 (2014), para. 62.

¹⁰⁶ Criminal Procedure Law(2021), Article 299

the police office. In the case of state-run company employees, the applicant fills out an application form and submits it to the bookkeeper, who verifies and reviews it before the state-run company administrator, security officer, and state-run company deputy issue the travel permit. The second department issues travel documents to general residents via the people's group commander, the village office, the assistant committee member in charge, and the social security department.

The duration required to obtain a passport varied. If you register legally for a travel permit, it can take more than 10 days, but if you pay a bribe, such as money or cigarettes, it can be issued as quickly as immediately. North Koreans frequently pay bribes to obtain travel documents for this reason. A defector from North Korea stated that although obtaining a travel document through the official procedure is free, it takes longer and is more cumbersome, so paying bribes to obtain travel documents has become widespread among North Koreans. Consequently, many bribes are paid to secondary sector security officers. Some witnesses testified that bribery was so commonplace that they considered it a legitimate expense. One witness testified that he visited all of them in 2015 to obtain a travel permit to visit Pyongyang, and that in Pyongyang City, if he paid CN¥100, the permit was issued promptly, whereas if he paid CN¥50, it took a few days. Outside of Pyongyang, it costs CN¥10 to CN¥20, and the Najin Seonbong region is the most difficult location to obtain a travel document because the certificate is issued by the Ministry of State Security and not the 2nd department of police office.

When issuing travel documents, some regions, such as Pyongyang, *Naseon (Najin-Seonbong)*, and border regions, are assigned an approval number. The travel permit with certification numbers can be distinguished from standard travel permit by the multicolored lines and State Security Code Number that appear on them. A North Korean defector stated that if he is not in a restricted area, the head of the department can issue him a travel document with an approval number. However, if he wishes to travel to a restricted area, such as Pyongyang City or Kumho District, he must send a letter to the city or county in the restricted area with the approval of the head of the social security department.

A defector from North Korea stated that traveling within the same country requires only a citizen's card, but in border areas, they also need a 'certificate of going-out permission.' When traveling within the same county in the border area, they are required to obtain a certificate of going-out permission, which must bear the seal of confirmation from the people's leader and the seal of confirmation from the head of the local government office, as well as the place, date, and purpose of the visit.

It was discovered that travel permits are inspected at various locations along the route, including checkpoints and trains. Despite the risk of enforcement, a significant number of inhabitants appear to be attempting to travel between regions without a valid travel document. The absence of a travel document was primarily attributable to the difficulty and expense of obtaining one, or to the ineligibility of the applicant.

In some instances, the absence of a travel document was used to identify other violations, such as frisking and searching, resulting in arbitrary arrest and detention. According to collected testimony, a woman was apprehended, detained, and punished for attempting to enter the country illegally, rather than for traveling without a travel document. In this way, the crackdown on travel documents is used to control individuals and their mobility.

Alternatively, even if a person is arrested for lacking a travel document, it appears that the situation can be resolved through bribery, as is the case with the issuance of a travel document. Even when individuals are stopped for traveling without authorization, most cases are resolved on the spot with bribes and no punishment, according to testimony. Cases of individuals being stopped for lack of a travel document were compiled, and bribes or fines ranging from ₩5,000 to ₩100,000 were collected. In 2019, a man testified that a station security officer stopped him, fined him ₩5,000, and confiscated his wife's citizenship card as security. In 2017, a witness who was traveling without a travel document was halted at the final checkpoint and required to pay ₩100,000 to the checkpoint inspector to pass. Others testified that travelers without travel documents circumvented checkpoints by taking a bus several hours back up the mountain road or by renting a 'servicecar.'¹⁰⁷ The chauffeurs of the service

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¹⁰⁷ 'Servicecar' is also known as 'Beolyi Bus,' an individual would rent a license(name) from an organization or an state-run company and make money by driving a small bus.

vehicles and the enforcement officers are pre-coordinated, so it is uncommon to be stopped without a valid travel document.

“Nowadays, if you take a servicecar to get to another city in North Korea, you don’t have to show your travel document at the checkpoint because the driver bribes the checkpoint in advance. It takes time and money to get a travel document, so I gave up on that to avoid more trouble.”

In addition, administrative penalties, such as labor discipline, were collected as a consequence of the travel document crackdown. According to the testimony of a witness, he was detained on a train while traveling in 2018 and issued a six-month re-educational labor discipline for violating the travel order.

(2) Lodging Registration System

Article 32 of the North Korean Resident Administration Law (2010) stipulates that North Korean residents must acquire approval from the appropriate authorities in order to provide housing for others. It is believed that the owner of the house where the visitor is to be accommodated notifies the people’s commander and enters the information in the lodging register, and the people’s commander re-registers the same information in the lodging register at the branch address.

A lodger who is not listed in the lodging register is subject to reporting under Article 10 of the Crowd Reporting Law (2019),

and the people's group is required to report the offending lodger to a report-receiving agency, such as a social security agency.¹⁰⁸ In addition, the people's security agency may impose a fine or up to three months of labor discipline (Article 248 of the Administrative Punishment Law) on offenders of the accommodation register order (Article 33 of the People's Security Enforcement Law). In this manner, control over the movement of North Koreans is maintained not only upon their departure, but also upon their arrival in the region. Even if they enter the region with a valid travel document, they are still required to register their accommodations, and if they fail to do so, they are subject to accommodation inspections. Even if you enter the area without a travel document, you can be arrested and punished at any moment through People's Committee surveillance and reporting and security force crackdowns, according to one witness.

A number of testimonials from individuals who had been subjected to accommodation inspections were compiled. According to the testimonies, accommodation inspections are conducted by security officers, accompanied by the chief of the *Inminban* (neighborhood watch unit), who go door-to-door to determine if unregistered individuals who are not on the lodging register are present. These door-to-door inspections check not only for illegal lodging by outsiders, but also for other offenses such as viewing

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108 Crowd Reporting Law(2019), Article 10(establishing reporting system by the crowd) All should be reported by '*Inminban*'(neighborhood watch unit). The group should report newly moved residents, non-residents, illegal lodgers, job absconders, criminal elements, and suspected criminals to the reporting agency in a timely manner.

unauthorized recordings, using unauthorized electronic devices, and prostitution. As a result, lodging inspections have been used to impose multiple levels of control over the movements of North Korean citizens. In some instances, favors have been used to absolve individuals of responsibility for unregistered stays. In 2017, a woman who was caught by an overnight accommodation inspection while staying at her grandmother’s residence paid ₩5,000 (\$4,000) to avoid the penalty. A North Korean witness who fled the country in 2019 stated that accommodation inspections in border regions are used to combat illegal border crossing.

“Because I live near a border, inspections were done about four times a year to stop illegal crossings. The number of inspections increased during special security weeks (before the Lunar New Year, special mourning periods, etc.) and in the summer, when smuggling is most common.”

B. Residency Restrictions

(1) Restrictions on Relocation

The UN Human Rights Committee has stated that Article 12 of the ICCPR guarantees the right to freedom of residence, which includes the right to “choose one’s place of residence” and “reside in a location of one’s choosing.”¹⁰⁹ To relocate to another area in

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¹⁰⁹ UNHRC, CCPR General Comment, No. 27, Article 12: Freedom of movement, paras. 4–7.

North Korea, one must register for ‘eviction’ and ‘residence.’ To register for eviction and residence, a person must complete out and submit to the People’s Security Service a “application for eviction registration” and a “application for residence registration.”¹¹⁰ The People’s Security Service offers application forms for purchase. Both eviction and residency registration must be approved by the area’s local security officer and the assistant commissioner in command.

According to collected testimony, North Koreans are restricted from relocating to the domicile of their choosing, with approval processes being complex, lengthy, and requiring bribes in exchange for approval. A witness who relocated within Hyesan City, Ryanggang Province, in 2018 stated that even when it is feasible to relocate, the process is complicated and requires travel to obtain approval.

“The first step in moving is to get a ‘residence eviction application form’ from the security office. One sheet costs ₩500. After filling out the application form, I go to the head of the *Inminban* and say, ‘I’m moving to another town.’ The head of the *Inminban* stamps it. Then I go to the town office and get a ‘town office authorized nameplate.’ Then I go to the office of the security officer in charge in the security station, declare to the security officer, and get the security officer’s guarantee. Then I go to the office of the security instruction officer in charge, declare, and get the security instruction officer’s stamp. After that, I should take the application with all of the stamps to the security office where I want to move and turn it in

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¹¹⁰ Resident Registration Law(2015), Article 4, Article 14

who keeps the application and writes ‘Someone moved here’ on the resident registration list. Lastly, I go to my new head of the *Inminban* and tell him, ‘I’m here now.’ When I go to the head of the *Inminban* the security officer, or the security bureau officer without knowing whether they are in their offices or not, I have to go back again.”

There were also reports that favors were required during the relocation procedure. According to the testimonies, they were not registered for residency or eviction unless they paid a bribe. In 2017, according to one witness, there was a policy that stated, “Don’t accept bribes, just register everyone if possible,” which made it somewhat simpler to obtain relocation approval.

In other situations, such as relocating to various cities, provinces, or special areas, the process is more complicated and time-consuming. Due to rejection by the pertinent authorities, it took one witness more than six months to register her residence after moving to a special area.

“When I moved in 2017, I tried to register my new address, but the security office rejected. I think they were afraid that they would get into trouble if we moved because my son left North Korea. I went to the security office every day and asked them to register my address, but they didn’t do it for six months. I gave them one pack of cigarettes and ₩100,000, but it didn’t work because there was a potato flour factory nearby and Kim Jong Un often visits there for field advising.”

Relocating to Pyongyang reportedly requires additional evaluation and approval, including determining whether you are eligible to reside in Pyongyang, whether you can live in the city center, and whether you can live near No. 1 Road. Some witnesses stated that obtaining an employment certificate in Pyongyang required as many as thirteen verification stamps. It is believed that women can reside in Pyongyang if they marry a Pyongyang citizen. Recent testimony suggests that economic strength is the most significant factor for entering Pyongyang.

“You can get to Pyongyang if you have a lot of money. When the Central Party Office 8 and the Ministry of People’s Security build apartment complexes, they sell 200m² for about \$300,000. If you buy it, you’ll be able to live in Pyongyang city. That’s because you are giving money to the state. Also, women can live in Pyongyang if they are married to a Pyongyang citizen. If you’re good at sports, you can live in Pyongyang by joining the 4.25 Sports Team or the Apruk River Sports Team.”

(2) Forced Relocation

The UN Human Rights Committee has recognized that the right to choose one’s place of residence includes the right not to be forcibly displaced.¹¹¹ In North Korea, the term ‘deportation’ refers to the forcible removal of a person from their place of residence, which is known as forced relocation. Given the

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¹¹¹ UNHRC, CCPR General Comment, No. 27, Article 12: Freedom of movement, para. 7.

restrictions on North Koreans' freedom of movement, deportation can extend beyond residence restrictions and imperil the lives of North Koreans.

According to the collected testimony, North Korea still practices forced relocation. There have been forced relocations for various reasons, such as intelligence contacts with South Korea, drug trafficking, escape, and political motives. When authorities revoke or take away a person's license to live in their current residence and designate them housing in a new area, this is known as forced relocation. It is common for the deportee's entire family to be relocated together. One witness stated that his companion was expelled from college and deported in 2017 due to his father's association with Kim Jong Un's uncle, Jang Sung Taek, who was executed in 2013. In 2018, a villager was sentenced to three years of hard labor and imprisonment in a *Kyohwaso* (prison camp) after being discovered by the 109 Unified Command watching South Korean dramas, and another villager testified that he witnessed his family being deported to rural areas. As the majority of deportation areas are coal mining or rural areas, the children of deportees are frequently allocated the same jobs and residences as their parents. This practice results in another violation of rights known as 'collective punishment,' in which the entire family is held accountable for law and order violations.

“When my dad was 17 years old, he was sent from Pyongyang to Shinyang County. I heard that my grandfather was expelled from Pyongyang because he managed a warehouse for a labor newspaper and was blamed to prevent a fire. My father told me many times that after he was sent away, he was treated badly and it was cold in that mountain area, which made his life even harder than the times of Arduous March. He kept living in the same area. We had no house to live. When I was in the third grade (7 years old), my dad got a piece of land and built a house. We were sent to a collective farm in the area where we were relocated.”

C. Restrictions on Leaving the Country

The right to depart the country of residence includes the right to be issued travel documents, as an exit document such as a passport is required to leave the country.¹¹² Returning to one’s country of residence also requires the issuance or extension of a passport’s validity period. In this regard, the UN Human Rights Committee has identified the following as unreasonable restrictions on the right to leave: “requiring an invitation from the country of destination or its residents to obtain travel documents;” “unreasonable delays in obtaining travel documents;” “requiring high fees that significantly exceed the cost of administrative services;” and “restrictions on family travel together.”¹¹³

As a signatory to the ICCPR, North Korea is required by inter-

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¹¹² Ibid., para. 9.

¹¹³ UNHRC, CCPR General Comment, No. 27, Article 12: Freedom of movement, para. 17.

national law to issue and renew passports for its citizens. Passports to visit relatives in China have been found to be difficult to obtain in North Korea, requiring bribes and taking a long time to issue. According to a witness who obtained a passport to visit relatives in China in 2019, a guarantor's signature is required to obtain a passport. This includes the signatures of the head of the people's committee, the security officer in charge, and the assistant director of the place of residence, the manager of the state-run company, the party secretary, and the security officer in charge, and the leader of the municipal party organizational department, the security officer in charge. In recent years, many North Koreans who received passports to visit relatives in China have not returned. In Ryanggang Province, the issuance of passports to petitioners visiting relatives in China was restricted. There were also corroborating accounts of restrictions on passport issuance, such as age restrictions.

“There are no rules about gender, but you have to be older than 50 to obtain a passport. You must have a family to leave behind in North Korea so you have to be married and have children as well. I wasn't married and didn't meet the age requirement, but I still managed to get one by spending a lot of money. I paid \$50 for each guaranteed signature from the head of the *Inminban* and so on, \$300 for the foreign affairs director of the Municipal Security Bureau, and \$7,000 for the foreign affairs director of the Province Security Bureau.”

In 2013, North Korea also revised its immigration laws, establishing inspection stations at border crossings and clarifying the requirement to possess an entry or exit document. Article 260

of the Criminal Law (2022) criminalizes and punishes illegal entry into the country by North Koreans who cross the frontier without a valid entry permit.¹¹⁴ However, making it difficult to obtain an entry permit and punishing those who leave the country without one may be viewed as a violation of the right

According to the collected testimony, North Koreans who are forcibly repatriated or voluntarily return to North Korea are investigated and punished by investigative agencies such as the Ministry of State Security based on the circumstances of their escape, the reasons for their escape, and their behavior after escaping, with varying outcomes. In some cases, defectors were released without punishment if they escaped during the “Arduous March” and were discovered to have escaped for basic economic reasons, such as hunger, during the investigation process, or if they escaped for a brief period of time or offered bribes. Those who received administrative punishment were found to have been in China for a brief period of time, had unlawfully crossed borders to earn money, and were sentenced to six months or less of correctional labor punishment. In some instances, those who remained in China for an extended period were sentenced to correctional labor for illegally crossing the border.

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¹¹⁴ Criminal Law(2022), Article 260(illegal entering of border) Anyone who enters or leaves the border illegally shall be punished by labor discipline. If the act of illegally entering or leaving the border is serious, it shall be punished by labor correction for up to five years.

“A woman traversed a mountain near Ryanggang Province and went to China to make money in 2012. And in 2016, Chinese police arrested her at the restaurant where she worked in Jilin Province, China, and forcibly repatriated her back to the state security department in North Hamgyong province. After the trial, she was sentenced to 1 year and 8 months of prison labor for illegally crossing the border.”

7. Right to a Fair Trial

The right to a fair trial is a fundamental component of the protection of human rights and functions as a procedural means for safeguarding the rule of law. Article 14 of the ICCPR stipulates that States Parties must ensure the right to a fair prosecution through their judicial system. Article 14(1), also stipulates a trial by a court, the independence of the court, and a fair public hearing to ensure the substantive impartiality of the trial's outcome, while paragraphs 2 through 7 outline the rights of suspects and accused persons in criminal proceedings.

North Korea stated in its 2019 third UPR report that the Socialist Constitution, the Criminal Procedure Law, and the Tribunal Organization Law guarantee the independence of the courts and the right to a fair trial.¹¹⁵

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¹¹⁵ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), paras. 24–29.

A. Trial by Court

Article 14(1) of the ICCPR states that everyone has the right to be 'tried by a court' to determine whether or not the person has committed a crime. The right to a trial by a court is the right not to have a criminal offense determined outside of a court. The UN Human Rights Committee has interpreted that the ICCPR determines the meaning of 'formal determination of guilt,' and that if a criminal sanction is imposed, then Article 14 of the Covenant, which guarantees the rights of criminal defendants regardless of national law standards, applies.¹¹⁶ Therefore, even if a punishment is considered administrative in nature under North Korean law, if it can be regarded as criminal in nature under the Covenant, the right to a court trial should be guaranteed.

Administrative punishment in a form of '*Rodongkyohwa* (reformation through labor) punishment' may be imposed by administrative bodies such as the Socialist Committee for Legal and Social Life Guidance and the Social Security Agency, as well as by state-run companies and organizations, according to Article 344 of the Administrative Penalty Law (2021).¹¹⁷ Cases of *Rodongkyohwa* imposed by administrative bodies have been compiled, and based on the testimonies, it has been determined that labor penalties are in fact detention sentences with heavy labor that have the characteristics of a prison sentence. This implies that

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¹¹⁶ Arkadyevich v. Russia, Communication No.2141/2012 (2015), para. 7.6.

¹¹⁷ Criminal Procedure Law(2021), Article 18

administrative bodies can impose criminal sanctions (without a trial), thereby obstructing the right to a trial in a court of law. According to a testimony, in 2019, a person entered Pyongyang without a valid travel document and was sent to *Rodong Kyoyangdae* (labor education center) for Rodong Kyohwa punishment for 6 months for illegally entering the city. At the *Rodong Kyoyangdae*, the person was mobilized for construction work, which involved sculpting a hillside near the center into a stock farm, and worked more than 12 to 13 hours daily. The person was beaten frequently for not being able to meet the quota.

In cases of anti-state and anti-national crimes, suspects are not always guaranteed the right to a court trial. According to the North Korean Criminal Procedure Law (2021), the security organs¹¹⁸ have jurisdiction over the investigation and preliminary examination of anti-state and anti-national crimes, while the provincial (district) court of first instance has jurisdiction over the trial of such crimes.¹¹⁹ In practice, according to testimonies, individuals accused of anti-state and anti-national crimes are investigated and punished by security organs without a criminal trial and are occasionally detained in political detention centers. One witness stated that in 2019, a person suspected of espionage for conducting unlawful international communications was investigated, punished, and placed in a political prison camp by a security agency.

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¹¹⁸ Criminal Procedure Law(2021), Article 50

¹¹⁹ Criminal Procedure Law(2021), Article 47

B. Independence of the Courts

Article 14(1) of the ICCPR defines a ‘court’ as a body constituted by law and independent of the executive and legislative branches, regardless of its name.

In addition, the UN Human Rights Committee has interpreted that a court cannot be deemed independent if the executive branch controls or directs the judiciary.¹²⁰ As the independence of the court is based on the selection procedure and qualifications of judges, the independence of the judges must also be ensured. To this end, the Human Rights Committee has stated that judges’ status, including tenure and compensation, should be guaranteed by law and that they should be shielded from all forms of political influence.¹²¹

The courts of North Korea consist of a central court, provincial courts, municipal (district and county) people’s courts, and special courts, including military courts, railway courts, and military courts.¹²² According to the Socialist Constitution of North Korea (2019), the Central Court of Justice is the highest judicial body in North Korea that supervises the trial work of all courts and is accountable to the Supreme People’s Assembly and,

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120 UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, para. 19.

121 UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, para. 19.

122 Tribunal Organization Law(2011), Article 3(Organization) states that North Korea should have Supreme Court, City Court, Local Court, but the Socialist Constitution(2019), Article 159 states that trial is done by Central Court, City Court, Local Court and Special Court, implying that the terminology might have been changed from Supreme Court to Central Court.

when the Supreme People’s Assembly is in recess, the Standing Committee of the Supreme People’s Assembly is accountable.¹²³ In addition, the Socialist Constitution (2019) and the Criminal Law (2021) state that “the courts are independent in their trials and execute trial activities in accordance with the law.”¹²⁴ Nonetheless, the North Korean Socialist Constitution mandates that all state institutions are organized and administered in accordance with the democratic centralization principle, and that all activities are directed by the Worker’s Party.¹²⁵ In accordance with this constitutional principle of party supremacy and democratic centralization, the Supreme People’s Assembly, which is the superior body of the Tribunal, is the supreme sovereign body of North Korea, but in practice it is controlled by the Worker’s Party, and North Korean judicial institutions, including the Tribunal, are also subject to its oversight.¹²⁶ This is evident in North Korea’s explanation that the law must serve and heed politics, and thus law-making, law enforcement, and law interpretation must be based on the Party’s line and policies, and under the Party’s leadership.¹²⁷ Along with the prosecution and social security institutions, the judiciary is emphasized as a proletarian authoritative organization that strives to preserve the stability of the party and state and to strengthen the legal order

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¹²³ Socialist Constitution(2019), Article 167, Article 168

¹²⁴ Socialist Constitution(2019), Article 166; Criminal Procedure Law(2021), Article 268

¹²⁵ Socialist Constitution(2019), Article 5, Article 11

¹²⁶ Socialist Constitution(2019), Article 166; Criminal Procedure Law(2021), Article 268

¹²⁷ North Korea Encyclopedia Publisher, Gwangmyong Encyclopedia(2009), p320–321

in the country.¹²⁸ This is reflected in the socialist constitution of North Korea, which stipulates that the judiciary's duty is to defend sovereignty and the socialist system through its judicial activities and to actively combat class enemies.¹²⁹

Constitution of North Korea stipulates that judges are elected by the people's assembly: the chief justice of the Central Court is elected by the Supreme People's Assembly, other Central Court judges are elected by the Standing Committee of the Supreme People's Assembly, and judges of the provincial and people's courts are elected by their respective people's assemblies.¹³⁰ Judges serve the same term as their respective people's assemblies and can only be removed by a vote of the assembly that elected them.¹³¹ However, North Korea has a People's Court System, meaning that judges in trials of first instance can only rule with the approval of the People's Court. In North Korea, judgments are enacted by a majority vote of the first trial court, which consists of one judge and two people's councilors.¹³² People's councilors are working-class representatives who partake in the hearing and resolution of cases as tribunal members with the same authority as judges. Together with the

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¹²⁸ North Korea Ministry of People's Security Publisher, Reference book for workers of legal field(2009), p25

¹²⁹ Socialist Constitution(2019), Article 162

¹³⁰ Socialist Constitution(2019), Article 91, Article 140; Tribunal Composition Law(2011) Article 4, Local Sovereign Authority Law(2011) Article 10

¹³¹ Socialist Constitution(2019), Article 60; Tribunal Composition Law(2011), Article 7, Article 8, Article 91 and Article 140

¹³² Socialist Constitution(2019, Article 163; Criminal Procedure Law(2021), Article 270, Article 339, Tribunal Composition Law(2011) Article 9, Article 17

judge, they are involved in all issues related to 1st trial, from the discovery of facts to the adoption of a verdict.¹³³ Similar to justices, people's councilors are elected by the people's assembly at each level with no qualifications specified. According to testimony compiled, there have been no elections for people's councils, and even if there were, they would have been mere formalities. According to witnesses, only individuals with significant party affiliations are eligible for election to the People's Court, and once elected, the People's Court is subject to party directives.

North Korea also mandates that prosecutors oversee trials.¹³⁴ Prosecutors can accomplish this by attending trials or examining trial records. The surveillance of trials by prosecutors can also be viewed as a means of facilitating party control over trials. According to the North Korean Prosecutor Monitoring Law (2012), prosecutors are the state's political appendages and are responsible for ensuring compliance with the decisions, orders, and directives of the state apparatus.¹³⁵ The North Korean Socialist Constitution defines the prosecutor's office and prosecutors as constitutional institutions, alongside courts and judges, and positions the prosecutor's office above the courts. According to collected testimony, North Koreans view prosecutors, not judges, as leading trials.

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¹³³ North Korea Encyclopedia Publisher, Gwangmyong Encyclopedia(2009), p603

¹³⁴ Criminal Procedure Law(2021), Article 14, Prosecutor Monitoring Law(2012), Article 11

¹³⁵ Prosecutor Monitoring Law(2012), Article 7, Article 14

“The prosecutor’s office keeps an eye on the court, so it doesn’t have much power. Also, there isn’t much bribery to the court because almost all of it goes to the prosecutors. The prosecutors who are investigating eat all the meat, the prosecutors who are preparing for pre-trial eat some meat left on the bones, and the trial court judges eat the bone soup.”

C. Publicity of Trials

(1) Public Trials and Judgments

Article 14(1) of the ICCPR guarantees the right to a public trial. The right to a public trial means that, in principle, all trials should be held in public. In criminal trials, the principle of open trial is emphasized as a means of guaranteeing the transparency of proceedings and protecting the interests of individuals and society at large. According to a general comment of the UN Human Rights Committee, it is the duty of the state party to grant a public hearing even if no request is made, and the obligation to make the hearing public includes the obligation to provide the public with information regarding the hearing’s time and location.¹³⁶ In certain exceptional circumstances, the right to a public hearing may be limited. Article 14(1) of the ICCPR lists the following as exceptional reasons for limiting disclosure: morality, public order,

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¹³⁶ UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, para. 28.

or national security; when necessary to protect the privacy of the parties; and when there are exceptional circumstances in which disclosure would prejudice the interests of justice.

In principle, trials in North Korea are open to the public.¹³⁷ North Korea explains that this is a constitutional principle founded on the nature of socialist trials, in which criminal cases are heard and judged in public.¹³⁸ However, the law stipulates that trials may be closed if it is necessary to safeguard state or personal secrets,¹³⁹ or if doing so would have a negative social impact.¹⁴⁰

On the other hand, the ICCPR further restricts the grounds for non-disclosure of judgments and protects the publication of judgments more than proceedings. Publication of the judgment ensures access to the judgment; therefore, it is a violation of Article 14(1) of the ICCPR if access to the judgment is restricted to a select group of individuals or if access to the judgment can be restricted based on certain interests. In its third UPR report to the UN Human Rights Council, North Korea asserted that the sentence is accessible to the public, but not the trial proceedings.¹⁴¹ However, testimony from defectors tried in North Korea indicates that the principle of open trials is not strictly adhered to. Unless a trial is conducted in open court, both the hearing and the sentencing are reportedly performed behind closed doors. In a 2019 trial for

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137 Socialist Constitution(2019), Article 164

138 North Korea Encyclopedia Publisher, Gwangmyong Encyclopedia(2009), p612

139 Socialist Constitution(2019), Article 164

140 Criminal Procedure Law(2021), Article 267

141 UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 28.

unlawful international communications at the People's Court, a family member testified that only the judge, the people's council, the prosecutor, and the defense attorney were present at the trial, not the family members. Even the verdict, according to the testimony, was not made public.

(2) Local Public Trials

Disclosure of the trial's hearing and verdict is an essential element of the right to a fair trial. One such system is the 'local public trial,'¹⁴² which is a trial organized locally by a court to educate the public and prevent crime, and is used to exert psychological pressure on the accused and the general populace rather than as a trial system. Local public trials are organized in the location where the crime occurred or where the parties reside, and are conducted by mobilizing local residents to attend, exposing the case to them, and interrogating the perpetrator. In accordance with Article 282 of the North Korean Criminal Procedure Law, representatives of institutions, businesses, and organizations uncovered and condemned the criminal's actions (2021).¹⁴³ Particularly, cases were compiled in which public

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¹⁴² North Korea Encyclopedia Publisher, Gwangmyong Encyclopedia(2009), p614, a trial taking place at an area where the crime had taken place or in front of neighbor of defendant

¹⁴³ Criminal Procedure Law(2021), Article 282(Organization of public trial) The tribunal may organize a trial hearing locally to enlighten the crowd and deter crime in advance. In this case, representatives of institutions, businesses, and organizations, as well as those involved in the case, including the victim, can denounce the offender's actions. representatives of institutions, businesses, and organizations, as well as victims, can be invited to expose and condemn the criminal's actions.

executions were carried out promptly following local public trials at the tribunal's initiative. A 2016 public trial of three women accused of writing graffiti defaming Kim Jong Un reportedly took place in the presence of a judge, prosecutor, defense counsel, and the head of municipal security, and the judge sentenced them to death. Shortly after the sentencing, they were publicly executed on the spot. In 2011, an additional witness observed the second trial of four North Koreans for murder, which was held in a local public trial organized by a tribunal, and the defendants sentenced to death were publicly executed on the spot at the conclusion of the trial, allegedly at the initiative of the Province Security Bureau.

D. Right to be Presumed Innocent

Every criminal suspect has the right, under Article 14(2) of the ICCPR, to be presumed innocent until proven guilty in accordance with the law. The presumption of innocence is an essential principle for fair trials and the preservation of the human rights of suspects, and it applies not only to those who have been charged with a crime but also to those who have not. It places the burden of proof on the prosecution, ensuring that no criminal offense can be affirmatively presumed until guilty is established beyond a reasonable doubt. Therefore, when conducting a trial, judges must not prejudge the outcome, and if there is any uncertainty about the allegations, they must

interpret them in favor of the accused and not convict him or her.¹⁴⁴ The obligation of judges in criminal trials not to prejudge the outcome of the trial is also recognized by all state organs, which are prohibited from making public statements concluding that the accused is guilty.¹⁴⁵

The right of suspects to be presumed innocent appears to be inadequately protected in North Korea. In 2019, when a person was detained in a Ministry of State Security detention center for illegal international communications, there was an election for deputies to the Supreme People's Assembly, and despite not having been convicted, the Ministry of Security disqualified him on the grounds that he was a candidate for correction.

In North Korea, so-called 'public disclosure meetings' are held prior to criminal trials, where suspects are forced to admit their crimes in front of a large audience. The legal basis for these meetings could not be identified in any publicly available North Korean law. They are reportedly organized by the People's Security Service for crimes against individuals and by prosecutors' offices for administrative and economic crimes. According to one witness, in 2017, prior to trial at a people's court in Ryanggang Province, he was set up at a public disclosure meeting in front of a movie theater. The meeting was organized by the security department, which reportedly lined up ten detainees in the

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¹⁴⁴ UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, para. 30.

¹⁴⁵ *Ibid.*, para. 30.

courtyard in front of the theater while the director of the security department sat in a broadcast vehicle and criticized the detainees by reading their names and crimes over a megaphone.

Under the presumption of innocence, investigations and trials are conducted without charges, and defendants cannot be presented to court in a manner that suggests they are criminals. Article 278 of the North Korean Criminal Procedure Law (2021) prohibits restraint of defendants in court. However, according to collected testimonies, it is not uncommon for North Korean defendants to be detained from the time of their investigation until their trial.¹⁴⁶ Throughout the trial, there were numerous accounts of defendants being treated as felons and kept with their heads bowed. In some instances, defendants were also handcuffed during the trial.

E. Rights of the Accused in a Criminal Trial

(1) Right to Defense

Suspects and defendants have the right to defend themselves with the aid of an attorney (right to defense). The right to defense comprises the right to a defense counsel of one's choosing in accordance with Article 14(3) of the ICCPR, the right to be informed of it, and the right to receive free legal assistance. The

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¹⁴⁶ 'Right to bodily autonomy and safety'

court must inform the defendant of his right to an attorney so that he may choose one. The state must appoint a public defense attorney for the defendant if he cannot afford one. The right of access to counsel, which is the accused's and his or her counsel's ability to communicate, must be guaranteed in order to ensure a substantive defense.

Article 164 of the 2019 Socialist Constitution of North Korea gives the right to counsel for the accused (equivalent to 'defendant' in South Korean law). The Criminal Procedure Law of North Korea (2021) also guarantees suspects and defendants the right to legal counsel.¹⁴⁷ The suspect, accused persons, and their families may select a defense attorney;¹⁴⁸ if the suspect does not, the pre-trial judge may request the committee of attorney to appoint a 'public attorney.'¹⁴⁹ If a public defender is appointed and then a private lawyer is chosen, the law recognizes the 'private defense attorney system' by mandating that the private attorney become the defense attorney.¹⁵⁰ The Law on Lawyers (1993) also protects the freedom to choose an attorney.¹⁵¹ Some cases involving private defenders were compiled. One witness stated that more people appoint private attorneys as they are more passionate in courts which could reduce sentence compare to public attorneys.

The right to an attorney should also be acknowledged

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147 Criminal Procedure Law(2021), Article 54

148 Criminal Procedure Law(2021), Article 56

149 Criminal Procedure Law(2021), Article 59, Article 61

150 Criminal Procedure Law(2021), Article 64

151 Law on Lawyers (1993), Article 4

during police interrogation. The Human Rights Committee has ascertained that a suspect should be able to request counsel upon arrest, and that cases in which a suspect is held incommunicado and interrogated without the assistance of counsel constitute a classic violation of the right to “prepare a defense” guaranteed by Article 14(3) of the ICCPR.¹⁵² In North Korea, the right to choose and be assisted by a defense attorney is notified to the suspect within 48 hours of the decision on criminal responsibility at the preliminary examination,¹⁵³ and the right to choose a defense attorney may only be exercised from the time of the decision on criminal responsibility until the trial hearing.¹⁵⁴ During the investigation and preliminary examination phases, suspects were frequently detained in isolation from the outside world and lacked the right to choose and be represented by a defense attorney, according to witness testimony. In some instances, they were not even informed of their right to counsel until the trial hearing had begun. One witness who was tried in 2017 for watching South Korean videos was not informed of his right to counsel and assistance of counsel until the beginning of his trial, and he met his attorney for the first time on the day of his trial hearing.

Even in cases where defense counsel is appointed, it is essential to receive a substantive defense from counsel, necessitating

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¹⁵² Gridin v. Russian Federation, Communication No. 770/1997 (2000), para. 8.5.

¹⁵³ Criminal Procedure Law(2021), Article 158

¹⁵⁴ Criminal Procedure Law(2021), Article 58

that suspects and accused persons have access to counsel. The Criminal Procedure Law (2021) and Law on Lawyers (1993) of North Korea stipulate that appointed defense counsel may meet and confer with suspects and accused persons, and that pretrial judges and judges must permit them to meet if requested by the defense counsel, suspect, or accused.¹⁵⁵ According to testimonies, the right to counsel is not granted during the investigation and pre-trial phase, but only after the pre-trial phase has been concluded and the prosecutor has prepared the indictment. There were testimonies from individuals who had access to counsel after indictment but did not receive substantial assistance. A witness stated that his defense attorney had met with him prior to the trial to examine the case file, which was identical to the prosecutor's questioning. When North Koreans confront criminal trials, defense attorneys are usually present; however, even when they are present, they frequently do not provide adequate representation for the defendant. A person stated that he had a court-appointed defense attorney during his prosecution, but the attorney was not useful because he did not advocate for the defendant. A witness who was tried for espionage in 2019 stated that although the pretrial judge informed him of his right to counsel and assistance, he never met his counsel before the trial hearing and was only permitted to meet his counsel in court, which was not helpful because he did not make any representations at trial.

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¹⁵⁵ Criminal Procedure Law(2021), Article 66; Law on Lawyers(1993), Article 9

The North Korean Law on Lawyers (1993) specifies that defense attorneys must protect the legal rights and interests of the accused and suspects,¹⁵⁶ but also that they must enforce laws and regulations correctly and reveal the truth about criminal cases.¹⁵⁷ Regarding the function of defense attorneys, one defector from North Korea stated that defense attorneys acted as prosecutors during trials, treating the accused as criminals and forcing them to admit to committing crimes. In addition, there was testimonies that defense counsel had no authority in criminal proceedings.

(2) Right to Summon and Examine Witnesses

In accordance with Article 14(3) of the ICCPR, the accused has the right to have witnesses who can be either against him or in favor of him summoned to the trial for examining under the same conditions. Call or examine witnesses against him at trial, as well as to call or examine witnesses in his favor under the same conditions as those against him. In this regard, the North Korean Criminal Procedure Law stipulates only that “the presiding judge shall allow the accused to examine the witnesses.”¹⁵⁸ The North Korean Law on Lawyers (1993) guarantees the accused and defense attorneys the right to summon favorable witnesses.

In North Korean criminal prosecutions, the right of defendants to summon and cross-examine witnesses does not appear to

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¹⁵⁶ Law on Lawyers(1993), Article 12

¹⁵⁷ Criminal Procedure Law(2021), Article 55; Law on Lawyers(1993), Article 10

¹⁵⁸ Criminal Procedure Law(2021), Article 309

be adequately guaranteed. While there were instances in which witnesses favorable to the defense were permitted to testify in court because the court granted the defense's request for a witness, in the majority of cases the defense was not permitted to cross-examine the witnesses who appeared at trial, nor were they permitted to call witnesses favorable to their defense to testify at trial. According to one witness, the judge presiding over the trial denied the accused's request to summon a witness favorable to his defense. Others testified that they were unable to exercise their rights because they were unaware of their right to summon and cross-examine witnesses.

(3) The Right to Refuse to Testify

According to Article 14(3) (g) of the ICCPR, a suspect or accused person has the right not to be compelled to make an incriminating statement or confession, i.e., the right to remain mute. This means that law enforcement officials cannot directly or indirectly apply physical or excessive psychological pressure to an accused person in order to obtain a confession. According to Article 7 of the ICCPR, It is prohibited to subject an accused person to torture and other inhumane treatment prohibited by Article 7 of the ICCPR. According to the ICCPR Committee's General Comment, States parties must ensure in their domestic legislation that statements and confessions obtained in violation of Article 7 of the ICCPR are excluded from evidence, and the State party bears the burden of proving that the accused's state-

ment was made voluntarily and freely.¹⁵⁹

Article 37 of the Criminal Procedure Law (2021) states that the words of a criminal obtained through coercion or inducement are inadmissible as evidence, and if the words of a criminal are the only evidence, his crime cannot be proven. In addition, Article 163 of the Criminal Procedure Law (2021) states that a preliminary judge may not coerce or induce a suspect to confess to a crime. However, there appears to be no provision for notifying ‘suspects’ and ‘accused’ of their right to refuse to testify. Consequently, it appears that criminal suspects and defendants are unaware of their right to refuse to depose against themselves.

Moreover, contrary to the provisions of the North Korean Criminal Procedure Law (2021), there were reports of individuals being coerced into signing fraudulent statements against themselves during preliminary examinations, and then using those statements as incriminating evidence at trial. Several witnesses who went through criminal prosecution testified being beaten and subjected to other ill-treatment during the investigation and pre-trial stages in order to obtain confessions. This is elaborated upon in the section on the right to be free from torture and inhuman treatment.

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¹⁵⁹ UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, para. 41.

F. Right to Appeal

Article 14(5) of the ICCPR stipulates that all individuals convicted of a crime have the right to appeal their conviction and sentence to a superior court. The Criminal Procedure Law (2021) of North Korea permits criminal judgment appeals. People’s Court is the court of first instance for general criminal cases that do not lie within the jurisdiction of provincial courts, special courts, or intermediate courts.¹⁶⁰ Defendants, attorneys, and plaintiffs who are dissatisfied with a judgment or award of a court of first instance may file an appeal with a superior court, the provincial court.¹⁶¹

According to compiled testimony, the majority of those tried at first instance were informed of their right to appeal but did not exercise it. Among the reasons given for not appealing were the belief that it would not affect the outcome and the fear that they would be punished more harshly if they did so. In 2015, when he was sentenced to two years and one month of *Rodongkyohwa* by the People’s Court for illegally crossing the border and smuggling, the judge informed him that he had 10 days to appeal, but he waived his right to appeal because he did not believe that appealing would result in a lesser sentence than the first trial. When he was sentenced at trial in 2014 and returned to the detention center, his guard informed him of his right to appeal and warned

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¹⁶⁰ Criminal Procedure Law(2021), Article 46

¹⁶¹ Criminal Procedure Law(2021), Article 354

him that his sentence could be increased if he appealed, so he renounced his right to appeal. Another 2019 witness stated that when he was sentenced to four years and three months of *Rodongkyohwa* for illegal international communication, the judge informed him of his right to appeal. However, he did not appeal because he feared that if he did, his sentence would be increased by applying the so-called ‘crime of annoyance.’

“I didn’t appeal because I was afraid that if I did, I would get penalty. Those who do appeal are usually capable of bribing officials during the appeal process to get their sentences reduced, while those with no money don’t do it because they worry about additional punishment for appealing.”

In the meantime, it was determined that those sentenced to death in local public trials and immediately executed had no right to appeal, and cases were collected in which defendants in ordinary criminal trials did not appeal because they were not informed of their right to appeal in the first instance. According to a testimony, in 2019, the person was tried at North Hamgyong Province people’s court for unlawful entry but was not informed of his right to appeal; consequently, he did not file an appeal because he was unaware of his right to do so.

The appeal period is 10 days for *Rodongkyohwa* sentences and 3 days for labor disciplinary sentences.¹⁶² However, there have been instances where the right to appeal was exercised during

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¹⁶² Criminal Procedure Law(2021), Article 357

the appeal period, but the higher court rejected the appeal, resulting in the first instance judgment being upheld without a second trial. In 2019, it was reported that a person was sentenced to three years and six months of *Rodongkyohwa* for illegal international communication by the People's Court and appealed to the provincial court. However, the provincial court rejected the appeal, and the first judgment was upheld without a second trial. Some cases were collected in which the sentence was reduced during the appeal period, but these cases were identified as involving bribes or private attorneys. One witness stated that he was sentenced to two years in labor camps by the People's Court in 2005 for viewing South Korean films, appealed during the appeal period, and was able to call favorable witnesses at the second trial by paying bribes, resulting in a reduced sentence. In 2011, one witness's nephew was sentenced to death for murder by the People's Court, but was sentenced to *Rodongkyohwa* in the second trial by hiring a private lawyer to submit an appeal.

G. Right to Criminal Compensation

Article 14(6) of the ICCPR provides that "When a person has by a final decision been convicted of a criminal offense and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction

shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.” In its Second UPR to the UN Human Rights Committee in 2000 and its Common Core Submission to the UN in 2016, North Korea reported that it has a “Criminal Compensation Law” that provides compensation to those who have been imprisoned, detained, or punished without charge.¹⁶³

However, no provisions regarding criminal compensation for erroneous convictions were discovered in publicly available North Korean law. The cases of individuals who were convicted, served their sentences, and were pardoned upon the discovery of their mistaken identity were compiled, but there was no record of compensation for the damage done. In 2002, the spouse of a defector was convicted of injuring a minor and sentenced to prison; four years later, the true culprit was caught, and the spouse was released, but no compensation was provided for such a mistake.

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¹⁶³ UN Doc. CCPR/C/PRK/2000/2 (2000), para. 17(d); UN Doc. HRI/CORE/PRK/2016 (2016), para. 52.

8. Right to Privacy

The 'right to the protection of privacy' refers to the freedom to manage and control one's own personal information without interference or disclosure.¹⁶⁴ Article 12 of the Universal Declaration of Human Rights stipulates that "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to threaten his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks." In addition, Article 17 of the ICCPR also defines the right to protection of privacy and stipulates that "Everyone has the right to the protection of the law against such interference or attacks." Regarding Article 17, the UN Human Rights Committee commented that "As all persons live in society, the protection of privacy is necessarily relative. However, the competent public authorities should only be able to call for such information relating to an individual's private life the knowledge of which is essential in the interests of society as understood

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164 The 'right to privacy' is also known as 'privacy.' The National Human Rights Commission of ROK identifies the following elements as components of the right to privacy: 1) inviolability of privacy secrets, 2) inviolability of privacy freedom, and 3) self-information management and control

under the Covenant.”¹⁶⁵ This means that confidentiality and freedom of individual privacy must be protected, except in cases where information pertaining to their privacy may be requested or interfered with in accordance with the state’s legal framework.

Article 79 of the 2019 Socialist Constitution “guarantees the inviolability of the person, the residence, and correspondence. Without a legal warrant, no citizen may be detained, arrested, or their residences searched.” Meanwhile, there are laws that provide legal grounds for privacy surveillance and measures such as ‘house search’ and ‘accommodation inspection.’ Such laws include, the Resident Administration Law(2010),¹⁶⁶ the People’s Security Enforcement Law(2007)¹⁶⁷, and the Administrative Penalty Law(2021)¹⁶⁸. More recently, the Law of Provision of Education of Young People (2021) was passed by the Supreme People’s Assembly in September 2021 to combat anti-socialist and behaviors not in line with socialist principles among youth and hold them accountable for violations. The Law of Provision of Education of Young People (2021) establishes a ‘do-not-do’ list for youth, specifies which behaviors may have a negative effect on them, and mandates that residents report and notify such violations. In addition, it stipulated that violations of the law may result in administrative or criminal liability, which

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¹⁶⁵ UNHRC, CCPR General Comment, No. 16, Article 17: Right to privacy, para. 7.

¹⁶⁶ The Resident Administration Law(2010) Article 9, Article 10, Article 32.

¹⁶⁷ The People’s Security Enforcement Law, Articles 8–53.

¹⁶⁸ The Administrative Penalty Law(2021), Article 248.

institutionalized the regulation of the privacy of young people.¹⁶⁹

A. Surveillance and Control

From the beginning of their social lives in elementary school until they exit the affiliated social organization, North Korean residents are subject to constant surveillance and control by the government. Surveillance and control are exercised by the government through residential schemes such as *Inminban* (neighborhood watch unit) as well as the affiliated organizations' group reviews such as *Saenghwal chonghwa* (life review session). Surveillance and control expand beyond the public domain and into private life.

(1) Inminban (neighborhood watch unit)

The Resident Administration Law (2010) states that “the People’s Committee shall organize several households into *Inminban*, designate a leader and a deputy leader for each unit, and the leader shall work under the guidance of the respective office at the village, town, worker’s district, or neighborhood level.”¹⁷⁰ The *Inminban* is the lowest level of surveillance managed by North Korean authorities against its own people. It is responsible

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¹⁶⁹ Law of Provision of Education of Young People(2021), Articles 41–45.

¹⁷⁰ Resident Administration Law(2010), Article 9, Article 10.

for guiding the residents' way of life, identifying the ideological trend, and monitoring incoming visitors. *Inminban* includes leader and deputy leader, head of households, head of hygiene, person in charge of propaganda, safety, security and others. They actually visit respective households or inquire with neighbors about their way of life before reporting to their superiors. In addition, designated members of the watch receive directives from the Ministry of State Security or the Ministry of Social Security to monitor other members. Such reporting by *Jeongbowons* (informants) complements population surveillance and control. These individuals are authorized and acknowledged by the Ministry of State Security or the Ministry of Social Security to conduct surveillance missions as *Jeongbowons* (informants) or *Tongbowons* (reporters).

According to the testimonies, 'informants' receive training as confidential informants, sign an oath, and submit a report to the Ministry of State Security on what they have learned from their neighbors, including their economic status, every 15 days. To complete weekly tasks, 'reporters' are required to write reports on the situation of defectors' families, expenditures relative to income, residents' complaints about society, status of released inmates from *Kyohwaso* (prison), families selling contraband, items on the market, living conditions and status of government officers, drug trafficking, and the accommodation status of outside visitors, and submit the weekly report to the officers of

the Ministry of State Security or the Ministry of Social Security.¹⁷¹

“The informant tells the security officer in charge of the district about anything, such as in which household outside visitors are staying, what stores have in stock, rumors among the residents, who are secretly planning to move, who are spending more than their income, who enjoy South Korean video ‘Alpans’¹⁷² and music, who have their own cattle, who sell smuggled goods, who sell medicine, how loyal the residents are to the Party, how much they participate in rural mobilization, who do not engage in economic activities, who are not currently living in the district, who are unemployed, who married close relatives or married in early age, who are distributing drugs, and so on. Being an informant is an honorary (unpaid) position. Having a good relationship with a security officer is certainly a plus.”

Due to their increased likelihood of escape, it appears that individuals with a history of escape and their family members are subject to strict surveillance. The Ministry of State Security, for instance, intercepted a resident’s phone call with a relative in South Korea, investigated the individual, and then conducted surveillance via *Inminbanjang* (the head of *Inminban*), informants, and other neighbors. Some individuals testified that *Inminbanjang* and observers under the direction of the Ministry of State Security visited their residences each morning and evening after members of their family escaped. Other testimonies demonstrated that after being forcibly repatriated, defectors were subject to heightened

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¹⁷¹ According to Article 33 of the Resident Administration Law, residents should report to the relevant authority if they discover any abnormal phenomena including illegal acts.

¹⁷² *Alpan* refers to DVDs in the form of CD(Compact Disk)s.

surveillance by the Ministry of State Security and Ministry of State Security.

“Since my daughter’s escape in 2017, our neighbors have been watching us. On three occasions, the old lady next door was caught listening to our garage door when strangers came to our house. *Inminbanjang* would stop by our house once in a while to see what our family was doing. There was also a time in 2018 when my wife and I were away from home with only our son at home, and someone said we had fled to China. Shortly after that, an intelligence officer in charge came to our house.”

Since Kim Jong Un’s rise to power, there are also reports of a heightened level of surveillance against the families of North Korean defectors. According to a testimony, while there were no surveillance when their children escaped prior to 2010, since Kim Jong Un’s ascension to power, the family have been placed under constant surveillance by informants and agents working with the Ministry of State Security, *Inminbanjang*, and neighbors. Ordinary residents were required to report to *Inminbanjang* when they wished to leave the area or when relatives came to visit.

In addition to those who involved in escape, POWs, returnees from Japan, and those who relocated from South Korea during the Korean War were subject to special supervision. Not only the persons of concern, but also their families, were the subject of authorities’ constant situation reports, according to the testimony. For example, according to one testimony, a person’s

parents were originally from South Korea but lived in Japan until 1960's before they landed in North Korea, and the entire family was subjected to surveillance until 2017 because of parent's background. In addition, there was testimony that POWs and their families were under constant surveillance by the Ministry of State Security during the middle of the 2000s and in 2016.

Similar to *Inminban*, the military appears to practice surveillance through mutual surveillance among soldiers. In fact, testimony was gathered from former North Korean soldiers who had served in the military and had experience as 'operatives' snooping on fellow soldiers. According to the testimonies, the intelligence officer of the unit selected the operatives, and through their collaboration, the officer could monitor the entire unit members.

(2) Saenghwal Chonghwa (Life Review Session)

Saenghwal chonghwa are weekly, monthly, quarterly, and yearly gatherings of North Koreans in their party, institution, or work group to self-reflect and criticize each other's public and private life.¹⁷³

Under the management of North Korean authorities, organizations hold weekly *Saenghwal chonghwa* for their members. Testimonies show that people participated in these meetings in their classrooms, workplaces, military squads, *Inminban*,

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¹⁷³ Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2022, p. 492.

Socialist Women's League of North Korea, and Socialist Patriotic Youth League and in other organizations. As all members of the organizations are required to participate and are subject to criticism if they do not, there were also testimonies of unconditional participation.

Also, workers dispatched overseas and students residing abroad are also required to participate. According to the testimony of overseas workers, the director of the office or the cell secretary organized *Saenghwal chonghwa* every Saturday or Sunday, and attendance was mandatory for all employees, including those performing additional contract work outside of the office. Those who had studied abroad were required to attend weekly meetings at which the Youth League secretary would report the results to the intelligence officer:

"I attended *Saenghwal Chonghwa* once a week and study sessions and lectures once every two weeks. Every day at 7 pm, there was a roll call, and policies and instructions were often given. The secretary of the Youth League set up *Saenghwal Chonghwa* and told the intelligence officer what happened. Students who got money from the government had no choice but to attend *Saenghwal Chonghwa*. The rule was that you had to show up no matter what, even if you felt sick. In that regard, I have no clue what might happen if I didn't attend *Saenghwal Chonghwa*."

There were also reports of distinct *Saenghwal chonghwa* based on a person's social standing within an organization. Ordinary students participated in *Saenghwal Chonghwa* during colleges, while Youth League and party members, including military

veterans, participated in a separate *Saenghwal chonghwa*. Another interviewee testified that during his military service, Youth League and the Party members were grouped together for *Saenghwal chonghwa*, while the remaining military servicemen, including ordinary soldiers, were grouped separately.

In recent years, the number of individuals who go to work has decreased as a result of private economic activities that have made *Saenghwal chonghwa* to be held in formality. As more members of the Socialist Women's League of North Korea were engaged in business, it became difficult to convene the organization's members for *Saenghwal chonghwa* at the same time and location. Some witnesses testified that they falsified the record notes to make it appear as though they had held such *Saenghwal chonghwa*. Individuals were instructed to document and maintain life review and study notebooks in a cursory manner in order to prepare for inspections designed to determine if they had actually engaged in *Saenghwal chonghwa*. In recent years, there has been an increase in the number of employees who would work in other places and pay portion of their profit to avoid going to designated work place. Some witnesses testified that common employees no longer participate in *Saenghwal chonghwa*, which are now only attended by cadres.

“These days, there aren't many *Saenghwal Chonghwa*, and not many people follow what the top says them to do. Each person writes *Saenghwal Chonghwa* notes as well as study notes as a mere formality for the inspection sake. The chairperson of the municipal or district Socialist Women's League of North Korea and the chairperson

of the ideology or organization committee could come directly to a resident's house or invite them to a meeting to check the life review notebook. The Socialist Women's League of North Korea probably knows that the meetings don't happen very often and are mostly just a formality, but they don't do much to change it."

It appears that a large number of *Saenghwal chonghwa* involving overseas dispatched laborers are done in a similar fashion. Multiple cases demonstrated that when workers had difficulty allocating time for *Saenghwal chonghwa* due to heavy duties, they falsified the *Saenghwal chonghwa* journal and submitted it to the supervisor. In order to prevent the spread of COVID-19, there were also reports that *Saenghwal chonghwa* were not held after the year 2020.

B. Illegal House Searches

Residence is the primary location for an individual's private life, and privacy must be protected in a residence. Article 79 of the North Korean Socialist Constitution (2019) states that "Resident are guaranteed the inviolability of the person and the residence" and that the residence of a citizen cannot be searched without a warrant. Article 42 of the People's Security Enforcement Law (2007) mandates that officers in command of crackdowns, including house searches, must identify themselves and disclose the pertinent grounds for the search. Article 213 of the Criminal

Procedure Law (2021) requires that “investigator who wishes to search and seize shall receive the approval of the prosecutor.”¹⁷⁴

In North Korea, it appears that those conducting house searches do not comply with the law by neglecting to show identification documents or search and seizure warrants. People frequently testified that, in principle, *Inminbanjang* and the relevant authority should serve a search warrant prior to conducting a search. Nonetheless, house searches are frequently conducted without the presence of *Inminbanjang* or a search warrant. In border regions, it is common to conduct unannounced house searches to combat smuggling and the housing of outsiders, frequently without a search warrant.

The 109 Unified Command is the primary organization that conducts house searches. Its mission is to prevent the contact and dissemination of foreign information. As the dissemination of foreign information intensifies, the 109 Unified Command frequently conducts house searches. According to testimonies, the 109 Unified Command did not correctly execute the search warrant. People whose homes were searched by the command while they were viewing South Korean films attest that no search warrant was issued. A witness who was the subject of multiple

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174 According to Article 139 of the Criminal Procedure Law(2021), investigators are allowed to arrest a suspect, search their person or residence, and seize evidence without the approval of a prosecutor in the following situations:

1. The suspect is caught in the act of committing a crime or is discovered immediately after committing a crime.
2. The victim or a witness points out the suspect as the perpetrator of the crime.
3. There are signs of the crime on the suspect’s body or at their residence.
4. The suspect attempts to commit suicide, flee, or is being pursued.
5. The whereabouts of the suspect are uncertain.

house searches testified that he was not always served with a search warrant. Even when the witness was arrested by the 109 Unified Command for sharing South Korean films, the residence was searched without a warrant. Additionally, a laptop, USB drive, and MP3 device were seized. The section on the right to free speech elaborates on the 109 Unified Command's restrictions on external information.

"Around December 2017, I went to a friend's house in Hyesan City, Ryanggang Province, to see a South Korean movie. Suddenly, someone knocked on the door and said my dad had sent him. When we opened the door, three members of the 109 *Sangmu* came into the house. My friend was so surprised by the situation that she dropped a memory stick on the floor and stepped on it with her foot. But the authorities found it and searched the area. They did not have a search warrant. As a rule, a house search by the 109 *Sangmu* requires a search warrant and the presence of *Inminbanjang*. But nowadays, searches without a warrant or *Inminbanjang* are common."

There were also testimonies of house searches conducted with a document that approves search. For instance, the document was issued on a suspect whose charges, such as illegal use of unauthorized mobile phones, were made clear by the confession of another suspect in custody. On the other hand, some house searches were conducted under the guise of accommodation inspection. The initial objective of accommodation inspections is to identify unregistered guests. Nonetheless, house inspections are conducted without warrants in the name of accommodation inspection.

Some testimonies indicate that house searches always followed accommodation inspection. In 2010, for instance, the intelligence officer, chief clerk, and *Inminbanjang* conducted weekly accommodation inspections late at night and simultaneously searched for illegal CD recordings and electronic devices such as rice cookers and electric ovens. In 2013, *Inminbanjang*, a security officer, and two inspectors arrived at 1 am, which is later than the typical time for accommodation inspections, conducted a house search under the guise of an accommodation inspection, and confiscated stacked fertilizer. In 2015, the 109 Unified Command or security officer conducted an average of one to two accommodation inspections per month in Pyongyang. The scope of the inspection was not restricted to unregistered outsiders, but also included access to outside information, such as South Korean movies and tunes.

C. Communication Censorship

Article 1 of the Communications Law of North Korea (2021) defines postal and telecommunications activities. Article 8 stipulates that the secrecy of these activities must be maintained. Article 54 stipulates that the responsible organization and its oversight and control agencies must oversee postal and telecommunication activities with strict confidentiality protection.

(1) Cell Phone Censorship

Article 5 of the Law on Mobile Communications (2020) in North Korea states that “the State shall strictly ensure the requirements of timeliness, accuracy, service, safety, culture, and confidentiality in the mobile telecommunication service and its use.” Nonetheless, numerous examples demonstrated the authorities’ consistent ‘cell phone’ censorship. According to testimonies, non-socialist *Grouppa* have conducted frequent cell phone searches on young people in order to censor objectionable video recordings and non-socialist text messages. In 2017, Youth League leaders of Ryanggang Province censored young people using their phones in public, according to testimonies. In 2019, the Party committees and Youth League of a university censored the cell phones of students in search of indecent recordings, such as South Korean songs and films, and pornographic material.

“Around October 2019, when I was just walking down the street with my cell phone, security officers often checked it out. In October, a security officer took my phone and checked to see if it had certain videos or songs on it. If you are caught with foreign videos, you will be investigated for days and have to pay to get your phone back. It’s annoying. That’s why I didn’t put anything on my phone that could get me in trouble in the first place.”

The intelligence officer in charge of supervising international students and laborers restricts their use of cell phones. In order to prevent the use of the internet outside of North Korea, citizens are prohibited from possessing smart phones and are only permitted

to carry 2G phones that allow for basic phone calls. However, there are reports of illegal use of smart phones followed by confiscation and a monetary penalty.

(2) Wiretapping

Article 8 of the North Korean Communications Law (2021) assures the privacy of communications. Nonetheless, radar detectors and eavesdropping devices are reportedly used by North Korean authorities to eavesdrop on residents' phone communications.¹⁷⁵ It appears that the majority of the eavesdropping involves communication using Chinese mobile phone. In 2014, the authority ordered to monitor outgoing communications to China and South Korea. The Ministry of State Security reportedly conducted eavesdropping using large vehicles equipped with listening devices. In 2015, the monitoring of illegal international communications was intensified, and there were reports that residents were informed of the increased surveillance through public announcements. During the period of intensive wiretapping, vehicles wandered the streets in order to conduct phone taps. During normal days, specialized monitoring agents with eavesdropping devices roamed respective areas. Multiple testimonies revealed that in 2016, the Ministry of State Security's eavesdropping team frequently intercepted and detained indi-

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¹⁷⁵ Article 261 of the Criminal Law(2022) stipulates that those who engage in unauthorized international communication shall receive labor training punishment, and in severe cases, up to five years of correctional labor punishment.

viduals speaking with family members in China or South Korea. In 2018, security officers at the provincial level eavesdropped the North Korean foreign currency brokers, according to one witness.

“In 2018, two agents from the 15th Wireless Anti-Spy Bureau of the Ministry of State Security came to my house and arrested me. The 15th Wireless Anti-Spy Bureau uses equipment that detects radio waves to crack down on illegal phone calls in border areas. By picking up cell phone waves in China, they can figure out where the other user is in North Korea and arrest them. When the agents came to my house, they had a printed document of my call and text message logs. They showed me the evidence and a search warrant and asked me to hand over my Chinese cell phone. Their evidence file had every message I sent or received from my mom, as well as the date, time, and length of each and every call.”

Multiple cases revealed that even when crackdowns were implemented, bribes were used to disregard the issue in the majority of instances, resulting in no actual punishment. In many instances, eavesdropping and law enforcement officers receive bribes to drop such cases.

“I was caught once calling and texting my mom in South Korea from a Chinese cell phone and interrogated. My father came out after me and gave a bribe to two agents of the 15th Wireless Anti-Spy Bureau. I think it was between CN¥1,000 and CN¥2,000. He gave another CN¥1,000 or so to the supervising intelligence officer, so I was warned but got off without punishment. There’s almost always a way out by paying a bribe, even if the 15th Bureau catches you. So, the people in the 15th Bureau are rich.”

In the meantime, there have been allegations of changes to the authorities' methods of eavesdropping. In 2016, a 33m² building in Misan-ri, Onseong-gun, North Hamgyong Province was outfitted with a radio wave detector that could be used for eavesdropping.

(3) Censorship of Letters

Article 23 of the North Korean Communications Law (2021) emphasizes that “Postal organizations and state-run companies shall ensure the confidentiality of letters.” Despite these regulations, it appears that the North Korean government is censoring private correspondence. Testimonies indicate that intelligence officers in post offices routinely censor correspondence. Witnesses who had seen the censorship of registered, military, and international mail by a stationed intelligence officer at the post office were compelled to sign a confidentiality agreement. According to the testimonies, mail judged as problematic during the screening process was not delivered to the intended recipient.

“I worked as a sorter in the mail room. My job was to divide the mail that correspondents and couriers brought in by region. The senior intelligence officer’s room was on the post office’s first floor. The room had two parts: one for the officer and the other for the sorters. My job was to put letters written by soldiers to civilians, military, and international mail into a basket. The senior intelligence officer would censor the letters in the basket and then return the basket. Then I would pick up the basket and sort them out again. This is why registered mail takes longer to be delivered in North Korea

than regular mail. If a letter is found to have problems during the censorship process, you will never get it.”

According to dispatched laborers and students residing abroad, their correspondence with their families back home was constantly censored. One interviewee, who had been dispatched overseas, stated that when he was having a vacation in North Korea, he found out he never received letters from his family due to censorship. The letter was censored because it depicted the perilous situation in North Korea during the suspension of food rations. The witness did not receive the letter and later discovered that censorship had cut off family communication. The majority of North Koreans are aware of such letter censorship and avoid sending problematic mail through the post office.

D. Other Censorship

In addition to house searches and accommodation inspections, North Korean authorities reportedly control and monitor residents’ private affairs through inspections of their Kim Il sung portrait badge,¹⁷⁶ clothing, and electricity. Approximately three times per year, residents’ portrait badges were inspected at their

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176 North Korean residents are required to wear portrait badges depicting Kim Il Sung and Kim Jong Il on the upper left chest area at all times. (National Human Rights Commission of Korea, Korean-English Glossary of North Korean Human Rights, 2016, p. 233; North Korea’s Social Science Publishing House, 『Korean Language Dictionary (Revised Edition)』, Vol. 2, 2017, p. 938.)

residence, according to testimony. Organizations conduct portrait examinations. The chairman of the Socialist Women's League of North Korea would visit the residences of its members to inspect their portraits. There were also reports that all individuals who had undertaken plastic surgery were investigated and put on the stage for criticism as targets of ideological struggle. In addition, there were accounts of electricity inspections to check for the use of unregistered home appliances, policies prohibiting Western-style apparel and hairstyles, and frequent street-level inspections of individuals' appearances. There have also been instances of individuals being inspected while studying abroad, such as whether they were neatly dressed or always wore their portrait badge. In recent years, lifestyle restrictions have become more stringent. As residents' exposure to outside information has increased since roughly 2017, the censorship of their means of subsistence has intensified. At that time, the 'policy to eliminate non-socialist phenomena' was continuously issued, and crackdowns on all aspects of lifestyle, including apparel, were intensified, according to collected testimony. Specifically, the Law of Provision of Education of Young People, which was enacted in 2021, appears to have facilitated a greater degree of lifestyle censorship among young people.¹⁷⁷

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¹⁷⁷ In the Article 41(14) of the Law of Provision of Education of Young People(2021), North Korea defines an act blurring the healthy atmosphere of society by dressing in clothes and grooming that are not our own, and having weddings' as an act that young people should not do. In addition, Article 45 of the same law stipulates that administrative or criminal liability can be imposed depending on the situation in case of violation of the law.

“Since 2017, the ‘directive on eliminating non-socialist phenomena’ has been issued over and over again, and crackdowns on things like clothing and how people live their lives have gotten worse. Socialist Women’s League of North Korea also set up inspection units to discourage and control members from adopting Western fashion. As access to information from the outside grew, so did these restrictions. Senior intelligence officers would sometimes visit people’s homes to inspect them, but their real purpose was to get bribes. Corruption like this was widespread.”

9. Right to Freedom of Thought, Conscience, and Religion

The right to freedom of thought, conscience, and religion is a precondition for freedom of expression and a fundamental aspect of a democratic society. Article 18 of the Universal Declaration of Human Rights and the ICCPR both recognize the right to freedom of thought, conscience, and religion. According to Article 18(1) of the ICCPR, freedom of thought, conscience, and religion encompasses the freedom to have, embrace, or manifest a religion or belief of one's choosing. According to the UN Human Rights Committee, the former is one of the most fundamental human rights pertaining to the inner space of the individual that cannot be restricted by the state, whereas the latter is a form of freedom of expression that can only be restricted by stringent requirements.¹⁷⁸ In other words, the freedom to manifest religion or belief may only be limited to a minimal degree for reasons

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¹⁷⁸ UNHRC, CCPR General Comment, No. 22, Article 18: Freedom of thought, conscience and religion, para. 3.

such as social security and social order.¹⁷⁹

Article 68 of the Socialist Constitution of North Korea (2019) guarantees freedom of religious belief, but there is no explicit provision for freedom of thought and conscience in North Korea. By participating in the UNHRC UPR process, North Korea has consistently asserted that freedom of expression is constitutionally protected and that “citizens were provided with opportunities to freely express themselves.”¹⁸⁰

A. Freedom of Thought and Conscience

(1) Coercion of Thought

Article 18(2) of the ICCPR states, “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” This provision does not prohibit a state from establishing an official ideology in its constitution, legislation, or practice. Article 18 of the ICCPR guarantees the right to freedom of thought and conscience. However, compelling people to follow and express support for only the state’s official beliefs, or penalizing or discriminating against those who do not follow the state’s official beliefs, may constitute a violation of this right.

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¹⁷⁹ *Ibid.*, para. 8.

¹⁸⁰ UN Doc. A/HRC/WG.6/6/PRK/1 (2009), para. 45; UN Doc. A/HRC/27/10 (2014), para. 61; UN Doc. A/HRC/42/10 (2019), para. 65.

The 2019 Socialist Constitution of North Korea does not mention freedom of thought and conscience. Article 3 of the Socialist Constitution(2019) designates Kimilsungism-Kimjongilism as the North Korea’s guiding ideology, stating that it is the only guiding principle for nation-building and activities. ‘The Ten Principles to Firmly Establish the Party’s Unitary Leadership System (Amended on September 2021) (hereinafter the ‘Ten Principles’) prohibit the propagation of any ideology other than Kimilsungism-Kimjongilism in North Korea. The Ten Principles consider Kimilsungism-Kimjongilism to be the highest doctrine of the party and stipulate, “We must adhere strictly to the principle of unconditional obedience in accomplishing the instructions passed on by the great Comrades Kim Il Sung and Kim Jong Il and in the Party’s lines and policies.”¹⁸¹ The Principle therefore operates above the Socialist Constitution and functions as the governing norm that guarantees the monolithic ideological system on an institutional level.

In addition, the Ten Principles emphasize the need for North Koreans to uphold Kimilsungism-Kimjongilism as their flesh and bone and provide a code of conduct for becoming a Kimilsungist-Kimjongilist. According to the Ten Principles, North Koreans must fully participate in the coursework to arm the ideology with Kimilsungism-Kimjongilism, fight ferociously against phenomena that neglect or impede the learning process, serve and protect

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¹⁸¹ ‘Ten Principles to Firmly Establish the Party’s Unitary Leadership System’ amended and revised on September, 2021, Article 1(1).

portraits, statues, portrait badges, and guidance plaques of Kim Il Sung & Kim Jong Il, and manage and protect the historic revolutionary sites¹⁸² and the Research Center for Kimilsungism-Kimjongilism. People in North Korea appear to have internalized the Ten Principles, which serves as the absolute code of conduct for social and daily life.

Regarding ideological education, Kimilsungism-Kimjongilism education begins in the guise of music, art, and physical education in early childhood. It continues throughout the curriculum of primary and high schools. Even after graduation, indoctrination persists via study groups and lectures in organizational structures such as the military and the workplace. This education is maintained in everyday life by the *Inminban* unit. The daily routine of one witness consisted of a 30-minute reading of Party policies and exemplary cases of Socialism in newspapers, followed by chanting songs of loyalty pledge (ex. “Fly High, Our Party Flag” and “I’ll keep my red spirit single-heartedly”). Friday evenings were set aside for *Saenghwal chonghwa* (life review sessions), while Saturday evenings were reserved for Ten Principles study sessions and the fight to eradicate non-socialist behavior.

Local North Korean authorities reportedly indoctrinated

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182 According to Article 2 of the ‘Law on the Administration of Revolutionary Relics’ enacted by North Korea in 2021, ‘Revolutionary Historical Business’ refers to the sacred undertaking of firmly upholding and carrying forward the glorious revolutionary history and immortal revolutionary achievements of the great leader Comrade Kim Il Sung, the great leader Comrade Kim Jong Il, and the respected Comrade Kim Jong Un, and it is an honorable and important project in order to firmly arm the people with the revolutionary tradition of *juche*.

workers abroad as well. According to testimonies, easing off or missing these ideological sessions can result in criticism and promotion disadvantages. A witness who was sent to Russia between 2013 and 2018 stated that the Party secretary would inspect the study session notes every month and use foul language if the notes were incomplete. Twice a year, he was required to take ideologically censored oral examinations; failure to do so resulted in penalties such as the supervisor's refusal to issue a letter of recommendation, which hampered their chances of being sent abroad again.

“The Ten Principles to Firmly Establish the Party’s Unitary Leadership System are the most important rules or laws to follow in North Korea. At school, we have to learn it. We are told to always remember the Ten Principles and act in line with them, both at school and later in society. The homeroom teacher says over and over again that breaking the Ten Principles will lead to harsh legal consequences. In the end, we were so brainwashed that we wouldn’t dare to do anything that goes against the Ten Principles.”

Portraits of Kim Il Sung and Kim Jong Il are mandated to be displayed in all public and private buildings in North Korea. Residents are required to wear their portrait insignia on outer-wear. To care of the portraits, an embroidered velvet towel must be removed from a special box every morning and used to wipe the portrait. During portrait inspections, inspectors wore white gloves and inspected the portrait frame for dust, noting the owner’s name if the painting was not flawless. Nevertheless,

according to a number of testimonies, portrait inspections progressively diminished during the Arduous March and were rarely conducted after 2013. Apparently, portrait insignia inspection is still ongoing. The population is acclimated to portrait management and the wearing of portrait badges, so such inspections rarely result in arrests. However, if they fail the test, their names are published, their affiliated organizations are notified, and they may face disadvantages or penalties. One witness stated that he was apprehended during a Pyongyang Youth League-led inspection of dress codes. Because he was not wearing the Kim Il Sung and Kim Jong Il's portrait insignia on his coat, his name was noted. His employer was informed of the outcome of the investigation, and he was required to perform unpaid labor at a mine for one day as a punishment.

At all levels of government, state-run companies, and institutions, research centers on Kimilsungism-Kimjongilism are established. The installation of revolutionary history museums and statues of Kim Il Sung and Kim Jong Il in cities and provinces compelled all citizens to swear their allegiance to the supreme leader. Children were required to guard and safeguard the Research Centers for Kimilsungism-Kimjongilism on a rotating basis and clean nearby statues of Kim Il Sung and Kim Jong Il prior to entering the classroom since elementary school.

In addition to imposing ideology on North Koreans, *Saenghwal chonghwa* appears to be a form of coercion. According to testimonies, *Saenghwal chonghwa* requires residents to reflect on and divulge errors made in their organizational and daily lives

over the past week in relation to Kim Il Sung and Kim Jong Il’s teachings. After harsh self-criticism, inhabitants vow to improve themselves and also point out the errors of their neighbors. If you are from North Korea, you are required to continue this practice for the duration of your existence. The review session institutionalizes the Ten Principles, which mandate “upholding the teachings of Comrade Kim Il Sung and Comrade Kim Jong Il’ as the Party’s doctrine and policies. It is the standards, creed, and measuring stick for work and life, and people are expected to think and act accordingly at all times and in all places.” In the ‘right to privacy’ section, you will find a case study pertinent to the life review session.

(2) Control of thought

The UN Human Rights Committee has stated that the existence of a state religion should not result in discrimination against adherents of other religions or non-believers, nor should it result in the imposition of sanction against them.¹⁸³ At the 16th meeting of the Working Group on UPR, held on December 9, 2009, the DPRK delegation responded, “Thoughts and political views are not something that can be controlled by the law.”¹⁸⁴ Nonetheless, according to a 2014 report by the DPRK Association for Human Rights Studies, North Korea “never allows the promotion and

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¹⁸³ UNHRC, CCPR General Comment, No. 22, Article 18: Freedom of thought, conscience and religion, para. 9.

¹⁸⁴ UN Doc. A/HRC/WG.6/6/L.12 (2009), para. 45.

dissemination of ideas that are contrary to the *Juche* Ideology.”¹⁸⁵ Article 66 of the North Korean Criminal Law (2022) addresses anti-state propaganda and incitement, among other ideological crimes. The Ten Principles also state unequivocally that “no one should tolerate any slander or opposition against Kimilsungism-Kimjongilism, or the Party’s line and policies” and that one should struggle vehemently against anti-revolutionary ideas, such as bourgeois ideology and toadyism and adhere strictly to the truth and purity of Kim Il Sung’s and Kim Jong Il’s ideas.¹⁸⁶ Kim Jong Un emphasized at the 7th Congress of the Korea Workers’ Party in May 2016 that “no exotic ideas will be allowed to invade the Party, and the Party will breathe only the ideas and intent of the founder, based on pillars of Kimilsungism-Kimjongilism.”

In practice, only the official Kimilsungism-Kimjongilism of the ruling party is permitted in North Korea. According to testimony, the Ministry of State Security employs *Inminban* (Neighborhood watch units) and organization-level spies to covertly monitor people’s thoughts and induce them to eavesdrop on one another. While there was no discrete ideological education program, each section had a spy who reported the situation to the intelligence officer, according to a witness who was deployed overseas

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¹⁸⁵ The Association for the DPRK Human Rights Studies, ‘Report of the DPRK Association for Human Rights Studies’, 2014, Ch. 2. The Enjoyment of Human Rights by the People of the DPRK, 1) Political Rights, (5) Freedom of thought and religion.

¹⁸⁶ ‘Ten Principles to Firmly Establish the Party’s Unitary Leadership System’ amended and revised on September, 2021.

between 2010 and 2017.

North Korea has organized non-socialist *Gruppa* to crack down on and punish anti-revolutionary behavior in order to maintain ideological control. In ideological censorship, the penalties for viewing or possessing anti-revolutionary videos vary in severity from a warning to the death penalty. The sections on freedom of expression and freedom of assembly and association contain specific examples.

B. Freedom of Religion

Article 68 of the Socialist Constitution(2019) of North Korea guarantees freedom of religion, but also states that “No one may use religion as a pretext for drawing foreign powers or harming the State and social order.” Article 41 of the 2021 the Law of Provision of Education of Young People prohibits participation in ‘religious and superstitious activities’ by young people. North Korea stated at the eighth meeting of the 33rd session of the UPR Working Group on May 9, 2019 that it “did not condone or tolerate any attempts or maneuvers by the hostile forces to use religion as a means to overthrow its political system or violate public order.”¹⁸⁷ This attitude toward religion is reflected in the interpretation of the DPRK Association for Human Rights Studies, which states that “religious freedom is permitted and guaranteed

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¹⁸⁷ UN Doc. A/HRC/42/10 (2019), para. 68.

by the law of the country only to the extent necessary to protect social order, social security, morality and other rights of human beings.”¹⁸⁸

According to testimonies, religious freedom exists on paper in North Korea but is not guaranteed in practice. According to the preponderance of testimonies, they had never encountered religious activities in North Korea. Some were familiar with Christian terms, such as the Bible. However, this exposure to Christianity occurred during a state-sponsored anti-religious curriculum. North Korea’s anti-religious education regarding Christianity is taught not only through the school curriculum, but also through post-graduation organizational life. According to testimonies, anti-religious education in North Korea has contributed to the rise of negative attitudes toward religion. According to some testimonies, Christians were perceived as reactionaries. A witness stated that he was required to attend a monthly class-consciousness education session in 2015. During the session, anti-religious content included the following statements: “Invaders introduced religion into North Korea along with the Bible. Christians are agents of imperialist aggression and therefore anti-nation and counter-revolutionary hostile class.” Other witnesses testified that they did not venture to be interested in religion because educational, social, and legal institutions incessantly propagated the notion that religion is

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188 The Association for the DPRK Human Rights Studies, 「Report of the DPRK Association for Human Rights Studies」, 2014, Ch. 2. The Enjoyment of Human Rights by the People of the DPRK, 1) Political Rights, (5) Freedom of thought and religion.

fictitious and false. The witness was indoctrinated to view missionaries as malevolent and continues to be terrified of the word ‘missionary.’ A public lecture of *Inminban* portrayed Christians as extremists and urged individuals to report any Christians they encounter.

“The first time I saw pictures of the Bible and people praying was at a neighborhood education meeting. We were told that those people are part of a reactionary group and that the Bible is full of superstitions. We were told to report these books if we found them because reading the books could corrupt our ideology. Christians were called traitors and told to leave the country in propaganda. So, a lot of North Koreans, including myself, thought that the Bible said bad things about the North Korean system. We believed possessing a Bible could get us killed.”

Christianity is suppressed in North Korea because its monotheistic ideology contradicts the Supreme Leader’s policy of idolatry and the *Juche* ideology. In 2017, according to one witness, the Ministry of State Security detained and investigated 12 North Hamgyong villagers for their involvement in missionary activities. According to the statement, two were imprisoned in a political prison camp for accepting ‘black money’ from a South Korean Christian organization and establishing a Christian base to missionize the local population, while the remaining ten were sentenced to *Rodongkyohwa* Punishment (Reform through labour) and *Rodongdanryun* Punishment (Disciplining through labour) because the authorities likely believed that these individuals were duped into Christian training without

understanding its true nature. The Ministry of State Security exposed and punished a Christian group that was secretly operating a church, as testified by witness statements. A group that operated a church in Pyongyang was investigated in 2019. Five individuals were publicly executed, seven were sent to *Kwanliso* (Political prison camp), thirty were sentenced to *Rodongkyohwa* and more than 50 people, including family members, were expelled. Those who were investigated by State Security after repatriation also testified that the severity of the punishment increased if they had any contact with Christian organizations in China or if they were found with a Bible. An defector who was forcibly repatriated and detained in *Kuryujang* (Pre-trial detention center) of State Security testified that three other detainees who confessed having attended church in China vanished after interrogation, and that he witnessed another individual who did not confess any contact with church being held in *Kuryujang* for over two years.

There were also consistent reports that religious facilities in North Korea are de facto regime-controlled propaganda centers. There are churches and cathedrals in Pyongyang, according to one witness, but they are deceptive, foreign-only structures that are obviously off-limits to ordinary North Koreans. Another witness stated that Chilgol Church was plainly visible from his residence, but he did not observe anyone entering or exiting the church, nor did he observe the doors being opened or the church operating.

C. Crackdown on and Punishment for Superstitious Behavior

Anti-socialist behavior is criminalized and punished in North Korea. Anti-socialist behaviors are deviations from socialism, which are manifestations of bourgeois and other external ideas that have the potential to destroy socialism and undermine the authority of the Party and the Supreme Leaders.¹⁸⁹

As one of the anti-socialist behaviors, superstition is punishable under the Socialist public order provisions of the Criminal Law (2022)¹⁹⁰ and the Administrative Penalty Law (2021).¹⁹¹ Because North Korea emphasizes socialism, which is embodied by the *Juche* Ideology,¹⁹² superstitious behavior must be repressed and punished because it is in opposition to the *Juche* Ideology.¹⁹³ Since the 2015 amendment to the Criminal Law, the punishment for superstitious acts has increased from a maximum of seven years of *Rodongkyohwa* Punishment to a maximum of ten years.

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¹⁸⁹ North Korea's Social Science Publishing House, Chosun Language Dictionary (Revised Edition), Vol. 2, 2017, p. 962.

¹⁹⁰ Article 291 of the Criminal Law(2022) stipulates that those who commit a superstitious behavior shall be subjected to *Rodongdanryun* Punishment. If the offense of superstitious behavior is committed habitually, or if serious consequences arise from the superstitious behavior, *Rodongkyohwa* Punishment of up to five years shall be imposed. If the offense is serious, the punishment shall be correctional labor for more than five years and less than 10 years.

¹⁹¹ Article 305 of the Administrative Penalty Law(2021) stipulates that a person who commits a superstitious act shall be punished with a fine or *Rodongkyoyang* Penalty up to three months. In case the offense is serious, more than 3 months of re-educational labor punishment shall be imposed.

¹⁹² North Korea's Social Science Publishing House, Chosun Language Dictionary (Revised Edition), Vol. 2, 2017, pp. 1137–1138.

¹⁹³ Science Encyclopedia Publishing House, 『Legal Research』, 2019, pp. 12–14.

Prior to the amendment, a person could only be sentenced to *Rodongdanryun* Punishment if they performed superstitious acts in exchange for money or products. Now, a person can be sentenced to *Rodongdanryun* for the superstitious act alone.

The collected data also revealed that the enforcement on and punishment for superstitious conduct have been strengthened. In the past, there were crackdowns on dubious practitioners like shamans, but they were either not legally punished or received *Rodongkyoyang* Penalty (Labor education penalty). Rarely was criminal punishment imposed.

Residents who engaged in mystical practices were merely warned and not legally punished. In 2018, however, as superstitious behavior became more prevalent among the populace, crackdowns and penalties were increased. Regularly, the policy of clamping down on superstitious practices was issued. Accordingly, groups were organized to conduct a widespread crackdown on superstitious practices. Likewise, the severity of punishment has increased. Persons who sought out superstition services were sentenced to three months of *Rodongkyoyang*, while some superstition practitioners were sentenced to seven years of *Rodongkyoyang*.

In accordance with a decree that stated “those who practice superstition are subject to execution by firing squad,” a number of superstitious individuals were executed. In 2019, the 619 Unified Command conducted a crackdown on superstitious practices and detained over fifty individuals. A fortune teller was sentenced to five years of *Rodongkyohwa* Punishment in a public

trial conducted near a hotel in Pyongyang, and a shaman who self-manufactured medicine for clients received an aggravated sentence of seven years of *Rodongkyohwa*. A pseudo-religious leader who misled his followers into believing that the deceased can return and a Christian believer in possession of the Bible were both executed.

“It was the first time I had ever seen someone shot to death for superstitious acts. Since 2018, the government has been cracking down even more on superstitious behavior, and I think the firing squad’s execution set an example. In the summer of 2018, I was acquainted with someone who worked at the provincial prosecutor’s office as a prosecutor. He told me that each prosecutor had to prosecute three superstitious people as an assignment, and he asked me to let him know if someone suspicious was around.”

10. Right to Freedom of Expression

Everyone has the right to freely express their views so long as they do not undermine public order or cause damage to others. Article 19 of the Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression.” Article 19 of the ICCPR states that everyone has the right to freedom of expression through any media, subject to certain restrictions prescribed by law and necessary for respecting the rights of others and preserving national security or public order. Human Rights Committee stated, “Freedom of expression and freedom of opinion are indispensable conditions for a person’s complete development.” They are indispensable in any society.” Freedom of expression is a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion and protection of human rights.¹⁹⁴

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¹⁹⁴ UNHRC, CCPR General Comment, No. 34, Article 19: Freedoms of opinion and expression, paras. 2–3.

A. Restrictions on Freedom of Opinion and Expression

(1) Restrictions on Freedom of Speech and Publication

Article 19(2) of the ICCPR states, “Everyone has the right to freedom of expression whether orally, in writing or in print, in the guise of art, or through any other medium of his/her choosing.” To respect right or dignity of others, or for the protection of national security, public health or decorum, or public order, the exercise of these rights may be subject to certain restrictions stipulated by law.¹⁹⁵ General Comment No. 34 of the UN Human Rights Committee stated, “A free, uncensored, and unhindered press or other media is essential in any society to guarantee freedom of opinion and expression, as well as the enjoyment of other Covenant rights.”

While Article 67 of the Socialist Constitution of North Korea (2019) declares that “Citizens are guaranteed freedom of speech, of the press,” Article 2 of the Publication Law (1999) limits the purpose of a citizen’s publication or creative activity to “upholding and advancing the socialist feat on the basis of the revolutionary publishing tradition.” Article 47 of the Publication Law states that “printing facilities shall be registered and their use shall be subject to supervision and control in order to prevent the spread of reactionary ideology, culture, and lifestyle.” The following Article 48 regulates that “production, publishing, distribution,

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¹⁹⁵ International Covenant on Civil and Political Rights, Article 19(3).

and flow of publications that may disseminate reactionary ideology, culture, and lifestyle shall be ceased and confiscated.”

The Cabinet of North Korea directs the ‘North Korean Central Broadcasting Committee’, which promotes and broadcasts party policies and internal and external news to domestic and international audiences.¹⁹⁶ A media and publishing industry veteran testified that the government determines the content of media and publications. For instance, if a journalist working for a provincial broadcasting committee intends to report on the livelihood of the people, the content must be reviewed and edited beforehand by the broadcasting committee. A former member of the Publication Guidance Bureau testified that he was responsible for gathering illegal literature and reporting it to Pyongyang.

“The Ryanggang Provincial Broadcasting Committee had about 80 reporters, including those sent to city and county broadcasting committees. The reporters would go to the important events in Ryanggang Province and cover news stories such as how people live in the province. Afterward, they send the covered content to the broadcasting committee. The vice chairman of news coverage and reporting reviews it first. Then, the reviewed content will be edited again under the supervision of the vice chairman of editing. Because all reporters write news articles based on what the media guidelines direct them to write, they only praise the government and talk about how affluent people’s lives are.”

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196 The Central Broadcasting Committee of North Korea is an organization that plans and oversees all broadcasting-related tasks, and it carries out both broadcasting functions and regulatory functions simultaneously. (Ministry of Unification, National Institute for Unification Education, 『Understanding North Korea 2022』, p. 312)

(2) Crackdown and Punishment on *Mal Bandong* (verbal treason)

The term *Mal Bandong* exemplifies how the North Korean government typically restricts the freedom of expression. *Mal Bandong* refers to a person who, through words or expressions, criticizes or condemns the Supreme Leader, the Korea Workers' Party, or the North Korean political system.¹⁹⁷

North Koreans cannot freely express their opinions because the government monitors and controls reactionary language in everyday speech. Criticizing the North Korean leader, comparing the North Korean system to the South Korean one, or blaming the North Korean authorities are all considered reactionary speeches in North Korea. In a private meeting in 2018, a provincial Workers' Party officer expressed his personal opinion of Kim Jong Un's regime, which bystanders later reported to the authorities. The officer and his family were imprisoned and ultimately vanished. Around the same time period, soldiers from the province of South Hamgyong stole a goat from an elderly couple. The elderly woman was so raging that she shouted, "The criminal soldiers are worse than the puppet soldiers of South Korea." The elderly couple was imprisoned and sent to *Kwanliso* (Political prison camp) the very next day. Their property, including their livestock, was confiscated. In a separate incident that occurred around the same time, a farmer in the

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¹⁹⁷ National Human Rights Commission of the Republic of Korea, Korean-English Glossary of North Korean Human Rights, 2016, p. 145.

border region of Ryanggang Province had his entire farmland confiscated because he had planted trees in the grainfield. He complained, “How can I make a living when the government does not provide rations?” Reportedly, he was punished for that statement. According to the testimonies, people lived under fear as their words could cause trouble.

“Around May 2018, I heard that a woman in Hyesan City, Ryanggang Province, who sold noodles from her home, was rude to an official of the provincial People’s Council. She asked, “How can people make a living if the country doesn’t let us make and sell noodles from home?” I heard that she had to spend one month in *Rodong Danryundae*(Labor training camps) for her *Mal Bandong*.”

B. Control of External Information

Article 19(2) of the ICCPR stipulates that everyone has the right to “freedom to seek, receive and impart information and ideas of all kinds.”

According to the 2014 UN Commission of Inquiry (COI) report on North Korea submitted to the Human Rights Council, “Citizens are denied the right to have access to information from independent sources; State-controlled media are the only permitted source of information... Citizens are punished for watching and listening to foreign broadcasts, including foreign films and soap operas.”¹⁹⁸

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¹⁹⁸ UNHRC, Report of the detailed finding of the commission of inquiry on human rights in the

The report noted that “as information and media from the Republic of Korea and China increasingly enter the country... Authorities seek to preserve their monopoly on information by carrying out regular crackdowns and enforcing harsh punishments.”¹⁹⁹

In response, North Korea asserted in a 2014 report by the DPRK Association for Human Rights Studies that “all citizens exercise their right to freely express their views and opinions, and the information industry is actively developed so that people can obtain all information quickly and accurately, use it conveniently, and express their ideas and opinions freely.”²⁰⁰ In its 2019 third UPR report, North Korea stated, “The rights of citizens to freedom of expression and access to information are protected by the Socialist Constitution, the Law on Complaints and Petition, Copyright Law, Law on the Protection of Computer Software, Law on Electronic Certification Law, Law on Telecommunications, and other relevant laws.”²⁰¹

Science and technology developments have produced a variety of storage media and sharing methods, an increase in the number of smart phones with internet access, and the development of storage devices, thereby facilitating North Koreans’ access to

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Democratic People’s Republic of Korea para (A/HRC/25/63), 2014, para. 29.

¹⁹⁹ UN Doc. A/HRC/25/63, 2014, para. 30

²⁰⁰ The Association for the DPRK Human Rights Studies, ‘Report of the DPRK Association for Human Rights Studies’, 2014, Ch. 2. The Enjoyment of Human Rights by the People of the DPRK, 1) Political Rights, (2) Freedom of Press.

²⁰¹ UN Doc. A/HRC/25/63, 2014, para. 30.

external information. In response, the North Korean government appears to have strengthened its system for population control to restrict people's access to external information. North Korea passed the Law of Rejecting Reactionary Ideology and Culture in 2020, which increases the penalties for accessing and distributing external information.

(1) Access to External Information

North Koreans have been exposed to various forms of external information, including films, dramas, music, literature, and leaflets. Information from the outside enters North Korea primarily through students studying abroad, overseas laborers, and smuggling merchants, and is then disseminated locally. Although frequent travelers are subject to customs inspection, they could bring in external information in exchange for bribes to the customs officials. Furthermore, external information reportedly circulated through the high-level officials. In 2018, the majority of Hyesan City, Ryanggang Province residents watched South Korean films and television series. Families in North Korea would watch South Korean films and dramas together because they were more realistic than North Korean media. Such gatherings utilized '*notetel*,' a portable digital display compatible with both CD and USB. Multiple accounts revealed that in 2019, people could access external information such as dramas, videos, and music files via *notetel* or computers. Case in Musan County, North Hamgyong Province, also demonstrated that in 2020, residents

received South Korean dramas from their neighbors.

The young generation played a significant role in the dissemination of external information due to their proficiency with information and communication technologies. They share information about South Korean films and dramas, thereby facilitating the spreading of external information. Multiple accounts demonstrated that middle school students viewed and shared South Korean dramas and films with their classmates. Some witnesses testified in 2019 that young people in the China-North Korea border region downloaded videos on their Chinese smartphones to access external information. Around the same time, a number of college students were viewing South Korean movies and dramas, and it was easy to identify them based on their distinctive speech patterns, appearances, and expressions. As the younger generation, particularly students, became more active in sharing external information, North Korean authorities asked parents in early 2020 to sign a pledge stating they would not permit their children to view unlawful content at home.

“Since around 2018, every time a government proclamation was sent out, it warned that people who watch South Korean movies could face harsh punishments. Because of COVID-19, the crackdown got worse. I heard the 109 *Sangmu* went from the main office to Musan County. I heard that this measure was taken because more and more people were watching South Korean dramas and movies because they couldn’t do anything else, like go to school or get together outside. I also heard that parents had to sign a pledge by the end of February or the beginning of March 2020 that they would not let their kids watch unlawful material at home.”

(2) Cracking down on External Information

According to Article 22 of the People's Security Enforcement Law (2007), "people's security organizations shall crack down on acts such as copying and distributing decadent music, dance, paintings, photographs, and books, and violating the registration order of computers, printing presses, and others." To address unrestricted access to external information, North Korea enacted the Law of Provision of Education of Young People of 2021, which prohibits young people from singing foreign songs, dancing foreign choreography, and dressing and grooming themselves in foreign ways, and mandates to such behaviors.²⁰²

The North Korean government has formed a special task force to suppress external information. Among these organizations, the 109 Unified Command (task force) is the most prominent. The 109 Unified Command is a joint censorship task force composed of members of the Party, State Security, Social Security, and technical specialists. The task force concentrates on restricting people's access to foreign media such as videos, publications, radio, and DVDs. The North Koreans refer to this group as the 109 *Sangmu*, 109 *Gruppa*, the 109 Unified Command, or the 109 Small Unit. According to testimonies, the authority utilized the 109 Unified Command and others to intensify crackdown in the late 2000s, when miniaturized storage devices made sharing and dissemination of information simpler. People testified that

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²⁰² Law of Provision of Education of Young People(2021), Articles 41–44.

in addition to the 109 Unified Command, the 312, 620, and the 627 Unified Commands were active. The 312 Unified Command clamped down on devices with video display. People feared the 620 Unified Command because it was difficult to dismiss cases through bribery. The 620 Unified Command's focus was on movies, narcotics, and cell phones. Several witnesses testified that the 627 Unified Command cracked down on the sharing of South Korean films.

When the 109 Unified Command, the Ministry of State Security, the Ministry of Social Security, and other agencies regulate external information, they frequently conduct unannounced house searches or crackdowns without providing a search decision. A person testified in 2018 that the 109 Unified Command searched their home and body without a search warrant. During the investigation, a USB memory stick containing a South Korean soap opera was discovered, and the witness was questioned. In 2019, the 109 Unified Command conducted an unannounced house search in Ryanggang Province and inspected computers, laptops, and mobile phones. In addition, random cell phone inspections were conducted on the street.

"In 2018, I was at home in Hyesan City, Ryanggang Province, watching a North Korean movie on a USB memory stick. The 109 *Sangmu* came to my house out of the blue and searched it. Because the USB memory stick had a South Korean song on it, I was arrested by the 109 *Sangmu* and taken to their provincial office. I was held for about two days, and was interrogated for two entire days. My mother paid a bribe, and I was let go with *Rodongkyoyang* (labor education) penalty."

Since 2017, when South Korean dramas and films began to be widely distributed, North Korean authorities have expanded their enforcement to encompass dress code and way of life that may have been influenced by external information. In 2018, North Korea forbade the wearing of “flirtatious Western-style clothing,” including bugle trousers, skinny jeans, and jogger pants. Western hairstyles were disallowed, and only black hair dye was allowed. The maximum length of hair allowed for women was one strand below the ear, and men’s front hair could not cover their eyes. Photos of pastries, roses, foreign hotels, and images with English captions were censored from cell phones in 2018 due to their foreign origin, as were South Korean expressions in text messages.

“Around 2017, there were more restrictions on everything. Based on what the Supreme Leader said, it was a crackdown on people against socialism. They say, “You should act the way the country wants you to and not the way other countries do it.” I think it got worse in 2018. *Gyuchaldae* (Inspectors) were watching all parts of the street and looking at what people were wearing and how they did their hair. If they think your clothes are weird, they cut your pants down the middle with scissors so you can’t wear them again. Also, they cut people’s hair with scissors.”

North Koreans have evolved to utilize sophisticated methods to circumvent such censorship. In 2019, North Koreans were instructed to continually upgrade their phones and computers under the guise of a program update, but it was actually a surveillance update. People knew this and frequently disobeyed.

There were also checks to determine whether the update had been completed. Still, people discovered ways to trick the system into believing the update program had been installed when it actually had not. In addition, when a file is played on a computer or a mobile device, it leaves data records that could be traced during an investigation. Therefore, people reportedly shared anti-tracking hacks on USB drives and installed them on their computers and mobile devices to delete all played-file records.

(3) Penalties for Accessing and Disseminating External Information

As the access to and dissemination of external information has become more widespread in North Korea, the North Korean government has increased penalties for doing so. Notably, the penalties for accessing or distributing South Korean movies and music were increased. As of 2012, Article 183 of the North Korean Criminal Law stipulated that importing and disseminating decadent culture was punishable by up to five years of *Rodongkyohwa* Punishment (Reform through labour). The 2013 amendment increased the maximum term of *Rodongkyohwa* Punishment from five years to ten. In 2020, the North Korean government also enacted the Law of Rejecting Reactionary Ideology and Culture, which imposes harsher penalties for disseminating foreign information. According to accounts, the utmost sentence for accessing, storing, or distributing foreign content such as movies and songs is 10 years of *Rodongkyohwa*

Punishment. In particular, accessing, storing, or sharing South Korean media, such as movies and songs, may result in harsher sentences.

Numerous cases demonstrated that North Korean authorities have sentenced individuals to *Rodongkyohwa* Punishment for accessing and distributing external information. In 2019, a witness saw fifteen males and females in their 20s who relished South Korean dramas or music sentenced to one to three years of *Rodongkyohwa* Punishment at a public disclosure gathering. In 2018, a person was caught sharing a file of a South Korean drama with a friend and was sentenced to three years and six months of *Rodongkyohwa* Punishment. A comparable case in 2019 resulted in four years of incarceration with hard labor. Testimonies indicate that the penalties for disseminating external information became even tougher around 2020. The leader of the *Inminban* went door-to-door to inform residents of the penalties for accessing and spreading external information, and he demanded that they write them down.

As the penalties for accessing and disseminating external information have increased, so has the amount of bribes offered in exchange for a cover-up. Multiple policy announcements on accessing and sharing external information have appeared since 2017, and testimonies uniformly indicate that the amount of bribes required to avoid punishment has increased. In 2014–2015, approximately CN¥1,000 were required to conceal a case involving access to or possession of external information. For instance, there were three cases in 2015 in the province of

Ryanggang: a person was found with a CD containing a Chinese film and paid a pack of cigarettes to the authorities to let the case go unpunished. Another person caught with an American movie paid a bribe of CN¥50, or about \$8. A person captured with a file containing South Korean and American novels paid a bribe of CN¥800, or approximately \$120. As of 2015, in South Pyongan Province, a case involving files of American films and Korean music was dismissed for \$100, equivalent to CN¥700. A North Hamgyong Province inspector was allegedly paid CN¥1,000 in 2015 to disregard a USB drive containing several South Korean dramas. In 2017, the amount of bribes necessary for the cover-up had increased, with prices reflecting the specific details of each case. Cases involving connections to South Korean video and music files required more bribes than those with links to files from other countries. In 2017, a North Hamgyong Province resident arrested for possessing an American movie stated that he paid an inspector CN¥2,000 to dismiss the case. As of 2018, a bribe of approximately CN¥1,000 for an Indian film and CN¥600 for a Chinese film was sufficient to have the case dismissed in Ryanggang Province. In 2019, if you were discovered in North Hamgyong Province with an American movie, you needed approximately CN¥5,000 to walk away. In the case of South Korean videos and music files, however, numerous witnesses testified that a bribe of at least CN¥10,000 or more was required. In North Hamgyong Province, a security officer demanded CN¥4,000 from a resident arrested for possessing a South Korean movie in 2018. Another resident arrested for distributing a South Korean

drama in 2019 was released after paying CN¥7,000 to the superintendent of the security department. In 2018, cases involving South Korean music required a bribe of CN¥5,000, and cases involving South Korean dramas and movies required a bribe of CN¥10,000 in the province of Ryanggang. In 2019, a witness from Ryanggang Province testified that a security officer demanded a bribe of CN¥10,000 to reduce his son's *Rodongkyohwa* sentence for possessing a South Korean movie. In late 2019, a person arrested in Pyongyang for viewing a South Korean video paid a bribe of CN¥10,000 to have the case dropped.

“The 109 *Gruppa* and the security officers are constantly cracking down. If you are caught with outside information regarding South Korea, you can get away without being punished if you pay a bribe of CN¥10,000 to CN¥20,000. But otherwise, they can give you *Rodongkyohwa* In cases that involve other countries like India, China, and Russia, you can get *Rodongkyohwa* at worst.”

On the other hand, the penalties for accessing and sharing external information with minors were increased. Previously, most cases involving adolescents accessing and sharing external information resulted in public education measures. Later, however, their penalties also included additional measures such as public criticism at the school assembly or *Chulgjik* (expulsion) from the Youth League. In 2014, for instance, a student caught by the 109 Unified Command for viewing American and South Korean dramas was expelled from the Youth League and prohibited from joining the military. In 2017, the 109 Unified Command

investigated a student who shared a South Korean drama with a friend. When the school was notified of his crime, the student was publicly criticized in front of the other students and expelled from school. Multiple cases in recent years indicate that juveniles who accessed external information were sentenced to *Rodongkyohwa* Punishment or worse. In 2018, two students from a high school in Musan County, North Hamgyong Province, were sentenced to *Rodongkyohwa* Punishment and imprisoned in a juvenile *Kyohwaso* (Prison) for watching South Korean and Japanese movies as well as pornographic videos. In 2018, a minor was sentenced to *Rodongkyohwa* Punishment in Hyesan City, Ryanggang Province, for sharing South Korean dramas and movies and watching them with friends.

“In December 2018, a public trial was held in Hyesan City Square in the province of Ryanggang. Seven or eight people were handcuffed together. All of them were put on trial in public because they watched South Korean dramas. One of them was a boy in the second grade of middle school. He was also given a year of *Rodongkyohwa* Punishment because he watched one South Korean drama episode. After the public trial, the social security officers came to the school. They warned that students would not be excused for this kind of behavior, referring to the public trial as an example.”

11. Right to Freedom of Assembly and Association

Article 20 of the Universal Declaration of Human Rights states that “Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.” The ICCPR states that “Everyone shall have the right to freedom of association with others, including the right to form and join worker’s unions for the protection of his interests”²⁰³ and also states that “The right of peaceful assembly shall be recognized.”²⁰⁴ No restriction may be placed on this right of assembly and the right to association other than those imposed in conformity with the law and which are necessary in a democratic society.²⁰⁵ General Comment No. 25 of the Human Rights Committee states that “Freedom of expression, assembly, and association are essential conditions for the effective exercise

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²⁰³ International Covenant on Civil and Political Rights, Article 22.

²⁰⁴ *Ibid.*, Article 21.

²⁰⁵ *Ibid.*, Articles 21–22.

of the right to vote and must be fully protected.”²⁰⁶

The Socialist Constitution of North Korea (2019) states that “Citizens are guaranteed freedom of speech, of the press, of assembly, demonstration, and association. The State shall guarantee conditions for the free activity of democratic political parties and social organizations.”²⁰⁷ However, Article 245 of the North Korean Criminal Law (2022) states that a person who fails to follow the direction of a state institution and causes a mass disturbance shall be sentenced to *Rodongdanryun* Punishment (Disciplining through labour),²⁰⁸ and a person who has committed acts of political trickery shall be sentenced to *Rodongdanryun* Punishment (Disciplining through labour), which provides grounds for limiting assembly, demonstration, and the freedom of association.²⁰⁹

A. Restrictions on Freedom of Assembly

“The fundamental human right of peaceful assembly enables individuals to express themselves collectively and to participate in shaping their societies. The right of peaceful assembly... protects the ability of people to exercise individual autonomy in

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²⁰⁶ UNHRC, CCPR General Comment, No. 25, Article 25: Participation in public affairs and the right to vote, para. 12.

²⁰⁷ Socialist Constitution of North Korea(2019), Article 67

²⁰⁸ Criminal Law of North Korea(2022), Article 245

²⁰⁹ Criminal Law of North Korea(2022), Article 246

solidarity with others...Failure to respect and ensure the right of peaceful assembly is typically a marker of repression.”²¹⁰ The right to freedom of assembly includes not only the right to participate in voluntary assemblages, but also the right to refuse to participate in mandatory assemblies.

According to the UN Commission of Inquiry report on human rights in the North Korea, “students in North Korea are regularly required to participate in parades, mass rallies, and choreographed performances which serve a political purpose.”²¹¹ Specifically, the Commission expressed concern that “The strict training routine for the Mass Games over such a long period and in such conditions is dangerous to the children’s health and well-being.”²¹² The report also noted that North Koreans’ rights are restricted because they are required to attend meetings. The report by the DPRK Association for Human Rights Studies did not mention the right to refrain from attending rallies mentioned in the UN COI report, but it did state that in accordance with the Regulations on the Guarantee of the Right to Assembly and Demonstration, a rally or demonstration may proceed after notifying the People’s Committee and the Ministry of Social Security of the purpose, date, time, place, organizers, and size.²¹³ Contrary to the assertions of the Association, testimony revealed that the

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²¹⁰ UNHRC, CCPR General Comment, No. 37, Article 21: on the right of peaceful assembly, paras. 1–2.

²¹¹ UN Doc. A/HRC/25/CRP.1 (2014), paras. 172, 175.

²¹² *Ibid.*, para. 175.

²¹³ Report by the DPRK Association for Human Rights Studies (2014)

right to assemble and demonstrate was not guaranteed; nobody is permitted to organize collective action or even consider organizing one.

They could not opt out of events such as government-led assemblies and mass rallies. The list of controlled assemblies in Pyongyang area included paying tribute to the Kumsusan Palace of the Sun on Kim Il Sung's date of death (July 8), mass demonstration on the Day of the Foundation of the Republic (September 9), and a government-led assembly on the Party Foundation Day (October 10). In 2017, approximately ten rallies were conducted in Pyongyang to demonstrate support for the Korea Workers' Party, patriotism, and opposition to imperialism. For government-led assemblies and mass rallies, particular school divisions and state-run companies were designated for mobilization. Absence was subject to criticism, so the majority of individuals were present. While it was prohibited for a person on the mobilization list to miss the event, it was possible to remove someone from the list for a fee.

The group gymnastics mobilizes a lot of students, and the main targets for the mobilization are the 1st and 2nd grades of high school. April marks the beginning of preparations for the most renowned Arirang Mass Games, which require several hours of daily practice. From June until October 10th, practices are conducted throughout the day. In addition, all students are required to participate in the group gymnastics conducted on June 6 to commemorate 'Founding Day of Children's League,' and the practice lasts until late at night. A witness testified that her

middle school-aged son was frequently injured during practice and frequently cried as a result of physical burden. Exemption from group gymnastics required payment of a fee. In people's perceptions, the psychological stresses of such financial burdens also existed. A pupil in Pyongyang was required to pay \$100 to be excused from group gymnastics. According to the testimony, only seven of thirty-five pupils in a classroom paid such fees. Beginning in June, when entire days were designated for practice, students who were exempt from gymnastics remained home for private tutoring to prepare for college entrance exams rather than attend school. Despite the fact that many students wished to disengage from the mobilization due to the arduous exercises, some were compelled to continue due to the financial burden.

Local laborers, farmers, soldiers, and housewives were all required to participate in the June 25th annual rally. Similar to Pyongyang, people in other regions were mobilized between five and ten times per year, including the birth and death anniversaries of Kim Il Sung and Kim Jong Il, as well as the Party Foundation Day. Unless they were too ill to walk, all citizens were required to attend the controlled assemblies. It was considered unfaithful to the Supreme Leader and the Party to not participate in such mobilization due to personal issues. Some witnesses testified that they were no absences because people dreaded such criticism.

“The public event that Kim Jong Un goes to is called the No. 1 Event, and I was called to a mass rally in Kim Il Sung Square on September

9 to commemorate the Republic Foundation Day. I also went to the Kumsusan Palace of the Sun on Kim Il Sung's birthday, April 15, and the day he died, July 8, to pay my respects. On the birthdays and deaths of Kim Il Sung and Kim Jong Il, I would bring flowers and bow to their statues. Usually, the mobilization would happen in certain grades of a school or at certain companies. They could choose not to, but they rarely do because they are afraid of the criticism that would certainly follow."

B. Coercion of Organizational Life and Absence of Freedom of Association

Article 22 of the ICCPR states that "Everyone shall have the right to freedom of association with others [...] for the protection of his interests." In 2014, the UN COI report noted that "In practice, not a single officially registered political party or civil society organization appears to exist that is not effectively under the control of the state and of the Korea Workers' Party."²¹⁴ In addition, "All citizens are required to become members of and participate in the activities of mass associations that are under the oversight of the Worker's Party of Korea."²¹⁵

The Socialist Constitution of North Korea(2019) states that "Citizens are guaranteed freedom of speech, of the press, of as-

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²¹⁴ UN Doc. A/HRC/25/CRP.1 (2014), para. 182.

²¹⁵ Ibid., para. 183.

sembly, demonstration and association. The State shall guarantee conditions for the free activities of democratic political parties and social organizations.”²¹⁶ According to the National Report submitted by North Korea for the 1st cycle of UPR in 2009, “The State provides conditions for free activities of democratic political parties and social organizations...[whose] application should be sent to the Cabinet...which specifies the purpose of the organization, the number of its members, organizational structure.”²¹⁷ In the meantime, the 2014 report by the DPRK Association for Human Rights Studies also asserted that the constitution and laws guarantee conditions to freely organize and operate democratic political parties and social organizations, and further outlined procedural requirements to establish an organization.²¹⁸

It is mandatory for all North Koreans to join various social organizations that receive guidance from the Korea Workers’ Party from the age of 7 to the point of retirement. Notable organizations are the Chosun Children’s League (hereinafter Children’s League), the Socialist Patriotic Youth League (hereinafter Youth League), the General Federation of Trade Union (hereinafter Worker’s Union), the League of Agricultural Workers of North Korea (hereinafter Agri Worker’s League), and the Socialist Women’s League of North Korea (hereinafter Women’s League).

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²¹⁶ Socialist Constitution of North Korea(2019), Article 67

²¹⁷ UN Doc. A/HRC/WG.6/6/PRK/1 (2009), para. 44.

²¹⁸ Report by the DPRK Association for Human Rights Studies (2014)

Organizational life in North Korea begins at the age of seven, or the second year of elementary school, at the Chosun Children's League. As a sub-organization of the Socialist Patriotic Youth League, the Chosun Children's League²¹⁹ encompasses both elementary school and lower-level middle school students. From upper-level middle school, students join the Youth League. When they are dispatched to a workplace after graduating from middle school, they join the respective Youth League branch at the workplace until the age of 30. If a youth is granted the Workers' Party membership, the previous Youth League membership is released. Those above 30, who could not join the Workers' Party, will become members of the Worker's League or the Agri Worker's League. Women, who are employed, are also enrolled at the Worker's League or the Agri Worker's League. After marriage, full-time housewives will be enrolled at the Socialist Women's League of North Korea. This compulsory membership in a social organization typically continues until the age of 60 for men and 55 for women. When people reach that age, they are eligible for the pension system. On the contrary, some testified that the membership of the Socialist Women's League of North Korea expires at the age of 70. Multiple testimonies commonly showed that enrollment and withdrawal of organizational

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²¹⁹ According to the "Encyclopedia of Korean Culture" published by the Academy of Korean Studies, the 'Socialist Patriotic Youth League' in DPRK was formed by the merger of the Chosun Democratic Youth League (1946) and the South Chosun Democratic Youth League (1951), and underwent name changes over the years: from the Chosun Democratic Youth League (1951) to the Socialist Labor Youth League (1964), then to the Kim Il Sung Socialist Youth League (1996), the Kim Il Sung and Kim Jong Il's *Juche* Youth League (August, 2016), and finally to the Socialist Patriotic Youth League (April, 2021)

membership happens automatically regardless of the willingness of individuals, similar to how the workplace is assigned, and enrollment is simultaneously processed along with marriage registration in the administrative system. In other words, one does not have the freedom to quit the organization.

“Nobody wants to be a member of the Socialist Women’s League of North Korea. Enrollment is automatic. No one wants it because it puts too much stress on the members. There is no additional application process, and all married women are automatically members. That’s why I became a member when I registered my marriage in 1991.”

The imposition of tasks, control, and punishments are of the most difficult aspects of the activities of organizations with mandatory membership. Members are required to submit supply equipment, mobilize efforts, and participate in lectures, studies, and *Saenghwal Chonghwa* (Life review session), among other responsibilities. Youth League is responsible for school-level contributions and ‘*Kkoma Gyehoek*’ (Children’s Assignment),²²⁰ which requires students to submit goods such as rabbit skins, scrap iron, scrap rubber, scrap paper, and scrap aluminum each month, or pay the equivalent amount of money. Annually, Women’s League housewives were required to gather rabbit

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²²⁰ ‘Children’s Assignment’ refers to a plan established by members of the Children’s League, which sets goals for participating in good deeds and carries out activities to achieve those goals. (North Korea’s Social Science Publishing House, Chosun Language Dictionary (Revised Edition), Vol. 2, 2017, p. 488.)

skins, work gloves, dried wild plants, and oil-producing plants. When necessary, additional contributions of products and cash were required. The mobilization of efforts imposed by organizations was a significant burden for women. Local women, also known as the *Dolgyeokdae* (Shock Brigade) of Socialist Women's League of North Korea, are mobilized to the construction sites for several days if there is an ongoing large-scale construction project in the region. Those who were unable to participate in such mobilizations were organized into a separate *Suikgumjo* (Profit Unit) and were required to contribute a monthly or annual sum of money to the organization. Organization was also responsible for recruiting employees from their respective organizations to join the *Dolgyeokdae*. Therefore, the workplace Youth League inspected the practices of absence without leave and late payment, and those discovered in the crackdown were mobilized to join the *Dolgyeokdae*. To address the labor deficit on the *Samjiyon* City construction project, the district Youth League was tasked with mobilizing personnel for *Dolgyeokdae*. A worker, for instance, was designated to a *Dolgyeokdae* at work and mobilized there for a year. The lecture and study sessions were conducted each Saturday immediately following *Saenghwal Chonghwa*. The guidance and policies of Kim Jong Un were compiled and delivered in lecture format every three months. Participants were required to dictate the content, and inadequate notes were criticized. Organizations exerted control over their members by *Saenghwal Chonghwa* regarding the submittal of supplies, the labor assistance, and

attendance at lectures, and study sessions. Weekly, monthly, quarterly, and annually, organizations conduct *Saenghwal Chonghwa*. *Saenghwal Chonghwa* consists of ‘self-criticism’ and ‘mutual criticism’ segments. More details about *Saenghwal Chonghwa* can be found in the section on the right to privacy.

“Until 2019, I received ideological education at the workplace on every Saturday, right after life review session. Mainly, I had to listen to Kim Jong Un’s guidance and policy and dictate them. Every three months, compiled messages and policies of Kim Jong Un were delivered to the people in a weekly lecture. Ideological notebooks were inspected each quarter. If your notes were not written properly by the time of inspection, you were considered as having ideological problems. This could lead to disadvantages at the workplace such as being excluded from overseas deployment candidacy.”

Being part of an organization, the forms of control within it are often materialized by verbal criticism and punishment. The Youth League is responsible for criticizing and punishing high school students. If a student member of the Youth League was caught engaging in misconduct or was criticized during a life review session, the League had the authority to impose disciplinary measures such as reprimands, or what the League calls ideological struggle. In this context, ideological struggle refers to the student’s public self-reflection and admission of wrongdoing in front of the entire school. The Youth League may issue a reprimand to an individual who becomes the target of an ideological struggle. The reprimand refers to *Kangjik* (demotion) from a regular membership to a candidacy status within the

Youth League. During the period of reprimand, students are prohibited from joining the military or attending college, and they face discrimination in the job placement process. Reprimand was also applied to the overseas workers by their affiliated organization: if an overseas worker is caught possessing a prohibited smartphone, or watching South Korean contents, such as movies for example, the person would be criticized publicly, and would be returned to North Korea and severely reprimanded by North Korean authorities.

12. Right to Political Participation

The Universal Declaration of Human Rights states in Article 21 that “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives[...] The will of the people shall be the basis of the authority of the government.”

Also, the ICCPR states that every citizen shall have the right to political participation through direct, universal, equal participation and secret elections, without distinction or limitation, and that there shall be no discrimination or restriction on political participation.²²¹ General Comment No. 25 of the Human Rights Committee explains that in order for citizens to take part in the conduct of public affairs, the State should ensure freedom of expression, assembly and association; hold elections at intervals which are not unduly long; and ensure that any restrictions on the right to vote are based on reasonable and objective grounds established by law.²²² “Any restriction on the

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²²¹ International Covenant on Civil and Political Rights, Article 25.

²²² UNHRC, CCPR General Comment, No. 25, Article 25: The right to participate in public affairs, voting rights and the right of equal access to public service, paras. 8–12.

right to stand for election[...] must be justifiable on objective and reasonable criteria.”²²³

The Socialist Constitution of North Korea (2019) declares that “The working people exercise power through their representative organs -- the Supreme People’s Assembly and local people’s assemblies at all levels.”²²⁴ “All citizens[...] have the right to elect and to be elected.”²²⁵ “The organs of State power at all levels, from county People’s Assembly to the Supreme People’s Assembly, are elected on the principle of universal, equal and direct suffrage by secret ballot.”²²⁶ The Law on Election of Deputies to People’s Assemblies at All Levels also sets forth the principles of election as general, equal, direct, and secret ballot.²²⁷ In addition, the Socialist Constitution(2019) says that citizens have the freedom of speech, press, of assembly, and association to directly participate in politics.

A. Compulsory Participation in Elections

The Human Rights Committee’s General Comment No. 25 claims “An independent electoral authority should be established to supervise the electoral process and to ensure that it is

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²²³ Ibid., para. 15.

²²⁴ Socialist Constitution of North Korea(2019), Article 4

²²⁵ Ibid., Article 66.

²²⁶ Ibid., Article 6.

²²⁷ The Law on Election of Deputies to People’s Assemblies at All Levels, Articles 2–5

conducted fairly, impartially.”²²⁸ The Law on Election of Deputies to People’s Assemblies at All Levels (2020) provides for the establishment of electoral districts, the formation of an election commission, the preparation of electoral registers, the selection of candidates, the voting process, and the confirmation of results.

North Koreans view voting as a ‘duty’ for ‘public citizens,’ and many citizens have testified that participation in elections is mandatory. Since absence or omission in electoral registers and the election process can cause problems, people have stated that “anyone who does not vote does not exist on earth” and that even *Kkotjebi* (a.k.a homeless beggars, both children and adults) should vote. In addition, elections were viewed as a means of control rather than a right, as they permit an extensive census and expose the status of migration or escape. Election time is inconvenient for the general population, who has little interest in the election or their elected representatives.

Concerning the electoral register, each household must list all family members on a form provided and compiled by *Inminbanjang*.²²⁹ The form requires the applicant’s name, date of birth, place of employment, title, and Civil Identification Number. Along with the nationality cards, completed register forms for each household are then submitted to the Ministry of Social Security. To prevent omissions, the completed electoral registers are posted

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²²⁸ UNHRC, CCPR General Comment, No. 25, Article 25: Participation in public affairs and the right to vote, para. 20.

²²⁹ The Law on Election of Deputies to People’s Assemblies at All Levels, Articles 28–32

at polling stations approximately 10 days prior to the election. Candidates' photographs, names, and concise biographies are posted three days prior to the election.²³⁰ The Ministry of Social Security returns electoral registers and nationality certificates to households the day before an election. Either the election number will be printed on the card or a separate numbered ticket will be provided.

Inminbanjang requests that residents refrain from traveling prior to the election, as electoral registers are used to verify that individuals reside at their stated addresses. If they must travel on election day, they are required to notify the election commission of their reason and destination and obtain a 'mobile election certificate.' The certificate is issued by transferring a document from the voter's residence electoral district to the destination electoral district, and the recipient's name is removed from the original voter registration list.²³¹ It is difficult for a person with a certificate to miss an election because the list of certificate holders is sent from the voter's home district to the district near the destination in advance.

Ten days before the election, funds collected from residents are used to install polling stations. However, this is in contradiction with the law which indicates that the cost of the election shall be covered by the State.²³² A polling location is prepared to

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²³⁰ Ibid., Article 47.

²³¹ The Law on Election of Deputies to People's Assemblies at All Levels (2020), Articles 33–34

²³² The Law on Election of Deputies to People's Assemblies at All Levels (2020), Article 6

have a distinct, secure voting room in which in which a portrait of Kim Il Sung and Kim Jong Il hang on the side of the wall. Below the portraits are a desk, a ballot box, and some pens. In some places, slogans such as “Let’s all vote yes” can be found.

The voting process can take approximately 3 to 5 hours, and it generally ends in the morning. Usually, each *Inminban* transports its members to the polling site. *Inminbanjang* is responsible for monitoring the voting participation of each person in the group, to ensure that the electoral register is complete and valid. A civil identification card and an election number are required to vote. If a voter fails to bring their civil identification card to the polls, the Ministry of Social Security will issue a temporary card on election day. Regarding voting by the elderly, individuals with disabilities, and patients with limited mobility, the election commission arranges visits to each residence with a ‘mobile ballot box.’²³³

Officials of the election commission check the nationality card, compare it to the electoral register, and then issues ballots within the polling station. Commonly, once the ballot is distributed, the voter enters the voting room and simply drops the ballot into the ballot box, according to testimonies. Delegate elections in North Korea are decided by voting for or against a single candidate, with a blank ballot indicating a vote for and a horizontal line across the candidate’s name indicating a vote against.²³⁴

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²³³ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 67.

²³⁴ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 64.

According to numerous testimonies, once residents received the ballot, all they had to do was drop it in the ballot box.

“I voted in the elections of deputies held in March 2019. We all had to do it, and all I did was put my ballot in the box. I had no idea whom I should vote for. No one was voting against the candidates. You just couldn’t imagine voting against them. People would call you a ‘traitor’ if you didn’t vote, so everyone had to vote. Even people who had moved somewhere else had to get a temporary certificate to vote. The candidates didn’t even need to run a campaign to win.”

B. Violation of the Principle of Direct and Secret Elections

Article 25 of the ICCPR states, “Every citizen shall have the right [...] to take part in the conduct of public affairs, directly or through freely chosen representatives.” General Comment No. 25 of the Human Rights Committee states, “Where a mode of direct participation by citizens is established [...] no unreasonable restrictions should be imposed.”²³⁵, “Voters should be...free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.”²³⁶, “States should take measures to guarantee the requirements of the secrecy of the vote during

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²³⁵ UNHRC, CCPR General Comment, No. 25, Article 25: Participation in public affairs and the right to vote, para. 6.

²³⁶ Ibid., para. 19.

elections, including absentee voting, where such a system exists.”²³⁷, and “Voters should be protected from any form of coercion or compulsion to disclose [...] how they voted, and from any unlawful or arbitrary interference with the voting process.”²³⁸

In North Korea, the Law on Election of Deputies to People’s Assemblies at All Levels (2020) stipulates that all citizens aged 17 and older have the right to vote, and that each person may submit one vote per election.²³⁹ The Law also established the principle of the secret ballot, in which voters cannot be compelled to reveal whether they voted for or against a candidate, nor can they be subjected to pressure or retaliation for their vote.²⁴⁰ Specifically, the law mandates the installation of voting rooms to ensure the secrecy of voting.²⁴¹ Voting shall be conducted with an anonymous ballot.²⁴² No one other than the voter is permitted to enter or observe the voting room.²⁴³

North Korea, on the other hand, permits proxy voting, stating that an elector who is unable to vote in person may designate another person to vote according to his or her wishes.²⁴⁴ In practice, there were instances of impaired parents being accompanied into the voting room by their children, who then voted on their

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²³⁷ Ibid., para. 20.

²³⁸ Ibid..

²³⁹ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Articles 2–4

²⁴⁰ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 5

²⁴¹ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 56

²⁴² The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 64

²⁴³ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 65

²⁴⁴ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 67

behalf. Another witness testified that when he was unable to vote on election day because he was absent, the village head conducted a proxy vote. There is also proxy voting when mobile ballot boxes are involved. There were reports of family members placing ballots for another family member who had difficulty reaching the mobile ballot box.

The Law on Election of Deputies to People's Assemblies at All Levels (2020) specifies that voters must submit secret ballots and that the voting room cannot be viewed from the outside or entered by anyone other than voters. However, there were contradictory opinions regarding whether ballots could be used to identify electors. First, it was asserted that it was impossible to identify a voter based solely on a ballot because it contains nothing but the candidate's name. And, the dimension of the paper is approximately 8cm by 12cm, and it only lists the representative's name. On the other hand, concerning the authenticity of the votes, some testimonies tell us that it is sometimes difficult to express a personal choice when voting, knowing that first of all, the citizens can receive ballots that already states that they agree, without having any choice. Secondly, the population of forcibly repatriated citizens receive different ballots than the general population. Additionally, there were contradictory statements regarding whether or not electors could see the choices of others. The 'voting rooms' at the polling stations reportedly consisted of tents containing ballot boxes and writing supplies. At the representative election to the Supreme People's Assembly in March 2019, *Inminbanjang* checked the

ballot box at the entrance to the voting room. While there were claims that only one voter could enter the voting room and that it was impossible to see inside because it was covered by a tent or curtain, others stated that election officials could see if the ballot papers were properly placed in the ballot box. In the case of voting with a ‘mobile ballot box,’ it is said that electors cannot vote against the ballot because they are in the presence of the election commissioner with the mobile ballot box. It is also conceivable to guess how voters cast their ballots. During elections, North Korea employs various voting methods.²⁴⁵ Those who vote for a candidate leave the name blank, while those who vote against them draw a horizontal line across the name.²⁴⁶ Given the length of time spent in the voting room, it is possible to infer whether voters are for or against.

North Korea prohibits election campaigns from inciting opposition, voter abstention, or election vandalism.²⁴⁷ *Gachangdae* (Choir team) comprised of high school pupils performed in election campaigns. The activities of the choir team involved not only encouraging electors to vote, but also compelling them to vote for the candidates. Their prevalent slogans were “Let’s all vote for the election” and “Let’s all vote for the election like one person.” Similar to the choir groups’ slogans were the signs posted at the entrance or inside the polling place in the precinct, such as

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²⁴⁵ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 5.

²⁴⁶ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 64.

²⁴⁷ The Law on the Election of Deputies to People’s Assemblies at All Levels (2020), Article 53.

“Let’s all vote in favor of the election.”

In most witnesses’ statements, individuals have never witnessed or heard of a case of voting for the opposition. Since no one had the courage to cast a nay vote, the punishment for doing so might be merely a presumption. However, the witnesses commonly asserted that residents did not vote against the government because they anticipated no benefit from doing so but rather a prejudice.

“I voted in the election of deputies in March 2019. I had no option. If I didn’t, I might be seen as a challenger to the party and be punished for being a reactionary. *‘Inminbanjang’* (the head of *Inminban*) pressed people to vote. There was no election campaign, so we simply voted for the candidates. Voting against or abstaining is not possible at all. There was no pen or pencil. We just received a ballot paper and then put it in a ballot box. That was it.”

C. Restrictions on the Right to be Elected

In its general comment, Committee on the ICCPR stated that restrictions on running for elective office should be reasonable²⁴⁸ and established by law,²⁴⁹ and it should not discriminate or

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²⁴⁸ UNHRC, CCPR General Comment, No. 25, Article 25: Participation in public affairs and the right to vote, paras. 15–18.

²⁴⁹ *Ibid.*, para. 15. “Person who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation. No person should suffer discrimination or disadvantage of any kind because of that person’s candidacy.” “The effective implementation of the right and the

restrict candidacy on unreasonable grounds.²⁵⁰

As the People's Assemblies Election Law (2020) does not limit the number of representatives that may be registered in a constituency²⁵¹ and stipulates that there is no winner if the number of ballots cast for each candidate is equal, North Korea presupposes multiple candidates.²⁵² Furthermore, there are no restrictions on the nomination of candidates for representatives to the People's Assembly at all levels, even though candidates may be nominated directly by the people (electors) or be proposed jointly or solely by political parties and social organizations.²⁵³ A report by DPRK Association for Human Rights Studies (2014) also stated that candidates for elected office may be nominated directly by the people or be proposed jointly or solely by political parties and social organizations.

In regards to nomination of candidates and determination of registration for qualification examinations as stipulated by the People's Assemblies Election Law (2020), however, in reality, several statements show that the nomination of candidates cannot be done by ordinary residents or organizations. In fact, the municipal and county party committees nominate people who meet the right conditions to become a candidate for

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opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates.”

250 Ibid., paras. 17–18.

251 The Law on the Election of Deputies to People's Assemblies at All Levels (2020), Article 42.

252 The Law on the Election of Deputies to People's Assemblies at All Levels (2020), Article 74.

253 The Law on the Election of Deputies to People's Assemblies at All Levels (2020), Article 35.

representatives. For instance, the age, membership of the Labor Party, and *Songbun* (background) are considered. In the end, those who are chosen as candidates are guaranteed to win the elections.

“As for candidates for deputies, the municipal party committee looks for people who meet some criteria. At that time, women could be representatives if they were a certain age, part of the working class, members of the Workers’ Party, and so on. In the municipal People’s Committee, there was a section called ‘deputy division,’ which set and announced the criteria for representatives. Then, some qualified candidates would be picked from the state-run companies and such. The most important criteria are party membership and career. Once a person is recommended as a candidate for representatives, he or she will be elected no matter what. The candidates haven’t got much to do.”

13. Right to Equality

Article 7 of the Universal Declaration of Human Rights states that “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.” Article 26 of the ICCPR also states that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Similarly to the ICCPR, the Socialist Constitution of North Korea (2019) stipulates that “Citizens enjoy equal rights in all spheres of State and public activities²⁵⁴”, ensuring that everyone enjoys their rights without discrimination. However, North Korea categorizes all residents into so-called ‘*Songbun* (background),’

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²⁵⁴ Socialist Constitution of North Korea(2019), Article 65.

which is important criteria for determining social status and a source of discrimination.

A. Social Class in North Korea

It is well-known that North Korea classifies its people based on their *Songbun* and class. A resident's *Songbun*²⁵⁵ consists of two components: *Chulsin Songbun* (family background) and 'social *Songbun*.' The family background is determined by the class foundation, i.e. the 'socio-political life course' of the residents' parents from their birth to the beginning of their careers. After residents begin their careers, occupation and social class relationships define their social *Songbun*.²⁵⁶ Since the late 1950s, the North Korean authorities have carried out multiple classification process to identify the *Songbun* of each resident, categorizing them into three primary classes, including loyal core, wavering, and hostile, in addition to approximately 51 sub-classifications. Class and *Songbun* in North Korea have been divided into three classes,²⁵⁷ including basic, complicated, and remnants of hostile

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255 The term '*Songbun*' refers to the social classification of individuals based on their position within the social hierarchy and the ideological composition of people. In order to identify which class's ideas have the greatest impact and dominate their mindset, *Songbun* is divided into social categories according to their background, occupation, and social experiences. (North Korea's Social Science Publishing House, Chosun Language Dictionary (Revised Edition), Vol.2, 2017, p. 1357.)

256 Judicial Policy Research Institute, 'A Study on North Korea's System of Status, Citizenship, and Resident Registration', 2017, pp. 113, 120.

257 According to the 'Encyclopedia of North Korea' and the 'Collected Works of Kim Il Sung', the 'basic people (basic class)' is considered to be the fundamental force in the revolutionary

class, with 56 sub-classifications and 25 distinct *Songbuns*, since the 1990s.²⁵⁸

The 25 *Songbuns* appear to be organized according to the type of work they are doing by using criteria such as previous occupation, wealth accumulation, and identity. Since the *Songbun* system was introduced in 1957 and the resident re-registration project was conducted from 1966 to 1967, it is possible that some of these categories have become no longer relevant due to North Korea's societal and economic changes over the years. Laborers, farmers, farm laborers, soldiers, students, and office workers appear to be the occupations for which North Korea still employs to classify *Songbun*. The *Songbun*'s three classes and 56 sub-classifications appear to be the basis for discrimination in daily life in North Korea.

The North Korean Residents Register includes their *Songbun* and class. While most North Koreans are aware of their family and social *Songbun*, they are frequently unaware of the authorities' acknowledgement of the Residents Register's classes and sub-classifications. According to testimonies, the Residents Register was drafted by the Registration Division of the city or county level

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movement, composed of workers and farmers, and including revolutionaries, war participants, children of revolutionaries (referred to as 'juvenile reds'), and discharged soldiers. The term 'complicated people (wavering class)' refers to those whose family and social-political background are complex, including those from South Korea or returnees from abroad. The term 'remnants of hostile class' refers to the remnants of the exploiting class that were liquidated after the socialist revolution in North Korea. (North Korean Encyclopedia Publishing Company, 『Encyclopedia of North Korea』, Vol. 3, Vol. 11, Vol. 16, 1996; North Korean Workers' Party Publishing Company, 『Collected Works of Kim Il-sung』, No. 45, 2002)

258 Judicial Policy Research Institute, 'A Study on North Korea's System of Status, Citizenship, and Resident Registration', 2017, pp. 122-123.

office of the Ministry of Social Security to better understand the situation of residents. This is because such background checks are deemed crucial for the recruitment of cadres in North Korea. The Residents Register appears to be based on households, the contents of which include biographical information such as the householder's date of birth, details of career change, the birth and general history of the householder's parents, and additional information such as *Todae* (family background) or *Songbun*. In addition, information on immediate family, cousins and grand uncles is filled out for each individual, including the relationship with the householder, date of birth, residence, family relationships, education, and job changes, while administrative penalties are listed in the section on recent issues. The Residents Register is not open to the public, people could not check their own register and the majority of residents are unaware of its contents. Only provincial and municipal party cadres, intelligence officers, and human resources personnel from major organizations who need to know the residents' background can access it. When residents have reasonable grounds for changing their status such as a job change, relocation, or registration for marriage or divorce, they can change the basic information such as their address by submitting an official request; however, it is not easy to change their *Songbun* because the Residents Register is inspected annually. Reportedly, the residents register also contains a separate catalog that keeps records of those whose household members are missing or have bad backgrounds, such as Korean War POW from South Korea.

“I think it’s because the class is a big part of how North Korea picks its cadres. Residents know that their background information is in the register, but they are not allowed to look at them. Most people don’t know what’s in the Residents Register. Even if they suspect that they were disadvantaged by their *Songbun*, they can’t see it. People who have been discriminated based on their *Songbun* sometimes bribe security guards to change their records.”

B. Reality of Discrimination

The UN Commission of Inquiry on Human Rights stated in its 2014 report that ‘*Songbun*’ is a significant factor in determining the path of all North Koreans from birth, and that it determines housing, jobs, access to food, healthcare, education, and other services. It also determines whether a person can join the military, college, or Korea Workers’ Party;²⁵⁹ if a person has a poor *Songbun*, they are assigned to work in mining (coal mines) and farm work, and their children are barred from higher education.²⁶⁰ *Songbun* appears to be an essential consideration when determining criminal penalties. If a person has a poor *Songbun*, he or she is punished more severely.²⁶¹

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²⁵⁹ UN Doc. A/HRC/25/CRP.1 (2014), para. 271.

²⁶⁰ *Ibid.*, para. 277.

²⁶¹ UN Doc. A/HRC/25/CRP.1 (2014), para. 280.

(1) Residential and Regional Discrimination

The residence of North Koreans is ‘assigned’ rather than chosen, with children living with their parents until they reach adulthood. Only relatively significant life events, such as career change and marriage, can cause a change in domicile. *Songbun* determines whether you get to live in Pyongyang or provinces, in the city or the rural area and on the islands. As the social *Songbun* of the grandparents or parents is the background *Songbun*, the location where the grandparents or parents resided played the most significant role in determining the place of residence. If an ancestor or parent worked as a farmers or miner in a rural or mining area, it is likely that their child will also reside in a rural or mining area. If grandparents or parents worked in a Pyongyang state-run company, it is highly likely that their child will also reside in the city. Given the likelihood that a child’s residence will be determined by *Songbun*, it is unlikely that it will alter in the future. In the 1990s, directive ‘No. 410’²⁶² required offspring of farmers who became laborers to return to the countryside, even if only one parent had been a farmer. These measures bolster the use of *Songbun* in determining residency. A recent discovery has demonstrated that measures to ensure that

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²⁶² According to the testimony, the ‘Directive No. 410’ was issued by Kim Jong Il on April 10, 1995, and it appears to be related to ‘*Songbun*’ (classification of individuals based on their background). It is found that those who were previously farmers were forced to engage in farm work, and if one spouse is from a farming background, then the entire family, including the spouse and children, would be designated as farmers. In Pyongyang, the areas targeted by the ‘Directive No. 410’ are reportedly Yongseong District, Sunan District, Yeokpo District, and some parts of Naklang District, and residents in these areas are not allowed to work or reside in the central districts.

people with a farmer family will systematically be employed in a farm too still exist.

Pyongyang is strictly separated from the rest of the nation, limiting migration from the provinces to the city and providing Pyongyang residents with numerous advantages. Those in possession of a 'Pyongyang Residents Card' do not require a distinct travel permit to travel to other regions, except the border area. People holding Pyongyang Residents Card can also travel to the border area until Chongjin City, North Hamgyong Province. Even at checkpoints, Pyongyang residents are only subject to simple ID checks, and their possessions and luggages are not examined. At the entrance and exit of Pyongyang, there is a checkpoint called the 'Guard Post No. 10.' The degree of inspection between Pyongyang residents and non-Pyongyang people was significantly different. Food rations are another advantage that Pyongyang enjoys compared to other areas. Ration had been distributed to a certain extent towards Pyongyang residents until recently. In terms of utilizing medical services, Pyongyang residents benefited more than rural residents due to convenient access to medical facilities such as the 'Central Hospital' and specialized hospitals in the city of Pyongyang. As a result, some individuals bribed security officers to obtain fraudulent Pyongyang Residents Cards. Those who acquire fake Residents Cards do not get to live in the center of Pyongyang, but rather in the periphery, such as Mankyongdae District. In addition, they have to routinely pay bribes to *Inmin-banjang*, security officers, and intelligence officers in order

to avoid crackdowns. Since Pyongyang Residents Cards are frequently forged or falsified, and they are frequently renewed every few years for reasons of security review and defending the capital city.

On the other hand, there is discrimination even among Pyongyang residents, based on their respective districts.²⁶³ Residents on the outskirts of outskirts of Pyongyang including Taesong, Sadong, Tongil, and Mangyongdae Districts are referred to as the 'No. 410' group. Residents of the No. 410 districts were not assigned jobs in the central area, were not permitted to relocate to the central area, and were not supplied with goods designated for the central area. According to testimonies, such measures were taken after the 'Arduous March' period. No. 410 residents were denied access to food supplies and public transportation among other discriminatory measures.

Another form of residential discrimination based on *Songbun* is forced relocation. There have been instances of convicted individuals and their families being forcibly relocated from urban centers or particular areas (such as Pyongyang City and Samjiyon County). When one Pyongyang resident was released from *Rodongkyohwa Punishment* (Reform through labour), that person was informed of the *Chulgjik* (expulsion) to North Pyongan Province. In another instance, a resident of Samjiyon

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²⁶³ Article 31 of the Law for the Management of Pyongyang (2014) stipulates that citizens who wish to reside in Pyongyang City from other regions or in central areas from surrounding areas must obtain a residence permit from the relevant authority. This indicates that there is a distinction made between residency in surrounding areas versus central areas in Pyongyang.

City in Ryanggang Province was banished to a nearby location because the city, the birthplace of Kim Jong Il, could not host a ex-convict.

“People in Pyongyang are split into the ‘central zone’ and the ‘peripheral zone.’ There are differences in where people work and how much food they get, which is called ‘getting stuck in the No. 410.’ Chuung, Moranbong, Taedonggang, and Soosong Districts are in the central area. Ryongsong, Hyongjesan, and parts of Taesong Districts belong to the outer areas. You can’t get a job in the center if you live on the edge, and the supply is slightly different in the center and on the edge. A rural resident can only get a Pyongyang Residents Card if they live in Pyongyang. People who don’t live there will never get one. Sometimes a woman can get Pyongyang residency if she marries a Pyongyang man. If a military officer from the province works in Pyongyang, his whole family can live there.”

(2) Discrimination in College Admissions

Songbun discrimination in college admissions is associated with the college admissions process. After graduating from secondary school, there are three steps to enter a college. Exams in order to receive recommendation are conducted at a national level. The exam result will be ranked based on respective city and county, and the ranking and *Songbun* will determine the eligibility for recommendation. Recommended students are given a chance to apply for invitation-only exams separately prepared by each colleges. That performance determines the acceptance. However, each college has regional quota for re-

commended students eligible to take the exam, yet *Songbun* is more important factor than the test score. Since the final stage of college exam is strictly limited to those who received recommendation. So recommendation status plays a more important role than the test score itself. Education branch at the city and county level People's Committee is in charge of giving out this recommendation. For instance, a witness testified that the director for education at the People's Committee informed a student, who was preparing for college, that he could not do so because a member of his family had vanished. There was also a case in which both grandchildren were excluded from being recommended for college admission because their grandfather was from South Korea.

In some instances, soldiers who are discharged from the armed forces are granted college recommendation status which guarantees entrance without any additional exam. Selection of such personnel is based on the recommendation of the military and the People's Committee. In the case of military personnel, parental *Songbun*, class, and category were determined to be the most important factors for college admission recommendations. In one instance, a soldier who joined the military immediately after high school and completed his military service in Pyongyang was recommended for admission to a university in Pyongyang, but his recommendation was revoked because he was the son of a farmer and therefore ineligible for admission to a university in Pyongyang. In addition, children of farmers are not permitted to enter colleges, or their access to colleges is

restricted to agricultural colleges that position graduates on farms. On the other hand, there were reports that departments and agencies of the People's Committee responsible for making recommendations for college admission were receiving bribes and making recommendations. According to reports, students had to pay more than ¥10,000 in bribes to be recommended for medical school. The head of the education department of the local People's Committee was said to have a large deal of power to recommend colleges, so bribery was standard practice.

"I was preparing for medical school in 2018. During that meeting with the director of education of the People's Committee, before the application for college begins, the director told me, "Since your mother is missing, it's hard for a child like you to go to college." When I heard that, I decided not to go to college. Directors have a lot of power because students need to have recommendations from the director before they can take college entrance exams. As it is common to pay a bribe to get a director's recommendation, people had to pay about CN¥15,000 to get recommendation for medical school."

(3) Discrimination in the workplace

In the social life of North Koreans, their occupations are determined by their *Songbun*. This implies that *Songbun* and *Todaes* plays a role in promotions, which can be an advantageous or disadvantageous factor, or can make it difficult to change jobs. Family members of South Koreans are not permitted to be cadres of the Worker's Party, 'legal workers' such as intelligence officers,

security officers, and prosecutors, or cadres in the administrative sector; and children of agricultural workers are not permitted to work as laborers. After commoners graduate from high schools, their occupations and career paths are determined by *Songbun* and social class. Firstly, *Songbun* and class determine whether an individual enters the workforce, attends college, or joins the military. Entry into the workforce is also determined by the labor department of the People's Committee, with *Songbun* and class being the most significant criteria. Particularly, the likelihood of assigning children of farmers and mine laborers to other occupations is low. Unless they attend college, they will not be assigned to other positions. And even if they attend college, they will likely enroll in an agricultural college or agricultural vocational college and be assigned to farms after they graduate. The same is true for the offspring of mine workers, who are prevented from pursuing alternative careers. There was a testimony that someone wanted to be an intelligence officer by entering a political college, but the person could not be the officer because the person's grandmother was from South Korea. After completing high school, some children of farm workers were assigned back to their parents' estates, while other children of mine workers were assigned to the same mines. In one case, a youth who did not want to work on a farm was able to bribe his way into a vocational school and work as a laborer.

In changing employment, as with job placement, there was discrimination based on factors such as *Songbun*, but it was commonly stated that it was possible through individual efforts,

such as money and connections. In some instances, individuals were transferred to hospitals by bribing the acquaintances of their fathers and by bribing labor and documentation employees at the People's Committee through their uncle's connection. However, in cases of compelled transfers due to authorities' actions or policies, *Songbun* and class were the criteria for forced transfers. Midway through the 1990s, Directive of No. 410 required the offspring of farm laborers to work on collective farms. In 2019, there was a policy to return individuals with rural ties to the countryside. This policy required the children of farmers who became laborers to become farmers, and there were reports that they were forcibly transferred to their father's farm. If a farm worker desired to switch jobs, he or she could bribe the local rural management committee's labor department. However, there were also claims that it was difficult for many farm laborers to switch occupations because it was not economically viable.

There is also discrimination in promotions based on *Songbun*. Returnees of the Korean-Japanese, for instance, are not promoted to managers even if they become 'legal workers,' or they are excluded from promotions because their parents were born in South Korea, and they are denied promotions because they belong to families of North Korean defectors. There was a claim that the witness' father, who was a volunteer soldier during the war, was not promoted by his organization because he was from South Korea. Another person claimed that one's father, despite graduating from agricultural college, could not get promotion in the farm because he did not participate in the war and had

a weak *Todae* because he was running a business. In another instance, a man on a promotion list was informed that he could not be promoted due to the escape of his wife's sister.

“My grandfather on my mother's side was from South Korea. He came to North Korea as a volunteer soldier. His children were discriminated because of their father's South Korean origin. This is less common than it used to be, but such discriminations still happen. In 2018, my uncle worked at an earthquake recording station and tried to get a promotion, but he couldn't because of his father's *Todae*.”

(4) Other

Families of North Korean defectors

Families of North Korean defectors are classified as a 'wavering crowd' or 'wavering class,' and there have been claims that North Korean authorities classify families of defectors as 'No.111 subjects'. Families of North Korean defectors have been found to be subjected to discrimination, including denial of access to universities, exclusion from the Korea Workers' Party, and restrictions on choosing employment and entering the military.

In some instances, the Ministry of State Security of cities and municipalities investigates and detains for days the remaining family members of an defector. In addition, they face discrimination in terms of access to higher education, employment placement, and advancement, and are compelled to join the military. There are also measures such as disqualification from

college entrance examinations and the restriction to enroll in major universities, such as medical schools, for relatives of North Korean defectors. In addition, there were a case of individual, after being discharged from the military, whose job offer was withdrawn because his parents escaped North Korea. He was told that he cannot be accepted because the employer could be held liable in the event of a follow-up escape. In addition, statements were collected from individuals who were denied a promotion at a People's Committee-affiliated organization because his wife's cousin had escaped. There were claims that a defector's family could not enter the military, with one example of a mother's escape resulting in her son being sent home from military service. In another instance, a man was demoted from superintendent at an agricultural equipment company to laborer at an urban construction site because his younger sibling deserted.

"I wanted to work at the agricultural machinery workshop in Musan county, but because I had a defector in my family, I wasn't allowed in and didn't have a job. Since then, I got a job by bribing the director of the county office, but after three months at work, I got a notice to quit. I asked the director if I could work, but he said, How can a defector's son like you work in a county office?"

Returnees of the Korean-Japanese

Returnees of the Korean-Japanese are those who returned in masse to North Korea from Japan after the liberation of North Korea as part of the Korean-Japanese repatriation program

founded on the 'Return Agreement' signed in 1959 by North Korea and Japan.

Returnees and their children are not prohibited from enrolling in universities, enlisting in the military, or joining political parties; however, it is commonly believed that they are substantially prohibited from entering the workforce as 'party workers' or 'legal workers'. There were also reports that returnees and their families were referred to as '*jjaepo*' and that they were discriminated against in three distinct ways: by family members of former cadres, the general public, and those who had left the Omura camp. Family members of former cadres are permitted to work as security guards and party workers, whereas members of the general public are permitted to join the party, attend college, and enlist in the military, but are not permitted to work for party organs, the Ministry of Social Security, the Ministry of State Security, or the Public Prosecutor's Office. Finally, there were claims that members of the Omura faction were not permitted to join political parties. In some of the statements, admission to universities was denied to Korean-Japanese, and their offspring were denied administrative worker positions.

"*Songbun* kept my brothers and me from going to college or getting the jobs we wanted. My second sister wanted to go to a college of education to become a teacher, but she was turned away because her parents were from South Korea and she was a *jjaepo*, even though she had good grades and qualifications. My oldest son finished medical school and tried to join the military as a doctor at the Military's School of Medicine, but he was turned down. Instead,

he joined a general unit and served as a hygiene instructor. Even at my work, because of *Songbun*, I haven't been able to get promoted to a managerial position such as chief director.”

Chinese relatives

A Chinese fraction of the population is visible within North Korea. This is the case because many migrated to China, specifically to the Three Northeast Provinces before their liberation, before returning to the territory between the beginning of the Korean War and 1960. They have family members in China. They are referred to as ‘relatives’ in North Korea and appear to be classified as ‘wavering people’ in the country’s *Songbun* classification system. People with relatives from China were able to join the People’s Army and attend college, but it appears difficult for them to join political parties. Additionally, it is challenging for them to obtain employment in the Ministry of Social Security, the Ministry of State Security, or the Public Prosecutor’s Office.

Not only did it take a long time to obtain a border pass (issued to residents of border areas) or passport to visit relatives for those with ties to China who have family or relatives residing in China, but there were also many restrictions on visits. A person must be over the age of 60 or 55 and have children in order to be eligible to register for a border pass or passport. Additionally, it was impossible for multiple family members to visit at the same time. A letter of invitation from a relative in China, a certificate of invitation, the relative’s Census Registration Card (family-register

certificate), and an identification card must also be submitted with the application. The invitation letter must be signed and include the invitee's name, date of birth, address, phone number, and place of employment, as well as the purpose of the North Korean relative's visit and the expense of their stay.

"My husband and I both have Chinese origins. We were born in China and lived in the city of Dandong in the province of Liaoning before moving to North Korea in 1961. We had three sons in North Korea, but because they were all related to our Chinese origins, they could not join political parties or move up at work in the country. After 2012, under Kim Jong Un's rule, the discrimination against those who originated from China became even worse. My oldest son got married and then divorced because he didn't want his children to bear the burden of being related to China."

IV

Economic, Social and Cultural Rights

1. Right to Food

Article 11 of the International Covenant on Economic, Social and Cultural Rights (hereinafter the ICESCR) upholds the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing, and requires that the States Parties recognize freedom from hunger as the fundamental right and take necessary measures either individually, or through international cooperation to ensure the realization of this right. In its general comment No. 12, the Committee on Economic, Social and Cultural Rights (CESCR) recognized that States have discretion in choosing an approach, as there will inevitably be differences in the ways and means of implementing the right to adequate food, but emphasized that States should take all necessary measures to ensure that everyone is freed from hunger and enjoys the right to adequate food without delay.²⁶⁴

Article 25 of the Socialist Constitution of North Korea (2019) stipulates that the state must provide all workers with food,

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²⁶⁴ UN CESCR, General Comment No. 12: The right to adequate food, para. 21.

clothing, and a place to reside. To address the issue of food, North Korea has implemented agricultural production policies in the Agriculture Law (2020), the Farming Law (2021), and the Food Policy Law (2021). The ‘Five-Year Plan for Economic Development’ (2021-2025) proposed by the Eighth Party Congress in 2021 included an increase in food production and the construction of a material and technological base for agriculture as two of its primary objectives.²⁶⁵

A. Food Situation

In accordance with the ICESCR, the State has a duty to take measures, including specific plans, to improve the methods of production, conservation, and distribution of food-by maximizing scientific and technological knowledge for the eradication of hunger, and developing or reforming the agrarian system to optimize the utilization of natural resources.²⁶⁶

North Korea stated in its third Universal Periodic Report (UPR) in 2019 that the implementation of new farm management practices, such as the revision of the Farming Law and the adoption of responsible management regulations, has resulted in an annual increase in cereal production. However, in the VNR

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²⁶⁵ Ministry of Unification, National Institute for Unification Education, ¶Understanding North Korea 2022₃, p.185.

²⁶⁶ International Covenant on Economic, Social and Cultural Rights, Article 11(2).

report of 2021, North Korea stated that food production has been insufficient due to natural disasters, a lack of resilience, and low levels of mechanization, despite efforts to increase cereal production in order to achieve food self-sufficiency. Furthermore, efforts were being made towards land reclamation, variant development, and soil enrichment in an effort to improve the food situation.²⁶⁷

The Food and Agriculture Organization (FAO) of the United Nations released an estimate of North Korea's grain production in 2019 (June 14, 2021), which revealed that North Korea is still considered a 'a country in need of food assistance' as its production of approximately 4.9 million tons falls short of demand by more than 1 million tons.²⁶⁸

In addition, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) attributes North Korea's chronic food shortages to insufficient agricultural production and land, a lack of agricultural apparatus and fuel, poor infrastructure, and the practice of monocropping.²⁶⁹ In accordance with the Global Hunger Index (GHI), 41,6% of North Korea's population is undernourished.²⁷⁰

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267 Democratic People's Republic of Korea Voluntary National Review On the Implementation of the 2030 Agenda, 2021 4.2 Goal 2. Sustainable development of agriculture, self-sufficiency of food.

268 Ministry of Unification, National Institute for Unification Education, 『Understanding North Korea 2022』, p.185.

269 OCHA, 『DPR Korea Needs and Priorities 2020』, April 2020.

270 The Global Hunger Index (GHI) is an index designed to comprehensively measure and track the severity of hunger on a global, regional, and country level, with the aim of fostering international cooperation to end hunger. It has been published since 2006 by NGOs such as

In response to endemic food shortages, the North Korean government has implemented the *Pojeon* Responsibility System.²⁷¹ The ‘June 28 Policy’ announced reforms in the agricultural sector, including the *pojeon* responsibility system, in 2012. The Farming Law was amended to introduce the system in 2014. By granting autonomy over land management to collective farms and producers, the system appears to increase food production. This system incentivizes farmers to contribute a certain portion of their harvest to the collective farms they belong to, while allowing them to dispose freely of the remainder.²⁷² It refers to a work organization and distribution method that subdivides existing collective farms into plots, entrusts farmers to manage them under a group management system, and calculates the distribution share based on the efforts and production results

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Concern Worldwide, based in Ireland, and Welthungerhilfe, based in Germany; FAO, IFAD, UNICEF, WFP and WHO, ‘The State of Food Security and Nutrition in the World 2022’, 2022, p.14.

- 271** In a letter sent by Kim Jong Un to participants in the National Agricultural Division Competition on Feb. 6, 2014, he stated, “Recently, in order to increase the production enthusiasm of farm workers, the distribution responsibility system should be implemented within the distribution management system, and collective farms should apply them according to their own circumstances so that they can produce silver (performance) in agricultural production,” according to the (North) Korean Central News Agency (Feb. 7, 2014).
- 272** The pilot introduction of the *Pojeon* Responsibility system is believed to have been influenced by the ‘July 1st Measure’ in 2002. In 2004, in some regions of North Korea, the ‘*Pojeon* Responsibility system’ was implemented as a pilot, allowing ‘*Bunjo*’ (sub-team in collective farm) to have autonomy on farming methods and surplus production. In particular, since North Korea promoted (pursued, pushed for) the ‘Five-Year Plan for Increasing 8 Million Tons of Food Production’ with the goal of doubling (their food) production from 2003 to 2007, the authorities appears to introduce the *Pojeon* system, believing that improving farmers’ willingness to work was an important factor in achieving the goal. (omitted in the middle) The *Pojeon* system, which was carried out as a pilot measure, did not yield clear results. (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, pp. 830–834)

of the plots leader.²⁷³ The distribution of crops between farmers and the government is 3:7.²⁷⁴ It is known that farmers retain all surplus production except for the portion that was planned.

The 'Pojeon responsibility system' began in some regions around 2012 and expanded in others after two to three years. The allocated land for farm is divided among the members of the group, but in reality the land has been allocated to households. The extent of each household's allotted plot ranged from a few hundred to over 1,000pyong (1pyong = 3.3m² or 35.6sqft). On a farm in the Ryanggang Province, about 6,400m² (1,950pyong) was allotted to a couple with two children, but there were also cases where 3,300-5,950m²(1,000-1,800pyong) were allotted per individual. There were also reports that at a farm in South Pyongan Province, three generation family was allocated 5,950m² (1,800pyong) while a farm in North Hamgyong Province allocated 9,900m²(3,000pyong) per person.

Although it was asserted that the 'pojeon responsibility system' had been thoroughly implemented, in reality, some farmers adhered to the traditional method of collective farming, while others operated in a different way. The farmers that adhered to the conventional collective farming system had introduced the

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273 The Farm Act(2021), Article 26.

274 In 2012, it became known that the distribution under the 3:7 system was implemented following the so-called 6.28 directives. This means that farmers received approximately 30% of the total production as profits in cash and kind, while the authorities took 30% for costs such as taxes, and 40% for national procurement. Since the 5.30 discourse in 2014, it has been known that the 4:6 system was implemented, resulting in farmers receiving more than the authorities, with 60% of the total production going to them. (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, p. 832)

plot management system as a formality and had four or five *pojeon* cultivation managers to be responsible for 1,650~1,980m² (500~600pyong) just to show that the system was working. The job of the field leader was not to do an actual farming, but to make the fields look good. In the case of operating in a layered manner, in addition to the plots allotted to individuals, there were ‘collective plots’ for joint cultivation in groups and ‘food plots’ for the food production for individual farmers. There were also cases where two generations operated under the team system (*bunjo*), so that they could monitor one another. In other instances, farmers were given the same amount of land, 3,300 m²(1,000pyong) per person, and the amount of yield was set to meet the target of 2.5kg of corn and 1.5kg of rice per pyong.

The varieties of crops that farmers were required to plant in their fields were also roughly specified, and the government provided seeds, fertilizer, and pesticides; however, in reality, the farmers appear to have borne a substantial portion of the costs. Based on the government’s plan, the farmers were directed to produce certain crops including rice, barley, maize, potatoes, and beans. It was commonly testified that farmers had to bear the cost of cultivation because they were included in the plan and that the government supplied insufficient amounts of fertilizers and pesticides. There were also statements that the fertilizers provided by the government were insufficient to accomplish the desired yield or that fertilizers were to be supplied three times per year on the basis of roughly 3,300m²(1,000pyong), but the actual amount of fertilizers received by the farmers was much

smaller due to a significant amount of embezzlement. As a result, farmers had to purchase fertilizers by themselves, but it was difficult to purchase them in the markets due to government restrictions placed on fertilizers. In addition, the agricultural machines for spring ploughing to prepare the soil for farming were collectively shared, but other necessary farming tools, such as *Homys* (small half-moon shaped hoes), sickles, and shovels had to be bought individually.

During the early years of the pojeon responsibility system, some farms increased their output, but the increase was limited by a shortage of fertilizers and pesticides. Even when the farms reported a production increase, they did not provide the specific numbers to the farmers. On the other hand, some accounts indicated that farm-level production was not substantially different from what it was before the pojeon responsibility system was implemented. Despite the absence of a noticeable increase in production, the target quantity appears to have increased annually. As a higher standard was established by setting an annual yield target, the planned amount was bound to increase as well. The target yields were set not based on the cultivation situation, but on the grade of the land determined in the spring season, so it did not reflect the influences of natural disasters such as extreme weather events. Some statements indicated that when corn yield decreased in 2018 as a result of rat damage, farmers had no option but to sell grain to cover the quotas. Other reports indicated that even if farmers left some yield after submitting their quotas to the government, there

were so many thieves during the harvest that the actual amount they could receive was small. A prevalent complaint was that the food the farmers received at the end of the year was insufficient for an entire year. The quantity allocated to an individual's harvest quota was greater than the actual yield during harvest, so the farmers had to supplement their allotment with grain from the farm's communal fields, or in many instances, being unable to pay public expenditures or quotas, they raised pigs and chickens to compensate for the shortfall. In this instance, under the *pojeon* responsibility system, farmers who believed that the cost of seeds and fertilizers had been embezzled by middle managers such as the team leaders, thereby increasing the farmer's personal burden and reducing their allotment, filed a complaint with the prosecutor's office. The prosecutor's office examined the farm, but no improvement was made.

"The *pojeon* responsibility system has been in place since 2012 or so. There is a group under the *bunjo* (team). If a couple were farmers, their family members made up the group. I worked hard at first because I was told I would get half of the harvest. But when a natural disaster or lack of fertilizer caused yields to be lower than planned, the state did not take this into account. Rather, I had to pay the government's preplanned quota anyway. I even had to buy grains privately to make up for my quota if the harvest wasn't sufficient. With the introduction of the *pojeon* responsibility system, people think they are worse off, believing that the system won't help farmers get more food but will hurt them instead."

Following the implementation of the *pojeon* responsibility system, the number of complaints from farmers increased. Prior to the implementation of the system, each farmer cultivated a substantial quantity of cleared land or small plots, allowing them to survive without receiving distribution. However, since the implementation of the system, the lives of farmers have become more difficult due to the incorporation of tiny plots into farms and the prohibition of individual cultivation. False reports indicating that the system is functioning well, production is rising, and producers are better off than before have led to the continued increase in the government's preplanned quotas. These reports have led to yearly increases in production goals and quota payments, and farmers are required to pay any outstanding quotas the following year, thereby increasing their financial burden. According to reports, the *Bunjojang* (team leader) and leaders of work groups in collective farms were concerned about the diminution of their authority and profits under the new system and were interested in reverting to the old system.

The deteriorating food situation in North Korea and the 1995 floods prompted North Korea to request humanitarian aid from the international community. The South Korean government provided food aid to North Korea through international organizations from 1996 to 2007. However, the international community's humanitarian food aid has decreased substantially since 2008, and it has been drastically reduced due to North Korea's 4th nuclear test in 2016.

Although many North Korean defectors were aware of food aid from international community, few actually received it in rations. Some learned that China had provided rice and fertilizers through a lecture highlighting Kim Jong Un’s diplomatic accomplishments in China. In other instances, individuals learned about international food aid through announcements at state run company and *Inminban* (Neighborhood Watch Units). Others stated that they became aware of food aid because they saw “ROK” or “US” printed on rice packets circulating in the marketplace, or because they saw rice being sold in their local markets, or because they witnessed their acquaintances receiving it. In some cases, they received the food directly, such as the rice provided by South Korea at a public distribution center in their community prior to 2010 and the corn from a ration in Nampo in 2016.

In accordance with the plan of the Ministry of Food Procurement and Administration, the Food Procurement and Administration Bureau under the provincial People’s Committee prioritizes the distribution of food from the international community to those who did not receive their food rations within the province’s cities, counties, and districts. The Food Procurement and Administration bureaus of cities, counties, and districts distribute the food to food distribution centers in residential areas. The majority of food, however, is allocated to the People’s Armed Forces, the Ministry of State Security, the Ministry of Public Security, munitions factories, etc. Food distribution offices provide residents with only a fraction of the total. Residents are

told in advance when there will be monitoring of the distribution of food. After the food has been distributed as intended, an inspection team returned, the food is retrieved from the residents and then only a portion of it was redistributed. In the case of the military and special agencies, food distribution is prioritized at the unloading ports. They are instructed to conceal their military license plates and arrive at the port in civilian clothing.

“If there is an international aid, the Cabinet will tell the Ministry of Food Procurement and Administration how to distribute the food. According to the Ministry’s plan, the aid is reported to the central party through the Cabinet and then distributed. According to that plan, the military gets their supplies first. What is left over after the military will be given to civilians, such as anti-Japanese activists, war veterans, scientists, and employees of the Munitions Industry Department. If you are told to pick up supplies at Nampo Port, you should take off your military license plate and change into civilian clothes. For us, it was a common sense.”

B. Rationing System

Cabinet Decision No. 56 established a food rationing system in March 1952 in North Korea.²⁷⁵ However, due to economic difficulties after 1990, the rationing system did not function effectively,

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²⁷⁵ Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, p. 310.

and food distribution to the general population was suspended in late 1995, with the exception of certain classes. In 2002, the country implemented an affordably priced rationing system known as the ‘7.1 Measures,’ and in 2004, it strengthened the self-procurement system for food in major institutions and state run companies, with the exception of those belonging to the security apparatus, such as soldiers and officers of the Ministry of State Security.²⁷⁶ In 2012, the collective farm implemented the *pojeon* responsibility system in accordance with the ‘6.28 Policy,’ and the corporate responsibility management system for factories and state-run companies was implemented in accordance with the ‘12.1 Economic Management Improvement Measures.’ These measures prompted changes to the food rationing system.²⁷⁷

It appears that North Korea classifies food rations by age, gender, occupation, and labor intensity. The country excludes farm laborers from food rations, which are distributed in pro-

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²⁷⁶ Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, pp. 312–313.

²⁷⁷ In the Dictionary of North Korean Knowledge, published by the National Institute for Unification Education of the Ministry of Unification in 2021, the socialist state-run company responsibility management system is described as a way for state-run companies to guarantee their independent management activities, departing from the previous method of production targets being set by the central planned economy policy. Under this system, each state-run company independently sets its own production plan, including the allocation of personnel, land, facilities, and procurement of raw materials, and makes requests to the state or procures them on its own; Article 33 of the Socialist Constitution(2019) stipulates that the state shall implement the socialist state-run company responsibility management system in economic management and ensure proper utilization of economic resources such as cost, price, and profitability; Article 4 of the Company Act(2020) stipulates that the state shall ensure that state-run company establish accurate business strategies and corporate strategies, and implement the socialist company responsibility management system, to adhere to socialist principles in their business activities, while maximizing profits.

portion to their labor output.²⁷⁸ North Korean defectors have classified food rations as ‘national rations’ and ‘state-run company rations.’ The national rations are provided to those that are not employed, such as small children, housewives, university students, and retirees eligible for old-age benefits, whereas the state enterprise rations are provided for the employed in their workplace. Although national rations were reportedly discontinued after 1995, there were reports of their continuation for the security organizations and in Pyongyang.

“If a state-run company does its own food distribution, people will be paid differently depending on how the office is doing. If you receive rations from an organization or an company, this will be notified to the national distribution office. It means you will be excluded from the government’s ration distribution. However, in case your workplace doesn’t distribute its own rations for employees, you and your dependents will be given the rations from the National Distribution Office. This is the case when your workplace can’t afford to support its employees. On the other hand, when your workplace is doing well, it will choose to give out rations by itself. Still, it will give the ration to the head of the household who works. The rest of the family gets food from the National Distribution Office. In Pyongyang and Jagang Province, most people get the ration, but not in other areas. I’ve even heard that the ration system has been terminated in other areas.”

It appears that there are significant differences in the food rationing system between Pyongyang and the provinces in

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²⁷⁸ The Farm Law(2021), Article 48, Article 51.

North Korea. In Pyongyang, the rationing system seems to work relatively well, with individuals who received a variety of food items such as rice, corn, and potatoes in 2017. College students in Pyongyang were also provided with a daily ration of 500g of rice in 2018. However, in the provinces, the frequency, amount, and types of food rationing vary significantly. For example, in Bocheon County of Ryanggang Province in 2018, potatoes were rationed during the potato harvest season based on the number of people per household. Only eight months of potato rations were issued, and residents had to pay for the transportation costs, resulting in them receiving only 500kg instead of less than the intended amount of 2tons. In Kim Hyung Jik County in Ryanggang Province, each household was only given 100kg of potatoes once in autumn. Furthermore, there were reports of areas where no food rations were distributed at all, such as Unheung County of Ryanggang Province, where the last ration was distributed in 2013, and there were no rations until 2019. This suggests that food shortages are prevalent in some parts of North Korea and that some families may be experiencing significant difficulties as a result.

It has been discovered that individuals eligible for national distribution of food rations include members of the organizations maintaining regime's security, such as the Korea Worker's Party, the Ministry of Social Security, the Ministry of State Security, the Public Prosecutor's Office, the Socialist Patriotic Youth League, armed forces, and special agencies, in addition to priority recipients such as teachers and medical personnel. In 2018, it

was alleged that a local municipal public security officer had received military rations, more than enough to make a living. In 2017, the local municipal Social Security office provided security officers with rice and cereals at a ratio of 5:5, which was slightly less than the per day ration of 600g. There were claims that the ratio was comparable to that of the Public Prosecutor's Office and security personnel. In 2019, the military received rice from December through March, and throughout the rest of the year, they received a ratio of 2:8 rice to corn. The daily ration per combatant was 800g, regardless of rank, and rice cakes, pork, and seafood were distributed on holidays. Even in border divisions, it was reported in 2020 that soldiers were served rice with every meal. In 2019, it was reported that a valiant soldier who had been discharged from the military due to injuries received sustenance each month. However, there were instances where the frequency and quantity of meals were not in accordance with the regulations, even for the regime intelligence group. In 2020, the meals provided to soldiers at a military base in North Hamgyong Province were supposed to be limited to 800g of cornmeal, salt, and soybean paste, but they were actually given 100g of cornmeal, broth, and pickled radish. In 2018, a family whose father worked in the local security department had a difficulty due to the lack of distribution of food rations. There were reported disparities in food rations for teachers and medical personnel, who are designated as priority recipients. A middle school educator received state rations in 2019, but only about 70% of the recommended amount. In 2017, an elementary

school teacher in the province of Ryanggang received annually 80kg of potatoes and 60kg of Chinese cabbage, and there were reports of no other food rations. In 2019, a kindergarten teacher in the province of Ryanggang received 200kg of potatoes and 50kg of corn annually. It appears that there were substantial variations in food rations for healthcare employees, and in some cases, no rations were provided.

In 2018, it was reported that employees at a military hospital in Ryanggang Province received a five-month supply of wheat, barley, and corn and a seven-month supply of potatoes during harvest season. The provisions, however, only lasted approximately four months. Since 2017, the distribution of 6kg of corn per month at the People's Hospital in North Hamgyong Province has been discontinued. In the same year, nurses were provided with a three-month supply of potatoes, which they were required to procure directly from the farm. In contrast, a doctor working at the Ryanggang General Hospital in 2019 did not receive food rations. Moreover, according to reports, clinics established within the Ryanggang military area received no food rations in 2018 .

“Until 2015-2016, the health and education sectors got special treatment and were given 6kg of wet corn every month. After that, the corn supply stopped, and there was no more rationing. From 2015 to 2017, my monthly salary remained the same at ₩2,450 per month, but I had to pay a lot of different fees. For example, if there is an event at the hospital, I would have to pay some contributions. After deducting all these fees and others here and there, I get less than ₩1,000. You can hardly buy ten candies or so with that money.”

On the other hand, factory and office workers are registered for food supply, and the standard quantity and type of grain to be supplied are determined.²⁷⁹ However, it was discovered that organizations and state-run company offices unaffiliated with the regime intelligence organizations distributed food to their employees independently. Consequently, there were substantial variations in the quantity, frequency, and types of grain distribution. In the case of organizations that earned foreign currency, there were reports of efficient food distribution. In 2019, a state-run company driver in Pyongyang received a monthly ration of rice, sugar, oil, vegetables, pork, and other foods. In 2019, a worker at a Central Party company received approximately 6kg of rice, 5kg of oil, 2kg of sugar, 2kg of condiment (MSG), 2kg of pork, and one poultry per month. In 2019, another worker affiliated with a provincial party affiliated organization received a monthly ration of 10kg of corn and 10kg of rice, while a colleague with a family received 25kg of rice. In 2018, a mine provided 700g of cereals per day to a laborer, 300g to a housewife, and 400g to a child. The ration of white rice was 70% from October to March of the following year, and 30% from April to September. In some instances, provisions were paid in

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²⁷⁹ According to Article 43 of the Grain Distribution Law(2021), the food supply standard quantity and grain type shall be determined based on the degree of labor intensity, occupation, and target, and shall be supplied accordingly to workers and office workers. In this case, the food supply shall not deviate from the designated food supply standard quantity or grain type, nor shall it be supplied twice. Article 44 of the same law requires the central grain distribution agency and local government agencies to regularly and accurately register food supply recipients and provide them with food supplies. Institutions, state-run companies, and organizations must properly manage changes in food supply recipients and re-register them with the relevant grain distribution agency.

kind, and most of the grain distributed was multigrain. In 2019, a state-run mining company in the North Hamgyong province rationed 800g of rice per laborer and 300g per family member in accordance with the ration regulation. 80% of the rations consisted of corn, while rice was only distributed on holidays. Ration papers were issued twice a month (around the 7th or 8th and 21st or 22nd of each month) and could be exchanged for food at the public distribution office in the place of residence.

Even when food was distributed, the quantities were frequently insufficient and fell below the minimum requirement. In 2019, a worker at a state-run company in Pyongyang City reported receiving a 3-5 day supply of corn each month, whereas in 2018, a worker at a state-run company office in Pyongyang only received a yearly ration of corn sufficient for a family of four to subsist for only two to three months. A state-run company in Pyongyang provided its employees with a one-month supply of food once a year in 2017, with only about 2kg per individual. In 2018, a railway worker in the province of Ryanggang was due to receive 700g of food per day, but instead received 150kg of potatoes once a year. In 2019, a municipal People's Committee institution employee's family received 200kg of potatoes once a year, but had to pay ₩20,000 for transportation. In 2018, a factory worker in South Hamgyong Province received approximately 13kg of dried maize per month, which lasted approximately five days. A worker at a munitions factory in Ryanggang Province received 14kg of maize two to three times per month in 2018, for a total of approximately 150kg. A laborer at a Ryanggang

Provincial People's Committee-affiliated organization testified in 2019 that they received only 30 to 40kg of maize per year.

In some instances, workers did not receive any food rations. In 2019, a South Pyongan Province worker stated he had never received rations during his seven years of service. In 2018, a worker at a North Hamgyong Province mining company reported that no food was provided. A laborer stated that he had not received rations from around 2017, and ration was not given what that person was working for a county party-affiliated organization in 2019.

Organizations and state-run company offices were required to produce and distribute their own food to employees. Some organizations and company offices operated 'Land No. 112,' where employees were required to produce and distribute their own food. Land No. 112 is a piece of land on a local farm leased from an organization or state-run company office, from which the employees receive their food. It was claimed, however, that it was ineffective due to the fact that leasing land was infertile, organizations had to bear the cost of growing crops on it, and there was a problem with paying rental fees. Instead of rations, an office worker in the province of Hamgyong received a leased land parcel from a collective farm. However, the land was barren, and they had to pay both land rent and agricultural expenses. In addition to having to pay land rent, they did not produce much, so they returned the land the following year.

“When I was a railway worker in 2018, I received 150kg of potatoes a year as a part of my food ration. The grain ration was 700g for a labourer, 400g for a dependent, and 300g for a child per day. The ration ticket was as per the criteria, but the actual ration was not as per the ration ticket. The department or the state-run company goes to the farm with the ration tickets, buys food and distributes the purchased food to the workers. The food rations were very scarce and can only last about a month.”

C. Resident’s Efforts to Secure Food

Due to the malfunctioning food rationing system in North Korea, many residents have been forced to secure their own food. Farmers from collective farms and rural residents who work on farms or reside in rural areas work together to cultivate small plots of land or raise goats and pigs. In the mountains, it was discovered that medicinal herbs and vegetables were sold to compensate for the food shortage.

Along with *Teotbat* and *Bueopbat*, *Ttaegibat* (small plots of land) entails the cultivation of low hills and slash-and-burn fields.²⁸⁰ This form of cultivation is, however, subject to enforcement.²⁸¹ Even so, because it is difficult to live with the food provided by the collective farm, the majority of farmers cultivate

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²⁸⁰ Ministry of Unification, National Institute for Unification Education, 『North Korean Knowledge Dictionary』, 2021, pp. 264–265.

²⁸¹ The Forest Law(2021), Article 49, Article 53, Article 65.

and sell cleared land. In 2019, a farmer who cleared 9,900m² of land in the mountains and fields surrounding his farm stated that he worked on tiny plots of land in the morning and collective farms in the afternoon. In 2019, a farmer in North Hamgyong Province cleared a mountain to construct a small plot of land and grew grain for food. Before the year 2019, he had cleared approximately 6,600m² of land to cultivate corn, beans, and vegetables without going to his work. According to his testimony, he raised pigs and chickens and grew corn, beans, and vegetables to compensate for the food shortage. In 2019, another person cleared a piece of land in the mountains near his residence and harvested beans, corn, etc. while unemployed.

The North Korean government's intensified forest restoration policies may have had an effect on residents' clearance and cultivation of mountainous land. According to reports, in 2012 the 'General Mobilization Campaign for Land Management' addressed forestation and forest protection management. In this regard, the cities and counties offices of the Workers' Party ordered residents to plant trees for every meter around their *Ttaegibats* or even in the *Ttaegibat* itself. Previously, instead of enforcing restrictions on the cultivation of cleared lands, the government charged residents an annual tax of ₩10,000. If cultivators were unable to pay the tax, they were not required to do so. As the enforcement of the forest restoration policy intensified, however, residents tried to avoid the enforcement by installing and removing tree saplings and seedlings in the cleared area repeatedly. In some instances, forest administrators

compelled residents to replant trees on cleared land.

“Farmers who work on collective farms use small plots of land to grow crops. They grow corn and beans on small plots of land in the hills or fields. About one family works on small plots of land between 990m² and 1 ha. Farmers usually work at collective farms in the morning and on small plots in the afternoon. The government doesn’t collect quotas from small pieces of land. However, you have to pay the rent to the government, around ₩5,000 to ₩10,000 per year.”

It has been discovered that North Korean workers have resorted to various measures to secure food for their families. A common complaint was that the inadequate food distribution at their workplace made it difficult to make a living unless someone in the family engaged in private economic activity. In situations where male workers did not work or engage in private economic activities, full-time housewives or other family members, especially women, supported their families through trading, smuggling, and hire fees. In 2018, there were testimonies of people working for wages in coal mines or fishing to support their families. In 2019, a mother sold food at the market because the father did not receive a food ration at his workplace. Another housewife bought a spot in the North Hamgyong Province marketplace and engaged in retail business to make a living. Women in mountainous areas near the border harvested edible shoots and nuts, smuggled them to China, and sold them to make a living.

Numerous workers engaged in personal economic activities

and paid ‘profits’ to their workplace in exchange for not going to work. They engaged in trade, service work, wage employment, and smuggling. In 2019, some employees enrolled at a state-run company office in South Hamgyong Province sold clothing from a factory outlet to a private store. Another person testified to do business at the entrance of South Hamgyong Province marketplace in 2019. Workers in Ryanggang Province registered a motorcycle at their place of employment and utilized it for transportation business. Others purchased a vehicle, registered it at a taxi office in the city, became taxi drivers, and paid the office monthly fees. The taxi office operated all the taxis in the same way. In 2018, in South Pyongan Province, a worker did not go to their workplace but worked at a construction site, and another worker worked on a squid fishing boat. Medical personnel earned profits and engaged in private medical activities, such as providing medical care or assisting in childbirth. In 2017, a worker brought in daily goods through smuggling from China and handed them over to local retailers. In 2019, a factory worker acted as a remittance broker by paying a monthly excusal fee to the workplace.

“I smuggled with my youngest sister-in-law from 2006 to 2019. We picked fatsia and bracken shoots in May. We picked pine nuts starting in September. In North Korea, the only way for money to keep moving around the market and for ordinary folks to make a living is through smuggling. Under the guise of punishment, even prosecutors, deputy prosecutors, and other legal workers take money from the smugglers.”

D. Impact of Sanctions

In response to North Korea's July 4th and July 28th ballistic missile launches, the United Nations adopted Resolution 2371 on August 5th, 2017, which imposed stricter economic sanctions on North Korea.²⁸² The resolution's restrictions and prohibitions on economic cooperation had a significant impact on the establishment and operation of North Korea-China joint ventures. In the border regions of North Hamgyong Province and the Aprok River, a number of North Korean-Chinese joint ventures had been established and were operating; they paid their workers on time, unlike North Korean-run factories and businesses. Nevertheless, there are reports of a rise in the number of joint ventures whose economic cooperation was terminated as a result of successive sanctions. For instance, a hotel in Hwaseong City operated by a joint venture primarily relied on Chinese tourists. But after the sanctions, few Chinese tourists visited, making it difficult to pay wages for the employees. Moreover, a mining company in North Hamgyong Province that was operated as a joint venture with China reportedly experienced difficulties with wages and company rations following the imposition of sanctions.²⁸³

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²⁸² United Nations Security Council, Resolution 2371 S/RES/2371(2017), para. 12 : According to Resolution 2371(2017), member states shall prohibit, by their nationals or in their territories, the opening of new joint ventures or cooperative entities with North Korean entities or individuals, or the expansion of existing joint ventures through additional investments.

²⁸³ The sanctions list in Resolution 2280(2016) includes coal and iron ore, but it was noted that coal exports increased after the sanctions, as humanitarian purposes were excluded. Subsequently, Resolution 2321(2016) imposed an annual export limit on North Korea, and a comprehensive ban was imposed through Resolution 2271(2016).

Additionally, the crude oil import restrictions²⁸⁴ have had an impact. In certain instances, mines and coal mines were closed due to fuel and electricity shortages. Furthermore, it has become difficult to import refined oil from China via small-scale contraband. Consequently, residents who rely on motorcycles for transportation were affected. Multiple testimonies showed that around the same time, trading companies in the border region have closed operations and the local economy has deteriorated.

In the border region between North Korea and China, a significant portion of the local population engages in small-scale smuggling with China. However, the economic activities of the local populations were negatively affected by series of tightening sanctions against North Korea, the installation of barbed wire along the border by North Korean authorities, and the enforcement of anti-smuggling measures. Testimonies show that to compensate for the decline in economic activity, the consignment industry for handicrafts has become more active. Small-scale items such as summer hats, bags, wigs, and accessories are the primary products of consignment processing. It is believed that the People's Committee and other organizations have initiated the operation of such licensed businesses.

Around 2014, eyelashes were the principal products of outsourcing in the border region. Workers were paid in Chinese

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²⁸⁴ UN Doc. S/RES/2397(2017), paras. 4–5: Restriction of crude oil supply to North Korea to 4 million barrels (525,000 tons) per year, with mandatory reporting to the sanctions committee every 90 days (Para. 4), Reduction of Supply of Refined Petroleum Products to North Korea from 2 million barrels per year to 500,000 barrels per year, with mandatory reporting to the sanctions committee every 30 days. (Para. 5).

Yuan based on the quantity of completed goods. After 2017, however, the form of payment was converted from cash to rice. 2.2kg of rice was paid for a summer straw hat with a brim length of 10cm, deducting 200g for each additional 1cm falling short. Also, other testimonies indicate that 1.5kg to 3kg of rice were paid per piece, depending on the tightness of the brim in 2019. It has been observed that manufacturing services have recently expanded from border regions to inland provinces, including South Pyongan and Hwanghae Provinces.

The decline in cross-border trade has also affected inflation, both leading to price level fluctuation. The price of fish and herbal medicines dropped because they were subject to export ban. The price of manufactured products such as necessities that rely on Chinese imports escalated. In 2017, there was a sharp increase in the cost of food and essential necessities in Pyongyang, which locals attributed to sanctions and simultaneously experienced significant fluctuations in the currency exchange rate. There were testimonies of difficulty purchasing necessities due to the increased prices of Chinese imports in border regions. In 2018, following the suspension of a state-run mining company in North Hamgyong Province, price level increased, making workers' lives extremely challenging. Nampo Port and Songlim Port, which were once active in trade with China, have experienced a significant decrease in their trade volumes.

“In the fall of 2018, the Musan Mine had to close down because there wasn't enough electricity or fuel. I don't know exactly when

it was shut down, but it wasn't working when I left. So, the miners' food was cut off, and life got harder for them. Some of them made a living by using wooden boat to catch squid, or picking mushrooms in the mountains. Also, because the sanctions stopped trade, the prices of goods went up a lot. Living expenses increased, and many trading companies went out of business. Overall, Musan County turned into a hard place to live."

2. Right to Health

Health is a fundamental prerequisite for a humane and happy life. The Ottawa Charter for Health Promotion of the World Health Organization (WHO) underscores that health is a crucial dimension of the quality of life. Similarly, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) describes the right to health as “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”²⁸⁵ The ICESCR imposes a responsibility on States Parties to take the necessary measures to ensure the health of children, prevent and treat infectious diseases, and establish conditions that allow everyone to access medical care and nursing in the event of illness.²⁸⁶ The Committee on Economic, Social and Cultural Rights also maintains that member states must have sufficient access to healthcare, related facilities and services, that everyone must have access to healthcare service without discrimination and that the quality of health services must be technically and

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²⁸⁵ International Covenant on Economic, Social and Cultural Rights Article 12(1).

²⁸⁶ *Ibid.*, Article 12(2).

medically sound.²⁸⁷

In its third UPR report submitted in 2019, North Korea has set key health indicators to the level of advanced countries, including increasing the average life expectancy of its population, lowering infant mortality, and expanding birth rate supported by skilled health workers. VNR report in 2021 claimed that healthcare facilities are available from the central to the lowest level of organization and that medical training centers such as medical schools in universities and nurse training institutes, as well as medical research institutes in each province are operating.

A. Preventive Medicine

Article 12 of the International Covenant on Economic, Social and Cultural Rights establishes the treatment and control of disease as a state duty. The Committee on Economic, Social and Cultural Rights states that in order to control disease, it is necessary to monitor infectious diseases, collect and improve information on them, and implement immunization programmes and other strategies to contain them.²⁸⁸

Article 56 of the Socialist Constitution (2019) states that the State is responsible for protecting lives and promoting the health

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²⁸⁷ UN CESCR, General Comment No. 14, The right to the highest attainable standard of health, para. 12.

²⁸⁸ *Ibid.*, para. 16.

of the population by strengthening the household doctor system and preventing medicine. In this regard, Article 3 of the Public Health Law (2012) states that “The basis of socialist medicine is, preventive medicine, and the state develops a preventive medicine system that embodies the principles of socialist medical science,” requiring the government to manage hygiene, nutrition, infectious diseases and other issues.

(1) Vaccinations

Article 10 of the Public Health Law (2012) states that ‘vaccination is provided for free.’ Article 44 of the Law on Emergency Anti-epidemic Work (2021) states that “sanitary and epidemic prevention institutions, and medical institutions shall conduct monitoring and examination of the population to identify suspected patients in time and to provide emergency vaccination to the population.”

North Korea provides mandatory vaccinations from infancy and early childhood and appears to provide general immunizations for all age groups during epidemic outbreaks. As for basic vaccination for infant and children, vaccination including tuberculosis, hepatitis B, pediatric paralysis, diphtheria, pertussis, tetanus, measles, Japanese encephalitis, and malaria are provided. Vaccination for infants and toddlers are said to be provided free of charge. Upon birth, infants are registered at a clinic, and then visit the clinics to receive required vaccinations according to their due dates. They are vaccinated by clinic

staffs who visit early childhood institutions. In 2018, multiple interviewees who worked at healthcare facilities stated that preschoolers aged 1 to 6 years old were vaccinated in clinics, while children enrolled in schools were vaccinated by doctors who traveled to schools. The statement was also collected that recalled doctors visiting kindergartens for vaccination in April 2019. In addition, there were testimonies of vaccinations during pregnancy. In 2018, a pregnant woman was vaccinated for free at a clinic, and originally she was scheduled to get three doses of vaccination, but due to lack of vaccines, she could only get the first dose.

“Each newborn has a vaccination card that lists the types of vaccinations they need. When it’s time for the vaccination, you take the card to the clinic, get the vaccination, and they will write what kind of vaccination was given. When you go to a clinic, you can’t visit there empty handed, you need to bring some firewood during winter, some medical cotton or some medicine.”

(2) Infectious Disease Control

North Korea’s Public Health Law (2012) stipulates that in order to prevent infectious diseases in advance it is necessary to develop quarantine measures, and plans for immunization and improve projects related to infectious disease control.²⁸⁹ The Law on Emergency Anti-epidemic Work (2020) stipulates

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²⁸⁹ Public Health Law (2012), Article 27

that institutions in charge of sanitation and quarantine should identify targets of regular and temporary vaccination, devise plan for infectious disease control, and carry out vaccination. In addition, if the level of herd immunity falls below the standard, supplementary vaccination should be carried out, and medical institutions should be equipped with storage facilities and acquire means of transport, so that vaccines and medication can be stored or transported appropriately.²⁹⁰

It appears that the North Korean authorities are implementing measures to prevent the spread of infectious diseases by conducting hygiene and vaccination campaigns during outbreaks. During outbreaks, municipal epidemiological centers distributed printed educational guidelines to clinics, and clinics used these materials to educate residents about infectious disease symptoms and prevention. Public health doctors in each district²⁹¹ affiliated with medical institutions such as local hospitals, epidemic prevention centers, and clinics administer vaccines against infectious diseases. Doctors visited educational institutions or residents' residences, or residents visit clinics for vaccinations. According to testimonies, infants and young children are usually vaccinated at clinics, while students are vaccinated by a doctor who visits the school or by the school

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²⁹⁰ Law on Prevention of Communicable Diseases(2020), Article 30–Article 34

²⁹¹ Based on policies related to the allocation of doctors, designated doctors will be in charge of health of local resident, treat patients coming for treatment, or visit areas that they are in charge for hygiene, vaccination, medical check up and other works.(Ministry of Unification, National Institute for Unification Education, North Korea Knowledge Dictionary, 2022, p598)

doctor. A student attending a college in Nampo City reported that the college doctor gave him a flu shot in 2015. In 2017, typhoid was spreading near Ryanggang province, and district doctors vaccinated residents with vaccines supplied by the epidemic prevention center under the health bureau of the provincial People's Committee. Testimonies also show that health workers from clinics visited households annually for vaccination, and clinic workers visited households in 2017 and 2018, when typhoid was spreading, to educate people to drink boiled water and vaccinated all residents.

“Newborns were vaccinated against tuberculosis, hepatitis B, and tetanus. For the general population, they were vaccinated against typhoid, cholera, and tetanus. Overall, vaccinations are well covered in North Korea. All people are subject to vaccination. If you miss the first dose, you can still get the second dose. This is to make sure as many people as possible are vaccinated. Vaccinations usually happen once or twice a year.”

Testimonies were collected that during the pandemic, especially those with highly contagious tuberculosis (TB), was managed by the authorities, and medication was sometimes provided for free of charge. In 2017, TB patients treated at the General TB Hospital were reportedly prescribed medication and had their chest radiography taken to confirm their condition. In the case of epidemics such as the 2018 TB outbreak, health authorities created and managed a patient registry and provided around 90% of internationally supported TB drugs to patients free of

charge. However, multiple testimonies also show that TB patients were not being managed properly; special care for TB patients was not provided in specialized medical institutions, such as TB prevention and treatment centers due to poor medical facilities and poor patient management. Patients diagnosed with TB would visit the clinic once a week to receive a weekly supply of medication, but after finishing the treatment, there was no further testing or management of TB. There were also testimonies indicating that patients with highly contagious TB, who should have been hospitalized, were not being sent to hospitals. Some patients were treated at home due to poor hospital conditions, but there was no follow-up measures by hospitals or authorities. Moreover, testimonies were collected from people who were diagnosed with tuberculosis in the military, discharged without being cured, and not receiving proper management or treatment from the authorities after being discharged.

Other than tuberculosis, there were testimonies of specialized treatment and management for hepatitis patients. A person testified that during the military service in 2017, that person saw a hepatitis ward in a military hospital. In 2018, a hepatitis prevention center that specialized in treating hepatitis patients was already established in North Korea, and treatment and management of hepatitis patients were provided. But patients were required to purchase hepatitis medication individually.

Meanwhile, as the COVID-19 virus spread globally in early 2020, the North Korean authorities implemented preventive measures, including closing the borders and restricting the entry

and exit of citizens. As part of these measures, the North Korean authorities adopted the Law on Emergency Anti-epidemic Work on August 22, 2020, which has since been amended three times. In response to the spread of COVID-19, North Korean authorities have closed its borders since January 2020, banned gatherings of more than three or four people, required mask wearing in outdoors, quarantined incoming people from abroad and those who contacted them for 45 days, and banned groupwork including fishing and building construction. Reports indicate that there were 20 to 30 minutes of public education on the COVID-19 situation in front of security outposts in each district before work hours. Inspection groups of women's league and university league conducted daily quarantine inspection , while quarantine inspections of institutions and businesses were conducted by the COVID Unified Command, which consisted of about six people, including leaders of the People's Committee and the Military Party Committee. Testimonies show that when violations were found during a quarantine inspection of an institution or company, the manager in charge was sentenced to seven to ten days of *Rodong Kyoyang* (labor education).

"Around March of 2020, I heard on television that the COVID was spreading around the world, and that's when I realized there was a pandemic. Around August 2020, the head of the neighborhood watch told everyone to wear masks when they go outside. I bought the masks at the market and kept wearing one. In September 2020, doctors from public clinics went door-to-door to check people's temperatures with electronic thermometers and wrote them down.

We had to go through body temperature check and spray hand sanitizer whenever we got on a bus, went into a store, or went to a *Jangmadang*. Leaders of the neighborhood watch have told people that they shouldn't get together in groups of more than three, unless they are with family. They also told us that even for special events like weddings and 60th birthdays, there shouldn't be more than 40 people and the party shouldn't last for more than two hours.”

(3) Household Doctor System(Ho Damdang Doctor System)

The locally designated household doctor system, known as the '*Ho Damdang Doctor System*,' is a system in which doctors are designated to specific area of residents to take full responsibility of residents' health and systematically conduct preventive medical treatment.²⁹² In its 2021 VNR report, North Korea emphasized that it prioritizes prevention and protects people's health through the operation of the designated district doctor system.

The doctors' primary responsibilities include hygiene campaigns, vaccinations, and issuing medical certificates. For instance, in 2018, the Hyesan General Clinic issued medical certificates for individuals to submit to their workplaces for absenteeism and provided health education to residents of the village on boiling water before drinking. In another area, a designated

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²⁹² In North Korea, clinics are located in province, town and county, and doctors are allocated for these regions. A doctor of a clinic is responsible around 200 to 300 people and in rural areas, they will have to take care around 500 people (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2022, p. 598)

doctor informed residents on the appropriate time for infant and children vaccination and also vaccinated adults. Testimonies from 2019 indicate that designated doctors issued referrals to higher-level hospitals, administered vaccinations, and provided hygiene and health education to residents.

“In late 2018, there was a typhoid virus going around. Doctors from the *Ho Damdang* clinic went door-to-door to vaccinate people and told them to drink boiled water. They then handed out a small piece of paper that said, ‘Let’s drink boiled water’ to everyone and asked us to put it on the outside of each house’s door.”

Testimonies were also collected about doctors not concentrating on their actual work as they were engaged in commercial activities to make a living. A person testified that people called in household doctors to their house for electrocardiogram test and ultrasound test in exchange for cash. Also, in 2019, a doctor who used to work in a clinic made money by purchasing a car that fitted 11 people and drove it as a taxi driver, as there was no public ration or wage for doctors provided. Some even testified that they have never met a designated household doctor nor had known that such system existed.

B. Free Medical Treatment

Article 72 of the Socialist Constitution of North Korea (2019) states that citizens have the right to free medical care. Article 3

of the Law on Medical Care (2012) states that the North Korean healthcare system is based on a free-treatment model. Article 9 of the Public Health Law (2012) states, “Every citizen has the right to free medical treatment,” and Article 10, paragraph 1 states, “All medicines provided by medical institutions to patients are free.” According to the 2014 report of the DPRK Association for Human Rights Studies, “The right to health is firmly guaranteed by a comprehensive and free system of medical treatment and preventive medicine for all citizens.”²⁹³

Most medical care, treatment, and hospitalization in North Korea are provided for free. In 2016-2017, testimonies were collected in Pyongyang City, Musan and Onseong counties in North Hamgyong Province, and Kimhyeongjik County in Ryanggang Province, where medical care and treatment were provided without charge. Costs for treatment, hospitalization, and taking care of patients were free, and hospitals provided common medicines such as medicines for cold without charge. In Gaecheon City, South Pyongan Province, a woman gave caesarean-birth operation with free hospitalization, surgery, and medication. In 2018, surgery was free at a hospital in Daesong district of Pyongyang, and in 2019, free medical care was available in the city. Although hospital care and treatment were free, there were instances in which cash, cigarettes or other items were given as gratuities to medical staff. In 2018, at a hospital in Pyongyang’s

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²⁹³ Association for the DPRK Human Rights Studies, “Report of the DPRK Association for Human Rights Studies”, 2014, Ch. 2. The Enjoyment of Human Rights by the People of the DPRK, 4) Social and Cultural Rights, (3) Right to Health.

Daesong district, although a surgery was free, \$10 gratuity fee was given to the doctor after the surgery. In 2019, at a hospital in Pyongyang's Botong River district, the treatment was free, but the patient gave the doctor \$5 fee. In 2016, there were instances in Hyesan City, Ryanggang Province, where the director of a college hospital was fired for refusing to admit patients who could not afford the payment. A severely ill tuberculosis patient in 2018 was told that a person needed CN¥60-70 per month to be admitted to a TB hospital; the person died within two months as the person could not receive treatment.

Gratuities for medical personnel have rapidly become a standard and customized throughout the country. In 2015, North Korean authority reportedly instructed hospital doctors not to accept cigarettes as gratuities, but despite these guidance, such practice continued. In addition to cigarettes, gratuities were paid in cash: CN¥300 for an appendectomy, ₩20,000 for tartar removal, ₩50,000 for a fibroid operation, CN¥30 for a childbirth, and CN¥150 to CN¥200 for a caesarean section. In 2012, there was a testimony that a packet of cigarettes was paid as an honorarium for simple medical procedures or treatments in Pyongyang, and in 2019, a packet of cigarettes or ₩20,000 in cash was paid for dental care.

Separate from medical expenses, most people had to pay for their own drugs, medical supplies, and fuel for medical equipment. Medicines should, in principle, be provided free of charge at medical centers; however, multiple witnesses commonly stated that they had to purchase medications from

locations other than official pharmacies. People in North Korea obtained majority of their medications from formal pharmacies, informal pharmacies, and *Jangmadang*. When a witness went to hospital in 2014, the hospital lacked necessary medications, and the doctors would write down required medicines for patients to purchase from a nearby unlicensed pharmacy. In 2015, both hospitals and official pharmacies had limited categories of drugs such as herbal medicine and aspirin. So patients typically purchased medications from unlicensed pharmacies. In 2016, because hospitals did not sell medicines and public clinics lacked medicines, a witness purchased UN-supported medicines from an unlicensed pharmacy. In 2017, a patient who visited a hospital was given a prescription and purchased the drug at the drugstore, whereas in 2018, when the patient with xerotic eczema went to the hospital, only the prescription was given.

In 2019, because numerous medications were unavailable at the hospital, a witness had to purchase medication at the official pharmacy. The official pharmacies were stocked with numerous high-priced and high-quality medications, making them inaccessible to the general public. General population purchased medications from unlicensed pharmacies, operated by non-medical personnel in the marketplace.

“The Gowon County Hospital had a pharmacy, but I guess people rarely went there. People usually went to other pharmacies that are run by individuals because the surfaces of the medicine boxes or containers at the official pharmacy looked moldy or the expiration date had passed. My sister gave me something like penicillin, and I

gave myself shots in the buttocks. I thought it would be better to get medicine from a unlicensed pharmacy than from a hospital or a government-run pharmacy, because the private pharmacy could preserve the medicines in the refrigerator to keep them working. I thought the official hospitals' medicines didn't work.”

On the other hand, testimonies showed that medicines provided by international organizations were not distributed to the public for free, but sold elsewhere. A pharmaceutical control center supplied hospitals with medications, some of which were taken away following the directive from the hospital director and were sold to residents in the market and elsewhere. In 2017 and 2018, WHO conducted monitoring to ensure that patients receive their medications, but international donations of medications continued to be stolen.

C. Healthcare Service

In its general comment No. 14, the Committee on Economic, Social, and Cultural Rights emphasized that members of the state party should have adequate access to health care facilities and services, that access to health care should be guaranteed without discrimination, and that they should be able to receive qualified medical care from trained medical personnel.²⁹⁴

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²⁹⁴ UN CESCR, General Comment No. 14, The right to the highest attainable standard of health, paras. 12(a), (d).

The conditions for medical equipment and facilities were poor in North Korea. Multiple testimonies showed that medical facilities lacked adequate equipment. Testimonies show that in the rural area, city-level hospitals had emergency rooms but no ambulances. Provincial-level hospitals only had simple medical equipment such as abdominal ultrasound machines, x-rays, gastroscopes, and electrocardiographs, but advanced equipment such as CT or MRI were not there, and the available equipment were very old and frequently broke down. Additionally, medical supplies and medications were in poor condition. Clinics were only equipped with cotton balls, bandages, band-aids, disposable syringes, stethoscopes, and first aid kits. In addition to a stethoscope and blood pressure cuff, local clinic in a city only had medicines for cold, saline solution, disinfectant, sedatives, and multivitamins.

In 2017, the First People's Hospital in Hoeryong, which is the size of a general hospital, had a shortage of medications and medical equipment, requiring patients to bring their own medications, cotton balls and others for treatment and reused syringes, gauze cloths, and bandages. In 2018, some clinics sterilized disposable syringes and reused them two or three times for vaccination. Unstable electricity condition also made it difficult for North Korean medical institutions to properly store and operate medicines and medical equipment. According to testimonies, hospitals only had electricity for two hours per day, making it difficult to refrigerate medications and had to use gasoline-powered generators to power medical equipment. In

some instances, lanterns were utilized instead of solar-powered lights for medical examinations in wards.

All people should have equal access to health facilities, medical supplies, and medical services.²⁹⁵ However, in North Korea, access to healthcare facilities, services at higher-level medical institutions, and routine medical care was not provided equally. Patients must obtain a ‘medical certificate’ and a ‘letter of medical referral’ from a lower-level hospital in North Korea in order to receive medical care at a higher-level hospital. These documents are not issued solely based on a physician’s evaluation, but issued after an internal meeting by the department of the hospital that treated the patient. Therefore, it was difficult to obtain the required documents on time. To get treatment from provincial-level People’s Hospital, the central hospitals in Pyongyang and other specialized hospitals, people had to pay bribes on a regular basis.

“Usually, a public clinic or a county hospital should refer you. If you pay a bribe, you can get treated right away, even if you show up at the hospital unannounced. The doctors don’t mind because more patients mean more money in their pockets. If the provincial hospital can’t help you, they will send you to Kim Man Yu Hospital, Red Cross Hospital, Pyongyang Medical Hospital, and so on. They will send your medical records, like diagnosis and treatment results, to the other hospitals, too.”

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²⁹⁵ *Ibid.*, para. 12(b).

There are separate ‘Medical Departments’ in North Korean hospitals that are only accessible to those above a certain rank and their families. Typically, the clinics were located within the provincial people’s hospital, but there are cases where they were located in the municipal people’s hospital. In the city of Pyongyang, there is a medical facility known as the Bong Hwa Clinics, which serves exclusively to central party officials and their families. The cadres, patriotic martyrs, revolutionary martyrs, and ‘*Jeopkyunja*’ (those who have met the supreme leader) have access to the clinic. The cadres consist of the deputy, secretary, and director of the province, the chairman of the provincial People’s Committee, the head of a major provincial organization, as well as the party secretary, city and county party secretaries, city and county people’s and administrative committee members, and their families. All expenses, including hospitalization, are covered when they use the clinic, and they are given priority when referred to higher-level hospitals. In addition, there were claims that expensive drugs supplied by the pharmacy were reserved for cadres and that hospital ambulances were used to transport cadres instead of emergency patients.

More recently, it appears that connections and bribes are also significant factors in healthcare access discrimination. Access to specialized hospitals in Pyongyang is also available to anyone with sufficient funds, according to multiple testimonies.

“In April and September of 2019, I went to the Ryu Kyung Ophthalmology Hospital in Pyongyang. If you have money, you can go there. I think the doctor’s examination and treatment cost me about \$20. I gave money to the doctor directly. It’s hard to go to the hospital if you don’t have money. If your life is in danger, they will give you emergency treatment, but you will have to pay for your recovery care afterward.”

D. Private Medical Treatment

Article 24 of the Law on Medical Care (2012) states: “The treatment of patients may only be administered by a person holding a medical qualification, and even if a person is qualified as a medical worker, a person who does not work in a medical institution cannot perform unlawful medical activities, including patient treatment.” Thus, medical practice by those with qualification who do not officially work at a medical institution is illegal. Article 214 of North Korea’s Administrative Penalty Law (2021) states that a person who engages in unauthorized medical practice is subject to administrative punishment, while Article 222 of the Criminal Law (2022) states that ‘disciplining through labour’ may be imposed depending on the consequences of unauthorized medical practice. In this instance, ‘unauthorized medical practice’ refers to both unofficial medical practice by a medical practitioner and medical practice by an unqualified individual.

Despite these regulations, private medical care is widely practiced by healthcare service providers outside of formal medi-

cal institutions. Based on testimonies, doctors have difficulty to make a living with the official salary, so they visit patients for personal treatment and make extra money for their practice. According to testimonies, doctors earned money by offering private medical services to patients who frequently come for the treatment, and nurses earned money by visiting patients and administering injections upon request. Although this practice is unlawful, there is no active enforcement by the authority. There have been instances of doctors overdosing patients with drugs in private practice, resulting in their deaths, but doctors continue to practice medicine without consequence. There were also multiple testimonies of so-called ‘herdsmen doctors’ who practiced medicine and treatment without a license due to a lack of formal education. Some licensed doctors who went through formal training were not skillful, and some people preferred to get treatment from herdsmen who were at times better practitioner. In some instances, shamans also cured diseases through divination.

“In 2013, a six-year-old girl died in Bocheon County, Ryanggang Province. A doctor privately treating the 6-year-old girl in a resident’s house gave her too much medicine, leading to death. A neighbor didn’t tell the police about what happened because he knew the doctor. The doctor was not punished, and the doctor continued to work as a private doctor at home.”

Based on testimonies, illicit drugs are frequently used as substitutes for medicine in North Korea, particularly opium and

methamphetamine, also known as '*Bingdu*' in North Korea, which are readily available and used therapeutically. Numerous North Korean households keep these drugs in their medicine cabinets for the treatment of illness or as an alternative to painkillers. Multiple testimonies on the use of these drugs to treat colds, inflammation, bronchitis, congestion, neuralgia, cerebral blood clots, back pain, typhoid, arthritis, gout, stroke, and genital issues were collected. In one instance, a person cultivated 300 poppy plants and stored them in medicine cabinet to treat low blood pressure, abdominal pain and others when necessary.

On the other hand, testimonies show that narcotics are frequently used for non-medical purposes. The indiscriminate use of narcotics transcends gender, age, and socioeconomic status. Due to the stimulant effect, many people use them out of curiosity, and some students use them to study. There were also instances of people becoming addicted to drugs by inhaling secondhand smoke from their friends or parents.

E. Drinking Water

The UN Committee on Economic, Social, and Cultural Rights in its article 12 paragraph 1, has identified 'water' as a component of the right to health, and that right to health is not limited to healthcare but encompasses a wide range of socioeconomic factors that create an environment in which people can live healthy lives. Water is also considered one of the most basic com-

ponents for survival and is essential for securing an adequate standard of living.²⁹⁶

North Korea's Law on Public Sanitation (2014) establishes water quality standards, management of sanitation facilities, disinfection of water, and protection of water sources to be managed by relevant institutions. The law stipulates that authorities are responsible for ensuring that residents have access to clean water. In its third UPR report in 2019, North Korea stated that in areas where high-quality water sources were discovered, factories were built to provide water, and shops were made throughout the country to provide quality water to the population. North Korea also stated that the introduction of purification and disinfection technologies including nano-technology have improved the quality of water. According to the VNR report submitted in 2021, while efforts were made to ensure safe drinking water and clean sanitation, the report acknowledged limitations and that the progress has been slow. In addition, the report acknowledged limitations. Improving water quality and providing sufficient water is a challenge, according to the report, and 60.9% of the population had access to safe drinking water, with a regional disparity of 71.3% in urban areas and 44.5% in rural areas.

The majority of North Korean houses have running water, but the water supply is inadequate. Due to the lack of electricity, tap

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²⁹⁶ UN CESCR, General Comment No. 14, The right to the highest attainable standard of health, para. 4; No. 15, The right to water.

water is only available for two to three hours per day. In 2017, there were testimonies that due to the limited supply of tap water, the average household had a 200 liter water storage tank and used water when available, while in 2019, most houses were equipped with water pipes, but electricity was only available for two to four hours a day, resulting in inadequate water supply. In addition, there were testimonies that people used water from wells, communal water supplies, or fetching water from rivers to drink when there was no tap water supply. The quality of water supplied through the pipeline does not appear to be clean. In 2013, at the Imheung water source in the upstream region of the Taedong River district, the water management agency was required to treat tap water with chemicals during the filtration process. However, some testified that the chemicals were replaced with salt during the final stage of water quality control due to a lack of chemicals. In 2019, sewage from an obsolete sewerage system flowed underground in North Hamgyong Province, contaminating the water and causing outbreaks of diarrhea among residents who drank the water.

“In North Korea, the amount of water that comes out of the taps is limited, and the water isn’t even clean. When there was no water from the tap, we would go to the Arok River early in the morning to get water. The water supply was different from house to house, and if you lived in an area with good piped water, it would come out frequently, but ours didn’t. We had to fill it in something when it came out, so we always had to be watchful. Each house should have a water tank with a capacity of about 200 liters, but we usually drank the saved tap water and did our laundry in the Arok River.”

In recent years, the lack of clean tap water has increased the number of North Koreans purchasing bottled water for consumption. Since 2016, when authorities began operating spring water stations, more people have been purchasing water, and after the 2017 typhoid epidemic, more accounts of people paying for spring water were collected. Apparently, the water bottles were stamped with the North Korean government's 'seal of approval' for the water's quality.

"We had electricity in our house for about two to four hours a day, and we used that time to fill up tanks with water. Because the lack of electricity keeps tap water from flowing in the pipes, water quality issues arise. There were many cases of microorganisms growing in the water pipes because the tap water couldn't be supplied because the electricity was out. I always made sure to boil the water for drinking. But I saw residents who didn't boil tap water and got colitis."

3. Right to Work

Article 23 of the Universal Declaration of Human Rights states that everyone has the right to freely choose his or her own occupation, to work under just and favorable labor conditions, to be protected from unemployment, to equal remuneration for equal work, and to form and join trade unions. Article 24 of UDHR states that everyone has the right to rest and leisure, including reasonable limitation of working hours. The International Covenant on Economic, Social, and Cultural Rights stipulates that the state shall take appropriate measures to protect the right to earn a living through freely chosen or accepted employment, and that everyone has the right to fair wages and equal remuneration without discrimination.²⁹⁷

According to Article 70 of the Socialist Constitution (2019) of the DPRK, “The people” have the right to choose a job in accordance with their desires and talents, to be guaranteed a stable job and working conditions, to work in accordance with their abilities, and to be distributed in proportion to the quantity

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²⁹⁷ International Covenant on Economic, Social and Cultural Rights, Article 6–7.

and quality of their labor. Institutions, businesses, and social organizations are required by the Socialist Labour Law (2015) to ensure the appropriate assignment of workers,²⁹⁸ reasonable work hours,²⁹⁹ and compensation.³⁰⁰

A. Restrictions on Freedom of Occupational Choice

Article 23 of the Universal Declaration of Human Rights states that everyone has the right to choose their own occupation freely. General Comment No. 18 of the Committee on Economic, Social and Cultural Rights states³⁰¹ that everyone has the right to freely choose and determine the kind of work for which he or she is not compelled to engage in employment and the right not to be unjustly deprived of employment.³⁰²

The Socialist Constitution (2019) and Socialist Labour Law (2015) of North Korea acknowledge that workers may choose their occupation based on their desires and abilities.³⁰³ The 2021 VNR report also states all citizens are given jobs based on their individual desires and skills, working conditions are guaranteed,

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²⁹⁸ The Socialist Labour Law (2015), Article 30.

²⁹⁹ The Socialist Labour Law (2015), Article 32.

³⁰⁰ The Socialist Labour Law (2015), Article 37 to Article 40.

³⁰¹ International Covenant on Economic, Social and Cultural Rights, Article 6.

³⁰² UN CESCR, General comment No. 18: The right to work, para. 6.

³⁰³ Article 70 of the Socialist Constitution(2019) stipulates that citizens shall have the right to work. All working-capable citizens choose jobs according to their wishes and talents; Article 5 of the Socialist Labour Law(2015) states that all workers have the right to work.

and they are given jobs based on their knowledge, qualifications, and wishes after graduating from school. All personnel, however, is assigned by the labor administration,³⁰⁴ which considers the assignment of labor to be a crucial aspect of the socialist labor system.³⁰⁵ “For laborers, the right to work and the right to a guaranteed job are realized not in the form of a labor contract, but through the work of labor administration at all levels,”³⁰⁶ and “when there is a relative discrepancy between the interests of the collective and the needs of individuals, the principle of subordinating individual interests to collective interests is applied.”³⁰⁷

(1) Work Placement and Group Placement

Everyone in North Korea is required to work from the age of 17, with the exception of the *Buyangja* (dependent) who are full-time housewives and those whose health prevents them from working.³⁰⁸ With the exception of college students and enlistees,

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304 North Korea’s Social Science Publishing House, 『Legal System of the Democratic People’s Republic of Korea (Labour Law System)』, 1994, pp. 78, 85.

305 North Korea’s Social Science Publishing House, 『Legal System of the Democratic People’s Republic of Korea (Labour Law System)』, 1994, p. 118.

306 North Korea’s Social Science Publishing House, 『Legal System of the Democratic People’s Republic of Korea (Labour Law System)』, 1994, p. 77.

307 North Korea’s Social Science Publishing House, 『Legal System of the Democratic People’s Republic of Korea (Labour Law System)』, 1994, p. 73.

308 According to Articles 15, 73, and 74 of the Socialist Labour Law (2015), individuals excluded from workforce participation include children under the age of 16, those who have temporarily or permanently lost their labor capacity due to labor accidents and diseases, men aged 60 or older, and women aged 55 or older. In addition, Article 31 of the same law calls for ensuring that female workers with children can participate in social labor, so it seems to accept a culture that is close to the custom that women cannot engage in social work due to childbirth and

upon completion of the high school³⁰⁹ education, Labour Department of the Labour Bureau under the People's Committee place the rest of graduates in state-run companies based on the list of graduates. Similarly, the labour departments of their respective local People's Committee place college graduates and military veterans in jobs upon graduation and discharge.

It was commonly testified that a resident's *Songbun* has the greatest impact on work placement, and connections and bribes were used to avoid being placed in an undesirable workplace or to obtain a desired placement. In one instance, a young man was assigned based on his social class; he was chosen by the Body-guard Command, but because his mother was missing, he was denied the enlistment and assigned to the Baekdu Mountain Hero Youth Shock Brigade. If you attend a school specialized in railway related technology, you will be assigned to a railway-related organization and will not be able to choose another position. In North Korea, Another person testified that one cannot refuse job assignment in North Korea or choose preference, and he was assigned to an state-run urban construction company to work on construction sites. Recently, another case showed that an individual got a different job from the initial

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parenting after marriage.

309 In North Korea, the education system was reformed in 2012 to universal compulsory education system, which includes one year of kindergarten, five years of elementary school, three years of low-level middle school, and three years of high school. Prior to the education system reform, low-level middle school and high school were combined into a six-year middle school program (1972-2011), referred to as middle school or high school. (Ministry of Unification, National Institute for Unification Education, 『Understanding North Korea 2022』, 2022)

job assignment through connections and bribes. A person who was unemployed after graduating from a high school used connections to get a job at a company under the provincial People's Committee. Another person, who was initially assigned to clothing factory after graduating from technical school, was assigned to a clinic after bribing the school principal. In another instance, a high school graduate bribed the school's principal to obtain a document that was intended to be delivered to the labor department of the People's Committee to get a preferred job. Different witness testified dropping out of high school because that person was worried about being assigned to a farm because that person's parents were both farm laborers. After spending some time at home, that person was able to get a job at a state-run company through the father's acquaintance. Another unemployed person bribed the hospital manager to get a job in the hospital. Through connections and bribes, college graduates and military veterans were sometimes excluded from forced placement. One person was able to use connections to get a job as a cashier in a coal mine after being discharged from the military. Another person testified that at the point of college graduation, most students got job placements by their schools, but extra connection was needed to get into a different organization.

Even when switching occupations, connections and bribes were used. It is extremely difficult for an average worker to switch jobs without paying a bribe. One person testified that in order to be transferred to the subsidiary hospital managed by the then workplace, that person provided supplies required by

the hospital. To work at a company managed by the trade department of the municipal People's Committee, another person asked for a favor to a friend who worked for the People's Committee. Another person, who was assigned to the *Dolgyeokdae* used bribes to extract a document and stayed unemployed for a while. Due to the fear of punishment, that person used connection to get a position at the people's committee in his province.

Graduates of high schools, technical schools, and secondary academies for orphans were collectively assigned to work in difficult or undesirable areas such as farms and mines. In one instance, a high school graduate was coerced to work at a newly opened business without his or her consent, and the authorities placed that person in a group as they saw fit. There were instances of recent graduates being assigned to youth work groups at local collective farms, and some testified that recent graduates were assigned to munitions factories. There was also a case of group assignment of technical school graduates, who were automatically enrolled to technical schools if they did not enlist to military after graduating from a high school. After completion of the first year in technical school, they were assigned to the youth Samjiyon Construction Shock Brigade. Another person testified that several graduates of secondary academies for orphans were placed to the Shock Brigade on a yearly basis. There was also a case in which medical school graduates were assigned to a hospital in Samjiyon City as a group so that the college's party secretary could take credit for such assignment. It was widely believed that in order to avoid group assignments, removing one's

name from the list was necessary, which required connections and bribes.

“A total of 40 students graduated from our high school together. Except for those who went to college and those who joined the army, 20 of them were sent to machine factory without exception. Since the machine factory made weapons, it wasn’t easy to get out once you were assigned. Also, it was a hard job for girls, so no one wanted to go there.”

(2) Joblessness, Crackdown on Absenteeism and Penalties

In its General Comment No. 18, the Committee on the Covenant on Economic, Social and Cultural Rights stated that everyone has the right not to be compelled to work and that the state must protect the right to freely choose one’s occupation.³¹⁰ Nevertheless, the DPRK’s Socialist Constitution (2019) and Socialist Labour Law (2015) mandate the obligatory nature of work,³¹¹ and the Administrative Penalty Law (2021) establishes penalties for noncompliance of work in daily life.³¹² Administrative Penalty

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³¹⁰ UN CESCR, General comment No. 18: The right to work, para. 6.

³¹¹ Article 83 of the Socialist Constitution(2019) stipulates that labor is a sacred duty and an honor of the citizens. Citizens shall participate in labor conscientiously, and observe strictly labor regulations and working hours; Under Article 4 of the Socialist Labour Law (2015), citizens are obligated to participate in labor under socialism; Under Article 14 of the same Law, citizens must voluntarily participate in labor for socialist and communist construction.

³¹² Article 115 of the Administrative Penalty Law(2021) stipulates that those who engage in unauthorized absences from work shall be punished by re-educational labor discipline for less than 3 months. If the offense is considered severe, one shall be punished by re-educational labor discipline for 3 months or more; According to Article 18 of the People’s Security Enforcement Law, the People’s security agencies crack down on behaviors such as neglecting to monitor employees’ commuting patterns, not going to work or not adhering to working hours without proper reasons.

Law (2021) labels ‘jobless idling’ and ‘unauthorized absenteeism’ as the failure to fulfill labor obligations. ‘Jobless idling behavior’ (henceforth joblessness) is the act of not having a job for no valid reason, whereas ‘absenteeism’ is the act of not showing up for work without a valid reason. Both unemployment and absenteeism are subject to enforcement and punishment.

One way of being excluded from a work placement include not enrolling in secondary school, dropping out of school, or not transferring school records. There are also instances where a person purposely discarded the letter in order to avoid reporting to the workplace where they were supposed to be placed. The dispatch letter appears to be physically transferred when affiliations change, such as when a high school graduate is placed in a new job. It is difficult to quickly determine if a letter is missing from the transfer procedure, so the person stays unemployed when the letter is lost. There have been testimonies that individuals, graduating from high schools, were in order to get the jobs they desired, bribing the principal to leave out the documents that would have been given to the labour department of the People’s Committee, and used their connections to ask college party officials to remove them from the rolls in order to avoid placement in the workforce prior to graduation.

Typically, security officers stationed at residences or workplaces carry out crackdowns on unemployment and absenteeism; however, there appears to be an organization called ‘Sangmu’ that focuses crackdowns on unemployment. The head of the neighborhood watch unit compiles a list of non-working

residents and reports it to the local security officer, who then takes action against them. Those who are caught without employment are punished in accordance with the Administrative Penalty Law, which specifies educational labor punishments of up to three months or more than three months but less than six months.³¹³ People appear to use their connections and bribery to avoid the crackdown, primarily by regularly bribing Neighborhood Watch Units' leaders. In order to deflect the crackdown or avoid punishment, bribes were paid to security guards in charge of residences and security guards at the unified command centre. Others stated that they had been unemployed since graduating from an advanced middle school and paid bribes of ¥50 to security guards and other enforcers each time there was a crackdown to avoid being punished. As of late, unemployed individuals have been sent to Shock Brigade rather than being punished. There were cases of individuals who did not report to their assigned workplaces and were compelled to report to the Samjiyon City Construction Shock Brigade. Others claimed that they evaded the crackdown on unemployment by bribing the security guards in charge, but were mobilized to Shock Brigade instead of being punished due to the unified command's crackdown.

“After I graduated from high school, I was sent to work for the Young Red Guards in Bocheon County. I worked there for a month, but then

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313 The Administrative Penalty Law(2021), Article 119.

I stopped going to work. I was caught by Young Red Guards during a crackdown in Bocheon County. I was forced to join the Samjiyon Construction Shock Brigade and worked there for 10 days.”

It appears that the accountant or bookkeeper at the company enforces and punishes absenteeism by checking the attendance status of workers and reporting it to the social security officer in charge. Under the Administrative Penalty Law, the penalty for absenteeism is imprisonment for up to three months or more than three months but less than six months.³¹⁴ There were claims that workers were registered as ‘8.3 Workers’³¹⁵ who were also subject to crackdown and were treated as absent without leave if they did not make payments to their workplace for more than a month, and there were also cases of workers who were absent without leave for 15 days due to personal reasons and were then placed on the Ministry of Social Security’s list of absentee workers which manages people in their respective residential areas. In some instances, workers obtained a medical certificate from a clinic and presented it at work in order to avoid the crackdown, while they were actually at home resting.

To avoid unemployment and absenteeism crackdowns, workers frequently paid money monthly to the chiefs or managers

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314 The Administrative Penalty Law(2021), Article 119.

315 Even in the face of the economic crisis, state-run companies were still required to meet their allocated plans (amount indicators), and workers needed to work in the market to maintain a minimum livelihood. As a result, workers who paid a certain amount to state-run companies and earned a living in the market began to emerge, and they are known as ‘8.3 workers.’ (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, p. 812.)

of the state-run companies that they belonged, did not report to work, and worked as '8.3 Workers' in black markets, etc. In one instance, approximately 10 out of 40 workers in the workplace were reported to be 8.3 Workers who paid a fee to the employing institution, and in another instance, approximately 30% of all hospital medical staff were organized as 8.3 Workers. In another instance, 60% of the workers in the institution to which they belonged did not pay a fee and did not report to work, indicating that a significant number of workers worked as 8.3 Workers, although this ratio varies among regions. There was no separate registration process, and 8.3 workers paid the monthly fee to a variety of sources, including the company manager, party secretary, accountant, warehouse manager, and labor leader depending on their affiliation. When there were crack down on unemployment and absenteeism, there were no certificates, as it was up to the organizations or company to determine if an employee was a target. Due to the Labor Party's policy to limit the number of 8.3 Workers, county-level units have recently surveyed all residents to determine if they are 8.3 Workers. During this time period, the social security department investigated those who were registered as 8.3 Workers in business offices, examining their compensation and private economic activities.

"You tell your boss that you need to make money but still want to keep your job. With your boss's permission, you can work elsewhere. You don't have to sign up again for the different work. I paid the party secretary ₩150,000 per month to keep my affiliation at work.

This made me a so-called ‘8.3 worker.’”

(3) Private Economic Activities of Workers

From the age of 17 until the age of 55 for women and 60 for men, North Korean workers and farmers are required to fulfill their labor obligations at work or on a farm, making it difficult for them to engage in private economic activities. Since the economic crisis of the 1990s, it has become difficult for people to make a living without engaging in private economic activities, and the inability of North Korean factories and businesses to operate normally may have contributed to workers leaving the workforce. Some employees engage in private economic activities when they are not at work, whereas others engage in personal activities while at work. Diverse economic activities were discovered, including wholesale and retail, services, and private wage labor. One person engaged in a ‘*Ddoari*’ business, selling household items in the alleyways, paid ¥30 per month to his workplace and stated that it was more profitable to work as 8.3 worker. There were also instances of people making and selling squid fishing nets and editing wedding or birthday videos. In one instance, a person reported to his/her place of employment, but drove a taxi during off hours. In some instances, they drove taxis, paying a monthly fee of ¥1,300 per taxi to a taxi state-run company, and earning several hundred Chinese Yuan per day by driving primarily at night. Doctors in clinics only worked in the morning and earned money by private consultations in the afternoon. Additionally, there were instances of individuals working as ‘consignors’ to sell goods and pay a

portion of the profits after being given positions in state-owned stores to sell items, as well as instances of lending ‘fast money,’ which is equivalent to usury, and receiving interest.

“In 2018, I was a member of the Urban Construction Brigade. When I paid my ‘profits,’ I did not go to work. I couldn’t always come up with the money, so when I couldn’t, I had one of my relatives say I went to work. I sold goods for industry and made a lot more than ¥30.”

B. Working Conditions

All workers have the right to fair wages and equal compensation for work of equal value, according to the ICCPR.³¹⁶ General Comment No. 18 to the International Covenant on Economic, Social, and Cultural Rights states that decent work must provide an income sufficient to support the worker and his or her family.³¹⁷

(1) Remuneration

The North Korean Socialist Constitution (2019) provides that all workers are entitled to food, clothing and living expenses.³¹⁸ In addition to living expenses paid directly by their workplace,

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³¹⁶ International Covenant on Economic, Social and Cultural Rights, Article 7.

³¹⁷ UN CESCR, General comment No. 18: The right to work, para. 7.

³¹⁸ The Socialist Constitution(2019), Article 25.

North Koreans receive food rations, housing, education, health services, and other social services as part of their labor compensation. As a result, the ‘cost of living’ compensation paid to North Koreans is insufficient to cover the full cost of labor.

According to the North Korean Socialist Labour Law (2015), the contract payment system and the flat-rate payment system are the basic forms of living expenses, while the bonus payment system and the prize system are the additional forms of living allowances.³¹⁹ The North Korean government provides living allowances in accordance with the living allowance grading system and payment principle.³²⁰ In accordance with North Korea’s Labor Quantification Law (2020), North Korean worker receive an evaluation of their work and a wage. However, workers who had worked in institutions or businesses lacked specific knowledge regarding the classification of living expenses. They did not know precisely how the cost of living was determined. In practice, they seldom received the full amount of the prescribed living allowance. When the stipulated cost of living was deducted from various subsidies or payments such as social insurance premiums, very little was actually paid out of the prescribed cost of living. In contrast, those who worked for the state-run company engaged in foreign currency earning or joint-stock company, were compensated more than those employed in a typical institution or organization. In some instances, they were

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³¹⁹ The Socialist Labour Law(2015), Article 39.

³²⁰ The Labor Quantity Law(2020), Article 2, Article 26.

compensated above and beyond their basic living expenses via the contracting system.

An elementary school teacher in Ryanggang received ₩1,800 per month for living expenses in 2017. This was sufficient to purchase two eggs, but she said she was only paid this amount three or four times during her three years of service. A person who worked at a military hospital in 2018 testified to receive ₩1,600 month in cash based on the payment regulation, but people in the hospital did not care whether the payment was given or not as the amount was too small. A railway freight worker testified to be paid only once for more than one year of service, and the amount was ₩1,500. In 2018, a testimony was collected that a worker at a Provincial People's Committee-affiliated organization received ₩2,800 annually for living expenses. A testimony from an organization under the County People's Committee stated that he had never received remuneration in over a decade of service, and a statement from an organization under the People's Committee in 2018 indicated that no living allowance was paid. A worker who served as a rear guard in a mine in 2017 claimed that there was no compensation for work.

On the other hand, there have been instances in which the contract payment system, the bonus payment system, and the prize system have been implemented, and workers have been compensated above average payment. They were paid in USD or RMB(Chinese Yuan), or in kind, such as rice or oil, by joint ventures, foreign currency-earning organizations, and other well-

run businesses.

In 2019, a person who made living out of foreign currency earning company in Pyongyang received \$50 twice a month. In one instance, a restaurant earning foreign currency paid \$30 per month for living expenses of its workers. In 2018, a gold mine in southern area paid \$50 per month in cash but later reduced it to \$20 due to poor gold production. In 2019, a worker at a factory under the People's Committee received a monthly flat wage of ₩2,600 and, depending on production, a contractor's living allowance of approximately ₩10,000. In certain instances, workers in manufacturing industries were paid between ₩17,000 and ₩18,000 per month. However, the living allowance was only sufficient to purchase 4kg of rice that could sustain their life for a month. In 2018, an export and import company in the province of Ryanggang paid a full year's wages and supplies for distribution at once. The amount paid per laborer was ¥1,800, or approximately ₩3,000,000. In 2019, a joint venture company in the province of Ryanggang paid its employees ¥90,000-120,000 per month and 25kg of rice annually. In addition, the joint venture company stated in 2020 that compensation was performance-based. A skilled worker was compensated ¥350, sufficient to purchase 100kg of rice.

“The first month I worked in the mine, I was told that despite all the hardships, the Party and our Marshal found a way to give me a living allowance. I was given a note. I was touched at first and then looked at it. The note had my name on it, and the amount was ₩2,000, which wasn't enough to pay for a bowl of noodle soup.”

(2) Working Hours and Breaks · Leave

The Socialist Labour Law (2015) stipulates that workers are required to work eight hours per day, though this may be reduced to seven or six hours depending on the intensity and conditions of the work, to have one day of rest per week and 14 days of regular vacation per year, as well as seven to twenty-one days of supplementary vacation, depending on the nature of the job.³²¹

The working hours of North Korean employees vary depending on whether or not their company is operational. Workers with lesser work may have worked fewer than eight hours per day or only every few days, whereas construction workers and miners frequently worked more than eight hours per day. The law also stipulates that North Korean workers are entitled to one day off per week; however, this varies by workplace, as some have holidays and others do not.³²² A worker at a munitions factory stated in 2017 that he worked eight hours per day, five days per week, and was required to participate in daily life review session and political events on Saturday, but had Sunday off. In 2020, an administrator at a County People's Committee-affiliated organization reported that he was unemployed and

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321 Article 16 of the Socialist Labour Law(2015) stipulates that the daily working hours for workers are 8 hours. The State may set the daily working hours to 7 hours or 6 hours, depending on the level of labor intensity and special conditions.

322 Article 64 of the Socialist Labour Law(2015) stipulates that workers are entitled to a weekly day off, with national holidays and Sundays designated as holidays. If workers are required to work on their scheduled days off due to unavoidable circumstances, state institutions, state-run companies, and social cooperative organizations are obligated to provide alternative days off within a week.

free to spend his days as he pleased. A factory worker reported working eight hours per day, from 8 a.m. to 6 p.m., excluding a two-hour lunch break. That person testified that every Thursday was his day off, but he was required to appear at work. A person working at a mine who worked as a cashier testified that the mine was operational 24 hours a day. In a 24-hour-a-day mine, the cashier was responsible for supplying workers with supplies, daily necessities, etc. The cashier stated that the work schedule was flexible because there were no set hours. In 2019, an urban construction company's employees worked eight-hour days testifying that there was no overtime work as there was no compensation or food rations provided. In 2018, an employee at a People's Committee-run workplace reported working from 7 a.m. to 3 p.m. daily for eight hours, but there were no vacations. In other instances, employees worked beyond the required hours. A worker at an import and export company reported to get to work at 7:30 a.m. and stayed until 7 p.m. in 2019. In 2018, a worker in charge of an information desk and housing facilities reported working from 5 a.m. to midnight with a break between 5:00 p.m. to 7:30 p.m. every three to four days. In 2018, people who have worked on construction sites such as Yeomyeong Street in Pyongyang testified to working from 7 a.m. to 3 or 4 a.m. the following morning. A miner who worked in Jagang Province stated that the working hours were from 5 a.m. to 9 or 10 p.m., and they were required to work on Sundays.

The North-China joint venture company also appears to have 12-hour per work per day. They reported working from 7 a.m. to

9 p.m., seven days a week, with no holidays.

On the other hand, the statutory leave is 14 days to 35 days depending on the job, and despite the regulations, there were contradictory claims that it was difficult to use it in practice except in cases of family emergency. In 2019, an employee of a municipal utility company stated that he was required to use all 15 days of annual leave. In 2018 and 2019, workers at a wood-processing plant and a mine reported being able to take 15 days of annual leave. However, leave was difficult to be approved, with the exception of official holidays, and some employees claimed they could only take time off when there was a family celebration or mourning. A bookkeeper employed at a county-level People's Committee in 2018 stated that it was impossible to take a vacation and that permission from the work group leader or supervisor was required to take three to four days off. The bookkeeper felt that if he or she complained about not being able to take the prescribed leave, that person would be fired as the employer provided him with adequate living expenses and rations.

“In the first year, there were no vacations, but in the second year, there were about two weeks off. But I’ve never taken a day off, and neither did anyone else unless they were really sick or had something important going on at home. No one takes a few days off just to play or relax somewhere else.”

(3) Working Environment - Safety and Accidents

The Law on Labour Protection (2021) of North Korea mandates that the central labor administration to determine target and period of safety education,³²³ and that institutions, state-run companies, and organizations provide education on the country's labor protection policy, labor safety regulations, work operational safety laws, and labor hygiene knowledge, in addition to the installation, inspection, and maintenance of safety facilities.³²⁴ In addition, it stipulates the provision of safety equipment³²⁵ to workers as well as the deployment of labor protection inspectors and labor safety supervisors.³²⁶

In reality, the regulations regarding safety education, installation and maintenance of safety facilities, provision of safety equipment, and deployment of safety supervisors on work sites was not adhered to, and workers who required safety equipment were not receiving it in a timely manner. In 2018, a worker at an External Construction Training Organization in Pyongyang who was involved in a major construction project reported that while safety harnesses were provided to all workers, hard hats were shared because of insufficient quantities, while safety footwear, work attire, and gloves were not supplied. In 2017, at a People's Army-owned mining company, employees reported receiving

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323 Law on Labour Protection(2021), Article 9.

324 Law on Labour Protection(2021), Article 11, Article 12, Article 17, Article 18.

325 Law on Labour Protection(2021), Article 27 to Article 34.

326 Law on Labour Protection(2021), Article 51.

hard hats but no other equipment. Some testified that there was no safety equipment provided in 2019 at a railway workplace. In one exceptional instance, workers at a ROK-supported rice mill in the Gangnam district of Pyongyang reported receiving only one pair of gloves per week, contrary to the original requirement of one pair per day.

Inadequate safety training and oversight by authorities were also discovered, and even on sites where safety supervision appeared to be relatively effective, supervision was conducted only when required. In the enterprise under the External Construction Management Bureau an inspector to oversee the safety was reportedly present on the construction site, but only during high-altitude work to ensure that safety nets were installed and safety harnesses and hard hats were worn. Even in workplace where safety supervision was conducted regularly, the personnel did not appear to be professionally trained as inspectors, but rather the workers performed the role of ‘labor safety agent’ on rotation basis. In 2019, at the Joint Venture Company in the Ryanggang province the safety training and safety supervision of workers was delegated to a middle man without proper education or experience as an inspector. In addition, there were reports that workers in the mining and railway industries were not provided with safety training and oversight.

“We did the mining work in a shaft that was 1,400 meters deep. You can say it is such a tough job. I hadn’t seen any rules about preventing accidents at work, and I hadn’t seen anyone else getting safety training.”

C. Restrictions on the Three Labor Rights

Article 8 of the International Covenant on Economic, Social, and Cultural Rights mandates that States Parties to the Covenant guarantee workers the freedom to form and join trade unions as well as the right to strike. Failure to guarantee the right of workers to organize labor unions and to strike if necessary limits their ability to demand that their working conditions be maintained or improved.

In the context of its socialist system, North Korea argues that issues such as labor contracts, collective contracts, labor disputes, and the supervisory rights of trade unions need inevitably be eliminated from Labour Laws.³²⁷ The reason why the three rights to work (right to organize, right to collective bargaining, and right to collective action) which are guaranteed in most democracies by Constitution or labor laws are not found in North Korea is due to the fact that subordination to capital has been declared to have ceased, imposing the duty of employment on North Korean state and the legal relationship between the employer and employee is not recognized.

In reality, it was a commonly held belief that no resident could take collective action and that collective action was unthinkable. For this reason, specific statements regarding the right to organize, the right to collective bargaining, and the right to take

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³²⁷ North Korea's Social Science Publishing House, 『Legal System of the Democratic People's Republic of Korea (Labour Law System)』, 1994, p. 66.

collective action could not be collected.

D. Special workers

(1) Dolgyeokdae (Shock Brigade)

*Dolgyeokdae*³²⁸ refers to the military-style organization which allocates personnel from regions and enterprises to construction in order to expedite the completion of large-scale construction projects in a short period of time, with the designations of regiment, battalion, company, and platoon.³²⁹ The Samjiyon City Construction Shock Brigade of the 216th Division, which appears to have been created for the construction of Samjiyon City, has the 922nd Construction Brigade and the City Regiment under it. In the lower ranks of the Shock Brigade of Orangcheon No. 5 Power Plant are reportedly Hwaseong County Company, Steel Works Company, Pohang District Company, Songpyeong District Company, and Orang County Battalion, but the number of

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328 "*Dolgyeokdae* (Shock Brigade)" is a special unit that is primarily organized to carry out construction or projects, such as the 'Youth *Dolgyeokdae*' and the 'Speed Campaign *Dolgyeokdae* .' These special units are formed with the purpose of addressing the most difficult and challenging issues in construction and various business operations. (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, p. 258.)

329 "*Dolgyeokdae* (Shock Brigade)" is organized to enable efficient military-style operations even during normal times. It can also be immediately incorporated into the regular army in case of emergency for use in engineering battalion. Despite not being a regular army, this military organization requires personnel to wear a uniform at all times, with a rank insignia worn under the Kim Il Sung badge on the left front chest of the uniform. (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, pp. 259–260.)

companies and battalions seem to vary depending on the number of workforce. The size of the entire *Dolgyeokdae* structure is not specifically known. In the case of the Samjiyon City Construction Shock Brigade, a reported 100,000 people were involved between 2018 and 2019. The 216th Division had a Samjiyon Construction Shock Brigade and a wide railroad Shock Brigade, so it seems that the scale was large. However, as part of the local urban renewal effort, shock brigades organized for construction consisted of as few as 150 people.

Mobilization Method

There are two ways to mobilize shock brigades: voluntary enlistment and forced recruitment. Voluntary enlistment is when an individual applies to join the shock brigade to use the service experience as advantageous for joining the Workers' Party and for college admission. Until the early 1990s, there were numerous instances in which women who wanted to join the Workers' Party, but had difficulties in joining military would join the shock brigades, as it gave them advantageous position to enter university after serving certain period of time in the shock brigades. In case of voluntary enlistment, individuals join the shock brigades just like joining the army in order to be accepted to the Worker's Party and the duration of service is 10 years. There was a case reported of voluntary enlistment in the brigade to avoid being repeatedly asked for bribes after being investigated by the prosecutor's office on suspicion of theft. In another case, a man who had graduated from the farm

management cadre school, volunteered to join the shock brigade at their parents' urging in order to gain field experience. There was also a case where an individual from a region far from the border volunteered to join shock brigade in the border region in order to escape from North Korea. However, there was also a case in which a member of the brigade of the Baekdusan Hero Youth Power Plant in Baekam County of Ryanggang Province was unable to leave shock brigade after many years of serving and continued to serve even after joining the Workers' Party. There was also a claim that he worked longer than the allotted time because he posed for a group photo with Kim Jong Un, who provided guidance on the construction of dams. However, it appears that voluntary enlistment decreased as benefits such as college admission or party membership after serving in shock brigades was not provided, and as the members of shock brigades started to be seen as intensive labor force. On the other hand, as the number of construction projects increased, it appears that both voluntary enlistment and forced mobilization through crackdowns increased as reasons to mobilize more people than in the past.

Forced mobilization was carried out in numerous ways. There were instances in which people were mobilized in the form of job assignment or were recruited in turn by the workplace or *Inminban* (neighborhood watch units), and there were also instances in which they were mobilized for unemployment or through crackdowns on lack of travel permits. The assignment to shock brigade by the workplace occurred in Ryanggang Province,

where there was Samjiyon County construction. There was a testimony that graduates of high schools in cities and counties who were eligible for job placement were enrolled in a technical engineering school and, upon graduation, were assigned to the Samjiyon City Construction Youth Shock Brigade en masse. In another case, graduates of a secondary school in Hyesan city, which was a facility for protection and education for children without family, were also assigned to shock brigades. High school graduates in some areas were assigned as if they were enlisting in the military. This was the case of the Ryanggang Province Youth *Dolgyeokdae* where members were visited at homes and forced to join the brigade.

When each workplace assigned a number of shock brigade members, the service period was relatively brief. However, in some places with a small number of employees, the turn came around quickly or the service period was extended because there were no substitutes. There were cases where a person went to serve at shock brigade four times for a total period of 2 years and 4 months throughout their 5 years at the Ministry of Social Security. In another instance, a person worked for more than a year because the replacement worker did not arrive. As the number of people hired for the brigades dropped from around ten to three, there was a situation where it was difficult to determine who to mobilize. In addition, shock brigade includes profit workers, and members were responsible for covering the cost of hiring brigade substitute workers and the expenses paid were CN¥100 per month.

In the case of entering on behalf of a person who has to work for a short period of time at a workplace or *Inminban*, the substitute person was asked by the units and received only a reward. However, recently such a substitute person enlisted as a 'serviceman' and the amount was determined. A fisherman who was assigned to work to the brigade during a time when that person needed to go fishing found a 'serviceman' to work in his place. There was a case where two factory workers had to be sent to the brigade, but there was no one to go, so there was a case where a substitute worker was sent with a monthly payment of ¥300. However, there were testimonies that when a replacement worker was sent to shock brigade, there were also problems such as longer period of service than expected or lack of payment of promised amount of money.

It appears that numerous issues have arisen as the number of mobilization for the brigades increased. Specifically, testimonies show that the mobilization of minors has increased. It seems that the underage children worked because the age of the substitute worker was not verified, or they were sent there as punishment for various crackdowns. In one instance, a 14-year-old who was apprehended by a Youth League officer for wandering outside of his residential area without a travel permit was sent to the shock brigade with the document indicating that he was 19 years old. There was also a case where the District Youth League cracked down on homeless children at *Jangmadang* and sent them to brigades under the direction of the district party committee to increase the number of members.

“I was called up by the Ministry of People’s Security (renamed to the Ministry of Social Security) for the Gangwon Province Sepo District Construction Shock Brigade in 2014, the County People Power Plant Construction Shock Brigade of Suseongcheon in North Hamgyong Province in 2016, and the Wonsan-Kalma Coastal Tourism District Construction Shock Brigade in 2018. All members were called up to join in turn.”

Work Time

The primary responsibility of shock brigades was the construction of dams, apartments, and roads, and it was reported that the work time was very long because the task had to be completed quickly by ‘Speed Campaign.’ The majority of testimonies stated that the amount of work to be completed each day was predetermined, and that they had to work with reduced sleep time due to the excessive amount of daily work. There were reports that the work began before breakfast and was not completed even until after dinner, and that the assigned work load had to be completed with less than five hours of sleep. It was common that working hours exceeded 10 hours, and it was common for individuals to put in more than 15 hours per day. In some instances, it was testified that the Baekdu Mountain Hero Youth Shock Brigade began work at 5:00 a.m. and continued until 1:00 or 2:00 a.m. the following day, sleeping only 3 to 4 hours. The normal hours of operation for the Ryanggang Province Youth Shock Brigade were from 5:00 a.m. to 10:00 p.m., and it was testified that they worked at night with incandescent

lighting two to three days per week. However, when night work was involved, they worked until approximately 1:00 a.m. the following day. The reason for the long work hours, was that the construction had to be completed using only manpower and no heavy equipment. It was also established that the brigades had very high work intensity. Members of the Shock Brigade at the Dancheon Power Plant were required to move approximately 1.5 meters of stones piled up by blasting from within the mine, a task described as extremely difficult. The power plant construction brigade road maintenance duties included collecting stones, laying them on the road, and covering them with soil.

“What I did in the Mt. Baekdu Hero Youth *Dolgyeokdae* was to help build an underground sewage system. The daily schedule was to work from 5 to 6 a.m. before breakfast, from 8 a.m. to 12 a.m. in the morning, from 1 p.m. to 6 p.m. in the afternoon, and from 7 p.m. to 2 a.m. the next day. I slept for about an hour at night, but I had to take naps secretly in the middle of work. The work is done on a contract basis, and each member is given a certain amount of work to do. This is why the work hours are so long. But there was so much work to do that it usually took more than 20 hours to finish.”

Payment of Remuneration

The payment of compensation to shock brigade workers varied depending on how they were mobilized. When mobilized by order of workplace or neighborhood watch units, there was no remuneration paid by the brigade. However, living expenses and various rations were sometimes provided by the workplace

to which they belonged. In the case of being mobilized by neighborhood watch units, they were not paid for their labor, but were given goods collected by units among residents. During the period in which members were mobilized in their workplaces, they did not receive remuneration as they were not at work. However, it was reported that they received 10 kilograms of rice, 2 kilograms of cooking oil, laundry soap, seasoning, etc. In the case of the collective farm, the head of the management committee gave 100,000 North Korean Won when members entered the brigade. If members were sent to the brigades as a result of crackdowns on unemployed, travel permits, and vagrants, no labor compensation was paid. A person who was caught traveling without a travel permit and was forced to help construct a school in Riwon County, South Hamgyong Province, testified that he was not compensated for his work. In instances where workers were mobilized via job placement, remuneration was paid, but it appears that it was not paid in accordance with regulations. There was a report that during the three years of work in the shock brigade, the worker was paid a total of 1,200 North Korean Won only once. It was commonly reported that those who voluntarily joined the brigades did not receive remuneration and in some cases they had to personally prepare the necessary equipment.

Safety Supervision and Management

In terms of safety equipment, only safety helmets were distributed to workers, and the provision of coveralls and footwear

varied by location. Typically, only a portion of the equipment was provided, and the type and quantity of equipment varied based on the situation of shock brigade. In the Ryanggang Province Regiment of the Broad Railroad Shock Brigade, only safety helmets were provided, whereas in the Wiyeon House Construction Shock Brigade, all work-related equipment had to be brought by the individuals or supplied by the enterprise sending the members of the brigade. Orangcheon Power Plant Shock Brigade did not provide any safety equipment to individuals, and if anyone needed anything, that person had to get it personally. On the other hand, it was stated that the Dancheon Power Plant Shock Brigade received safety helmets, shoes, and uniforms, and Ryanggang Province Battalion of the Samjiyon County Shock Brigade also received safety helmets, work shoes, and uniforms. Formal safety management and supervision were observed in the workplace, but there was no evidence of safety education for employees. It was reported that a member of the shock brigade at the apartment construction site with construction experience provided training and supervision, and in the Ryanggang Province Regiment of the Broad Railroad Shock Brigade, and safety management was provided by the 'Supervision Division'. In the case of the Ryanggang Province Regiment of the Wiyeon House Construction Shock Brigade Provincial, Party Committee of Ryanggang Province who was responsible for building houses oversaw safety. In some instances, accidents occurred on the job due to inadequate provision of safety equipment and lack of

safety education. A worker fell from a ladder while plastering, and a member was injured by a falling stone when a crane lifted a stone at an apartment construction site. In addition, it was stated that a member of the brigade was killed when the rope was severed while the concrete mixture was being lifted by a crane and moved to a higher floor.

Working Environment

The working environment, including meals and lodging, varied depending on the type of the brigade. There was a significant difference in the meals provided based on member's position. The only meal provided to members of the Mt. Baekdu Hero Youth Shock Brigade consisted of barley rice, soybean paste, salt, and seaweed soup. Many individuals became ill and had to return home within a month of joining. The Shock Brigade at the Orangcheon Power Plant was different from the Baekdusan Hero Youth Brigade in that it provided the rice with corn, potato side dishes, and cabbage kimchi at every meal. Even within the same brigade, there were differences in working environment such as meal and accommodation. The provincial unit of the Samjiyon City Construction Shock Brigade ensured that rice, soup, meat, and vegetables were provided daily, whereas the district unit provided corn rice, mountain herbs, and seaweed soup to its battalion. There was also a difference in meals between general brigade members and clerks or supervisors. Ordinary members of Nampo City Regiment of Samjiyon City Construction Shock Brigade could spend between ₩2,500 and ₩4,000 per meal,

which included 600g of corn rice, salted cabbage soup, and salted fish, meat, etc., but there was also testimony that the regiment's day worker could spend the cost of 30 to 40 workers' meals on one meal. In a separately organized brigade in the region, leadership of the regiment command were served 7:3 ration of rice mixed with corn and bean paste soup, but technicians were reportedly served a small amount of meat at each meal. The general consensus was that the living conditions were poor with some variations depending on the progress of the construction. Since most of the sites were construction sites, sleeping quarters were created separately and shared by numerous individuals. There were testimonies that 15 members shared a room, which were well heated in the winter. On the other hand, 25 members of a battalion shared one crowded room with a wood-burning stove for heating.

Poor meals and intensive labor frequently resulted in malnutrition known as 'weakness' and numerous safety incidents, but it was reported that the medical treatment was insufficient. In shock brigades with the 'military doctor,' patients could receive treatment, but the treatment was limited to administering medicines which members had to purchase personally, or treating abrasions. Emergency patients were transported to a nearby hospital. Small brigades lacked medical doctors, so they were sometimes assisted by former medical personnel who were working as members of the brigade.

Many members of *Dolgyeokdae* were running away due to poor working conditions, strenuous labor, and long hours of

work. In one instance, only 5 out of 25 members remained. A member who was apprehended while attempting to flee the Mt. Baekdu Hero Youth Shock Brigade stated that he was assaulted by the battalion commander, and a woman who was apprehended while fleeing testified that the brigade trooper and a male member had struck her legs and torso dozens of times with a shovel handle.

“In our *Dolgyeokdae*, seven spoons of cooked barley with salt or soybean paste were given as meal. Occasionally, seaweed soup was served, but it had almost no seaweed in it. There was a lot of work but not enough food, so many people became weak. I was weak too, but I wasn’t sent home. I was caught at the guard post while trying to run away from the brigade, but since inspectors caught me, I had to go back and was beaten by the battalion commander. So many people were on the run that it was common that someone like me was caught while trying to escape.”

(2) Overseas Dispatched Workers

The first instance of overseas dispatch of North Korean laborers was documented in 1990, when a joint venture between the Ministry of Coal Industry of North Korea and Russia was constructing housing for miners. From 1995, more logging workers have been dispatched. The receiving countries, which were limited to Russia, expanded to include China, Central Asia, and the Middle East, and then, around 2010, Eastern Europe and Africa. The type of industry also seems to have changed. In Russia, logging was followed by construction. In the Middle East

and Central Asia, construction is the predominant industry, but the workers also worked on statues and murals. A small number of construction workers and physicians were sent to Africa. In China and Southeast Asia, there were more manufacturing workers and restaurant workers, and there were recent cases of dispatching of IT-related workers assigned to software development and system maintenance.

Selection Conditions

Priority appears to have been placed on filtering out workers with “reasons for disqualification” rather than “selecting” personnel with the appropriate skills for the job. There were some differences based on the type of work and position. Common exclusions from overseas assignments include those who have served in the military at critical facilities, family members who worked for the Central Committee of the Worker’s Party, those who had relatives who have been imprisoned in political prison camps, those who have escaped from North Korea, those who had relatives whose whereabouts were unknown, those who had a family member who has been punished for committing a crime, or if there already was a family member who has been dispatched overseas. It was commonly testified that such selection process intended to reduce the likelihood of personnel escaping the site after dispatch or to prevent the disclosure of sensitive North Korean information. In addition to the typical exclusions from selection, other common exclusions included in case of a construction or general worker, college

graduates (except for architecture and art majors), singles, those without children, divorced individuals, and qualifications or skills in art design were evaluated. There was a testimony that a construction worker dispatched to Russia paid a bribe to have his college graduation information removed from the document, and there were also testimonies that the dispatch was delayed because there were other family members working abroad. Regarding what is taken into account when dispatching interpreters, applicant over the age of 27 must be married, and applicants under 27 who are unmarried must have surviving parents. In addition to university grades, applicants must pass a written or oral examination administered by the department of foreign publications in charge of overseas workers foreign language examinations. There was a testimony that only those who have level 5 or higher in English were selected. Typically, overseas workers are restricted to those who are married and have children, but it was reported that a rule was made allowing unmarried individuals to be sent abroad once before the age of 27 due to a shortage of interpreters. To be dispatched as a doctor, the applicant needs to have at least ten years of hospital work experience, level 3 or 4, at least three years of party membership, and pass a conversation skills assessment after receiving two to six months of English training after selection. For restaurant workers, preference was given to graduates of vocational school or universities over high school graduates, and this preference appears to be limited to unmarried women under the age of 23, with the requirement that both parents are alive. In the case of

being dispatched as a general worker during military service, those who received commendation during military service were selected first, singles were required to have both parents alive, and those with a history of desertion or problems with their service life were excluded from consideration.

“Those who have a defector or someone punished for political crimes among family members won’t be selected because of the *Toda*e (family background). Those who had family discord or illness, or those who have a family member with a work experience in a particular institution like the Central Committee of the Party, a munitions factory, or a military research institute were excluded. Those who had a history of having worked in such places in the past were also excluded from the selection. Persons who graduated from a university were only sent out as managers, not as laborers. Also, only married people could be dispatched. But a single man could go abroad as an interpreter, which is an exceptional case.”

Selection Process

Even though it seems that the selection process begins when candidates who meet the selection criteria are recommended, but in the case of workforce training office operated by a dispatching agency, there were differences depending on the industry, such as candidates being recommended after entering an enterprise and working for a certain amount of time. The selection process begins with a recommendation for selection, and the party officials at the state-run companies are said to be in charge. If a candidate is recommended, the department of senior party officials conducts a background check, interviews a guarantor,

and prepares documents for the selected individual based on the workplace security officer's evaluation report. At the time of document preparation, the party cadre section leader and the company manager are involved. The prepared documents are then submitted to the party cadre section of the Foreign Construction Guidance Bureau. The submitted documents will be checked by the leadership of the guidance bureau followed by interviews with the party cadre in the department, cadre deputy in the department, party secretary, and responsible secretary, and finally the documents are sent to the Central Committee of the Party and the selection is determined after the interview with the party officials of the 8th Department.

The representative organization for dispatching construction workers appears to be the Foreign Construction Guidance Bureau, which operates the Foreign Construction Workers Training Office (henceforth referred to as a training office). Overseas workers were selected from experienced trainees from the office or others from state-run companies. In addition, the central government institutions independently dispatched workers, and soldiers in active duty were also dispatched. Regarding the dispatch procedure of the Foreign Construction Guidance Bureau, it was reported that employees of enterprises can be dispatched once they have completed the minimum working period, which is between one to two years. When dispatched as a middle manager, an interview with the secretary of an organization and party secretary are conducted in addition to previously mentioned interviews and then the documents

are sent to the Central Committee of the Party where they are interviewed by the 8th department of the central party, and the decision is made following the approval of the deputy director of the Organization & Guidance Department. When dispatching a soldier doing his military service, they were selected by the training center or by the military engineers' unit. The process includes sending documents to the brigade with the information of person recommended to be dispatched, and the unit will conduct background check and if there is no problem with the background check, the person will be interviewed by the unit and the higher command. Once the person completes physical check-up, the documents will be sent to Political Bureau. Testimonies show that the applicants were interviewed by the commander of the unit, member of political committee and security officer. Interview by the General Political Bureau was conducted by a colonel level officer. For doctors, the process depended on their affiliation and the host organization. Doctors will start application process with interviews conducted by provincial or city party officials in the area where the doctor lives, and later will be interviewed by 8th department of central party, or Ministry of State Security officers. However, there were testimonies that some people bribed their way so that they could be selected as a candidate.

Those who wished to work at a restaurant had to graduate from specialized school called External Service Academy in Pyongyang or had to be recommended. The school's training is between one to two years and the manager of overseas

restaurant would select student personally. Those recommended went through interview hosted by organization that manages the restaurant. After the selection process, selected candidate will work at a restaurant in Pyongyang for a year, and evaluation will be written by the Youth League and after the background check, the final decision will be made.

People had to bribe their way to be selected for overseas dispatch. Unless the person was dispatched overseas during his military service, witnesses commonly testified that they used bribe to go overseas. According to testimonies, it was common for employees of companies under the Foreign Construction Guidance Bureau to bribe the establishment's executives and managers in order to be chosen before others when the minimum working period required to initiate the selection process was met. The supervisor of the executive department has the authority to recommend candidates in the state-run company, and the worker who was sent to Russia stated that he paid \$50 to the supervisor, \$50 to the security officer at the workplace, \$30 for a physical examination, and \$100 to the supervisor of the executive department of the enterprise. The amount was \$50 for the first time deployment and \$100 for the second time. Bigger bribes were demanded in cases where workers were not employed by companies regulated by the Foreign Construction Guidance Bureau.

There were statements that bribes totaling \$1,500 had to be paid to the executive director of the Guidance Bureau, the cadres department of the city/county party in the place of

their residence, and a secretary of Pyongyang Second People's Hospital which does physical examination. Bribes were required for a dispatch of a doctor though the selection was made through a public notice. There were statements that bribes totaling \$4,500 were paid to the relevant department of the dispatching agency of the Central Party and the 8th Division, and between \$300 and \$500 was given as a bribe during each interview. There were also statements that \$1,500 was paid to the director who had the authority to make a recommendation. Some testified that interpreters paid a total of \$1,500 in bribes to officials in charge of documents and qualifications, cadre leaders in enterprise to which they belonged, party officials of the executive department of the Foreign Construction Guidance Bureau, and the Central Party cadre. In another instance, \$300 was paid to the officer in charge of oversea deployment at the dispatching company.

"I heard that other people who go abroad as interpreters give a bribe of 500 to \$1,000. I know that the amount of bribes varies depending on the type of job, the region, and how much you can expect to earn in a foreign country. I heard that even doctors sent abroad from the rear combat service support bureau paid more than \$5,000 as a bribe."

Prerequisite training must be completed at institutions such as the Central Party, the Ministry of Foreign Affairs, the Ministry of Social Security, and the Ministry of Trade once the dispatch is confirmed. The curriculum included the customs and etiquette of the country to which they were being sent, awareness against

enemy operations, the activities of world intelligence agencies, and a statement that they visited counterintelligence warfare hall. In the case of being dispatched as a managerial level, a separate prerequisite training was conducted, with the president, interpreter, workplace manager, and doctor receiving the training as a group. In addition to the prerequisite education for ordinary workers, content of the education included promoting more foreign supporters of North Korea and reminder not to be influenced by capitalism.

Labor Remuneration

Construction workers are employed by companies established locally by North Korean recruitment agencies, which then signs a contract with a company in the receiving nation, which may be subcontracted by the North Korean company or a labor-only contract with the local company. The local North Korean company is in charge of the dispatched workers and the company does not sign contracts with the workers. However, in case of North Korean company providing labor to the local company in the receiving country the contract was done on rare occasions between the local company and the worker. The majority of workers were typically unaware of the contract between the North Korean company and the company in the recruiting country, as well as the amount of monthly wages they were to receive.

In cases where a portion of a construction project is subcontracted, such as in Russia or Mongolia, the entire construction

cost is paid, rather than the worker's wages. In this case, a unit price for each worker's labor is preset, and the amount of work is determined and only if it exceeds certain amount, the overcharge is paid. The amount of money paid to the workers is determined by deducting the national dues, and stay and operation expenses, and dispatch advance payment from the total amount. However, not many companies paid workers monthly based on such a calculation. Only a small portion of the total amount was paid as pocket money, and the remainder was paid in a lump sum at the end of the dispatch or after settlement once a year.

North Korean workers at Russian construction sites were initially paid once a month to cover their living expenses, but this was later changed to every three months. Each worker received a varied amount based on their performance, with some workers stating that they received no money or even a negative balance, meaning they had to make up the difference from their own pocket. The amount deducted in advance by the local North Korean company was said to be \$650 per month per person until 2019. Excluding the \$200 state plan, the remaining \$450 included \$50 for food and \$100 to \$150 per month for company operating costs.

Workers on Mongolian construction sites were paid varying amounts of money per month, typically around \$30. At one point, dissatisfied workers who complained to their bosses received \$200, but the amount was consistently reduced afterward, and the payment amounts were inconsistent from month to month. Payments to North Korean authorities ranged from \$300 to

\$670 per person per month, covering the national plan, meals, company and workplace expenses, contribution to KWP, and even North Korean embassy expenses following the imposition of international sanctions.

In the case of Middle Eastern construction sites, it was found that many of the local North Korean companies only provided labor. If the host country company paid the workers' wages in one lump sum, the local North Korean company would manage the payment and only inform the workers about it. If wages were determined based on labor quotas, workers would receive an extra \$30 for each over achievement and a \$30 reduction for each under achievement. The employees' total monthly wages often exceeded \$1,000, but after deducting \$750 for various payments, contributions, and costs, workers received only around \$100. In other host countries, workers were paid a wage based on an average of 10 to 12 hours of work per day for 26 days per month. However, after deducting \$500 for the national plan, employees in host countries received only around \$100. In another case, the host country company paid North Korean workers by depositing funds into their cash cards; however, the North Korean company withdrew all of the workers' wages in one large sum, so the workers were often unaware of their exact remuneration. In some cases, the North Korean local company did the construction work and received the material costs as well as the workers' wages altogether. In this case, the salary was paid in the local currency, which was converted to approximately \$520 per person. However, only 20 percent of this amount

was paid to the workers, with the remainder being deducted for the national plan, company management fees, meals, local recruitment fees, management fees, and the contribution to KWP.

Each North Korean worker sent to Europe was initially compensated between \$150 and \$300 every two to three months. However, since 2017, the wages have been reduced by \$100 to \$150, citing increased taxes in the host countries. After various costs and fees, including the national plan, are deducted, only 15% to 25% of the total wage is actually paid to workers. According to a testimony, a chief manager of a local North Korean company in Europe allegedly under reported the amount of each worker's wage, which was approximately \$1,500, by about 70 percent and then embezzled the remainder after wage payment.

In Africa, North Korea appears to have mainly sent skilled workers. In the case of construction engineers, they received payments of \$200 on an irregular basis. The national plan was set at an annual amount of \$5,000 per person, which accounts for 80% of their total income. Middle-level personnel, such as managers, translators, and financiers, were paid more than \$200 per month and approximately \$4,000 per year.

"In Moscow, we pay \$7,000 per worker every year. It includes \$3,500 for the national plan and another \$3,500 for the company's operating expenses, like the living costs of workers, fuel costs, and taxes. After \$7,000 are taken out, the rest is paid as wages. One or two of the 23 workers made \$3,000 a year in my work group, but 5 or 6 had an income deficit. On average, workers received \$1,000 a year."

In industries other than construction, the actual wage levels seemed to be similar. Doctors were either employed by local hospitals or operated their own private clinics. Those employed by hospitals received a monthly salary of \$200 to \$300, excluding the national plan contribution. However, doctors who owned private clinics paid the monthly national plan and retained the remaining income, leading to income inconsistency. For those employed by local hospitals, among the \$1,000~1,500 monthly wage, the total amount of contributions and fees was \$800 in 2017, up from \$700 in 2016. Those establishing and operating a private clinic paid the North Korean government a total of \$650, including \$500 for the national plan, \$50 for the embassy, and \$50 for policy initiatives. IT employees were paid \$100 per month plus a performance incentive upon their return home at the end of their assignment. The state plan of \$1,500 per person was deducted each month, which was 40% of total revenue. An additional 10% in commission fees to the local company, as well as 40% for living expenditures and the dispatch manager's share, were also deducted. Garment manufacturing employees in foreign countries, excluding Russia, received comparable wages to construction workers, ranging between \$100 and \$200 per month.

Depending on the organization and city to which they were assigned, the national plan contributions of North Korean workers sent to Russia continued to increase. The monthly contributions of Russian construction workers rose from \$100 per worker in 2005 to \$200, and then to \$800 per worker in 2008.

According to an employee designated to the Moscow region, the monthly contribution, which was approximately \$500 in 2019, increased to \$600 in 2020 and \$680 in 2021. A worker in St. Petersburg reported paying \$600 per month in 2016 and \$700 per month in 2017. A worker assigned to Vladivostok stated that he had been paying approximately \$1,000 per month since around 2015. Another worker said that starting in 2018, the payments continued to rise, and he had to pay more than \$1,000 per month.

Low wages and excessive over payments for construction workers seem to have prompted them to take up separate side jobs called “*Cheongbu* (short-term contract job).” In Russia, for example, some workers would pay a monthly bribe to the head of the workplace or officers of the Ministry of State Security for such a contract job. In some companies, workers were assigned to a separate work group from the beginning of their assignment. The workers were either paid a daily wage individually, or they were organized into independent work groups within the company to perform small-scale construction projects, such as house building and interior work. In these cases, the North Korean companies were not involved in the entire *Cheongbu* process, from finding the work to contracting and receiving the payment. Although the amount of money earned varies depending on the amount of work, there were cases where workers who worked for *Cheongbu* jobs had a significant amount of money left over even after paying the pre-requested amount for their companies. In the Middle East, workers who were allowed to work for a

Cheongbu job were limited to those who had worked for at least three years, and even then, they were allowed to work only as a group with about five people, so they mainly performed small-scale work such as home repairs. In some cases, workers were required to pay \$850 in monthly payments in groups, but in others, this kind of side job was not possible due to restrictions imposed by the host country.

“Average workers received ₱(Russian Ruble)1,000 (about \$16) a month to cover living costs and between ₱10,000 and ₱30,000 (\$170 to \$500) once a year as part of the annual payment. Since the money I got wasn’t enough, I did *Cheongbu* works to make more money. I was told that the company’s managers get paid \$200 each month. I did *Cheongbu* works and made an average of ₱80,000 to ₱90,000 a month. I paid ₱45,000 (about \$750) each month for the ‘national plan’ portion. Also, I paid ₱2,000 to the head of the workplace and another ₱2,000~₱3,000 to the officers from the Ministry of State Security.”

Work Hours

North Korean workers sent abroad were found to work long and excessive hours in most countries, except for a few host countries. Changes in the type of work of the North Korean company in the host country and the type of contract between the host country and the North Korean company have resulted in workers being forced to work long hours. While working hours were relatively good in cases where the local North Korean company simply supplied labor, North Korean companies that

obtained work through subcontracting were found to maximize workers' working hours to shorten the construction period. North Korean workers dispatched to construction sites in Russia were found to be operating under subcontracts, which not only limited their daily working hours but also gave them few holidays. In contrast, workers dispatched to the Middle East and Europe had relatively better working hours because they were not subcontracted labor.

A construction worker who had been dispatched to Russia in 2018 said it was common to start work at 7:30 a.m. and work until midnight. If they didn't complete their quota for the day, they were forced to work until 2 or 3 a.m. the next day. In 2019, there were also reports of workers working from 7:00 a.m. to midnight, sometimes working through the night for two to three days when a project was delayed. Despite working more than 16-17 hours a day, workers rarely had their weekends off, and if they had two days off for in a single month, that was considered a lots of off days.

In other foreign countries, the working hours seemed to depend on whether the authorities or the local company supervised the work. In Mongolia, it was common to work from 8:00 a.m. to 9:00 p.m. and sometimes until 2:00 a.m. the next day. There were no weekends off, and only four or five days off per year, including Lunar New Year, Kim Il Sung's and Kim Jong Il's birthdays, and one national holiday in Mongolia. In the Middle East, workers commonly worked six days a week, excluding Fridays, for 16 hours a day from 5 a.m. to 10 pm. They reported

working from 6:30 a.m. to 6:00 p.m. on all days of the week except Friday, and working 10-hour days, except for an hour and a half meal break in the middle of the day. North Korean workers in Africa were employed by companies in their host countries to provide technical guidance, design, surveying, and civil engineering, working eight hours a day, five to six days a week. In Europe, the working hours were set from 7:00 a.m. to 7:00 pm, resulting in an 11-hour workday. Outside of construction, the situation was no different: manufacturing workers in China reported working more than 15 hours a day, from 7 a.m. to 11 pm, with only one day off every other week and two days off a month. Restaurant servers reported serving and performing from 11 a.m. to 10 pm, with only three days off per month.

“I would wake up at 7:00, work from 8:00 to 12:00, eat from 12:00 to 13:00., and work in the afternoon from 13:00 to 22:00. It wasn’t uncommon for me to work until 5 a.m. if I didn’t fulfill my allotted workload. I fell asleep as soon as I got back to my quarter from work. Work continued. It does not matter if it’s Saturday or Sunday. You can take personal breaks about twice a month. Most workers just sleep when they take a day off.”

In rare cases, workers frustrated by long working hours reportedly took organized job actions. In 2018, North Korean workers in Mongolia organized a work slowdown after learning about reports from South Korea that North Korean overseas workers were working excessively long hours and being paid very little. It was said that finishing work at 6 p.m. was considered a slowdown.

Safety and Work Place Accidents

The provision of safety training and supervision, as well as the provision of safety equipment varied by country. In Russian construction sites, workers received no safety training, but there was safety supervision, and the provision of safety equipment varied by site. Russian inspectors were said to be present at construction sites in Russia to ensure that safety rules were followed; otherwise, they would be fined. Workers were provided with hard hats, harnesses, and safety shoes, but some reported that gloves, coveralls, and other items were deducted from their wages. In Mongolia, workers had to purchase safety equipment because it was provided by a North Korean company under contract to a local company. There was no safety training or supervision in the country. In other countries, the local company often provided regular safety training and labor supervision, and workers were given all necessary safety equipment. However, in some countries, the North Korean company embezzled the local company's payment for safety equipment, and workers did not receive proper equipment. In the Middle East, workers received safety training from the local company's safety supervisor before they were assigned to work for the first time. They also watched videos of falling accidents and received on-site training. Construction workers in Europe reported that safety training was provided by the host company and lasted 1-3 hours, and workers were provided with safety helmets, gloves, shoes, and vests. On the other hand, in some Middle Eastern countries, when the host company provided the safety equipment needed

for work, little was provided to the workers. Party cadres or bosses on-site would sell the equipment or embezzle the money.

Living Environment

Workers' living arrangements also varied depending on the host country. While North Korean construction workers in Russia used temporary accommodation such as containers, workers in other countries usually rented accommodation near the construction site. This was dependent on the condition of whether the host company covered the accommodations, as North Korean companies would try to minimize such costs. In Russia, construction workers rarely rented their own accommodation and mostly used containers on the construction site. In some cases, if a small number of workers were hired, they lived in the basement of a building under construction. In some parts of the Middle East, similarly to Russia, workers rented containers or houses, which were described as cramped, unclean, and uncomfortable due to the lack of air conditioning. However, in other parts of the Middle East, small apartments were rented for workers with good air conditioning and hot water, making the environment more comfortable. In Europe, single-family houses were rented, so their living environment was clean but still cramped.

Monitoring

Surveillance and control of overseas dispatch workers did

not vary depending on when, where, or why they were sent. The monitoring of workers was routine and continuous, and it involved the use of informants and censorship. Managers sent abroad from North Korean companies included the company executives, party cadres, security officers, interpreters, accountants, and doctors. The security officer appears to play a crucial role in monitoring workers and preventing them from leaving the host country or contacting outside information. Usually, one security officer is assigned to one North Korean company in the host country, and while the security officers may monitor the workers directly, they also have informants and receive detailed status reports of the dispatched workers. Construction workers are often scattered in various places, making it challenging to monitor them effectively. Therefore, informants, referred to as 'spies', are typically planted among the workers to report any unusual behavior or violations of the workers' rules. Contract workers also operate in small groups, making them susceptible to having informants among them. These informants report to their supervising security officer about any breaches of the workers' rules, primarily prohibited contact with foreigners, working alone, and possession of smartphones. Even those dispatched as individual activities are said to have informants who are trained in the reporting system and required to report to the security officer when they need to go out of the designated area so that their whereabouts can be monitored.

It was found that the personal belongings of overseas dispatches

were subject to frequent searches and inspections. The main objective of these inspections seems to be the prevention of possessing and using smartphones. Generally, workers living in groups experienced frequent searches of their belongings when informants reported a suspected case or when someone was returning to North Korea. In some cases, their belongings were inspected two to three times a week during their overseas dispatch period. There were many complaints about the inspection of the entire workforce, which was carried out by the security officer alone while all the workers left outside. Even doctors and others who were engaged in individual activities had to undergo inspections, and in one case, a security officer came to the house and made them take out all their letters, computers, etc., before inspecting them. It was common for people who were caught by the security officer to bribe their way out of the case, but in exchange for that, they were forced to act as informants as required by the security officer. Dispatched workers explained that they had no choice but to comply with the officer's instructions, as it would be difficult to seek overseas dispatch opportunities if they were repatriated to North Korea.

“If the relationship between the security officer and your workplace boss is good, your belongings will be inspected every 5-6 months. But if not, the security officer may not trust your boss and do the inspection without prior announcement. Usually, such inspections take place in secret when all the workers went out to work. The security officer would call your boss to start the inspection. Since the security officer had already planted a spy among the workers, the

officer often does the inspection with specific targets in mind based on the reports received.”

Control

It was found that the control over the overseas dispatched personnel was carried out in all aspects of their daily lives, such as confiscating their passports, prohibiting them from going out, prohibiting them from contacting external information, restricting or banning cell phones and smartphones, and forcing daily *Saenghwal Chonghwa*. The majority of the dispatched workers reportedly surrendered their passports to their company as soon as they passed through immigration upon arrival in the destination country. Individuals allowed to carry passports are limited to those in managerial positions such as workplace managers, interpreters, and security officers who needed to work outside the workplace. It was not possible for individuals to carry passports, even for contract workers who worked independently. It was found that the passports of workers were kept collectively by the boss or workplace manager, but in some cases, individual workers were allowed to keep their passports for fear of problems in the destination country, where labor supervision was strict. In Russia, North Korean workers dispatched to the country were provided with copies of their passports, visas, and work permits, called “*ccopies*”, but workers working on construction sites subcontracted by the company were not provided with even copies. Other countries

had similar restrictions on passport possession and travel. This was the case in Mongolia and the Middle East, where the company stored passports, residency cards, and other identification documents in bulk. In the case of doctors assigned to Africa, the embassy took care of everything when they arrived in the host country and only allowed them to carry local residency cards or gave them photocopies of their passports. In Europe, on the other hand, there were reports of individuals carrying both passports and foreign residency cards, although at the beginning of the deployment, the head of the company was in charge of managing both, and then local media reports of coercive management of North Korean workers prompted the company to allow workers to carry passports. There was a case when a group of North Korean workers was stopped by the local police while traveling in the dispatched country, the police officers were told that the foreman had all the foreigners' residence cards, and therefore they were suspected of human trafficking. After this case, the workers were allowed to carry their residence cards individually.

Dispatched workers were not allowed to leave their quarters and workplace on their own, and their contact with the local population was strictly restricted. In some cases, workers who were sent overseas while serving in the military were not allowed to leave their workplace without at least two people accompanying them with permission, even for a quick trip to the nearest store. Some workers reported that their employers discouraged them from going out for long periods, fearing they

would be stopped by local police for not having passports. Even when workers were allowed to go out on holidays, they had to travel in groups of three or four and were required to give their residency cards only to their supervisors or to keep a log of their trips. However, doctors who worked independently had fewer restrictions in going out near their residences, but still had to report to the director and security officer when traveling to other areas. Sometimes, the entire workforce was banned from going out if anyone left the area without reporting it.

For those who were sent abroad, contact with external information was strictly controlled. Pre-departure training for all North Korean workers reportedly instructed them to avoid contacting foreigners or South Koreans, using cell phones and the Internet, and viewing foreign videos, publications, and Bibles. Workers, except for contract workers, were required to be accompanied by an interpreter when meeting with locals or foreigners, and monitoring of workers included their contact with locals or foreigners. In one case, a restaurant worker was made to write a self-criticism note after it was discovered that she had spoken to a foreigner. Controls on access to outside information included prohibitions on watching local TV, listening to the radio, contacting publications and videos, using cell phones, and accessing the Internet. Televisions were installed in the workers' quarters, but they were not allowed to watch local broadcasts, only recorded North Korean broadcasts. Workers whose assignments had ended and workers returning to North Korea on vacation were subject to censorship measures to con-

fiscate the CDs and USBs containing publications and videos to ensure that they would not be brought into North Korea. In one case, a worker who was caught with a large number of CDs containing pornographic materials was asked to write self-criticism notes for one month.

The only people who were allowed to use cell phones were managers. For ordinary workers, using cell phones was prohibited in principle, but allowed as an exception for those contract workers who needed to report their whereabouts and other information to the security officers on a daily basis. The permitted cell phones were limited to those types without internet access (hereinafter referred to as 2G phones), and this rule was applied to both managers and contract workers. However, the control of 2G phone usages among the ordinary workers did not seem to have been particularly strong, as there were cases of non-Korean 2G phones being used when necessary and statements that many ordinary workers also used 2G phones. Moreover, there were a number of workers who possessed smartphones. They purchased the smartphones from local secondary markets or from migrant workers, and their purpose of using such phones was to access the internet. Their smartphones were mainly used to access South Korean dramas, movies, news, and North Korean escapees' YouTube channels, and for this reason, there were statements that if they were caught with a smartphone, they were considered to have accessed South Korean video. It seems that the use of smartphones by dispatched workers has increased their access to the Internet and contact with external

information, which has consequently changed the ways and frequencies of the security officers' censorship. In the case of interpreters who were allowed to use smartphones for work, their access records were frequently censored, and in some cases, when contract workers came to the company every week to participate in the *Saenghwal Chonghwa*, they were asked to take out their 2G phones and show them to the security officer. Therefore, in some cases, workers separately possessed 2G cell phones for the censorship purposes. However, even if they were caught with a smartphone, they usually used bribes to get away with it. In 2020, a worker was caught with a smart phone twice, had their device confiscated, and was fined. In one case, they were fined \$500 for possessing a smart phone. There have also been cases where workers have been caught watching South Korean dramas, movies, and Korean YouTube channels on their smart phones and have been deported to North Korea. Additionally, there have been several cases where North Korean workers in Russia have been deported for possessing smartphones and watching Korean videos.

“All of the workers had cell phones. In principle, smartphones were not allowed, but most of the workers had them anyway. The majority of these phones were second-hand and used for internet access rather than phone calls. The security officer would inspect their phones and quarters about once a month during work hours. If someone was caught with a smartphone, the officer would check their internet browsing and call history for evidence. He would then decide whether or not to repatriate the worker to North Korea,

consulting with the company executive and party cadre. However, it was not very common for workers to be repatriated. Most of the time, the company executive would bribe the security officer to dismiss the incident.”

Saenghwal chonghwa was conducted on a weekly basis for overseas dispatched workers, with different days and methods depending on the working environment of the dispatch site. Every weekend, the cell secretary of each workplace organized the *Saenghwal Chonghwa*, and all workers, even those who had gone out to do contract work, were recalled to participate. It seems that mutual criticism, policy dissemination, and watching videos were standard methods of operation. Those who were dispatched during their military service or whose companies were affiliated with the People’s Army were obligated to attend political meetings, including weekly *chonghwa* and monthly *chonghwa*. Even if most of the dispatched workers had KWP memberships, there were also statements that they held study sessions, lectures, etc., in addition to the weekly *chonghwa*. In the Middle East, according to the region’s characteristics, the program was held on Fridays, a rest day for workers, and individual activities such as doctors were allowed to participate once a month for remote residents. However, there were cases in which the worker’s employer only explained the weekly lessons from the embassy for about 10 minutes, and there were also cases in which the worker’s employer said that it was only held once a month, even though the regulations required it to be held

weekly. This was because the workers were told that their loyalty was to pay the national plan, so they were made to work at that time. There was also a statement that the party cadre made the *Saenghwal Chonghwa* as a mere formality gathering to please the supervisor. Still, it was not appropriately practiced because the *Saenghwal Chonghwa* would reduce the number of working hours. During the COVID-19 outbreak in 2020, the program was discontinued, and the security officer replaced the program by distributing learning materials provided by the embassy once a month. In one case, a small number of participants said that they had never organized a *Saenghwal Chonghwa* during their assignment. In another, hundreds of participants said that they had never held a *Saenghwal Chonghwa*, even though it was supposed to be held every Sunday during lunch.

“Saenghwal Chonghwa was conducted once a week in our company. Almost all workers, except for three, were KWP members. The three non-party members were very busy with work, and the company only kept false attendance records for them. Managers were responsible for their own Saenghwal Chonghwa, and workers did their chonghwa under their boss’s responsibility. However, the chonghwa records were only kept on paper, and it was unclear whether workers actually participated. Personally, I had just five hours of sleep per day, which left me no time to attend chonghwa meetings.”

North Korea Sanctions and COVID-19

UN Resolution 2397 (Dec. 22, 2017),³³⁰ adopted in response to North Korea's long-range ballistic missile launch (Nov. 29, 2017), contains a ban requiring return of overseas workers and prohibiting the dispatch of new workers. Despite the sanctions, it has been found that North Korea was still sending workers to Russia and China using various evasive methods. Evasive methods include disguising workers as tourists or students when obtaining visas. North Korean workers in China reported that they were able to obtain official passes prior to the sanctions, but after the sanctions took effect, they were unable to obtain official passes. Therefore, they would leave the country on tourist visas and return to the North Korean border area once a month to receive an entry stamp at customs, and then return to China. In Russia, there have been reports since October 2019 of workers returning to North Korea to change their visa type to 'study (education) visas' and then returning to work again. In this deceptive action, ordinary workers did not know the designated Russian colleges for attendance. There were also reports of mid-level managers actually receiving some education at local colleges. There was also a case of a person who entered Russia with a 'tourist visa' after the introduction of sanctions and repeated departure and reentry every three months while doing

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330 UN Doc. S/RES/2397(2017), para 8: According to paragraph 8 of UN resolution 2375 (2017), Member States are obligated to repatriate to North Korea all North Korean workers who are earning income within the jurisdiction of that Member State immediately but no later than 24 months from the date of adoption of the resolution.

his contract work. In the Middle East, there was a statement that a North Korean company hired a local person as the company's president to avoid the sanctions. The company was reportedly operated as a subcontractor.

North Korea closed its borders in 2020 to deal with the COVID-19 outbreak. The border closure appears to have prevented workers who were scheduled to be dispatched overseas from leaving the country. It is also understood that workers who were already overseas and needed to return to North Korea at the end of their dispatch assignment could not return to the country. In some cases, workers dispatched before the sanctions were forced to stay in their current country of residence illegally because they could not obtain a work or residence permit from the host country. In other cases, workers whose visas had expired before the sanctions had to stay in their current country of residence as illegal aliens because they could not return to North Korea due to COVID-19. In one case, a dispatched worker in Russia had no option but to keep working illegally because he did not have a residence permit due to sanctions against North Korea. In another case, a North Korean worker whose visa was not extended due to the UN-mandated repatriation of overseas workers in 2019 was interrogated by the host country's immigration office about his illegal status while held in a detention center. After explaining to the immigration authorities that they could not enter North Korea from abroad due to the country's COVID-19 quarantine measures, they were able to obtain a temporary residence permit certificate for a minimum

of five days to two months after paying \$850 per person. In Mongolia, there were also reports that in June 2019, all of the workers' visas expired and were not extended, and they had to pay a fine of 10,000 tugrik (about \$3) per day per worker.

“When Russian police regularly inspect construction sites that operate without work permits and on student visas, the workers usually pay bribes to avoid crackdown. However, in October 2020, four workers were caught working without work permits and were handed over to immigration for investigation and trial. Because of North Korea' border closure due to COVID-19, they were not deported, but instead fined. Only workers who were sent before 2019 and had work visas were sent back to North Korea. Not all of them, but about 70%. The remaining workers, along with those who were sent after 2019, stayed in the country illegally and continued to work in construction.”

4. Right to Education

In Article 26, the Universal Declaration of Human Rights declares that everyone has the “right to education,” and that education should respect human rights and freedoms, be inclusive of all groups, and maintain world peace. In response to criticisms of Nazi-era education policies that taught hatred and intolerance, the Declaration elevated education to the level of a human right and stated that the goal of education should be freedom, justice, and peace.³³¹

The International Covenant on Economic, Social and Cultural Rights also recognizes the right to education for all in Article 13 and imposes the following obligations on States Parties to the Covenant to realize the right to education. States parties shall ensure that education is provided in accordance with the Covenant’s educational goals of respect for human rights and

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331 The concept of education has shifted from being solely the responsibility of parents to becoming a national obligation for all citizens, with the emergence of modern nation-states. The recognition of the “right to education” as a universal human right has further solidified this notion. However, it should be noted that governments can also abuse this right by employing education as a means of propagating particular political ideologies, among other forms of indoctrination. As a result, the right to education possesses a dual nature, encompassing both freedom through the state and freedom from the state.

freedoms and the promotion of inclusion and peace (Article 13, paragraph 1), and shall provide free and compulsory primary education to all, and progressively introduce free and compulsory secondary and tertiary education so that secondary education is available to all on an equal basis and tertiary education on a merit basis (Article 13, paragraph 2). States parties should also guarantee parents the freedom to choose schools other than public schools for their children and the freedom to provide their children with religious and moral education in accordance with their beliefs (Article 13, para. 3), and should not deny the freedom to establish and operate private educational institutions (Article 13, para. 4). According to the General Comment of the UN Committee on Economic, Social and Cultural Rights, States parties must make educational facilities and programs available for the realization of the right to education and ensure that everyone has access to education without discrimination and without physical or economic limitations.³³² The content of the education provided should be appropriate for students, including children, and their parents, and the curriculum should reflect the needs of the times and be responsive to a changing society.³³³

As a state party to the International Covenant on Economic, Social and Cultural Rights, North Korea is obligated to realize the right to education. Article 73 of the Socialist Constitution(2019) states that “citizens have the right to education. This right is

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³³² UN CESCR, General Comment No. 13(1999), The right to education, para. 6.

³³³ Ibid., para. 50.

guaranteed by an advanced education system and the state’s people’s education measures,” and the country has an education law, a general education law, a higher education law, a teacher law, and an education code enforcement law. In its third UPR report submitted in 2019 stated that in 2014 it established a National Strategy for the Development of Education (2015-2023) and is implementing a five-year strategy (2016-2020) to implement it in stages.³³⁴ North Korea’s education-related laws have been enacted and revised since 2015, most recently the Distance Education Law (2020).

A. Free Compulsory Education

Article 13(2) of the International Covenant on Economic, Social and Cultural Rights states that primary education is compulsory and must be free and accessible to all. The fact that primary education is “compulsory” means that the decision to enroll a child in primary education is not optional for parents, guardians, or the state. It also states that primary education should be free of charge so that children, parents, and guardians can access it without financial burden. The Committee on Economic, Social and Cultural Rights has stated that this obligation to provide primary education is an “immediate obligation” of all

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³³⁴ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 44.

states parties.³³⁵ For secondary and tertiary education, states parties are also obliged to take specific measures, including scholarship programs, to ensure that free education is gradually introduced.³³⁶

North Korea adopted the Decree on the Administration of Compulsory 12-Year General Education at the Sixth Session of the 12th Supreme People’s Assembly in 2012, introducing a “12-year free and compulsory education system,” which is guaranteed by the Socialist Constitution and the General Education Law.³³⁷ According to the General Education Law (2015), all citizens of school age (5 to 16 years old) are entitled to “secondary general education” (Article 11), and the academic system of secondary general education consists of one year of kindergarten, five years of elementary school, three years of middle school, and three years of high school, for a total of 12 years (Article 10), during which all educational expenses are covered by the state (Article 13). The operating costs of educational institutions are also covered by the state or organization’s budget,³³⁸ and textbooks and educational supplies are produced and supplied by the state in a planned manner, thus legally guaranteeing free education for

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335 UN CESCR, General Comment No. 13(1999), The right to education, para. 51.

336 *Ibid.*, para. 53

337 On September 25, 2012, during the 6th session of the 12th Supreme People’s Assembly, the “Legislation on Implementing Universal 12-Year Compulsory Education” was announced, signaling a transition from 11-year compulsory education to 12-year compulsory education.: The Socialist Constitution(2019), Article 45, Article 47.

338 Article 23 of the Education Law (2015) stipulates that the operating expenses of educational institutions are guaranteed by the national or organizational budget.

primary and secondary education.³³⁹

Despite these legal guarantees, in practice, school-age children in North Korea do not have access to free education. Testimonies were collected from children attending elementary schools in North Korea, as well as middle and high schools, that they had to pay various fees to attend school, including school management fees and children's assignment.³⁴⁰ In the case of textbooks, which are essential for schooling, there were many testimonies of students paying a certain amount of money to the school called 'textbook fee'. Textbooks were not provided to students in sufficient quantities, often only partially, and often as used books. Because there were fewer textbooks than students, students who did well were prioritized for textbooks. After finishing the school year, the textbooks would be handed down to the next class, so the teacher would always tell them to 'write cleanly'. On the other hand, when the school system was reorganized to a 12-year system in 2013 and the North Korean authorities distributed revised textbooks to schools, some testified that they were given

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339 According to Article 16 of the General Education Law (2015), the central educational guidance institution and relevant institutions must publish and supply textbooks, reference books, and supplementary materials required for student education on time before the start of the new academic year. Additionally, these institutions, state-run companies, and organizations must ensure the systematic production and supply of educational materials, experimental equipment, and teaching aids. Article 38 of the "Enforcement Rules of Education Regulations(2016)" stipulates that the central institution, local People's Committees, institutions, state-run companies, and organizations shall produce and ensure the timely supply of educational books and various teaching materials required for the execution of educational guidelines, considering the demand and utilization status of these materials with the start of each new academic year.

340 The term 'Children Assignment' refers to a task assigned to members of the Chosun Children's League as part of the 'Good Deeds Campaign' : North Korean Social Science Publishing House, Chosun Language Dictionary, Volume 4, 2017, p. 488.

full access to the new textbooks.

“When the 12-year system was introduced, new textbooks were supplied by the state, so only classes entering the 12-year system around 2013 were able to receive new textbooks. Otherwise, we recycle old textbooks every year. However, there were cases where textbooks were lost, so the number of textbooks was always insufficient compared to the number of students, because there was no additional payment from the state.”

School uniforms were generally purchased at either the state price or market price. One witness said that until 2014, the school received uniforms at the state price, but since 2015, they have had to purchase them from a tailor in the market. Since it is impossible to attend school without a uniform, students from poorer families often inherit the uniforms of other students through connections. There were also testimonies of students who were unable to afford uniforms and were given old uniforms that were not the right size by the school. Some students reportedly came to school in plain clothes when their uniforms became too small to wear anymore.

There were also testimonies of schools demanding money for participating in curricular field trips. In 2018, the school organized a field trip to Cloisonne Mountain, and students were required to pay for the trip. The cost of the trip was ¥150 per person, but out of 50 students in the class, only 30 students paid to attend. In 2019, there was a field trip to Pyongyang, which cost ¥200 per person, and only 13 of the students in the class went

to Pyongyang because they were told they needed to bring their allowances.

It was found that students were being asked to pay for the maintenance and upkeep of school facilities under the name of ‘school and classroom decoration’. Each time, students were asked to pay in kind or cash for the principal’s office, classrooms, labs, and computer labs. In addition, money was collected annually in the winter for heating costs. One witness said that the teacher told them that the school needed to be painted and asked them to pay 500g of lime powder per student or a certain amount of money. Students were also asked to pay for the printing of illustrations to be placed by the entrance of the school hallway. As classrooms were modernized to improve school facilities, the cost of decorating the school increased. According to a witness who worked as a bookkeeper at a high school, the North Korean government’s policy required classrooms to be equipped with televisions, laptops, projectors, and solar panels in order to modernize the classrooms, but since there was no budgetary support from the authorities, the school had no choice but to charge students for these items. At the time, the authorities only allocated money to pay teachers’ salaries and to purchase textbooks, registers, laboratory reagents, and other classroom supplies. In 2018, the school asked students to pay \$30 per student to modernize the school, including painting desks and chairs, installing televisions in classrooms, and replacing chalk boards with white boards.

In North Korea, students in all grades, from elementary school

to advanced middle school, are required to pay a fee called the ‘*kkomakwaje*’ (children’s assignment) and to contribute to various programs. One such program is the ‘rabbit skin submission,’ which requires each student to submit two to three rabbit skins to the school each year. One parent said that because she lived in the city, she was unable to provide her own rabbit skins and had to buy them at the market. When it was time to collect the rabbit skins, the mother of the class leader would pay the school first, and later collect the allotted amount per individual from the parents. There was also a kid’s plan for submitting ferruginous iron, scrap paper, and used plastic, which was not the amount of work that students could submit by themselves. In addition, there are various economic tasks imposed from time to time to support the People’s Army, Shock Brigade, etc. As a result of these various and frequent fees imposed by the school, students now often pay a certain amount of money every month.

“When I was in the first grade, my homeroom teacher told me at a parent-teacher meeting, ‘You can help the school a lot if you just pay ¥150 every month. In the future, you won’t be asked for money for support projects and so on.’ He said something like, ‘Isn’t it easier for us if we do it this way?’ At the parents’ meeting, the students would hold their moms’ hands and go with them, and I was there, and I heard that.”

In North Korea, students were found to be effectively coerced by teachers to pay money or goods demanded by the school. In some cases, teachers temporarily relieved students of their

financial burdens in recognition of their difficult family circumstances, but in general, students who failed to pay school fees or supplies were either humiliated in front of their classmates or sent home to bring them back. One witness stated that her classroom teacher called her name out in front of her classmates every day until she paid the money the school demanded, then asked her how long she would pay, and refused to erase her name from the classroom board until she did. There were also reports of teachers keeping students in elementary schools late at night to bring their parents to the school because they had not paid their small plans. Eventually, due to the financial burden, students and parents choose to drop out of school. Despite this situation, the North Korean authorities and schools have not taken proactive steps to alleviate the burden on students and parents. Children who do not attend school and their parents are often sent classmates or the classroom teacher personally visits them to encourage them to attend. Some testified that if students continued to miss school, they would be labeled as non-attenders and removed from the school rolls.

“If we don’t pay the school fees and financial tasks, the class teacher calls the students who don’t pay to the front of the classroom and humiliates them in front of the class. I don’t want to be treated like that, so I make my mom pay the school fees somehow. In the first year of elementary school, I paid the school somehow, but as I went up the grades, there are more and more students who can’t pay, and then the teacher scolds me and embarrasses me, so I don’t come to school.”

B. Equality of Educational Opportunity

(1) Discrimination based on *Songbun* (background)

The UN Committee on Economic, Social and Cultural Rights states that everyone in a state party should have non-discriminatory access to educational institutions and programs.³⁴¹ Testimonies from North Korean escapees indicate that there is discrimination based on *Chulsin Songbun* (family background) in educational opportunities in North Korea. One student stated that in 2018, he was recommended by his school and selected to join the Boys' Palace ski team, but that the general director of physical education excluded him from the list because of his *Songbun*. There were also testimonies that children of *Ijumins* (inmates, detainees in the camp) do not receive a formal education in political prison camps. There are elementary schools and middle schools in the camps, but unlike regular schools, students arrive at school carrying weights instead of book bags and learn about farming in the camps.

Discrimination based on *Songbun* also exists in North Korea when it comes to accessing college. One witness said that she graduated from a high school in 2019 and tried to go to college, but her documents showed that her mother was missing, and she was not allowed to go to college because she had a bad background. This discrimination was allegedly in accordance with the Ministry of Education's policy. Another witness said that in 2018 she wanted to go to medical school, but during a meeting with the

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³⁴¹ UN CESCR, General Comment No. 13(1999), The right to education, para. 6.

head of the education department, she was told, “It is difficult for a child like you to go to college because your mother is missing.” She gave up on going to college. Another testified that after graduating from high school, the witness was unable to enter not only general universities but also technical colleges because the father was a farmer.

(2) Discrimination based on Economic Status

In North Korea, there appears to be discrimination based on economic status when it comes to educational opportunities. According to testimonies collected, children from economically disadvantaged backgrounds are often absent for long periods of time or drop out of school due to the high cost of education. One witness said that her son was a student at an elementary school in 2018, where 25% of the class was made up of children who could not afford to attend. In middle schools in rural areas with high levels of poverty, attendance is said to be less than half. Attendance rates decreased as students progressed from elementary schools to more advanced middle schools due to the higher fees required by the schools. This appears to be at odds with North Korea’s response to the list of issues related to its fifth periodic report to the UN Committee on the Rights of the Child in 2017, in which it reported a stable attendance rate of more than 98% at all levels of schooling.³⁴²

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³⁴² CRC/C/PRK/Q/5/Add.1 (2017), para. 9.

According to the testimonies collected, discrimination by teachers against students for financial reasons is an open secret. Several testimonies were collected that students who were unable to pay were discriminated against in school. One testimony described a classroom teacher who arranged students' seats in the classroom in order of how much they paid for heating, putting them furthest away from the stove as if they didn't deserve to stay warm. There were also testimonies that students who paid well to the school and supported the teacher's living expenses were called 'honorary students,' given certificates and other awards, and excluded from mobilization efforts. In North Korea, to become a student leader, such as a class president, you have to pay a lot of money to the class, and there is a lot of discrimination between student leaders and ordinary students. There has been no active action by the school or North Korean authorities to address this discriminatory behavior by teachers.

"Teachers discriminate between children who are *yoelsungja* (the enthusiastic) such as class leader and those who are not. The school asks for a lot of money in the name of school organization, national project support, and so on, but if you want to be a class leader, you have to pay extra money. The teachers live on that money, so school life itself revolves around them. They are taught extra lessons in the form of special tutoring for only the best students, so their learning progress is faster than other students. The classes are also centered around them, so the normal students don't keep up with the progress and just fill the seats. And my homeroom teacher was very blunt and said, 'If you can't do something, you don't have to learn it, you can be a dog and pick up shit,' and that kind of discrimination was not only from my homeroom teacher, but from the school itself."

(3) Education Inequality between Regions

In its third UPR report, submitted in 2019, North Korea noted that it pays special attention to eliminating the distinction between urban and rural areas in secondary education, and reported that it is working to generalize the transformation of pilot schools with excellent educational conditions and environments to other rural schools.³⁴³ In the same report, North Korea states that competent teachers and teachers' institute instructors are also tasked with improving the teaching skills of rural school teachers.³⁴⁴

In North Korea, educational inequality appears to exist between urban and rural areas. Witnesses who had been transferred from an urban school to a rural school described differences in the quality of educational facilities and teachers. Compared to urban schools, rural schools were smaller and less modernized, and the teachers were not certified teachers but trainees from teacher colleges. Because of the poverty of the neighborhoods, it was difficult to collect money from students, so teachers were often disengaged and did not teach well. A former North Korean schoolteacher said that with no support from the North Korean authorities, it was up to the parents to keep the school modernized. In this situation, the city schools, which are often attended by children from well-off families, were

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³⁴³ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 46.

³⁴⁴ *Ibid.*, para. 46.

modernized with the help of parents.

C. Education

(1) Educational Facilities

According to the Committee on Economic, Social and Cultural Rights, States parties must ensure that the material basis for the realization of the right to education is adequate, including functioning educational institutions and safe drinking water and sanitation in schools.³⁴⁵ Furthermore, facilities for educational programs, such as libraries and computer labs, may also be necessary for the realization of the right to education.³⁴⁶ In its fifth periodic report to the Committee on the Rights of the Child in 2016 reported that it had made great efforts to provide students with modern educational equipment and facilities. In particular, it emphasized that it had modernized education to be information-centered by providing computers and other IT equipment to all schools.³⁴⁷ In its third UPR report in 2019, North Korea stated that it considered the improvement of the quality, environment and conditions of education to be the most important national issue and had increased investment in education and implemented many policies to develop education,

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³⁴⁵ UN CESCR, General Comment No. 13(1999), The right to education, para. 6.

³⁴⁶ *Ibid.*, para. 6.

³⁴⁷ CRC/C/PRK/5, para. 193.

spending an average of 8.6 per cent of its GDP on education.³⁴⁸ In its report, the State party also stated that in 2017 and 2018, several schools were converted into pilot schools, equipped with multipurpose classrooms, high-quality educational equipment and supplies, laboratories, outdoor learning areas, and appropriate amenities.³⁴⁹

According to the testimonies collected, education conditions in North Korea are poor. Even where classrooms had been modernized, there was often no school nurse, no library, no drinking water or sanitation, and in many cases no running water. One witness said that when she attended a elementary school, the school collected money from students to modernize the school, but the toilets were left unchanged, so in 2019 the student still used a conventional toilet outside the school and had no hand-washing facilities. Another witness said that her middle school did not have running water in 2019 and continued to use a well outside the school.

There were also many testimonies that even if the school had a computer lab, students were unable to use it for classes. In 2019, a computer lab was built with money raised to modernize the school, but it was practically unusable because there was no electricity. Another witness said that the only computer lab was in the advanced middle school, which had only three computers and was never used by students. Another testified that there

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³⁴⁸ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 42.

³⁴⁹ *Ibid.*, para. 45.

were computers in the computer lab, but few of them were working.

(2) Faculty Treatment

Under article 13(2) of the International Covenant on Economic, Social and Cultural Rights, States parties are also obliged to improve the material conditions of teaching staff so as not to create obstacles to the realization of the right to education. In this regard, the Teachers Law (2015) provides for preferential measures for teachers in Article 5, which states that “the People’s Committees at all levels and their agencies shall give preferential treatment to teachers and ensure that their business conditions and living conditions are smooth.”³⁵⁰

In North Korea, teachers are in fact not adequately compensated financially, and their poor treatment leads to poor teaching conditions. According to testimonies collected, the salaries and food provided to teachers by the North Korean authorities are insufficient to support their livelihoods, and teachers are forced to make ends meet by informally charging tuition from parents, conducting illegal extracurricular activities, or mobilizing students to work in their own gardens. Some testimonies showed that parents realize that teachers would find it difficult to survive

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³⁵⁰ According to Article 42 of the Teacher Act (2015), granting preferential treatment to teachers is an important condition for enabling them to devote themselves wholeheartedly to education with high pride and honor in their profession. All levels of People’s Committees and relevant institutions must give preferential treatment to teachers and ensure their working conditions and livelihoods are guaranteed smoothly.

without their support, and that teachers take it for granted that parents will support them. A witness who worked as a teacher in a elementary school said that most of the teachers earned their living by receiving informal tuition through the headmaster or by contacting parents who were personally well off. Some teachers were paid monthly by parents to tutor students. As teachers' salaries and rations are not enough to support their livelihoods, some testified that they ask parents to contribute more money when the school asks for children's programs or school operating costs. In 2019, there were also testimonies of a middle school homeroom teacher mobilizing students to work in his personal garden, despite the principal's instructions not to do so for personal gain.

"Teachers' salaries have been paid according to the ration every time, but the amount is not even enough to buy 500g of rice. Every year, in late September and early October, we distribute six months' worth of potatoes per teacher. The potatoes come from a farm that the students go to for rural outreach. The salary and rations provided by the school are not enough to live on. Teachers solve their livelihood by appealing to the parents of the students, who are class leaders and division leaders, for money."

D. Align with Goals

(1) Over-education of Ideas

Article 13(1) of the International Covenant on Economic, Social and Cultural Rights sets out the objectives of education by stating that all education should be directed towards a consciousness of the dignity of the human person, leading to greater respect for human rights and fundamental freedoms, enabling everyone to participate effectively in a free society and promoting understanding among all racial, ethnic and religious groups. The content of education provided by States parties must be consistent with these goals. The Committee on Economic, Social and Cultural Rights has stated that the content of education should be appropriate for children and taught in an unbiased and objective manner that is acceptable to students and parents.³⁵¹ Public education that imposes a particular religion or belief does not meet the objectives of education under Article 13 of the Covenant, and mandatory military education is not appropriate for children.³⁵²

North Korea's General Education Law and the Implementation of the Education Code specify that political thought education should be prioritized over other general education.³⁵³ From

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³⁵¹ UN CESCR, General Comment No. 13(1999), The right to education, para. 28.

³⁵² *Ibid.*, para. 28.

³⁵³ Article 40 of the Law on General Education (2015) stipulates that ordinary educational institutions should focus on political and ideological education to ensure that students acquire sound beliefs and morality, multifaceted and profound knowledge, robust physical

the testimonies collected, it appears that the North Korean curriculum focuses on ideological indoctrination. There were testimonies of the addition of Kim Jong Un idolization in the 2012 curriculum reform. In addition to the existing political history courses centered on Kim Il Sung, Kim Jong Il, and Kim Jong Suk, Kim Jong Un related courses have been added, so that North Korean students learn about the childhoods of Kim Il Sung, Kim Jong Il, Kim Jong Suk, and Kim Jong Un in elementary school, their revolutionary activities in middle school, and their revolutionary history in advanced middle school. In addition, political history is given more importance in all curricula than general education, and attendance and testing are more strictly controlled. According to a witness who attended school in Ryanggang Province from 2011 to 2019, students learn about the childhoods of Kim Il Sung, Kim Jong Il, and Kim Jong Suk in elementary school and their revolutionary activities in advanced middle school, alternating between Kim Jong Suk and Kim Jong Un each semester. Political science classes are not allowed to be missed, and exams are mandatory, and it is the most important subject, so even if you get a perfect score in all subjects in the exam, if you don't pass the exam in revolutionary history, you can't be the top student. Political ideas are also taught on a daily

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strength, and rich emotions. To achieve this, education in general subjects, basic science and technology, foreign languages, performing arts, and physical education must be properly combined. In addition, according to Article 8 of the Enforcement Rules of Education Regulations (2016), educational institutions must make realistic education programs under the principle of emphasizing political and ideological education and strengthening education in science and technology.

basis, with students being mobilized for important political events and compulsory participation in organizations such as the Chosun Youth Corps and the Youth League to learn and practice ideas outside of class. One witness recounted his joining the Chosun Youth Corps in the third grade of elementary school, where he wore a red tie and took an oath to serve the supreme leader. One of the principles he remembers well from his time in the corps was to respect the portraits and badges of Kim Il Sung and Kim Jong Il and to take the best care of them. There were also testimonies that they had to learn songs praising Kim Il Sung, Kim Jong Il, and Kim Jong Un, and sing the songs frequently during their activities in the Youth Corps.

(2) Military Training

North Korea has a mandatory military program called the ‘Red Youth Guard’³⁵⁴ that includes live-fire training in the curriculum of high schools. The purpose of the program is to create a combat-ready army. According to testimonies collected, in North Korea, high school students as young as 14 and 15 years old actually participate in military training, spending a week in camps and undergoing military training, including disassembling and assembling guns and shooting with live ammunition. One

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354 The ‘Red Youth Guard’ is a student military organization established in 1970 by Kim Il Sung’s order. It is composed of male and female students aged 14 to 16 from high schools, and is known to undergo a total of 160 hours of training on Saturdays within the school and to be drafted into the Red Youth Guard camp for seven days, where they receive training including live-fire training. (Ministry of Unification, National Institute for Unification Education, 『Understanding North Korea 2022』, p. 106)

witness said that in 2019, he entered a Red Youth Guards camp for 10 days of training, which was compulsory for all students, and as part of the curriculum, he was trained to fire three rounds of live ammunition.

“I received my Red Youth Guard training in the second year of advanced middle school, when I was 15 years old. We trained for seven days at a military training center in Ryanggang, where shooting was the most important subject. On the first day of shooting training, we practice with an automatic rifle, which is a real gun with no ammunition, standing in front of a computer screen and hitting a target with a laser light. We learn how to aim the gun by distance and where on the human body we can hit. On the second day, we practice hitting a dummy parachuting down, and on the third day, we practice with an automatic rifle with three rounds of live ammunition.”

5. Right to Social Security

Article 22 of the Universal Declaration of Human Rights declares that “Everyone has the right to social security as a member of society” and Article 25 states that “Everyone has the right to social security in the event of a lack of livelihood due to unemployment, sickness, disability, widowhood, old age, etc.”. Article 9 of the International Covenant on Economic, Social and Cultural Rights states that “States parties to the Covenant recognize that everyone has the right to social security, including social insurance.” In its General Comment No. 19, the Committee on Economic, Social and Cultural Rights explained that “the right to social security plays a key role in ensuring the human dignity of all people who face circumstances that prevent them from fully realizing the rights guaranteed in the Covenant.”

Article 72 of the North Korean Socialist Constitution (2019) establishes that socially disadvantaged citizens have the right to social insurance and social security by stating, “Citizens have the right to free medical treatment, and those who have lost their labor capacity due to age, illness, or physical disability, as well as the elderly and children who have no one to care for them, have

the right to receive material assistance.” In addition, Article 2 of the Law on Social Insurance and Social Security (2021) stipulates that “Social insurance is a people’s measure that guarantees the life and health of workers who temporarily lose their labor capacity due to illness, injury, pregnancy, or childbirth at the expense of the state and society.”

A. Pension

(1) Elderly Pension

The Committee on Economic, Social, and Cultural Rights explains that “States should take appropriate measures, such as providing allowances for the elderly from a certain age.”³⁵⁵ In North Korea, Article 37 of the Law on Social Insurance and Social Security (2021) stipulates that the state should take special care of elderly people who are no longer able to work or have no one to take care of them due to their advanced age. Article 74 of the Socialist Labor Law (2015) states that “the state shall grant elderly pensions to workers who have reached the age of 60 for men and 55 for women with a certain number of years of service,” and Article 14 of the Protection of the Elderly Law (2012) states that “the elderly shall receive elderly pensions and various forms of subsidies from the state.”

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³⁵⁵ UN CESCR, General Comment No. 19, The right to social security, para. 15.

In North Korea, the elderly pension is paid to those who have worked for at least 25 years and are at least 60 years of age for men or 55 years of age for women. However, women often have difficulty meeting the years of service requirement, so they rarely receive the elderly pension. The pension is mainly paid in cash and in-kind through the local office. In 2019, one woman testified that she received ₩700 as an elderly pension, while another received 600 grams of rice and ₩60 in cash at around the same time. Testimonies from 2017 and 2019 indicate that people receive between ₩700 and ₩800 per month in elderly pensions. However, this amount is not enough to support their livelihoods, as ₩700 cannot buy 1 kg of rice or even 1 kg of salt.

“In North Korea, you must be at least 55 years old and have worked for at least 25 years in a row before you can get a pension. Even though I was 57, which was over the minimum age, I didn’t qualify because I hadn’t worked in 25 years. Therefore, many women don’t receive a pension. Even if you were eligible, the pension amount was ₩700 in 2019, which was not enough to buy even 1kg of rice.”

(2) Incapacity Pension

According to Article 37 of the North Korean Law on Social Insurance and Social Security (2021), a person who loses his or her ability to work due to illness or physical disability is protected by the authorities. Article 73 of the Socialist Labour Law (2015) states, “The State shall provide a pension for incapacity for work under the national social security system if the period of

incapacity for work due to labor accidents, illness, or injury is more than six months.”

The exact amount of pension paid to those declared incapacitated for more than six months due to illness in North Korea is unknown, but it is said to be a very small sum. There have been testimonies of people with physical disabilities who had to pay bribes to be recognized as incapacitated and receive ‘social security’, but the amount they received was not enough to make a significant difference in their daily lives. Moreover, there were many cases where pensions were not properly paid, even if the recipient was determined to be incapacitated for more than six months. For instance, a man who was discharged from the army in 2011 after being assaulted by his superiors was registered as a social security recipient, but received no pension or financial support from the authorities. In 2017, some people who were eligible for social security did not receive pensions or other financial support. Others, like those who lost their arms in an industrial accident, were registered as social security recipients, but did not receive any financial assistance from the government, forcing them to support themselves by running their own business.

Meanwhile, according to Article 73 of the Socialist Labour Law (2015), an individual who is incapacitated for more than six months is entitled to a pension and is relieved from labor obligations, which is commonly known as social security in North Korea. If an individual is absent from work for a prolonged period of time, they are usually punished through labor discipline. However, if they are covered under the social security

system, they are not subject to any punishment for not working. To circumvent work obligations, some individuals have resorted to faking incapacity by undergoing medical tests to prove their disability. Testimonies have revealed that although eligible individuals do not receive any monetary benefits, they are excused from labor obligations. Additionally, several cases have been testimonies of individuals bribing clinic doctors and the director of the People’s Hospital to obtain a medical certificate certifying that they are unable to work for more than six months in order to receive social security and avoid work.

“My father was what they call ‘social security,’ elderly social security starts at 60 for men and 55 for women, and they receive about ₩3,000 per month. Until the age of 60, North Korean men must go to a company or factory. It doesn’t matter whether the company or factory is running or not. If they don’t go to work, they have to pay ‘8.3. profit.’ But if you are on ‘social security,’ you don’t have to do that. You don’t have to go to a labor camp when you are unemployed. However, you have to attend a regular medical checkup every six months to determine if you’re really sick or if you’ve improved so that the state can verify your condition.”

(3) Pension for Remaining Families

In General Comment No. 19, the Committee on the Covenant on Economic, Social, and Cultural Rights explained that “the State should ensure that the spouses and dependents of a deceased worker are compensated for the loss of support.”³⁵⁶ In this

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³⁵⁶ UN CESCR, General Comment No. 19, The right to social security, paras.1-3; para.17.

regard, Article 77 of the Socialist Labour Law (2015) requires North Korea to provide a survivor's pension to dependents when a worker dies due to a labor accident, illness, or injury.

Although recent North Korean defector testimonies have not specifically mentioned survivor pensions, testimonies from the 2010s indicate that the pension payments for survivors were poorly implemented. For instance, in 2012, two workers in *Dolgyeokdae* died in a tunnel-building accident, but their families received no compensation. Similarly, previous cases have shown that when collective farmers or assault squad members died, their families did not receive compensation. In 2005, for example, a farmer's head was sucked into a threshing machine, killing him instantly, but his family did not receive compensation. In 2006, frequent accidents and deaths occurred in an assault squad, yet the families of the deceased were only given a 'warrior's certificate,' with no compensation. In 2007, six workers were killed in a workplace explosion at a factory in Sakju County, North Pyongan Province, but the families of the deceased workers received no compensation. In 2008, two workers of an assault squad were killed on site during a blasting operation in Jagang Province, North Korea, and their families received no compensation. Some workers did not receive a survivor's pension from the authorities, but instead collected money from within the company or assault squad where the deaths occurred and delivered it to the families.

B. Grants

(1) Temporary Incapacity Benefit

General Comment No. 19 of the Committee on Economic, Social and Cultural Rights explains that people who are unable to work due to ill health should be compensated for their lost income with cash.³⁵⁷

Article 73 of the North Korean Socialist Labour Law (2015) states that “The State shall provide temporary subsidies under the national social insurance system to workers who temporarily lose their labor capacity due to labor accidents, illnesses, or injuries, and pensions for loss of labor capacity under the national social security system if the period is longer than six months.” According to the Socialist Labour Law (2015), temporary subsidies are paid when the period of incapacity is less than six months.

Contrary to the law, subsidies for those who are temporarily incapacitated appear to be inadequate. In 2010, testimonies were collected from a worker at a forestry workshop who suffered frostbite during winter logging operations, but no medical treatment or subsidies were provided. In 2011, a worker injured her foot while working in the forestry industry, but there was no support or subsidy from the authorities for medical treatment and livelihood expenses. In 2019, a female worker injured her

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³⁵⁷ UN CESCR, General Comment No. 19, The right to social security, para. 14.

back while working at an urban construction center and was treated at the People's Hospital, but despite the fact that it was an industrial accident, she received no subsidy. Even before 2010, cases of workers not being compensated for on-the-job injuries were collected. In 2000, a man's arm was amputated after it was sucked into a potato harvesting machine on his farm when he tried to remove a stone that had become stuck in the machine, and he had to pay for both the treatment and his livelihood due to the lack of subsidies. In 2005, a man had his thumb severed when his glove was sucked into a machine while he was working with it, and underwent surgery, but received no medical treatment or subsidy from the authorities. In 2007, a male worker suffered a finger amputation in an accident at work, but was not paid any wages or subsidies during that time. In 2008, a man was hospitalized for two months after being involved in a car accident while working as an overseas worker.

"I was working at a joint corporation company in Hyesan City, Ryanggang Province, when I had this accident where I injured and amputated my finger. It was back in May 2007. I recall that it was around 11 a.m. because I was working in the morning session. I just passed out. When I woke up in a hospital room, the next thing I found was that the top two parts of my right index finger were gone. I stayed in the hospital for a month, and it took me around three months to fully recover. During those three months, I didn't get any compensation or support."

(2) Multiple Child Support

North Korea's laws provide for special benefits and subsidies for women raising three or more children. Article 20 of the Law on the Nursing and Upbringing of Children (2013) provides for the payment of living expenses to mothers raising multiple children, and Article 21 provides that mothers raising multiple children and their children can receive special benefits from the authorities.³⁵⁸ Article 31 of the Law on the Protection of the Rights of Women (2015) also stipulates that women workers raising three or more children should be paid full living expenses.

In 2017 and 2019, cases of multi-child childcare subsidies were collected. The subsidy was ₩5,000 per child per month, from the birth of the third child until the child graduated from advanced middle school. In 2019, the subsidy was sometimes paid once every three months, but the subsidy was so small that it was not really helpful for raising multiple children. There was also testimony that the subsidy, which was originally ₩500 per child, was increased to ₩5,000 in 2017.

“If you have three or more children, each child can receive a monthly subsidy of ₩5,000 until they finish advanced middle school. Therefore, for a family with three children, the total subsidy would

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358 Article 21 of 「The Law on the Nursing and Upbringing of Children(2021)」 stipulates that mothers who give birth to two or more children at the same time are entitled to a certain period of paid leave. In particular, if three or more twins are born, they will be provided with clothes, blankets, and dairy products for free for a certain period of time, provide childcare subsidies until they reach the age at which they go to school, and take special care of the health of children and mothers.

be ₩15,000. However, the subsidy is not paid every month but only once every three months, which means a total of ₩45,000. The amount is so small that it's not even enough to buy 4kg of rice for the family. The subsidy was not helpful enough for me to raise my three kids.”

C. Others

Article 12 of North Korea's Law on the Protection of the Elderly (2012) states that “the state shall support the elderly who have no dependents and are unable to live independently.” Additionally, Article 78 of the Socialist Labor Law (2015) states that the elderly who are unable to work or have no guardians are provided with free care in nursing homes. North Korea has also highlighted in its third UPR report in 2019 that it has taken measures to support the elderly. These measures include setting up an executive committee for the protection of older people at the cabinet, provincial, city, and county levels, implementing a strategic plan for the protection of older people, and opening a new nursing home in Pyongyang in 2015. This nursing home serves as a model example for all provincial nursing homes.³⁵⁹

Recently, testimonies about elderly care facilities have been collected in certain parts of North Korea. According to testimonies, the North Korean authorities promoted the construction of a

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³⁵⁹ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 77–81.

nursing home in Pyongyang in 2017 through media channels. Testimonies about nursing homes were also gathered in South Hamgyong Province around the same time. In addition, there were accounts that a four-story building with a nursing home for unaccompanied elderly individuals was built in Hyesan City, Ryanggang Province in 2016 and completed in 2018. Furthermore, testimonies of nursing home sightings were collected in Samsugun County, Ryanggang Province in 2019.

“In 2017, North Korea built a massive nursing home in Pyongyang, and they advertised it a lot, saying that elderly folks without kids to look after them could apply and get in if they went through the process. They also claimed that they were constructing nursing homes in all the provinces around 2017-2018.”

Article 12 of the Law on the Protection of the Elderly (2012) stipulates that an elderly person can be supported by the state at the request of the elderly person, even if he or she has a dependent. In this regard, testimonies were collected that many people want to enter nursing homes because they provide room and board. There were also cases where children felt burdened to support their parents and used their connections and bribes to get their parents into nursing homes.

“There are facilities that take care of the elderly without dependents. I heard there’s one in Samsu County, Ryanggang Province. My mother’s acquaintance actually entered one of these facilities for the elderly. She was an elderly woman residing in Hyesan City, Ryanggang Province, and had only one son. For him, she was too

much of a burden to look after, so he bribed the authorities to have her accepted even though she was, in fact, ineligible. As a matter of fact, the terms and conditions for entering an elderly care facility are very strict. I heard that it is pretty challenging to gain admission.”

V

Vulnerable Groups

1. Women

Human rights should be guaranteed equally to everyone, regardless of gender. The preamble of the Universal Declaration of Human Rights emphasizes the inherent dignity and equality of all members of the human race, and Article 2 declares that “everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction on any grounds, including sex.” The ICCPR and the International Covenant on Economic, Social, and Cultural Rights also affirm that men and women have equal rights, and stipulate that states parties to the Covenant must ensure that all rights set forth in the Covenant are equally available to men and women.³⁶⁰ Women play a major role in pregnancy, childbirth, and child care, and their presence and role are crucial to the maintenance and development of society. In 1979, the Convention on the Elimination of All Forms of Discrimination against Women³⁶¹ was adopted by the 34th session of the United Nations General Assembly and entered into force in September

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³⁶⁰ International Covenant on Civil and Political Rights, Article 2-3; International Covenant on Economic, Social and Cultural Rights, Article 2-3.

³⁶¹ Convention on the Elimination of All Forms of Discrimination against Women.

1981. The Convention prohibits all discrimination against women in the areas of civil and political rights, economic, social, and cultural rights, and rights relating to marriage and family life.

North Korea ratified the Convention on the Elimination of All Forms of Discrimination against Women in 2001 and, as a state party to the Convention, submitted its initial report on the implementation of the Convention in 2002 and its second, third, and fourth consolidated national reports in 2016. In addition, in its three UPRs (2009, 2014, and 2019), North Korea identified women's rights as a special group of rights and reported on its efforts to promote and protect women's rights and their effectiveness. In its June 2021 Voluntary National Report (VNR) on the implementation of the Sustainable Development Goals (SDGs), North Korea revealed its plans to prioritize women's empowerment and promote all forms of education for women to realize their potential.

A. Discrimination Against Women

Article 77 of the Socialist Constitution of North Korea (2019) states that "women have the same social status and rights as men." Article 2 of the Law of Guarantee of Right of Women (2015) states, "It is the policy of North Korea to ensure equality between men and women, and the state strictly prohibits all discrimination against women." In its 2021 VNR report, North Korea stated its intention to "properly implement national laws on gender

equality and appoint more women to leadership positions in government agencies and other organizations.”

Despite legal prohibitions against discrimination against women, it appears that discrimination exists in North Korean families, society, and education. Until recently, there was a tendency within families to favor or prioritize sons over daughters, and daughters were not given the same educational opportunities as sons. Socially, it was harder for women to get hired or promoted than men. Compared to men, fewer women go to college, and there is a social atmosphere that prioritizes men over women when it comes to admission, promotion, and job placement. Testimonies were collected that, when selecting international students, women were excluded, and only men were selected. Discrimination in education also occurred. Even if female students did well in college, they were not able to enroll in classes that would prepare them for master’s and doctoral programs because women were believed to perform worse once they get married.

“Every year, Russian universities accept a certain number of people from North Korea who were nominated as state scholarship students. If they were selected as state scholarship students in North Korea, they could enter Russian universities without having to take any exams. If their parents were divorced or remarried, their children could not be selected as state scholarship students. Also, their parents’ criminal records are unacceptable. And only male students were selected, reasoning that girls are vulnerable to temptation and quickly betray.”

B. Violence Against Women

(1) Domestic Violence

In North Korea, Article 37 of the Law of Guarantee of Right of Women (2015) states that women have the inviolable right to life, and Article 46 states that assault on women in the home is prohibited. Despite this, violence against women in the home is not uncommon in North Korea, where domestic violence is often perceived as a private matter, to be dealt with behind closed doors and not something for the authorities to intervene in. In addition, the public security officers who receive reports are often men with patriarchal attitudes who tend to be unwilling to intervene and often blame the victim for the domestic violence. Such shifting of responsibility can send victims into a state of psychological powerlessness, preventing them from reporting domestic violence. Even when reports are made, the authorities do not actively intervene, and women who are victims of domestic violence have difficulties accessing proper protection. Because of the North Korean authorities' passive intervention, victims of domestic violence did not feel compelled to report it, making it difficult to address domestic violence from the outside. A testimony of a girl revealed that her stepfather had assaulted her mother and neighbors called for help. However, when the Ministry of Social Security officers arrived at the site, no action was taken. In another testimony, when a woman notified the authorities of her husband's habitual assault, safety officers

criticized her, saying the assault was not a crime.

When the woman reported her husband's habitual assault on her, safety officers blamed her and told her that her husband's assault on her was not a crime but a form of discipline. They told the woman, who sought legal help, that there was no legal ground to penalize her husband for domestic violence. As matter of fact, she was unable to receive any help from the Ministry of Social Security and was forced to return to her home, in which the abuser resided, where the violence continued.

"My husband beat me whenever he was drunk. Once, in the spring of 2014, I went to a branch of the Taehongdan County Security Office in Ryanggang Province to file a report. I told them that my husband hit me when he was drunk, but they said, "It's not a crime, and there are no rules to punish such things, so it's none of our business. It's a family matter. You should resolve it within your family." Then they told me to go home. I think that 70-80% of men in North Korea are violent toward their wives, but the law doesn't do anything about it, so women are beaten every day. The security officers didn't take care of my complaint, so I felt hopeless and doubted if I should keep living like this since there was nothing I could do to stop it."

(2) Sexual Assault

Sexual violence against women is punishable by up to nine years of hard labor under Articles 319 and 320 of the North Korean Criminal Law (2022). If the rape is particularly severe, Article 9 of the Supplement to the Criminal Law (2010) allows for the imposition of life imprisonment with hard labor or even the

death penalty.

Testimonies were collected that there were often cases of sexual assault at home, military units, *Dolgyeokdae* (shock brigades), detention centers and in other places but in many cases, female victims are embarrassed to report sexual violence and fear that they will be penalized for doing so. Even if they do, testimonies indicate that sexual assault cases are not actively reported due to the fact that the authorities do not actively intervene in these cases as a personal matter, and the blame is shifted to the victim. In one case, a victim who was sexually assaulted by her cousin became pregnant and had an abortion, but when her entire family found out about it, they didn't even think to report it because they thought it was a family matter. In another case, a woman who was sexually assaulted by her biological father became pregnant and had three or four abortions, and although everyone around her knew about it, she did not report it because she felt shame.

In one case, a student reported sexual assault by her high school homeroom teacher to educational authorities, but the perpetrator was not punished because he had a good family background(*Toda*). In another case, a local party secretary caught a high school's homeroom teacher attempting to sexually assault a female student, but he was only sent for revolutionary re-education and returned to the school less than a month later.

Sexual crimes committed by superiors or fellow soldiers have been identified as a common occurrence in the military. There have been numerous testimonies of superiors sexually

assaulting or molesting female soldiers while claiming that they could provide them with various benefits, such as membership in the Workers' Party, or that they could cause them to be disadvantaged. For fear of repercussions, many victimized female soldiers remained silent about the molestation and sexual assault. There was a lack of investigation and punishment of perpetrators in cases of sexual offenses in the military, with some victims being dishonorably discharged.

"It's commonplace for male superiors to sexually assault female soldiers. More than 20 officers sexually assaulted their female soldiers on a regular basis, taking advantage of bait like helping them join the Workers' Party. Female soldiers can't say no to sexual requests from officers because if they do, they'll have to do difficult and hard work as punishment. It seems like female soldiers don't bring up such issues because they are afraid that if stories get out, it will hurt them. Besides, the officers haven't been punished."

Cases of sexual violence within *Dolgyeokdae* were also collected. The division commander in Pyongyang recognized that a woman had become pregnant as a result of sexual abuse by an *Dolgyeokdae* platoon leader and ordered her to have an abortion, but the offender received no punishment. There were also numerous cases of sexual assault and harassment of prisoners by detention center administrators. The head of the *Jipgyeolso* (holding center) reportedly harassed female inmates sexually despite their strong refusal. Female detainees in a detention facility run by the Ministry of Social Security in Sinuiju City experienced

sexual harassment from both the center’s head and the guards. Testimonies of sexual harassment by guards were also collected at a similar detention center in Bochon County, Ryanggang Province, and another in Hyesan City. One woman testified that during her pretrial detention after being arrested for smuggling, the head of the pretrial division demanded sexual intercourse in exchange for clearing her case.

C. Maternity Protection

“Mothers and children have the right to special care and assistance,” states Article 25(2) of the Universal Declaration of Human Rights. Article 11 of the Convention on the Elimination of All Forms of Discrimination Against Women requires state parties to prohibit discrimination, including dismissal on the basis of marriage, pregnancy, or maternity leave, to implement maternity leave, and to provide special protection to pregnant women.³⁶²

Article 77 of the Socialist Constitution (2019) lists the government’s efforts to protect mothers, including maternity and paternity leave, reduced working hours for mothers with multiple children, and expanding the network of daycare centers and kindergartens. According to Article 59 of the Socialist Labour Law (2015), women cannot be forced to do hazardous work, and pregnant women and workers with infants to feed cannot be

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³⁶² Convention on the Elimination of All Forms of Discrimination against Women, Article 11(2).

forced to work at night.

(1) Support for Pregnant Women

Article 51 of the North Korean Law of Guarantee of Right of Women (2015) states that medical institutions must provide safe and effective medicines and treatment techniques for women giving birth and that health institutions, state-run companies, and organizations are obligated to take care of the health of mothers and children. Article 10 of the Public Health Law (2012) states that childbirth is free of charge in accordance with the principle of free treatment. In its third periodic report to the UPR in 2019, North Korea reported a decrease in maternal mortality and highlighted institutional efforts by the authorities to promote the right to health, including by extending maternity leave.

However, it appears that the authorities' provision of medical assistance and maternity services to pregnant women in North Korea is insufficient. Prenatal care for pregnant women was found to be insufficient. In 2015, testimonies were collected from pregnant women who received a brief visit from a doctor at a clinic during their pregnancy for free, but ultrasound examinations were not free. In 2018, there were no regular checkups for pregnant women conducted by the authorities, and some women testified that they were able to use their connections to privately obtain prenatal ultrasounds and identify the fetal position. In recent years, more women have given birth in hospitals, but some still give birth at home. There was a testimony that in 2016, a woman had a natural birth at

the North Hamgyong Provincial Maternity Center in Chongjin, North Hamgyong Province. Hospitalization and childbirth were free of charge, but she gave the midwife CN¥30 as a token of appreciation. In 2018, in Daehongdan county, Ryanggang province, a midwife from a clinic was called to a witness's home and helped during childbirth, and she was given ₩30,000 as a reward. Responding immediately to emergency situations during childbirth is essential to protect mothers and newborns. However, giving birth at home without medical experts prevented preparation for emergencies, according to testimonies. In 2018, there was a case in which a mother who gave birth at home had an emergency during childbirth died of excessive blood loss because she was not receiving appropriate measures.

“I had two ultrasound tests at Daehongdan County Hospital, but neither one was covered by the state.” In my case, I was able to get them covered personally through my husband's connections. I had a midwife from the Nongsari Clinic in Daehongdan County come to my house for the delivery. I gave her ₩30,000.”

(2) Prenatal and Postnatal Leave and Subsidies

Article 10 of the International Covenant on Economic, Social, and Cultural Rights states that pregnant women should be given special protection for a reasonable period of time before and after childbirth and should be granted paid leave or modest social security benefits during the same period. Article 11 of the Convention on the Elimination of All Forms of Discrimination against

Women states that women have the right to social security and paid leave in case of retirement, unemployment, sickness, infirmity, old age, and other incapacities for work.

In North Korea, women are entitled to regular and additional leave, as well as maternity leave, under Article 40 of the Labour Protection Law, adopted in 2010.³⁶³ In 2015, the Socialist Labour Law and the Law of Guarantee of Right of Women were amended to extend the leave period from 60 days prepartum and 90 days postpartum to 60 days prepartum and 180 days postpartum. However, testimonies were collected indicating that, in practice, pre- and postpartum leave was sometimes not observed as prescribed. A pregnant woman who was working as a lathe operator at a machine factory in Hamhung, South Hamgyong Province, in her ninth month of pregnancy, was not feeling well. Since she was unable to take leave, she worked through her full term, collapsed on the job, went to the hospital, and miscarried. On a farm in Onsong County, North Hamgyong Province, a woman who was unwell in her fifth month of pregnancy but could only take prenatal and postnatal leave in the last month before giving birth continued to work, collapsed, and eventually miscarried.

According to Article 19 of the Social Insurance and Social Safety Law (2021), a prenatal and postnatal subsidy equal to 100% of living expenses should be paid during prenatal and postnatal

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³⁶³ In North Korea's second, third, and fourth integrated national reports submitted in 2016 as a Party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it evaluated that the adoption of this law further improved the completeness of the legal system for the protection of female workers. (UN Doc. CEDAW/C/PRK/2-4 (2016), para. 30)

leave, but these subsidies do not appear to be paid. In fact, there are no testimonies of women receiving prenatal and postnatal grants. Prenatal and postnatal leaves were available in 2018, but there were no separate subsidies or rations for pregnant women. On the other hand, there have been anecdotal reports of pregnant women receiving food assistance. In 2019, a special food supply for pregnant women was implemented, with 0.65kg per day and 20.15kg per month rationed.³⁶⁴

“I worked at a food supply center in a coal mine in Bukchang County, North Pyongan Province, from November 2017 to June 2019. I was in charge of giving out ration cards as a cashier. Every month, the regular ration supply from the government was less than standard. Office workers were in Class 8 and got 0.45kg of food per day. Pregnant women, on the other hand, were in Class 6 and got 0.65kg per day.”

D. Human Rights Situation of Female Defectors

Many women were trafficked during their escape from North Korea. A number of trafficking victims said they did not know they were being trafficked. Numerous testimonies were collected of women who had to rely on brokers to help them escape, and some of these brokers worked with Chinese individuals to

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³⁶⁴ According to the testimony, during the same time period, ordinary clerks were distributed 0.45 kg per day and 13.95 kg per month.

arrange marriages for North Korean women to Chinese men or to sell them into brothels. Many North Korean women claimed that brokers had tricked them into going to China to work and make money, only for them to discover that they had been victims of human trafficking. In 2015, a woman who realized she had been trafficked after she went to China ended up marrying a Chinese man. In another case that occurred in the same year, a woman who was promised a great deal of money by working at a Korean-Chinese(Chaoxianzu) restaurant in China and her prompt return to North Korea after two months went to China but was, in fact, trafficked and forced to marry a Chinese. In 2017, there was also a case of a woman who had crossed the border to head to South Korea but was forced to marry a Chinese. One woman, who did not realize she had been trafficked until she arrived in China in 2015, said she was forced to work in a video chat room.

“I needed to get to China to stay alive. There was no rationing at all by the government. I heard that it was possible to make a living in China, so I escaped to China. At Cheongjin Station in North Hamgyong Province, there were a lot of young North Korean women and girls being sold to China. Female brokers in their 40s told them that if they went to China, they could make money and eat well. One of them was me. When I got to China, a North Korean trafficking broker told me, ‘There is no other job. You can only stay alive if you marry a Chinese man. If you leave, you will be sent back home and shot.’ I then knew it was human trafficking. I didn’t want to be sold, but I couldn’t say no because I believed that if I were sent back to North Korea, I would be shot to death.”

On the other hand, there were testimonies of women who knew they were being trafficked during the escape process but were forced to choose human trafficking as a way out because they had no other option. For example, in 2015, a woman was told by a river-crossing broker that she would be sold and married to a Chinese man if she defected to China, however, she still escaped North Korea through a trafficking route and married a Chinese man. There was also the case of a woman who was forcibly returned to North Korea after her first escape in 2015 but was voluntarily trafficked to make a second escape in 2018 and married a Chinese.

It seems that women who were trafficked during the escaping process were exposed to sexual crimes by brokers and others and faced difficulties due to the fact that if they were arrested, they could be forcibly repatriated and punished. In one case, a woman was sexually assaulted by a broker while traveling to enter South Korea after escaping in 2018, and in another case, a woman suffered repeated sexual assault by a gang running a video chatting until 2018, but was unable to report as she feared to be arrested by the Chinese police and forcibly repatriated to North Korea.

When North Korean women are arrested by the Chinese authorities and deported to North Korea, they are subjected to a number of human rights violations. They are interrogated in detention by Chinese authorities, transported to the border, and returned to North Korea, where they are subjected to a series of interrogations by various North Korean agencies. They are

usually taken to a provincial or municipal bureau, then to a *Jipgyeolso* (holding center), and finally to the Ministry of Social Security office in their registered residences, where they are either tried or administratively punished. During the transfer, North Korean women are frequently subjected to naked and strip searches, sexual violence, and forced abortions.

A testimony stated that when North Korean women were forcibly repatriated and transferred to a *Jipgyeolso* (holding center) for those who crossed the border illegally in North Hamgyong Province in 2017, two male guards forced them to remove all their clothes before conducting strip searches and body cavity searches. There were numerous testimonies that women who became pregnant while living with a Chinese man were subjected to forced abortions upon repatriation. Forced abortions appear to be carried out primarily in the Ministry of State Security facility, where women are first imprisoned after being repatriated, or in the *Jipgyeolso* (holding center), where they are later transferred. There was testimony about a woman who was in her third month of pregnancy being taken to an outside hospital and forced to have an abortion against her will at a facility of Ministry of State Security in Sinuiju, North Pyongan Province, and there was testimony about a woman who was in her eighth month of pregnancy being forced to have an abortion at a *Jipgyeolso* (holding center) in Ryanggang Province in 2016.

The women who were forcibly repatriated were found to have escaped to earn money due to economic difficulties and did not know they were being trafficked; even if they were found to

be victims of trafficking in China, they did not receive protection as victims or escape punishment. Instead, they were found to be disadvantaged during the investigation process on account of their behavior in China. In another case, a woman was trafficked, married, and escaped after three months of marriage. She was arrested while she was on the run. Initially, she did not expect punishment if repatriated to North Korea because she regarded herself as a victim of trafficking. However, she was sentenced to *Rodongkyohwa* punishment (reform through punishment) correctional labor when she went to trial in late 2015. Numerous testimonies were collected stating that the guards and others in the detention centers punished or sexually harassed exclusively those women who had been forcibly repatriated.

“I left North Korea to make money and for economic reasons. I didn’t know I was being sold until I got to China. I thought I wouldn’t get punishments if I was sent back because I had no bad intention for escaping North Korea. Because I went through difficult times in China where I was trafficked, I actually felt relieved getting arrested and sent back home. But I was very disappointed when I got to Sinuiju City because I was put in a detention center and treated inhumanly there.”

Forcibly repatriated women, regardless of whether they were victims of trafficking, were punished for illegal entry into the border under the Criminal Law or for “illegal entry into the border under the Administrative Penalty Law. There was a case of a woman who escaped and stayed in China for four years and was

sentenced to one year and eight months of correctional labor for illegal border crossing after being repatriated and transferred to her registered residence in 2016, and another case of a woman who was repatriated after staying in China for four and a half years and was sentenced to one year and six months of correctional labor for the same crime in 2017.

“(After repatriation) I was hospitalized at the No. 1 Hospital in Hyesan City due to digestive problems and gallbladder abnormalities. But when I got out, the diagnosis turned out to be malnutrition. I got a sick bail and was sent home. In April 2018, I was tried in the Hyesan City Court for illegally crossing the border and was later sentenced to one year and six months of correctional labor.”

On the other hand, if the defector was a minor at the time of the defection, it seems that he or she may be educated and released without punishment. There was a case of a girl who was trafficked at the age of 14, stayed in China for about two years, was forcibly repatriated, but was released with just an educational penalty because she was underage when she escaped the North and a case of another girl who was trafficked at the age of 13 and was forcibly repatriated and received the same penalty.

Some of the women who had been forcibly repatriated and punished testified that they lived under surveillance by the authorities. Even after their punishment, they were subjected to constant surveillance and discrimination. Their families were under surveillance as well. Many of them stated in common that

the reason for the authorities' excessive surveillance was the fear that they would escape again. One of them said that when she returned to her registered residence after serving her sentence in prison, the surveillance around her was so intense that she decided to escape again; another said that even if she went out for a short period of time, the authorities would try to locate her, so she had to inform the *Inminbanjang* (leader of neighborhood watch units) every time she went out; and the third said that her family members were monitored so intensely that her younger brother complained of difficulties. In one case, the father was dismissed from his job after his daughter's defection and repatriation, and in another case, a woman was unable to find a job after repatriation, so it was difficult to make a living.

"I was sentenced to one year of *Rodongkyohwa* (reform through labor) punishment for illegally crossing the border. I was well aware that my family and I had been under constant surveillance for some time. Surveillance was conducted by the in-charge security guidance officer, as well as his *Jeongbowons* (Informants) and the head of the neighborhood watch unit. When my younger brother returned home from visiting a relative in Bochon County, the watchmen would come to the relative and question him about my brother's visit. My brother frequently complained to me about how difficult it was for him to be monitored since I returned home from prison."

2. Children

Children have often not been recognized as independent subjects with rights due to their physical and mental immaturity. Based on this historical experience, the need for special protection and consideration for children has been recognized in several international human rights instruments, starting with the Geneva Declaration on the Rights of the Child, adopted in 1924. Later, the Convention on the Rights of the Child, adopted in 1989 and entering into force in 1990, ensured that children's rights went beyond mere declarations and became legal rights.

The UN Convention on the Rights of the Child recognizes the right of children to survival, protection, development, and participation, based on the principles of non-discrimination against children and the best interests of the child, and imposes obligations on States Parties to ensure the rights of children set forth in the Convention and to submit reports on their implementation. North Korea, which ratified the Convention on the Rights of the Child in 1990, submitted its first periodic report to the Committee on the Rights of the Child in 1996 and its fifth periodic report in 2016. In its concluding observations each year,

the Committee on the Rights of the Child has raised concerns and made recommendations on North Korea's state reports and called for faithful implementation of the Convention.

North Korea accepted some of the recommendations of the Committee on the Rights of the Child and reported that it had taken several measures to implement them, including the enactment of the Law on Protection of the Rights of the Child in 2010, the establishment of the North Korea Children's Sponsorship Association in 2013, and the ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography in 2014.³⁶⁵ In its third UPR report in 2019, North Korea stated that measures to promote the well-being of children, including the introduction of integrated management of childhood diseases, had been successfully implemented, resulting in a reduction in infant mortality and chronic and acute malnutrition rates.³⁶⁶ While Article 1 of the Convention on the Rights of the Child defines a child as "any person under the age of 18," North Korea defines a child in Article 2 of the Law of Guarantee of Right of Children (2014) and Article 10 of the Child Care and Education Law (2013) as "a person from birth to 16 years of age," meaning that a person who is 17 years old in North Korea is excluded from the protection and rights of the child.

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³⁶⁵ UN Doc. CRC/C/PRK/5 (2016), paras. 8, 17, 21.

³⁶⁶ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 62.

A. Criminal Justice for Children

Articles 37 and 40 of the Convention on the Rights of the Child address the rights of criminal suspects, criminal defendants, and convicted children, also known as “children in conflict with the law.” Accordingly, States Parties to the Convention are obliged to formulate and implement judicial policies to ensure the rights of children in the judicial system. In North Korea, Article 7 of the Law on Protection of the Rights of the Child (2014) stipulates that children are subject to special judicial protection, and Article 47 requires that the rights of children be guaranteed at all stages of handling and processing criminal cases. According to the testimonies collected, children’s rights are not adequately guaranteed in the field of criminal justice for children in North Korea.

(1) Prohibition of the Death Penalty

Article 37(a) of the Convention on the Rights of the Child prohibits the death penalty for children. Article 37 of North Korea’s Criminal Law (2022) states that the death penalty cannot be imposed on a person who is under 18 years of age at the time of the offense, and Article 48 of the Law on the Protection of the Rights of the Child (2014) states that children under 14 years of age at the time of the offense shall not be held criminally liable, and the death penalty shall not be applied to children over 14 years of age.

According to testimonies collected, children are sometimes sentenced to death in public trials and executed in public in North Korea. One witness testified that two people were publicly executed for superstition and religious practices in the winter of 2018, one of whom was a child. In 2015, six children, aged 16 to 17, who had graduated from a high school, were sentenced to death and executed by firing squad in a stadium in Wonsan City, Gangwon Province, for watching South Korean videos and taking opium.

(2) Restriction of Arrest and Detention

Article 37(b) of the Convention on the Rights of the Child establishes the “basic principles on the deprivation of liberty,” which state that the arrest, detention, or imprisonment of a child should be in accordance with the law, only as a last resort, and for the shortest period of time. In its fifth periodic report to the United Nations Convention on the Rights of the Child, North Korea claimed that it had not detained or imprisoned any children during the reporting period (2008–2015) because interrogations of children are conducted in the presence of their parents at the children’s home or before a competent court.³⁶⁷

Among the testimonies collected, there were a number of cases where children under the age of 17 were interrogated during detention without a warrant. There were also cases where

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³⁶⁷ UN Doc. CRC/C/PRK/5 (2016), para. 235.

children were detained in detention centers for being *Kkotjebi* (homeless minors), and so on. One witness stated that he was arrested and interrogated in 2018 at the age of 15.

“I was taken to the city police station and detained for 12 days in the *Daekisil*. Because I was arrested for possessing and watching South Korean movies by the *109 Group*’s (task force to censor and clamp down non-socialist behavior) crackdown on outside information. They discovered South Korean movies on my computer during the crackdown and used profanity and verbal abuse, saying, ‘You watch this stuff? Your mind is rotten.’ I was immediately taken to the *109 Group*’s office and detained for three days while being investigated. I was detained in the city police station’s detention room for 12 days.”

(3) Special Measures for Children in Detention

Article 37(c) of the Convention on the Rights of the Child states that all children deprived of liberty shall be separated from adults and shall have the right to contact their families through correspondence and visits, except in exceptional circumstances. No such provision was found in publicly available North Korean legislation.

According to testimonies gathered, children over the age of 15 are detained alongside adults in North Korea and are subjected to the same treatment as adults. There were numerous accounts of children being detained alongside adults and subjected to the same treatment as adults, including being forced to maintain in a fixed position. According to testimonies, although visitors

could deliver food to the detainees, face-to-face visitation was not allowed. According to one witness, he was 15 years old when he was forcibly repatriated in 2017 and detained in a Ministry of State Security facility, where he was locked in the same cell as adults and treated the same.

“I spent a month in the building of the provincial state security office. I was put in the same cell together with adults and treated the same way as adults. I was usually questioned for about 20 minutes, and except for the interrogation time, they made me stay in a fixed position. This was very hard and painful for me. We couldn’t move, and we couldn’t talk to each other either. You need the guard’s permission to go to the toilet. When you have to go outside the detention center for inspections or for other reasons, you have to put your hands out, and the guards will shackle you. Then you have to crawl and walk out the door of the detention center from your buttocks backward and keep your head down. The guards will beat you up if you break the rules in the detention center. They just don’t care if you are a child or not.”

Meanwhile, there was a testimony about children under the age of 14 being detained and separated from adults. According to a witness’ account, a 14-year-old and a 12-year-old who were deported together with her from China in 2017 were separated from adult detainees due to their young age and held in a kitchen storage room in the detention center, where the children were free to move around without being restrained.

(4) Prohibition of Punishment for Repatriated Children

Article 49 of North Korea's Law on the Protection of the Rights of the Child (2014) stipulates that, in principle, "Social discipline measure" is applied to children over the age of 14 who commit crimes. According to Article 117 of the Criminal Law (2022), the upbringing of those subject to such a punishment is the responsibility of their parents, the youth league, or the administrative units of the town, district, or village where the children reside. In its fifth periodic report to the Convention on the Rights of the Child in 2016, North Korea reported that Social discipline measure is imposed on those whose age at the time of the offense is between 14 and 17 in accordance with the Criminal Law, the Criminal Procedure Law, and the Law on the Protection of the Rights of the Child. Those children who have been forcibly repatriated are also subject to Social discipline measures after being investigated on their motives and purposes for defecting.³⁶⁸

Children under the age of 17 who were forcibly returned to North Korea, were frequently subjected to the same investigations and detention centers as adults. Some went through investigations in the same manner as adults, whereas others were subjected to simpler interrogations because they were underaged. Repatriated children were sometimes held in separate cells from adults before being released without

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³⁶⁸ UN Doc. CRC/C/PRK/5 (2016), para. 232.

punishment. On the other hand, cases in which some of them were criminally punished were also collected.

“In 2016, my sister was sent back to North Korea. At the time, she was 15 years old. Once she was repatriated, she was given a sentence of one year and four months of reform through labour (*Rodongkyohwa*) reform through labour for illegal border crossing. They don’t apply criminal punishments to those children under the age of 14. But anyone older than that is punishable by labour (*Rodongkyohwa*). Anyone over 14 is treated as an adult in North Korea. The inspection officers and other law enforcement officers told me so.”

B. Violence against Children

Article 19 of the Convention on the Rights of the Child states that children have the right to be protected from physical and mental violence and abuse by their care givers, including their parents, and from assault and cruelty in detention centers. States parties to the Convention have an obligation to take measures to prevent violence and abuse against children and to protect children who suffer from it. Article 34 of the Convention on the Rights of the Child imposes an obligation on States Parties to protect children from all forms of sexual exploitation and abuse.

(1) Domestic Violence

North Korea prohibits child abuse in the home in Article 43 of the Law on the Protection of the Rights of the Child (2014) and penalizes abusive behavior by those taking care of children in Article 294 of the Criminal Law (2022), which provides for the criminal neglect of child protection and care. In the same context, Article 296 also provides for the aiding and abetting abuse. Previously, North Korea's Criminal Law stated that the offence unpunishable over objection did not apply to crimes against own family members and relatives, such as neglect of child care and protection.³⁶⁹ But in 2022, amendment to the Criminal Law removed this provision and stipulated that the offence unpunishable over objection will be applied to 'petty crimes,' leaving it unclear whether perpetrators of child abuse could be punished even if the victim forgave them.³⁷⁰ In its fifth periodic report to the United Nations Convention on the Rights of the Child in 2016, North Korea reported that no parents had been prosecuted and convicted of child abuse.³⁷¹

According to the testimonies, there is a lack of authorities' involvement and support in North Korea for the prevention of domestic violence. Testimonies were gathered from people who experienced domestic violence as children in North Korea, which

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³⁶⁹ Article 19 of the Criminal Law revised and supplemented on July 22, 2015 in accordance with Ordinance 578 of the Presidium of the Supreme People's Assembly.

³⁷⁰ Article 31 of the Criminal Law revised and supplemented on May 17, 2022 in accordance with Ordinance 967 of the Presidium of the Supreme People's Assembly.

³⁷¹ UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), para. 80.

is rarely reported or punished as a crime because it is commonly viewed as a parental discipline. One witness stated that in 2013, his or her drunken father grabbed that person's hair, slammed the head against a wall, and beat the body with a wooden stick until it broke. There were several other assaults like this. Although the head of the *Inminban* and the villagers knew about them, they did not report the father for domestic violence, and the police officer in charge did not take any action. Eventually, she ran away from home because she couldn't bear the violence, and she lived on the streets, where she was sexually assaulted.

“The people at the police station think it's natural for parents to beat their children, so they don't care. They say domestic violence is a private matter, so they don't care. Domestic violence did happen in other families in my village, not just in my home. Anyway, the security people didn't care.”

(2) Violence in Schools and Care Facilities

Article 26 of North Korea's Law on the Protection of the Rights of the Child (2014) prohibits teachers from disrespecting the personalities of children, discriminating against them, or subjecting them to verbal abuse and assault. In its fifth periodic report to the United Nations Committee on the Rights of the Child in 2016, North Korea reported that some secondary school teachers excessively scolded students, but also elaborated that it has since taken steps to strengthen the training and oversight of teachers to ensure that

corporal punishment does not occur.³⁷² It also stated that the authorities provided training for teachers and parents on the adverse effects of corporal punishment on children.³⁷³

Among the testimonies, there were numerous instances of teachers assaulting, verbally abusing, and otherwise mistreating children in educational institutions and child protection centers. According to one witness, students on labor mobilization were frequently assaulted by secondary school teachers for failing to meet work quotas, violating institutional discipline, or stealing. There were also reports of teachers physically punishing students in school for failing to complete their assignments or refusing to participate in labor mobilization.

“During elementary school, I saw my classmates get hit by their homeroom teachers for things like being absent, not finishing assignments, not doing well in school, and so on. Most of the time, the homeroom teacher would hit the calves of the students with a wooden ruler, which is typically 7 centimeters wide, 1 meter long, and 1 centimeter thick. Sometimes, the stick would break while the students were being hit. Parents of children who got physical discipline would often come to school to complain to the homeroom teacher about it, but the teacher was never punished for giving physical discipline.”

According to testimonies, the number of parents filing complaints or visiting classroom teachers to complain about corporal

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³⁷² UN Doc. CRC/C/PRK/5 (2016), para. 88.

³⁷³ *Ibid.*, para. 88.

punishment in schools has increased since 2016, while corporal punishment in schools has decreased. One witness said that when that person was in middle school, a teacher hit the calf with a blackboard holder, causing severe bruising, but after the father complained to the teacher, the teacher stopped the beating. Another person testified that in 2017, a child protection center disciplined a teacher for exercising violence on a student.

“A teacher hit a third-grade student on the back and waist with a leather belt. The head of the primary school put that person on stage for harsh criticism. Since the incident happened at a time when orphans were treated as Kim Jong Un’s children and their conditions were reported every day to the supreme leader, it had a huge impact. The teacher was suspended for three months after the incident.”

(3) Violence in Detention Centers

Article 51 of the Law on the Protection of the Rights of the Child (2014) provides that judicial authorities must show the utmost respect for the child’s personality in dealing with crimes against children and may not use coercive methods to force confessions or induce statements. In its fifth periodic report to the United Nations Committee on the Rights of the Child in 2016, North Korea asserted that there were no cases of torture or ill-treatment during the judicial process.³⁷⁴

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³⁷⁴ UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), para. 77.

According to testimonies, children in North Korean detention centers are frequently subjected to verbal abuse, assault, and other ill-treatment by officials during investigations and detention. One witness described being subjected to painful body cavity searches that adults would receive when they were detained as children. Another person testified that in 2019, while being held in a detention room in the Ministry of State Security facility, a security guard beat that person with a wooden stick. When the stick was broken, the guard beat that child all over the body with his bare hands. There have also been reports of assaults and harsh treatment of child detainees in the Ministry of State Security detention centers.

“In the detention center, the guards beat me a lot. Sometimes they hit me because I couldn’t stay still, and sometimes for no reason at all. They beat me in many different ways. They would ask me to come close to the cage and then hit me right away. Also, they would tell me to put my hands on the bars and then beat me with things like a leather strap that they carry with them.”

(4) Sexual Exploitation and Sexual Abuse

Article 18 of North Korea’s Law on Protection of the Rights of the Child (2014) prohibits the abduction and trafficking of children, and North Korea ratified the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography in 2014. In its fifth periodic report to the United Nations Committee on the Rights of the Child in 2016, North Korea stated that sexual

offenses against minors are strictly prohibited by the Criminal Law and that nobody has been punished for using children for sexual purposes, including prostitution, in North Korea.³⁷⁵

Testimonies have been collected from individuals who have seen or heard about the sex trafficking of children under the age of 18 in North Korea. According to the testimonies, the North Korean authorities cracked down on not only the buyer of sexual services but also the child that provided the services. There were also many cases of minors who were trafficked during the defection journey. Most of these cases involved children who intended go to China to earn money but were tricked into marriage brokerage with Chinese men.

“I did everything I could in North Korea, but no matter how hard I tried, I couldn’t even make a living. An auntie in my neighborhood unit introduced me to a woman who told me that if I went to China, I could make money and come back to North Korea. She said, ‘If you go to China, you won’t have to marry. I’ll get you a job in China, and you can make money and then come back to North Korea. I guarantee it, so don’t worry. Let’s go to China.’ I was 16 years old when I escaped North Korea, the woman I was introduced to turned out to be a human trafficker. After crossing the border, she sold me to a Chinese man. I stubbornly refused, but at such a young age and in a place I didn’t know, I had nowhere to turn for help. The Chinese man I married was mentally ill.”

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³⁷⁵ UN Doc. CRC/C/PRK/5 (2016), para. 116.

C. Child Labor

The UN Convention on the Rights of the Child establishes in Article 32 the right of children to be protected from performing labor that interferes with their education or is hazardous to them. Article 31 of North Korea's Socialist Constitution (2019), Article 15 of the Socialist Labour Law (2015), and Article 19 of the Law on Protection of the Rights of the Child (2014) prohibit child labor under the age of 16.³⁷⁶ Under Article 110 of the Criminal Law (2022), a person who forces a minor, who has not reached the working age, to work may be sentenced to *Rodongdanryun* (disciplining through labour). Article 42 of North Korea's Law on General Education (2015) stipulates that "students may not be mobilized for labor unrelated to the enforcement of the education codes," and Articles 52 and 53 state that those responsible for mobilizing students for work unrelated to their study be subject to administrative or criminal penalties.

North Korea reported in its 2017 response to the UN Committee on the Rights of the Child that student labor, other than curriculum-based production work, is prohibited under Article 33(3) of its Law on the implementation of Teaching Programmes.³⁷⁷ However, in its concluding observations on North Korea's fifth periodic report in 2017, the Committee expressed

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³⁷⁶ The Law on General Education (2015) and the Law on Protection of the Rights of the Child (2014) prohibit the employment of children under the age of 17, which contradicts other legal provisions.

³⁷⁷ UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), para. 47.

concern that the North Korean authorities were hindering children’s physical and mental development and well-being, including their right to learn, by requiring them to perform extensive labor.³⁷⁸

(1) Mobilizing Students for Labor

In its 2017 replies to the UN Committee on the Rights of the Child, North Korea stated that child labor is prohibited outside of curricular work, noting that high school students visit farms, factories, and so on for three weeks in each grade to experience production work.³⁷⁹ However, the testimonies collected indicate that in addition to curricular work, North Korean students are mobilized for after-school work and their teachers’ personal chores.

Production labor in North Korea’s high school curriculum is called ‘rural support activities’ and involves the entire grade or a few classes traveling to farms over long distances, sleeping in the farmers’ homes, and working for more than eight hours a day on agricultural tasks such as planting rice and harvesting potatoes. The duration and number of mobilizations varied by school. A witness who attended high school in 2019 said that the school’s agricultural support program started in the first year of high school and was held once a year, with a three-week mobilization

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³⁷⁸ UN Doc. CRC/C/PRK/CO/5 (2017), para. 54.

³⁷⁹ UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), paras. 42–43.

from late May to early June. They stayed collectively in a farmers' houses of a cooperative farm and weeding from 9:00 to 18:00 from Monday to Saturday, and when there was a lot of work, they worked from 7:00 to 19:00. Their days were hard because they had little time to rest, except for an hour for lunch.

Another witness said that rural mobilization began in 2018 when she was in her first year of high school and that she was mobilized twice a year, in August and September, for 20 days each time, for a total of 40 days. During the mobilization, they worked from 9:00 to 20:00 every day, with little time off except for an hour for lunch. The witness said that it was fun at first to be with friends, but as time passed, it became very difficult because the work was non-stop and fierce every single day. Another testimony said that as the students moved up the grades, they ran away halfway through to avoid the hard work, so the school sent the upperclassmen to further away locations to prevent them from running away. Testimonies show that because children in physical education, music, and art groups were exempt from rural mobilization, some students escaped rural mobilization by registering their names with the physical education group. To do this, their mothers bribed the PE teachers. On the other hand, one witness shared the account of mobilization for rural support activities during the middle school years. According to his statement, he spent 15 days at a collective farm every year during the rice harvesting period, having meals and sleeping there while weeding the fields.

“For rural support activity, first year students of high school are mobilized by the state, which is held once a year and lasts for 20 days. We stayed at a farm 2-3 hours away from the school by car and picked potatoes. It was really tough because we had to work for over 10 hours every day for 20 days straight without a day off. Each person was given a plot of land, and every day, girls were assigned around 165m², and boys were assigned 230m², and they had to pick all the potatoes on the given plot. If anybody did not meet that amount, we were not allowed to come down from the field until everybody has finished.”

In North Korea, student labor mobilization after school was frequent. Many cases of after-school labor mobilization were collected from primary schools to high schools. For schools in rural areas, students were mobilized to farms near their schools in the spring and fall, which are the busiest seasons for farming. As students advanced through school, the frequency of mobilizations and working hours increased, as did the intensity of the labor. One witness stated that from the second year of elementary school, she was mobilized to a collective farm near her school after school for one week, three times a year, and had to work in the heat of the day, planting corn in the spring and picking them in the fall. The homeroom teacher of each class led the students to the farm, encouraging them to participate in a government-supported project. Another witness stated that during middle school, students were mobilized to work on farms near her school during the spring and fall when farm labor was in short supply. In May alone, they were mobilized five times,

usually from 1:00 p.m. to dusk, with only morning classes in the school. They were also mobilized to dig potatoes in the fall and compost in the winter. Sometimes they were taken out of school for about a month in the fall. Students were also mobilized for after-school labor at construction sites near schools. One witness said that when she was in her second year at a high school, her entire class was mobilized to work at a construction site for a northern railway line, skipping morning classes to carry gravel from 8:00 a.m. to 10:00 a.m. Each student had to carry a sack weighing about 10kg, which was very hard.

“In 2019, I was in the third grade at a middle school. The school routine on weekdays consisted of labor mobilization from 3:00 p.m. Sometimes, we were asked to work on Sundays. We went to the nearby river to collect gravel and sand, which were to be destined for the Samjiyon construction site. In the past, we went to nearby farms to uproot corn trees, pull weeds, and dig potatoes. Mobilized labor was tough, working in the heat of the summer to pull out grass or digging potatoes in the fall. It gets frosty and very cold in September when we dig potatoes in North Korea.”

It is a crime in North Korea for a principal or teacher to mobilize students to work at his or her own side business for personal gain. According to the testimonies, however, the mobilization of students for labor by individual teachers was openly practiced in North Korea, with no active measures taken by schools and the authorities to prevent it. One testimony stated that the person was mobilized to work for the homeroom teacher’s side business since middle school. The teacher personally asked students for a

favor, and students went in groups of three.

“The pupils were obligated to work at their homeroom teacher’s side business from 2013 to 2019, from the first year of middle school until they graduated from high school. It was different for each teacher, but they all asked the students, ‘I have a side business. Would you like to help me?’ Almost nobody said no to that. The students left home at 7:00 a.m. and spent three hours on the farm from 9:00 a.m. to 12:00 p.m. A guideline that said, ‘Don’t make students work for the teacher’s personal gain,’ was publicized. And some parents had complained about students working on the teacher’s farm, so the school principals told teachers not to ask for such personal favors.”

(2) Additional Instances of Child Labor

In North Korea, child labor is also forced by institutions or organizations other than schools. According to the testimonies, there were cases of children under the age of 16 being recruited to work in *Dolgyeokdae*. One witness was forced to work in a *Dolgyeokdae* in 2017 at the age of 14 and said that the workers from power plant knew that person was a child and did not take issue with it. The Youth League also recruited children under the age of 16 for construction repair work, with no inspection or protection against child labor. There were also testimonies that children from poorer families were often sent to work in lieu of others, as absentees had to pay a fine if they missed the mobilization by neighborhood watch unit. Of the 28 people mobilized, about three were children aged 12 to 14, and they reportedly received the same work quotas and work under the

same conditions as adults.

“The leader of the *Inminban* liked it better when I showed up instead of my mother because I worked harder. I didn’t know it was against the law in North Korea to mobilize children under the age of 16 to work because even middle school students were forced to weed the fields. I think most people do not know. At least one person in the family had to take part in the work mobilization by the *Inminban* because it was one of the citizens’ duties. If you miss it, you have to pay money to the unit as a fine. Paying fines for every mobilization is hard for the average family, so if the adults in the house couldn’t go, the kids went instead. There was no work that was not hard. The children were given the same quota as the adults and had to fill it. Carrying gravel itself was hard, and when I was weeding, I had to walk an hour in the scorching sun to get to the field, where I had to work for almost the entirety of the day.”

D. Treatment of Deprived Children

According to Article 20 of the United Nations Convention on the Rights of the Child, when a child is deprived of his or her family environment or when the child’s presence in the family environment is contrary to the child’s best interests, the state shall provide special protection and assistance to the child. Article 31 of North Korea’s Law on Protection of the Rights of the Child (2014) states, in this regard, that “children who cannot be cared for by their parents or guardians shall be raised at the expense of the state in orphans’ nurseries , orphans’ kindergartens, and schools.”

In its fifth periodic report to the UN Committee on the Rights of the Child in 2016, North Korea claimed that children who are unable to be cared for by their families due to natural disasters, the death or divorce of parents are placed in foster care centers to provide them with quality living and learning conditions.³⁸⁰ North Korea also reported that it had reinforced guidelines for the operation of alternative care facilities and improved the conditions of raising children, including ensuring children's right to food, resulting in the daily provision of fish, fruit, milk, and other food items to children in care on a daily basis.³⁸¹ In its 2021 VNR report, North Korea stated that 67 nurseries, kindergartens, primary schools, secondary schools, and elderly welfare centers were newly built or improved between 2015 and 2020.³⁸²

According to the testimonies, some conditions in children's protection facilities improved in North Korea. One witness stated that in 2017, a dilapidated orphanage near the home was renovated. Both the primary and secondary schools were also modernized, equipped with flush toilets. A witness who worked as a cook at primary and secondary schools from 2017 to 2019 stated that the North Korean authorities provided food supplies to primary schools, which improved the quality of meals.

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³⁸⁰ UN Doc. CRC/C/PRK/5 (2016), para.109.

³⁸¹ *Ibid.*, para. 109.

³⁸² Democratic People's Republic of Korea, Voluntary National Review On the Implementation of the 2030 Agenda, pp. 13–14.

“The primary school for orphans is where the state takes care of orphans, and they come in from the age of 8 to 12 and live there while learning a primary school curriculum. In 2017, orphanage facilities were set up in new buildings in every city under Kim Jong Un’s policy. The orphans were guaranteed to be served with saifin at all three meals a day, at least three side dishes, all of which were covered by the state. During Kim Jong Il regime, there was no consideration for children in primary and secondary schools, so they often would go out and steal and run away.”

North Korea claims that students released from facilities such as secondary school advance to universities or vocational colleges or find employment if they wish.³⁸³ However, testimonies indicate that the majority of secondary school graduates are forced to serve in *Dolgyeokdae*. Testimonies state that upon graduation from secondary school, those who were physically fit were sent to the army, while those who were short or physically weak were assigned to *Dolgyeokdae* or as factory workers.

“When students reach the age of completion, they are sent to the army if they are over 158cm, regardless of their will, and the rest are collectively assigned to *Dolgyeokdae*. My brother was forced into a youth *Dolgyeokdae*. Sometimes they are sent collectively to work in textile factories or other places, and that’s what happened to me.”

In its fifth report to the UN Committee on the Rights of the Child in 2016, as well as in its national report to the UPR in 2019,

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383 UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 65. 3

North Korea made no mention of the homeless children (a.k.a. *Jebi* or '*Kkotjebi*') and claimed that such children do not exist in the country.³⁸⁴ In response, the Committee recommended the North Korean authorities to identify the number of homeless children in North Korea and provide them with assistance, such as reunion with their families or placement in alternative care.³⁸⁵

According to testimonies gathered about homeless children, there is an enforcement agency known as the '*Kkotjebi Sangmu*' (task force against the homeless), and those caught by the agency are sent to detention centers, which are also known as relief centers or vagrant assembly area. In these facilities, the food quality is poor, the conditions are harsh, and the disciplinary measures are strict. In many cases, the detained children were forced to work as laborers. As a result, they often end up running away. Since 2018, the number of *Kkotjebi* has increased, and testimonies have been collected of sightings of a victim of starvation believed to be a child.

“Before I escaped, I was living as a *Kkotjebi* (homeless minors) near a street market. About once a week, two members of the 312 Sangmu took four or five obedient *Kkotjebi* detained in the unit to conduct a crackdown on those *Kkotjebi*. If *Kkotjebi* are caught, they would be taken unconditionally to the 312 *Sangmu*. If they resisted, the *Sangmu* guys would beat them on the spot with their hands, feet, or any rocks until blood gushed from them.”

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³⁸⁴ UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), para. 51.

³⁸⁵ UN Doc. CRC/C/PRK/CO/5 (2017), para. 56.

3. People with Disabilities

The Universal Declaration of Human Rights declares that “all persons are born free and equal in dignity and rights.”³⁸⁶ This also applies to persons with disabilities whose lives are limited by physical or mental impairments. Embodying this spirit, the UN General Assembly adopted the Declaration on the Rights of Persons with Disabilities in 1975 and the Convention on the Rights of Persons with Disabilities (CRPD) in 2006.³⁸⁷ The CRPD imposes obligations on States Parties to ensure and promote the full realization of all human rights and fundamental freedoms of persons with disabilities without discrimination on the grounds of disability.³⁸⁸

North Korea enacted the Law on the Protection of Persons with Disabilities in 2003, signed the UN CRPD in 2013, and ratified the Convention in 2016. As a state party to the Convention, North Korea allowed the UN Special Rapporteur on the Rights of Persons with Disabilities to visit the country in 2017

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³⁸⁶ Universal Declaration of Human Rights, Article 1.

³⁸⁷ Convention on the Rights of Persons with Disabilities.

³⁸⁸ *Ibid.*, Article 4.

and submitted its initial report on the implementation of the Convention in 2018.³⁸⁹

A. Perceptions and Discrimination against People with Disabilities

Article 4 of the UN Convention on the Rights of Persons with Disabilities declares that “State parties undertake to ensure and promote the full realization of all human rights and freedoms of persons with disabilities without discrimination of any kind on the basis of disability.” Article 8 requires the state parties to take appropriate measures to promote positive perceptions and public awareness of persons with disabilities and to raise awareness of their skills, merits, abilities, and contributions. The Committee on Economic, Social, and Cultural Rights has emphasized that state parties have an obligation to eliminate de jure or de facto discrimination on the basis of disability and to take anti-discrimination measures based on the principle of equal rights.³⁹⁰ As a state party to the Convention, North Korea is therefore obliged to improve and prevent discrimination and negative perceptions of persons with disabilities.

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³⁸⁹ Initial Report of the Democratic People’s Republic of Korea on the Implementation of the Convention on the Rights of Persons with Disabilities, CRPD/C/PRK/1(2018).

³⁹⁰ UN CESCR, General Comment No. 5, Persons with Disabilities, paras. 15–18.

(1) Perceptions about People with Disabilities in North Korea

North Korea has designated June 18, the day the Law on Protection of the Persons with Disabilities was enacted, as the “Day of People with Disabilities” and has held nationwide celebrations since 2011.³⁹¹ The initial implementation report submitted in 2018 reported that “lectures were held to strengthen the capacities of those in charge of disability issues, and training and lectures were regularly held for employees of local organizations, helping to expand public awareness of the rights, capacities, and social contributions of persons with disabilities.”

The perception of people with disabilities, however, appears to be negative in North Korea. An interviewee who lived in Pyongyang until 2015 stated that the very existence of people with disabilities in North Korea was viewed negatively. Reportedly, people with disabilities were shunned because they were regarded as different from people without disabilities.

“In 2017, I saw two 30-year-old men in Bukchong County, South Hamgyong Province. They were brothers, and both were mute. And a couple in their 40s in my village were mute. The owner of a storage house in the street market in Bukchong had two sons, and both were mute too, and they didn’t attend the school. I think we avoid people with disabilities because they are different from us.”

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³⁹¹ The Korean Central News Agency (May 19, 2018); Korean Central News Agency (Nov. 11, 2018).

(2) Discrimination against Disabled People

Article 6 of the North Korean Law on the Protection of Persons with Disabilities (2013) states that the state is responsible for preventing disability-based discrimination, stipulating, “The state shall cultivate the people to possess noble humanity and treat people with disabilities kindly and without discrimination, and actively help them.” The initial implementation report submitted in 2018 reported that “Persons with disabilities are enjoying the equal legal protection and benefits with other citizens in political, economic, social, cultural and other fields.” In its the 2021 VNR report, DPRK stated that it is intensifying “institutional measures to eradicate any factor of inequality” in accordance with the Law on the Protection of Persons with Disabilities (2013), and all possible measures are being taken to “legally ensure social protection and welfare for persons incapacitated.”

According to testimonies, the North Korean authorities restricted the freedom of residence and physical freedom of people with disabilities. A ‘dwarf village’ was allegedly formed in the 1990s in Goup Laborers District, Kimhyongjik County, Ryanggang Province, where people with dwarfism were gathered in a mountain village isolated from other villages to prevent the birth of another person with disabilities. In 2019, there were multiple testimonies of witnessing a ‘dwarf village’ in Kimhyongjik County. Testimonies confirmed that there was an order to relocate Pyongyang residents with disabilities to the provinces around 2017. And in 2019, there were orders from the authorities to

relocate people with disabilities, and people with mobility impairments were forcibly relocated to a restricted area in Samsu County, Ryanggang Province.

“I know that Kimhyongjik County has a village for dwarfs. They seem to have been relocated from somewhere else. I don’t know for sure, but I think they’ve been there for a long time. I know that it wasn’t made for them in good faith. Instead, it was made to limit where they could live because people were concerned about reproduction of dwarves. As far as I know, this kind of village was made so there wouldn’t be too many disabled people in the country.”

In contrast, more recent testimonies have indicated that there are no restrictions on where people with disabilities can live. In the past, people with disabilities were restricted from living in Pyongyang, but such a restriction was reportedly lifted around 2020.

Discrimination against persons with disabilities included not only restrictions on residence but also violations of bodily autonomy, such as forced sterilization. For example, multiple testimonies of forced sterilization of people with dwarfism were collected. In 2015, a doctor at a military hospital forced nurses to create a ‘dwarf list’ in order to prevent people with dwarfism from reproduction. In 2017, a female with congenital dwarfism was forced to have a hysterectomy at a military hospital to prevent her from becoming pregnant and giving birth. In addition, people with mental retardation could be sent away for biological experiment on their body if their families consented.

“Around 2013, a dwarf man married an ordinary woman. A social security department warned him, ‘You’re a dwarf, so you shouldn’t have children.’ But around 2014, he gave birth to a baby girl. Three county social security officers came and took the dwarf husband to the people’s hospital and forcibly sterilized him.”

B. Situation of the Rights of People with Disabilities

(1) Mobility and Convenient Facilities

Articles 9 and 20 of the UN Convention on the Rights of Persons with Disabilities call on states parties to improve accessibility and ensure the right to mobility of people with disabilities. In this regard, Articles 47 and 48 of Law on the Protection of Persons with Disabilities (2013) guarantees access to public buildings and facilities, transportation, convenient facilities, and means of communication. In its initial report submitted in 2018, North Korea described its efforts to ensure mobility for persons with disabilities, including the provision of design guidelines for work and living facilities for persons with disabilities and the piloting of free taxis for persons with severe disabilities.³⁹² In its third UPR report submitted in 2019, North Korea highlighted that standards for the design of architectural spaces for persons with disabilities had been revised and that

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³⁹² UN Doc. CRPD/C/PRK/1 (2018), para. 120.

the construction of barrier-free infrastructure that meets international standards was progressing smoothly, as reflected in plans to renovate Samjiyon County and the construction of the Wonsan-Galma Coastal Tourism Area.

However, no anecdotal evidence on accessibility to accommodations for people with disabilities in North Korea was gathered. A family member of a blind person told of his own experience that people with disabilities always had to rely on family members to help them move around because there were no accommodations for people with disabilities. There were no customized facilities or accommodations for the passage of people with visual impairments around or in the complexes where blind people lived. Rather, the ground was always uneven because the facility management was inferior to other apartments.

(2) Treatment and Rehabilitation

The UN Committee on Economic, Social, and Cultural Rights has emphasized that persons with disabilities should have access to medical and social services and should also be provided with rehabilitation services to enable them “to reach and sustain their optimum level of independence and functioning.”³⁹³ Article 26 of the Convention provides that states parties shall organize and expand services and programs for the training and rehabilitation of persons with disabilities to make them available everywhere,

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³⁹³ UN CESCR, General Comment No. 5, Persons with Disabilities, para. 34.

promote training for professionals and staff working in rehabilitation services for persons with disabilities, and take measures to ensure that persons with disabilities are familiar with and use assistive devices and technologies for rehabilitation.

In this regard, Article 11 of the North Korean Law on the Protection of Persons with Disabilities (2013) stipulates that “rehabilitation treatment and research centers for persons with disabilities shall provide professional rehabilitation treatment for the person with disabilities and conduct investigations and research related to the causes and development of disabilities.” Article 14 of the Law states, “Health guidance organizations and their institutions and state-run companies shall plan to produce and supply assistive devices for people with disabilities, such as corrective devices, tricycle, glasses, hearing aids, and bicycles, to ensure that the demand for assistive devices for people with disabilities is met in a timely and smooth manner. Assistive devices should be designed for convenient use and made with high quality.” In its initial implementation report submitted in 2018, North Korea stated that it had conducted practical capacity building training for professionals and staffs to assist in the rehabilitation of persons with disabilities.³⁹⁴

The North Korean authorities are known to manufacture orthotic devices to aid in the treatment or rehabilitation of people with disabilities, as well as to run specialized facilities for them. There were testimonies about a factory in Hamhung

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³⁹⁴ UN Doc. CRPD/C/PRK/1 (2018), paras. 164, 167.

City that produces orthotic devices for people with disabilities, including wheelchairs, prosthetic limbs, and prosthetic hands. However, these devices are not provided free of charge. Instead, people with disabilities were required to obtain medical certificates from their clinics or hospitals and submit them in order to purchase orthotic devices. There was testimony from family members of a deaf person that the authorities did not provide rehabilitation, medical equipment, or treatment for deaf people free of charge.

Meanwhile, there were testimonies about a ‘sanatorium for people with disabilities,’ a facility that helps people with disabilities recover their health, in Rason City. According to the testimonies, the sanatorium for the disabled was operated by the city. It was not a hospital but a facility to assist the recovery and treatment of people with disabilities. It was located in areas with a high concentration of hospitals, and, in principle, only people with disabilities were allowed to enter.

(3) Education

Article 24 of the UN Convention on the Rights of Persons with Disabilities provides for the right of persons with disabilities to education. In General Comment No. 5, the UN Committee on the Covenant on Economic, Social, and Cultural Rights explained that the state party should train teachers to educate children with disabilities in regular schools and ensure that children with disabilities have the necessary equipment and support to receive

the same level of education as non-disabled peers.³⁹⁵

In the Law on the Protection of Persons with Disabilities (2013), North Korea provides for the education of persons with disabilities, including guarantees for education, guarantees for school enrollment, the right to higher education, the organization of special schools and vocational schools, and the publication of special textbooks. In its initial implementation report submitted in 2018, North Korea explained that “efforts are being made to improve the quality of education for persons with disabilities by revising the curriculum, conducting research on teaching methods and training teachers, and improving teaching methods using IT technology.”³⁹⁶ In its third UPR in 2019, North Korea reported that in 2015 it revised the curriculum of schools for the blind and deaf, introduced a 12-year compulsory curriculum with appropriate linkages to vocational education, and that many persons with disabilities are receiving education through a distance education system established at central and local universities.³⁹⁷

It is found that there are special schools in North Korea that provide special education for people with disabilities. Testimonies were gathered that there are ‘schools for the deaf’ and ‘schools for the blind’ as specialized schools for the education of people with disabilities. There are schools for the deaf in

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³⁹⁵ UN CESCR, General Comment No. 5, Persons with Disabilities, para. 35.

³⁹⁶ UN Doc. CRPD/C/PRK/1 (2018), para. 146.

³⁹⁷ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 76.

Pyongyang, Gumya County in South Hamgyong Province, Onsong County in North Hamgyong Province, Chungjin City in North Hamgyong Province, Bongsan-eup in North Hwanghae Province, and Wonsan City in Gangwon Province, and schools for the blind in four or five locations, including Gangdong District in Pyongyang and Kyongsong County in North Hamgyong Province. The school for the deaf has a 10-year curriculum from primary to high school, and classes are taught in sign language. The specialized schools have dormitories so that people with disabilities from other areas can enroll and study as well. There was no testimony about the existence of regular school which provides specialized classes or specialized education for people with disabilities.

“I have seen the Sambong School for the Deaf in Onsong County, North Hamgyong Province, since 2005, and the school is still there. The school for the deaf is for people who are mute, deaf, or partially deaf. The school has classes from kindergarten to high school. The teaching is done in sign language. A student from Chungjin City in North Hamgyong Province also went to this school and lived in the dormitory. There were around 20 students in total.”

(4) Work and Employment

Article 27 of the UN Convention on the Rights of Persons with Disabilities recognizes and requires that persons with disabilities have the right to work and be employed. The Committee on Economic, Social, and Cultural Rights has emphasized that “the

integration of persons with disabilities into the regular labor market should be actively supported by the States.”³⁹⁸

Article 32 of North Korea’s Law on the Protection of Persons with Disabilities (2013) states that “a person with a disability shall be placed in a suitable and appropriate position, taking into account the degree of disability, gender, age, and constitution.” Article 34 of the same law states that “the necessary labor protection conditions for persons with disabilities shall be sufficiently provided.” Article 37 stipulates that “persons with disabilities who participate in labor shall be guaranteed sufficient rest.” In its initial report on CRPD in 2018, North Korea claimed that “Various types of workshops which are suitable for physical and mental characteristics of persons with disabilities are organized and operated.”³⁹⁹ In its second UPR report in 2014, North Korea stated that it provides vocational training for persons with disabilities as well as better working and living conditions.

The North Korean authorities have organized special workplaces for people with disabilities to work in and to assign people with disabilities to jobs that are suitable for them. There are two types of workplaces for people with disabilities: light-labor workplaces and workplaces for the blind. The workplaces where people with disabilities are placed are called “light-labor workplaces” and were observed in Sadong District in Pyongyang,

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³⁹⁸ UN CESCR, General Comment No. 5, Persons with Disabilities, para. 20.

³⁹⁹ UN Doc. CRPD/C/PRK/1 (2018), para. 169.

Onsong and Yonsa County in North Hamgyong Province, and Hyesan City in Ryanggang Province. Once assigned to a light-labor workplace, people with disabilities were given different tasks depending on their level of disability and work six hours a day producing tofu, noodles, rice cakes, or nails. As with other workers, they were paid very little, so most of them paid part of their earnings and did not go to work.

In addition, according to other testimonies, factories for the blind were observed in Nammun-dong and Songchon-dong in Hoeryong, North Hamgyong Province, Tanchon City, South Hamgyong Province, and Pakchon County, North Pyongan Province. Blind people working in the factories reportedly lived in the apartments for the blind near the factories and commuted to work. In the factories, they reportedly worked on tasks such as dismantling rice sacks and turning them into yarn or making steel nails. In the meantime, there are also cases of people with disabilities working in regular state-run companies. A person with a leg injury who had the skill to repair watches worked in a watch repair shop. Similarly, there was a case of a person with a disability working in the inspection section at a steel mill inspecting materials and goods arriving at the mill.

(5) Support for Living and Social Protection

Article 28 of the United Nations Convention on the Rights of Persons with Disabilities requires states parties to take steps to ensure an adequate standard of living and social protection for people with disabilities. In General Comment No. 5, the UN Com-

mittee on the Covenant on Economic, Social, and Cultural Rights explained that states must provide adequate income support, ensure access to food, housing, and other material needs, and provide supportive services, including supplementary schemes, to persons with disabilities who have lost income or been deprived of employment opportunities due to their disability.⁴⁰⁰

North Korea states in Article 3 of the Law on the Protection of Persons with Disabilities (2013) that the state shall invest in continuously improving the living environment and conditions of people with disabilities. In its initial implementation report submitted in 2018, North Korea claimed that it fully provides all citizens, including persons with disabilities, with the basic necessities, such as clothing, food, and housing; that it incorporates the welfare of persons with disabilities into all of its plans to improve people's livelihoods; and that it provides financial support to their spouses or family members in the case of persons with disabilities who are dependent on others.⁴⁰¹

Cases in which the North Korean authorities provided people with disabilities with daily necessities were collected. In 2017, there was a testimony that a family with a disability received fish every month, and students at a school for the deaf received UN-supported uniforms, food, and school supplies.

It appears that the aid provided by the international community was not adequately distributed by the Association for

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⁴⁰⁰ UN CESCR, General Comment No. 5, Persons with Disabilities, paras. 28, 33.

⁴⁰¹ UN Doc. CRPD/C/PRK/1(2018), paras. 173, 179.

People with Disabilities. It was reported that international assistance was mainly reserved for people with disabilities living in Pyongyang and that generally good-quality assistance was sometimes taken away and sold by Association officials.

(6) Cultural and Leisure Sports Activities

The UN Convention on the Rights of Persons with Disabilities declares that persons with disabilities have the right to participate in cultural life and requires states parties to ensure that persons with disabilities have the opportunity to develop their creative, artistic, and intellectual potential.⁴⁰²

North Korea emphasizes that its authorities encourage people with disabilities to work in a variety of fields. In its second UPR report, submitted in 2014, North Korea stated that it supports persons with disabilities to excel in the field of arts and sports, and that they performed on the International Day of Persons with Disabilities and participated in the 2012 Paralympic Games.

In North Korea, the Association of People with Disabilities was founded to organize events for people with disabilities, support their participation in them, and enable them to attend international events. Around 2011, anecdotal evidence was collected of athletes with disabilities training to compete in the Paralympics at Pyongyang's first swimming pool, called *Changgwangwon*.

(7) Support for Honorably Discharged Soldiers

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⁴⁰² Convention on the Rights of Persons with Disabilities, Article 30.

Article 7 of North Korea’s Law on the Protection of Persons with Disabilities (2013) states that “the state shall give social preference and prominence to honorably discharged soldiers who have served the country and its people and to persons with disabilities who have made meritorious contributions to the construction of socialism.”⁴⁰³ In addition, the Socialist Constitution,⁴⁰⁴ Socialist Commerce Law,⁴⁰⁵ Law on Welfare Service,⁴⁰⁶ Education Law,⁴⁰⁷ Law on the Nursing and Upbringing of Children,⁴⁰⁸ Public Health Law,⁴⁰⁹ Law on the Protection of

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- 403** The term ‘honorably discharged soldier’ is a North Korean expression for a soldier who has been injured during combat or military service. (National Human Rights Commission of the Republic of Korea, Korean–English Glossary of North Korean Human Rights, 2016, p. 191).
- 404** Article 76 of the Socialist Constitution (2019) states that revolutionary martyrs, families of revolutionary martyrs, families of patriotic martyrs, rear families of the people’s military, and honorable soldiers shall receive special protection from the state and society.
- 405** Article 65 of the Socialist Commerce Law (2021) stipulates that the Central Commercial Guidance Organization, local People’s Councils, commercial institutions, and state-run companies shall actively organize and prioritize commercial service activities for those who have rendered distinguished services for their country and the people, such as contributors to revolutionary struggles, heroes, war veterans, and honorable soldiers.
- 406** Article 37 of the Law on Welfare Service (2019) stipulates that Convenience service institutions, businesses, and organizations shall give priority to providing services to those who should be given preferential social treatment, such as heroes, war veterans, honorable soldiers, teachers, and scientists.
- 407** Article 18 of the Education Law (2015) stipulates that the state guarantees free school supplies and daily necessities to both honorary soldiers and students who have no means of support.
- 408** Article 19 of the Law on the Nursing and Upbringing of Children (2013) stipulates that the state shall provide special protection to the children of revolutionary martyrs, patriotic martyrs, the people’s military’s rear families, and honorable soldiers, and shall take deep consideration for their care and education.
- 409** Article 12 of the Public Health Law (2012) stipulates that the state pays special attention to the health management of revolutionary fighters, families of revolutionary martyrs, families of patriotic martyrs, families of socialist patriotic martyrs, heroes, war veterans, honorable soldiers, and families of military personnel in the rear.

the Elderly,⁴¹⁰ and Law on Social Insurance and Social Security⁴¹¹ provide preferential support for the honorably discharged soldiers.

In North Korea, people with disabilities who are honorably discharged from the military appear to receive preferential treatment from the authorities in terms of support and social security, compared to people with disabilities in general. Unlike other people with disabilities, honorably discharged soldiers are classified into four classes; special class, class 1, class 2, and class 3, and the support they receive varies according to their class. The special class is applied to the case of special forces or special mission performers, and class 1, 2, and 3 is depending on the severity of the injury. The special class of honorably discharged soldiers can work in any job of their choice, receive regular rations, medicines, basic necessities, and heating, and can ask local Workers' Party offices for help whenever they need it. Testimonies were collected from family members of honorably discharged soldiers who said that they were provided with food, medicine, necessities, and heating by the authorities and

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410 Article 5 of the Law on the Protection of the Elderly (2012) stipulates that the state shall provide social benefits and special treatment to elderly individuals who have made contributions to safeguarding the nation and constructing a socialist society, such as revolutionary fighters, contributors to the revolutionary struggle, heroes, war veterans, honorable soldiers, and meritorious individuals, and shall take care of their livelihood in a warm manner.

411 According to Article 11 of the Law on Social Insurance and Social Security(2021), the following are cases where social insurance premiums are not applied : 1. Subsidies paid to employees in the form of social insurance benefits, 2. Preferential payments (including medicinal expenses), pensions and subsidies provided to heroes, discharged veterans, recipients of military merit, honored workers, and social security recipients, 3. Subsidies provided to families of revolutionary martyrs, patriotic martyrs, and socialist patriotic martyrs

sponsoring organizations without any shortage.

“The honorably discharged soldiers from special class as well as class 1 soldiers, are given a house and regular food rations. The drug management office gives them medicines every holiday, and the commercial management office gives them soap, toothbrushes, 1 kg of bean sprouts, a bag of sweets, a bottle of alcohol, socks, and a face towel every holiday. If they need anything, they can go to the provincial party office and ask for it. There are also organizations that sponsor soldiers, so if they need firewood in the winter, these organizations give it to them. They are taken to the provincial hospital in Chongjin, North Hamgyong Province, for nursing care for 40 days a year. They are fed rabbit soup every other day, given plasma shots, and treated after a complete checkup.”

The pension paid to the honorably discharged soldiers varied according to their class, but it did not appear to be enough to live on. In 2020, a pension of ₩1,700 per month was paid to honorably discharged soldiers, and an additional ₩5,000 was paid as a ‘supplementary payment for restorative herbal medicine’ on the Day of the Sun (Kim Il Sung’s birthday), but the amount was not enough to live on, according to testimonies collected. On the other hand, there was testimony from a soldier who had both his hands and feet amputated due to injuries sustained during his military service and was disabled but was unable to receive any support other than prosthetic legs.

VI

Special Issue

1. Political Prison Camps

Article 2 of the Universal Declaration of Human Rights states that everyone is entitled to all the rights and freedoms set forth in this declaration, and that no distinction shall be made on the basis of political status.⁴¹² In 2014, the Commission of Inquiry on Human Rights in North Korea stated that people who have committed serious political wrongdoing in North Korea are either executed, or disappear into political prison camps.⁴¹³ To this accusation, North Korea argued that there is no terminology of so-called political prisoners or political prison camps in its Criminal Law and the Law on Criminal Procedure, and even if such thing exists, it would only be imposed against criminals to be held in *Kyohwaso* (prison camp) who have conducted anti-state crimes.⁴¹⁴

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⁴¹² Universal Declaration of Human Rights, Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (Below is omitted).

⁴¹³ UN Doc. A/HRC/25/CRP.1 (2014), para. 729.

⁴¹⁴ Summary of remarks made by the U.N. Human Rights Council on the North Korean Central Court during the third Universal Periodic Review(UPR) on North Korea (May 9, 2019).

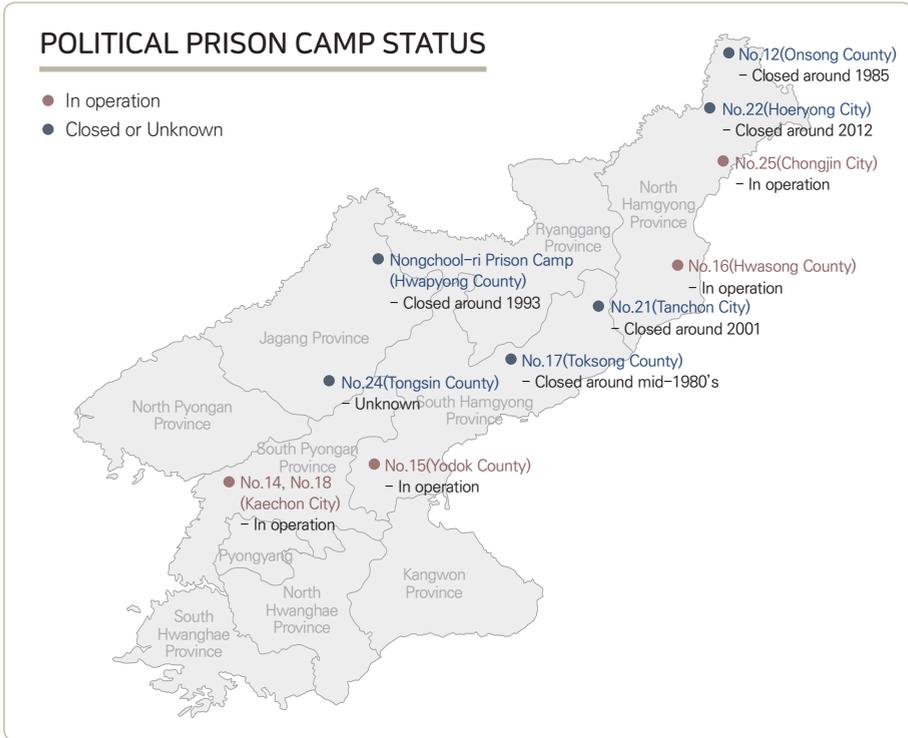
North Korea is known to have separate facilities for political prisoners, which North Koreans refer to as *Kwanliso* (political prison camps). A number of North Korean defectors were aware of these camps before escaping North Korea, having perceived that those who have committed acts of espionage, treason, and so on, as well as their families, were sent to prison camps. However, few had witnessed or lived in the camps themselves, and very few have done so since 2017. Of those who spoke about political prison camps, none were held as political prisoners, but instead, were family members of political prisoners and government agents working in political prison camps.

A. Status of Political Prison Camps

(1) Operation of the Camps

Based on the testimonies collected since 2017, the Center for North Korea Human Rights Record has identified a total of 11 political prison camps: four in North Hamgyong Province, three in South Hamgyong Province, and two in the region of South Pyongan and Jagang Provinces. Of these, five appear to be operating: Two in South Pyongan Province and North Hamgyong Province, and one in South Hamgyong Province.

The political prison camps that appear to be operating nowadays are Camps 14 and 18 in Kaechon City, South Pyongan Province; Camp 16 in Hwasong County and 25 in Chongjin City,



North Hamgyong Province; and Camp 15 in Yodok County, South Hamgyong Province. Camps 14, 18, and 15 were found to have changed in size. Camp 18 was located in Bukchang County, North Pyongan Province, and was bordered by a tributary of the Daedong River, facing Camp 14 in Kaechon City. It was relocated to the Chayang-ri area of Kaechon City in 2006, and many of its inmates were pardoned, whereas only a small number of them were relocated to new facilities. According to testimonies, Camp 14 (Kaechon City, South Pyongan Province) expanded into the area of (old) Camp 18 in 2014 to accommodate persons

associated with Jang Song Thaek.⁴¹⁵ In other words, Camp 14 appears to have expanded in terms of facilities and population, although it is unclear of the extent of its expansion, whereas Camp 18 appears to have shrunk. Camp 15 in Yodok County, South Hamgyong Province, appears to have been closed since the early 2000s after downsizing some of its sections.

Five camps have closed: Camp 12 in Onsong County and Camp 22 in Hoeryong City, North Hamgyong Province; Camp 21 in Tanchon City and Camp 17 in Toksong County, South Hamgyong Province; and the *Nongchol-ri Kwanliso* (political prison camp) in Hwapyong County, Jagang Province. The camps appear to have been closed by the early 2010s, with Camp 12 closing around 1985, Camp 17 in the mid-1980s, *Nongchol-ri Kwanliso* around 1993, Camp 21 around 2001, and Camp 22 around 2012. The reasons for the closures were unclear, and some would argue that they have closed following the order of Kim Jong Il or because of testimonies of former officers from the camp who had escaped and testified to the international community about the camps.

In some cases, pardoned prisoners returned to their residential area after the camps were closed, whereas other people who were not inmates were relocated to the closed-down camps. In the case of Camp 12, given that residents

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⁴¹⁵ See UN Doc. A/HRC/25/CRP.1 (2014), para. 739: It says as follows: it appears that Political Prison Camp 18 was gradually downsized until the site in Bukchang, South was closed down in 2006. Today, a short-term labour detention facility has been placed on the premises formerly occupied by Political Prison Camp 18.

lived near the camp and those who worked in the camp were relocated to the closed Camp 12, it is assumed that the former inmates were transferred to other facilities. Farm workers from Hwasong County, North Hamgyong Province were relocated to Camp 22 after it was closed around 2012, and its detainees were transferred to Camp 16, according to testimonies. Camp 21 is believed to have been occupied by pardoned detainees who continued to live there after it was closed or by members of the general population who moved in. Camp 24 in Tongsin County, Jagang Province, also appears to have been closed, but there were no testimonies regarding this.

People who were interned in political prison camps were referred to differently depending on whether they were pardoned or not. Those who were not pardoned after being held in the camps were referred to as *Ijumins* (inmates, detainees in camp), whereas those who were pardoned were referred to as the *Haejemin* (released). The latter were allowed to leave the camps, were issued civil registration cards and lived like normal residents. However, some testified that they were distinguished from the general population by the fact that the address on their civil registration card was written as *Kwanliso*. Agency staff working in the camps are sometimes referred to as ‘management staff,’ who are the ‘general population’ in the camps. In some camps, officials and their families referred to themselves as ‘*Daeneae*’ (insider) to distinguish them from *haejemin*.

There were also separate designations for different zones in the camps: ‘fully controlled’ and ‘revolutionized.’ The fully

controlled zones inside the camp refers to the area where *Ijumin* reside, and only officers are allowed entry. Often, a part of the camp was set aside for this purpose, but in some cases, the entire camp was completely controlled. A revolutionized zone is a place within a camp where revolutionization punishments are carried out. The term ‘revolutionization’ refers to the entire range of punishments aimed at raising revolutionary consciousness. The duration of revolutionization punishment is said to be one to three years, and the decision on punishment is made by the Ministry of State Security.

The range of *Ijumins* held in the operating camps varied slightly. One common testimony was that Camp 14 held only political prisoners and was a fully controlled zone. Camp 15 is likely to remain a fully controlled camp and appears to house families, but no specific testimony on this has been gathered. There were no specific testimonies about Camp 16, but One testimony was that *Ijumins* were transferred to Camp 16 when Camp 22 was closed and that Camp 22 held families, suggesting that Camp 16 also holds families. The new Camp 18 operates both a fully controlled zone and a revolutionization zone, with the former housing families and the latter housing only those subject to punishment. Finally, Camp 25 appears to house only political prisoners themselves.

The camps are located in deep mountainous areas that are inaccessible to the general public due to the nature of the facilities, and it is not easy for prisoners to escape. In the autumn of 1987, after the lifting of Camp 12, there was a case of a person who

visited the camp when he was mobilized for rural villages for harvest in the fall and said that he had to go into a deep mountain valley 20km from Chongsong Workers' District in Onsong County, North Hamgyong Province, and felt very scared because of the high mountains. In another account, a man accidentally entered the camp while collecting medicinal herbs in the mountains around the time when Camp 21 was lifted in 2003. He testified that it was difficult for ordinary people to have access to it because it was located in an area surrounded by mountains. Because the camps were located in deep mountainous areas, they often relied on coal mining and the mining industry. Camp 12 in Onsong County, North Hamgyong Province, is a coal mining area, and (old)Camp 18 in Bukchang County, South Pyongan Province, was an area where a lot of coal was produced and most of the residents worked in coal mines. Camp 21 in Tanchon City, South Hamgyong Province, is near the Gumdok mine, and Camp 24 in Tongsin County, Jagang Province, is also located in a gold mining area, and the camp supplied laborers for the mine.

There are known to be two types of prisoner camps: village-type and *Kyohwaso* type, according to some testimonies, with Camps 14, 15, 16, and 18 taking the form of the former. In the village-type camps where prisoners were accompanied by their family members, facilities in ordinary residential areas were included such as houses, workplaces like farms and factories, hospitals, schools, and *Rodong Kyoyangdae*. Camp 25 was a correctional center-style camp that was equipped with quarters and workshops, and the prisoners were managed similarly to

those in the Kyohwaso.

The number and scale of political prison camps expanded around the 1970s, and they seem to have taken on a village-like appearance as they began to house families. (Old) Camp 18 in Bukchang County, South Pyongan Province, was built after the mid-1960s to house families of political prisoners, while Camp 12 in Onsong County, North Hamgyong Province, Camp 22 in Hoeryong City, and Camp 17 in Toksong County, South Hamgyong Province, appear to have been built for the same reason. Some testimonies claimed that large numbers of residents were housed in Camp 15 in Yodok County, South Hamgyong Province, and Camp 17 in the mid-1970s, with hundreds of families from Hamhung City and elsewhere being housed altogether in the former. It appears the latter housed many *Ijumins* after the mid-1970s and then moved them to Camp 18 in large numbers in the early to mid-1980s in anticipation of its closure.

The organization that operates the political prison camps is known as the Ministry of State Security, but some testified to the fact that a number of camps are operated by the Ministry of Social Security. When the currently operating Camp 18 was located in Bukchang County, South Pyongan Province, according to testimonies, the address was stated to be the base of Army Unit 2918 of the Department of Social Security in Bongchang-ri, Bukchang County, and it was the area under the jurisdiction of the Ministry of Social Security and equated to a city or county. It was testified that the closed Camp 21 was managed by the Bureau of Corrections under the Ministry of Social Security, and

that Camps 15 and 17 were also under the jurisdiction of the same ministry.

(2) The Size of The Camps

The camps were located in mountainous areas inaccessible to the general public, and the overall area of the camps was reportedly the size of several *ri* (basic administrative unit)s or '*gu* (labor districts)' combined. Camp 15's revolutionization zone encompassed an entire Ipsok-ri, Yodok County, South Hamgyong Province, and it took about 30 minutes to walk from its entrance to the main living facilities. It would have been quite large when the fully controlled zone was included.

There was testimony that Camp 16 was formed across Hwasong County, North Hamgyong Province, and other areas. (Old) Camp 18 was formed by combining Tukjang Labor District and Bongchang-ri, Bukchang County, North Pyongan Province, but around 1995, according to testimony, the former area was opened to the public, and only the latter area was operated as a camp. Even when it was limited to Bongchang-ri, there were 13 work groups in the collective farm, and the land each work group was responsible for was larger than an ordinary farm.

The number of *Ijumins* in the current Camp 18 was greatly reduced when the camp was relocated to Kaechon City, South Pyongan Province, in 2006. The camp area in Chayang-ri, Kaechon City, was said to be about 40 minutes across by bicycle, which is a significant reduction from the previous size in

Bukchang County. Camp 25 was operated differently than other camps and was not particularly large, with only a few buildings and a sports field inside the camp surrounded by a high fence, according to testimony. There was a village near the camp that was said to be the home of the agency staff working in the camp. No testimonies were collected about the size of Camp 14.

Some testimonies regarded the size of the closed camps and that Camp 17 has covered more than seven *ris* in Toksong County, South Hamgyong Province, and is as large as a ‘district’ in a large city. The camp’s administrative building and the *Ijumin* living quarters were said to be about 4km away. Camp 21 was described as an area larger than one labor district, requiring more than two hours to walk from the village area of the camp to the mining area, and that it bordered three counties: Kilju County in North Hamgyong Province, Unhung County in Ryanggang Province, and Huchon County in South Hamgyong Province.

According to one testimony, there were seven guard posts from the entrance to where the officers’ residence was located, a distance that was impossible to travel on foot. The area appears to have been very large, centered on Daehung-dong, Daehung-gu in Tanchon City, South Hamgyong Province, extending northwest to Ryangngchon-dong and the upstream area of Bukdaecheon, and southeast to Daesin-dong. Camp 22 had two different schools, one for the children of agency staff and the other for the children of *Ijumins*, and the two schools was about 20 minutes away by car. There was also testimony that the camp appeared to be as large as at least 4 *ris* combined.

“In 1984, I lived for about a month in my sister-in-law’s house, which was inside an administration center. I changed cars at the invitation center in Gumdok mine, South Hamgyong Province, and drove for three hours to get to Checkpoint 1. There I was inspected for two hours, drove for 30 minutes to get to Checkpoint 2, and drove for another 30 minutes to get to Checkpoint 3. In this way, I passed through seven checkpoints before I arrived at my sister-in-law’s house. It took me a total of seven hours to get from the invitation center in the mine to my sister-in-law’s house. The affiliation or management entity of the administration office of Camp 21 was affiliated with or under the corrections bureau of the Ministry of Social Security.”

There were not many cases where the size of the political prisoners’ camps could be determined. Only the testimonies about Camps 15, 18, and 22 are available, and the only one that could be estimated in detail was Camp 18. (Old) Camp 18 was home to about 6,000 families⁴¹⁶ before it was relocated in 2006, and the number of residents was known to be about 30,000. When it was relocated from Bukchang County to Kaechon City, South Pyongan Province, there was a large-scale amnesty for *Ijumins*, and (new) Camp 18 in the Chayang-ri area of Kaechon was reportedly left with only 200 *Ijumin* households and 600 households of ordinary people, including released *Ijumins*, at the time of relocation. After the relocation, amnesty continued to be granted to the *Ijumins* in the fully controlled area, and it is believed that fewer than 100

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⁴¹⁶ According to the testimonies, there were about 2,500–3,000 households of *Ijumins*, 1,000 households of released residents, and 2,000 households of ordinary residents including agency personnel.

households remained there after 2015.

It was not clear what the total number of households or population was prior to the closure of Camp 22, but there was testimony that there were 240 households of agency staff and eight upper-level middle schools, one of which was attended by the children of 240 households of the staff.

In the case of Camp 15, only the number of detainees in the revolutionization zone was known, which was around 300 in the early 2000s and then dropped to around 150 by the mid-2000s as the number of detainees decreased.

B. Reasons for Internment

Political prisoners and their family members were detained in political prison camps, and the testimonies collected ranged from those who were detained in the late 1950s to recent years. The reasons for detention as political prisoners were divided into several categories: issues related to undermining the authority of Kim Il Sung and Kim Jong Il, involving such issues as *Songbun* (background) and reactionary comments, espionage, religious activities, power struggles within North Korea, or embezzlement by agency personnel; issues related to attempting to escape to South Korea or family members escaping and living in South Korea; and human trafficking or issues related to South Korea, such as communicating on the phone with South Korean residents.

The reasons for internment due to *Songbun* included being a member of the bourgeoisie classes during the Japanese occupation and assisting the South Korean army during the Korean War. A person who had lived in a camp as a family member of agency staff until the early 1980s stated that people were interned because of their parents' or grandparents' *Songbun*. In the case of those who were interned due to their grandparents' *Songbun*, neither their parents nor they knew clearly why they were interned. All they could do was just guess that it was due to something that might have happened during the Japanese occupation and the Korean War.

In some cases, the reasons for internment also included punishments for reactionary remarks and behavior undermining Kim Il Sung or Kim Jong Il's authority, such as ripping out a loudspeaker complaining that the broadcasting on the Central News Agency is too loud, criticizing the third-generation succession and saying that leaders should keep changing, criticizing the Kim Il Sung regime when drunk or saying that Kim Il Sung and Kim Jong Il's politics were not for the people, failing to take proper care of their portraits, being identified as the person who wrote graffiti on a portrait of Kim Il Sung, and making critical remarks about the North Korean system by the family of a Korean-Japanese who was repatriated to North Korea. The cases of being interned in the political prison camps as punishment for speaking out occurred mainly around the 1980s, but similar cases were also collected after 2010.

In some cases, people were punished for espionage and in-

terned in camps, and in others, they were imprisoned for using Chinese phones, doing business with South Koreans in China, or passing North Korean newspapers and magazines to China. In others, they were imprisoned for selling wild ginseng to South Koreans in border areas, and in other cases, they were accused of espionage. In some cases, military personnel were punished for passing North Korean documents to South Korea, and others were accused of working as spies for South Korea's National Intelligence Service by helping to locate separated families in North and South Korea.

Some of the cases of detention for religious activities include conducting Christian missionary work to neighbors while in North Korea and to North Korean defectors in China after escaping North Korea, engaging in religious activities, and possessing the Bible.

Since the late 1990s, the number of North Koreans escaping due to economic difficulties in North Korea has increased, and as more and more people have entered South Korea, there have been cases of detention for attempted escape or related reasons. In some cases, people were arrested and detained in North Korea while attempting to travel to South Korea, while in other cases, people who received financial assistance from family members living in South Korea were treated as attempting to travel to South Korea and detained. Others were arrested and detained for working as defection and money transfer brokers, and others were arrested and detained for attempting to transfer prisoners of the Korean War and helping their families escape.

Some people were imprisoned for embezzlement and other misconduct while working for major institutions, including those who brought home construction materials during the construction of Kim Il Sung's villa, embezzled Workers' Party funds, and falsely reported on policy tasks assigned by Kim Jong Un. In some cases, they were imprisoned because of their involvement in major political incidents, such as the extensive purge of 'Simwhajo Incident' (1996-1997) and an attempted military coup by the graduates of the Russian Frunza military academy, a.k.a. 'Frunze Incident' (1992).

According to a few testimonies, those who are subject to detainment in the revolutionization zones are mostly cadres of state security, social security, and military institutions, including senior officials of the Workers' Party Central Committee, central sports associations, and the Ministry of Social Security.

In addition to political prisoners, families appear to be held in the political camps. In one case, a family was interned in the late 1970s because the father-in-law served as a police officer during the Japanese occupation, and in another case, because the father was interned in the *Geoje* Island POW camp during the Korean War. There were cases where families were interned because the brothers of a grandfather were members of the proprietary class during the Japanese occupation and served as soldiers or police officers in South Korea, and there were cases where families were interned because of their grandfather, who assisted the South Korean army during the war.

There were also cases where the families of political prisoners

punished for making revolutionary remarks were interned as well, and families of defectors were interned when their family members were found to be living in South Korea. There were testimonies that hundreds of families of those involved in *Simwhajo* incident were housed in the (old) Camp 18 in Bukchang County. There were also testimonies that (old) Camp 18 in Bukchang County, North Pyongan Province, which was opened in 2016 to house hundreds of families of those involved following the purge of Jang Song Taek in 2013, was re-designated as a camp and incorporated into Camp 14. In recent years, residents have been told that there is no ‘double punishment’ for the families of political prisoners. Depending on the severity of the case and who the political prisoner is, however, there have been measures to detain the prisoners’ direct and extended family members.

Due to the political situation in North Korea, the detention process for political prisoners, whose grounds for detention are based on their *Songbuns*, is known to be conducted without following legal procedures. After a suspected political prisoner is arrested or disappeared by the security forces, their family members often assume that they are being held in a political prison camp and confirm the fact through agency officials. In some cases, such as espionage, defection, or crimes related to human trafficking, the detention took place after a trial. The family members of political prisoners were not tried and detained, which appears to have been the case until recently.

According to witnesses, people were arrested at their

places of work or school and then transported by train to the camps, and there were testimonies of hundreds of people being transported together. Those who were interned for treason were loaded onto freight cars with their household goods, and young children were also taken with them. Many similar accounts were made of the situation at the time of internment: after the arrest and disappearance of a political prisoner, ‘black cars’ and agents would come to their house and take away the rest of the families along with their simple household items.

“My mother was arrested at home by an officer of Ministry of Social Security in 2014. The reason for her arrest was that she had talked to a South Korean man on her cell phone and received money. After that, we lost track of her. We didn’t know to which security office she had gone. Only later did my maternal grandmother find out through other people that my mother had taken to the *Yodok Kwanliso*.”

C. Treatment of Detainees

Testimonies about internal life in political prison camps were collected from only a few camps, and it was found that treatment varied depending on the facility, whether one had been pardoned, and so on. For example, even within Camp 15, there were significant differences in treatment depending on whether one resided in the fully controlled or revolutionized zones; in Camp 18, there were significant differences between *Ijumins* and released people; and there were differences between Camp 25,

which was operated in the form of a *Kyohwaso*, and those that were operated like villages.

(1) Executions and Forced Labor

Public and secret executions were reportedly carried out in the political prison camps. At (old) Camp 18, there were one to two public executions every year, and most of those executed were captured while escaping from the camp. After being arrested, according to testimonies, those who were to be executed were pre-examined by the Ministry of Social Security office in Bongchang and then tried in public by a man from the Ministry of Social Security in Pyongyang. There was also testimony that in Camp 21, a *Ijumin* man and woman were executed in the early 1980s for engaging in free love, which was prohibited in the camp. The executioners appeared to have been from outside the camp, but it was not known whether there had been a trial. Only speculative testimonies existed with regard to private executions in the camp. If gunshots were heard in the evening in a deserted area of the camp, the inmates assumed that an execution had taken place. There is testimony that the bodies of those executed in (old) Camp 18 were disposed of in a ravine within the camp.

“Between 1995 and 2000, I witnessed four public executions along the Daedong River inside Camp 18, located in Bongchang-ri, Bukchang County. There were about one or two executions a year. They mostly punished one or two men, and their crime was mostly attempted escaping from the camp. The executor of the public

executions was the Bongchang Security Office, which manages the administrative office in Camp 18. Three of the executions were by firing squad, and one was by hanging. In the execution by firing squad, three guards from the security office fired nine shots, three shots for each prisoner, and in the hanging, the prisoner was loaded into the bed of a truck and hanged, then the truck drove off. The crowd of prisoners averaged two to three thousand and was mobilized by the units of state-run company, farms, and schools for forced to witness the execution. I have heard that they bury the bodies in the mountains.”

The residents of political prison camps, both *Ijumins* and the released, were reportedly assigned to mines, where they were required to perform hard labor. All *Ijumins* in the fully controlled zone of (old) Camp 18 were reportedly working in coal mines. Most of the closed camps were located in mining areas, and *Ijumins* were usually assigned to mines. In (old) Camp 18, more than 90% of *Ijumins* and the released people are known to have been placed in coal mines after graduating from upper-level middle school. Testimonies said that among those assigned to the mines, *Ijumins* were assigned to be ‘diggers,’ who worked in the shafts, and that only released people were assigned to blasting or other ground work rather than working in the shafts. The mines operated in three shifts, and once a worker was in the shaft, he or she could not leave it for up to 10 hours. Other jobs included logging for men and silkworm farming for women. *Ijumins* assigned to farms were only allowed to work as plain farmers, while released men were allowed to work as team leaders or

floor guards in the thrashing floors. In the revolutionization zone, field work was mainly imposed on male detainees, who were mobilized to work on construction sites and farms. They were given daily work quotas, and the intensity of the work seems to have been very high.

“I was assigned to work in a coal mine, in a shaft. My brother was assigned to the mine when he was 14 years old and worked there, then he went to stay in the mine dormitory. He was a digger in the mine, and when he was released, he became a blaster. And my sister was also a miner, and then she became a tram driver. Coal mining is a three-shift job, and we get together at 8 a.m. to go into the shaft, and we’re in the shaft for 10 hours or more. We eat our own lunch in between.”

(2) Housing and Living Conditions

Ijumin housing in the camps consisted of two to four families living in a single-story building called a ‘harmonica house’. The harmonica houses were cramped, with each unit measuring 20 to 30m²s and containing two rooms and a kitchen. In addition, the *Ijumin* houses were made of wooden frames with a layer of soil on top, which often collapsed when it rained. In the early 1980s, according to testimonies, the *Ijumin* houses in Camp 21 were huts made of wood, straw, and earth built on the ground after some digging. The entrances and exits were narrow, requiring a lot of stooping to get in and out of the house. If you wanted to move to a better neighborhood or a newly constructed house

within the camp, you had to do ‘business,’ which meant using your connections or paying bribes. There were also ‘construction workplaces’ in the camps, where people worked to maintain the camp’s buildings as well as to build new houses.

In some camps, according to testimonies, even if families were allowed to live together, work hours for individual family members were staggered to prevent them from seeing each other, and men and women were prohibited from dating or marrying, with only ‘commendation marriages’ as a form of reward for good behavior. However, there were testimonies that marriage was possible within the camps but that *Ijumins* should only marry *Ijumins* and the released should only marry other released people. If an *Ijumin* marries a released person, the marriage can be registered, but the released person who marries an *Ijumin* again becomes an *Ijumin*. Childbirth also appears to be possible, as there were testimonies that many residents of (old) Camp 18 were born in the camp, and there was a case of a couple who were interned because of their father-in-law’s *Songbun* giving birth to a child in the camp.

Before the closure of Camp 17 in the early 1980s, prisoners were rationed potatoes, marinated pollock, corn, cooked corn flour, and noodles for three meals every month; there were no victims of death by starvation. In the early 2000s, in the revolutionization zone of Camp 15, detainees were reportedly given starch syrup once or twice a year, soybean oil for every meal, and some amounts of pork and eggs on holidays, but there were six to seven deaths a year due to malnutrition. At

the hospital, according to testimonies, patients were served rice and corn in the ratio of 7:3, seasoned herbs with soybean oil, and dried radish leaf stew for meals. At (old) Camp 18, the residents were rationed rice, corn noodles, and cooked corn flour every month for three meals a day until 1989. Since, however, the North Korean economy began to suffer in 1989, according to testimonies, the rations were reduced, and after Kim Il Sung's death in 1994, the rations were cut off. However, until 2006, when he was stationed in Bukchang County, a coal miner testified that the miners received the same amount of food as the general population, and even in times of economic hardship, they received about five days of food a month, so there were no cases where they did not receive any.

“During the Arduous March, the rations were so bad that we got five days' worth of food a month, but it never happened that they didn't come at all. In 2000, the food situation was a little better, with about seven days of food per month. The rations included glutinous rice, corn, noodles, and wheat flour. We didn't get meat or fish, but before the Arduous March, we were given even pork and others for holidays.”

(3) Healthcare and Education

Most camps were found to have hospitals. There were testimonies that the hospitals discriminated in their treatment of *Ijumin* and resident agency staff and that they were used primarily by the latter and their families. A relatively small camp (i.e., Revolutionization Zone in Camp 15) reportedly had only one

military and one detainee doctor and one assistant (i.e., nurse) around 2005, with a few beds for simple medical treatment. Medicines were supplied once a month, including some donated by the United Nations agencies. However, there was always a shortage of medicines, so disinfectants were made with 10% salt water, and the IV (glucose, distilled water) produced in the fully controlled zone was known to have many side effects. TB patients were quarantined in an isolation facility, but medication was not properly managed. In the meantime, in 2019, there was testimony that the supply of medicines was relatively good and there were no cases of people not receiving medicines. Agency staff, *Ijumin*, and released people shared the hospital together, and there was no discrimination.

“Every day, after finishing their lunch, the hospital guards would bring sick revolutionization detainees from each company and outpatient clinic to the hospital. Most of them were malnourished, especially those with diarrhea. A medicine called ‘terramycin’ (antibiotics) worked well, but only small amount of it was available. In addition, ‘eastern medicine’ made of herbs were given to the patients, but they had little effect. Antibiotics such as streptomycin and penicillin were only supplied in the amount of 20 servings per month. Anesthetics were scarce, so the doctors cut the wounds open with a knife without anesthesia, drained the pus, and disinfected them with gauze soaked in salt water. Disinfectants were also scarce, so we made a 10% salt water solution and used it.”

Most of the village-style camps had schools, including two in Camp 15, four or five in old Camp 18, one in new Camp 18,

eight in Camp 22, and four in Camp 21. In some camps, children of *Ijumin* and agency workers attended different schools, and the education contents also appeared to have been different. The children of *Ijumin* often did not attend school due to the distance, and there were testimonies that there was a lot of labor mobilization for *Ijumin* students in their upper-level middle school years.

In the meantime, there were testimonies that the children of agency staff and the released were allowed to attend the same school, but there were also testimonies that the latter did not want to attend the same school as the former because of social discrimination. Although the educational contents of the schools in the camps were largely the same, *Ijumin* were excluded from camping and field trips outside the camps and were not allowed to participate in the Red Youth Guards, which required them to practice shooting live ammunition. Unlike the children of *Ijumin*, those of the released were able to enter universities based on merit. Camps were recognized as equivalent to municipalities, so they were allocated the same number of college recommendations as general municipalities.

2. Prisoners of Korean War, Abductees, and Separated Families

The ICCPR recognized that the family is the natural and fundamental unit of society and is entitled to the protection by society and the state.⁴¹⁷ General Comment No. 19 of the Human Rights Committee explains that the possibility of families ‘living together’ requires States to take appropriate measures, at the domestic level and in cooperation with other States, to ensure the unity or reunion of families when family members are separated for political, economic, or other reasons.⁴¹⁸ Article 26 of the ICCPR also states that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. To this end, it emphasizes that the law must prohibit all discrimination and provide protection against discrimination on any grounds, including social origin, property, birth, or other status.

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⁴¹⁷ International Covenant on Civil and Political Rights, Article 23(1).

⁴¹⁸ UNHRC, CCPR General Comment, No. 19, Article 23: The family, para. 1.

Although Article 65 of the Socialist Constitution (2019) states that everyone has the same rights, North Korea divides its citizens into three classes. In particular, so-called “people of South Korean origins” such as prisoners of the Korean War and Separated Families, not only themselves but also their families are considered to be a more complex class, and are known to face discrimination in their daily lives.

A. South Korean POWs

According to Article 2 of the Act On The Repatriation, Treatment Of The South Korean Armed Forces Prisoners Of War in the South Korea, a South Korean POW is a soldier of South Korea who was captured, while taking part in a war or carrying out a mission, and is currently detained by a hostile country (including an anti-state organization), an armed mob, or a group of rebels or escaped from the place of detention but has not returned to South Korea. The United Nations Sending States and Communist forces that fought in the Korean War exchanged prisoners of war on three occasions between April 1953 and January 1954, before and after the signing of the armistice. At the time, the UN forces estimated the number of missing ROK soldiers at approximately 82,000, but only 8,343 ROK POWs were handed over by the Communist side. Many of the missing are believed to have been forcibly detained in North Korea without being repatriated. Since the return of First Lt. Cho Chang-ho in 1994, a total of 80 POWs

have escaped from North Korea, and the South Korean Ministry of Defense estimates that more than 500 POWs are still alive as of late 2016, based on testimonies from returned POWs and North Korean defectors.⁴¹⁹

Those who have seen or learned more about South Korean POWs in North Korea are usually their immediate family members, neighbors, or co-workers. Not many interviewees have seen a POW living in North Korea. The provinces where the POWs mostly reside are South and North Hamgyong, Ryanggang, and South Hwanghae Province. The confirmed areas in North Hamgyong Province are the counties of Musan, Unsong, Saebyol, Undok, Buryong, and the city of Hoeryong, known for having many coal mines, mines, and collective farms in the mountains and rural areas. Tanchon, South Hamgyong Province, is identified as the site of Kumdok Laborers' District and as the area where Kumdok Mine was located. All of Ryanggang Province, which includes Samsu County, is rural.

In Saebyol and Musan Counties, North Hamgyong Province, and Tanchon City, South Hamgyong Province, where a large number of South Korean POWs lived, according to testimonies, dozens of them were grouped together and collectively assigned to work at the same company. Their workplaces were in areas known for their coal and other mines, including the Kogonwon District Coal Mine in Saebyol County, the Musan Coal Mine in

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⁴¹⁹ Ministry of Unification, National Institute for Unification Education, 『Understanding North Korea 2022』, p. 94.

Musan County, and the Kumdok Mine in Tanchon City. Other workplaces for the POWs were in North Hamgyong Province, including coal mines in Hoeryong City and Buryeong County, collective farms in Onsong County, collective farms in Ryanggang Province, and Kumdok Mine and orchard farms in Tanchon City. These workplaces were known for hard work, and North Koreans were reluctant to be assigned to them. Even after being assigned to coal mines or mines, the POWs were in many cases forced to work as ‘diggers’ or ‘coal miners,’ which required them to go inside the shafts, which were jobs avoided by average people.

North Korea maintains a separate program for South Korean POWs, who were referred to as ‘Subject No. 43,’⁴²⁰ and appears to monitor them as well as their immediate families. While there was comprehensive surveillance over people of South Korean origin, the POWs were subject to more intense surveillance due to the possibility of defection. It was stated that even if the POWs were granted permission to travel and move, they were still required to report to their residence commissars. There were also testimonies that surveillance became more intense after the mid-1990s and through the 2000s, when families of the POWs in South Korea increasingly helped them to defect.

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⁴²⁰ According to the testimony, ‘No. 43’ is understood to be a term used by North Korea to refer to the South Korean prisoners of war who did not return home after the Korean War, and it appears to be a term used by North Korean authorities to classify and manage them separately.

“My maternal grandfather was a South Korean POW in North Korea, and he worked in a coal mine. He was assigned to the coal mine because he was a POW. There were many POWs in Kogonwon District, Saebjol County, North Hamgyong Province. In North Korea, they were known as Subject No. 43. Their children were not allowed to join the Workers’ Party. During the 1990s and 2000s, when many South Korean families of POWs helped them escape and brought them back to the South, the State Security Department stepped up its surveillance over them.”

Discrimination against the POWs and their families was found in all aspects of life, including access to higher education, job placement, promotions, and military enlistment. In one case, a child of a POW who excelled academically was denied admission to a college because he was unable to obtain the necessary recommendations due to his father’s background. There were also several cases of discrimination in job placement, with children of POWs often forced to work in coal mines or on farms, as they often inherited their father’s job. Since they were not allowed to enlist in the military, it seemed they were also not allowed to join the Workers’ Party. There were testimonies that the children of POWs tried to join the party by becoming farm workers themselves, but were unable to do so, and there were also testimonies that POWs could not join the party or become staff working for the party. However, there was a testimony that the children of POWs were able to enlist because the number of military enlistments decreased as life became more difficult after the ‘Arduous March’ period, weakening the influence of *Songbun* on enlistment.

B. Abductees

'Abductee' means a person who was abducted by North Korea and held or resided in North Korea, including those abducted during the Korean War (wartime abductees) and those abducted after the armistice was signed (post-war abductees).⁴²¹ The number of wartime abductees varies depending on the time and conductor of the investigation, but it is estimated to be around 100,000. The Committee to Find Truth of Damage from North Korea's Abduction during Korean War and Recover Honor of Victims, which was established in 2010, reviewed 5,505 complaints of abductions filed over a five-year period from 2011 to 2015 and determined that 4,777 people were wartime abductees. The total number of post-war abductees was 3,835; of these, 3,319 have returned. Of the returnees, 3,310 were repatriated by North Korea, and nine escaped after being held for extended periods of time. At the end of December 2022, there were an estimated 516 post-war North Koreans still held in North Korea.⁴²²

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⁴²¹ According to Article 2 of the Act on Finding the Truth of the Damage from North Korea's Abduction during the Korean War and Restoring Honor of the Victims, the term 'person abducted to North Korea in wartime' refers to a citizen (excluding military personnel) of the Republic of Korea who was residing in South Korea but forcibly kidnapped by North Korea against his or her will during the Korean War (referring to the period from June 25, 1950 to July 27, 1953 when the military armistice agreement was concluded) and has been detained or has resided in North Korea thereafter. According to Article 2 of the Act on Compensation and Assistance for Post-war Abductees after the Conclusion of the Military Armistice Agreement, 'post-war abductees' refers to South Korean nationals who were forcibly kidnapped by North Korea and taken to the region north of the Military Demarcation Line after the signing of the Military Armistice Agreement on July 27, 1953.

⁴²² Ministry of Unification, Republic of Korea, 'White Paper on Korean Unification 2022', p. 133.

The Committee to Find Truth of Damage from North Korea’s Abduction during Korean War and Recover Honor of Victims regards the “volunteer soldiers” mobilized by North Korea during the Korean War as a type of abduction that took place between the start of the war and the retreat of North Korean forces. Wartime mobilization abductees are South Koreans who were forcibly mobilized in accordance with North Korea’s wartime mobilization plan.⁴²³ Mobilization abductees included volunteer soldiers (recruits for the People’s Army), laborers (workers mobilized to work at the front or in the rear areas), medical personnel (doctors, nurses, nursing students, etc.), technical workers (engineers and skilled workers), and laborers (those who were relocated to North Korea as part of its ‘Seoul Citizen Transfer Project’).⁴²⁴

In the case of those who participated in the war as volunteer soldiers, a supplementary force to the People’s Army units, it seems that it was not easy to distinguish them from South Korean POWs because of their commonalities in terms of South Korean origin, discrimination, and experience in the Korean War. For this reason, in some cases, families knew their fathers as volunteer soldiers but found out that they were POWs after they arrived in South Korea. According to testimonies from children of POWs or

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⁴²³ The Committee to Find Truth of Damage from North Korea’s Abduction during Korean War and Recover Honor of Victims, The fact-finding report on the damage from North Korea’s abduction during the Korean War, 2017.

⁴²⁴ The Committee to Find Truth of Damage from North Korea’s Abduction during Korean War and Recover Honor of Victims, The fact-finding report on the damage from North Korea’s abduction during the Korean War, 2017, pp. 16-117.

witnesses to them, it appears that the abductees lived in a variety of locations, including South Hamgyong and North Hamgyong Provinces, Ryanggang Province, and Pyongyang. Some worked in coal mines and other mines, while others worked as propaganda secretaries in mines or workers in factories for honorably discharged soldiers. Abductees were subject to surveillance and discrimination and, like POWs, were often assigned as a group to coal mines and mining areas. In contrast, there were also some cases where they became propaganda secretaries for local party committees, received letters of appointment from the Workers' Party stating that they would become chairmen of the local Workers' Party committee in their hometowns in South Korea when the country is reunified, and received special gifts on holidays.

“There was an elderly couple in our neighborhood, and the husband was a volunteer soldier during the Korean War, and I got acquainted with them because my mother became active in the Women’s League. When the husband was still alive, he told other people that he wanted to return to her hometown. I heard that they were under surveillance whenever there was an event and that my mother was an *Jeongbowon* (informant) for the Ministry of State Security, and when she went to the security office, she was able to find out that the elderly couple were on the watch list during every event. They had three daughters, and I heard that they had a very difficult life.”

Postwar abductions were concentrated from the mid-1950s to the 1970s and included passengers aboard South Korean civilian aircraft that were hijacked and other kidnapped South

Korean personnel, including youth and citizens on vacation, military personnel, coast guardsmen, and travelers abducted overseas, but the majority were fishermen captured while fishing off the east and west coasts. Abductees are known to suffer human rights abuses during their captivity and forced detention, including deprivation of liberty, violation of rights to family reunion, discrimination, and surveillance. However, the North Korean authorities deny the very act of abduction, and there are few testimonies about postwar abductees. Moreover, the testimonies are not from family members or acquaintances, and their identities are not specified, making it difficult to determine the details of human rights violations.

Among the testimonies collected was an eyewitness account of a postwar abductee, in which a fisherman who was abducted while fishing was living in Yangdok County, North Pyongan Province. The witness was visiting an acquaintance's house when he saw the fisherman by chance and was told by the acquaintance that he was an abductee.

C. Separated Families

According to Article 2(1) of the Act On Confirmation Of The Life Or Death Of Inter-Korean Separated Families And Promotion Of Exchange in the Republic of Korea, "separated families" means those who are relatives and relatives by marriage within the eighth degree of consanguinity, and who are or were a spouse

dispersed in areas south of the Military Demarcation Line and areas north of the Military Demarcation Line at present, irrespective of reasons and circumstances of separation.

As of the end of February 2023, there were a total of 133,677 applicants for family reunion registered in the South Korean government's Integrated information system for separated families. Of these, 91,777 have passed away, leaving 41,900 survivors, 85.5% of whom are 70 or older.⁴²⁵ The reasons for separation vary; after liberation from Japanese rule, the 38th parallel was established to block travel between North and South Korea, crossing border to the South during the communization of North Korea, defection to the North and the South during the Korean War, abductions, forcible enlistment in the army as volunteers, those unreturned (unrepatriated) after the signing of the armistice, and escape from North Korea.

(1) Families of Defectors to the South

Defectors to the South refer to individuals who fought in the Korean War as members of the Korean People's Army, were declared missing in action or killed in action, found to be living in South Korea or a third country, and have been unable to return to North Korea for reasons of taking shelter or having temporary residence in South Korea. The North Korean authorities appear

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⁴²⁵ See 'Status of inter-Korean separated family exchanges' in the information system for separated families, (<https://reunion.unikorea.go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129>)

to categorize and manage the families of these defectors as a complex class and treat them with varying degrees of discrimination.

In reality, discrimination against the defectors' families in the process of attaining social status, such as attending college or enlisting in the military, does not appear to have been uniform. There were testimonies that families of defectors who had participated in the Korean War as members of the People's Army were allowed to join the army but were not allowed to become 'party workers' or 'legal workers' (social security guards and state security officers). There was testimony that after discharged from the military, the person was supposed to be recommended for admission to State Security College in order to become a security officer, but the recommendation was canceled because the reason why his uncle, who participated in the Korea War as a member of the People's Army, has not returned from the war, was not explained. Yet, there was another testimony that the witness was assigned as the head of a *Rodong Kyoyangdae* unit run by the People's Council and worked as an 'administrative worker.' In another case, an uncle who fought in the Korean War as a North Korean soldier and was known to have been killed in action was found to be living abroad, and he was discharged from the military academy. He was and unable to become a 'party worker.'

It was said that the ordinary citizens of family members of those who escaped to South Korea during the Korean War were not allowed to join the Workers Party or work as party or

legal workers. In one case, the witness was unable to join the army because his uncle had escaped to the South during the Korean War, and in another, the witness' father was unable to join the Workers' Party because her grandfather had escaped to the South during the same period. However, in both cases, the victims were able to enroll in college, join the military, and work as administrative workers. It was also found that a significant number of the defectors' families were selected to participate in family reunions, and there were also testimonies about families living abroad having met their families in North Korea several times through 'homecoming visits'.

"My grandfather escaped to the South during the Korean War. Around 2000, I happened to see my documents, which were maintained by my unit, and it said that my grandfather's brother was a North Korean defector to the South. Because of this, I was unable to go to college. During my military service, I was recommended to *Kim Chaek University of Technology*, and a university in *Pyongyang* and took the entrance exam, but I was rejected both times for no apparent reason."

(2) South Korean Defectors and Their Families

South Korean defectors to the North and their families have also found it difficult to get into certain universities, work as 'party workers,' and find military-related jobs. There were testimonies that some of them faced discrimination after participating in family reunions as a family member of a South Korean defector.

South Korean defectors means be those who had lived in South Korea and went to the North during the Korean War; those who went to North Korea from China before Korea was liberated from Japanese rule and have family or relatives in South Korea, or those who escaped to the North voluntarily after the Korean War. There was a case where a child of a South Korean defector was recommended to Kim Il Sung University and passed the entrance examination but was denied admission because his parents escaped to the North during the Korean War. Another witness stated that it was impossible for him to become a party worker after graduating from a local agricultural college because he was a member of a separated family.

Some South Korean defectors to the North during the Korean War met their family members at a separated family reunion event in South Korea. There is a case that a defector met with his siblings living in South Korea, and another case that the children of a defector met with their relatives in South Korea. Regrettably, reunions of family member living in South Korea have led to unprecedented surveillance and discrimination against South Korean defectors in the North, forcing them to blame their relatives in South Korea. For example, a son of a South Korean defector had met in a family reunion event his South Korean aunt, whom he had never heard of ever since his father escaped to North Korea. After the reunion, he was dismissed from his job at a country power plant without clear explanation. Another testimony from a woman indicated that after her mother-in-law met South Korean relatives at a reunion event, her children were

constantly monitored by the local state security agents.

“I met my aunt from South Korea at the Mt. Gungang Hotel. I didn’t even know that I had an aunt in South Korea when the security agent came to visit me. I heard that during the Korean War, my father was forced to retreat and come to the North, and that my aunt had already married in the South at that time, so they were separated. After the reunion, the security agent came to my house from time to time and made life difficult for us, and the *Inminban* also monitored us. My brother was working at a military power company, and he was fired about ten days after the reunion.”

There are not many cases that South Koreans living in China before liberation entered North Korea. According to a testimony, a family, whose father was originally from South Korea and lived in Yanbian, moved to North Korea in 1966, became under investigation for reactionary remarks, and they found out that admission to colleges of politics, education, aviation, and maritime was not allowed. Although military service was permitted, they were assigned difficult and challenging location.

- **109 Unified Command / Grappa / Sangmu**

‘Special task force teams,’ which have been organized to censor and crack down on non-socialist activities of North Korean residents. The number signifies the date on which the directive to establish the unified command/*grappa/sangmu* was issued.

- **15 Wireless Anti-spy Bureau**

The Unit, which operates under the Ministry of State Security, is responsible for monitoring and intercepting radio communications in border areas for the purpose of information collection and surveillance.

- **8.3 Workers**

Workers officially employed by a state-owned workplace but are allowed to skip the official work by paying a certain amount in exchange for engaging in side businesses or activity in the market to make a living. The term ‘8.3’ is colloquially used to describe activities that depart from the planned economy.

- **Airplane Torture**

A type of torture carried out during interrogation, in which the person being interrogated is forced to stand in front of a wall and lean forward, placing the back of their head against the wall. They are then instructed to raise both arms with their palms flat against the wall.

- **Bueopji / Bueopbat**

‘Small field around individual house’ which is permitted for cultivation by North Korean authorities with the aim of resolving food shortages.

- **Bunjo & Bunjo Management System**

Bunjo is the sub team under work team within a collective farm, which consists of 10–25 people. *Bunjo* Management System is the basic

operational system of a collective farm, in which the *bunjos* within the farm cultivate the land allocated by the authorities and receive distribution of food and cash based on their achievements in meeting the production plan.

- ***Central Court***

‘North Korea’s highest court’, which has judges with appointments made by the Supreme People’s Assembly. The name of the highest court was changed from the Supreme Court to the Central Court.

- ***Chuljik***

‘Expulsion’, which is the most severe form of administrative penalty for an official who has engaged in serious misconduct to the extent that he/she is recognized as not qualified to hold the position of an officer. It involves the disqualification of the officer from working in the relevant institution and entails manual labor in a tough and challenging field of production.

- ***Core Class***

The highest social rank among the classes in North Korea. It consists of individuals who are the most loyal to the ruling regime, including workers, farmers, political elites, military leaders, and the whole members of the Korea Workers’ Party.

- ***Daekisil***

‘Temporary detention center’ that detains law offenders or crime suspects while awaiting a decision on whether to proceed with the preliminary examination stage in a criminal case. It is established within the branches of the Ministry of Social Security in every province, city and county.

- ***Directive No. 410***

Directive requiring that the children of farmers who have become workers be returned to rural areas, thereby reinforcing the determination

of residence based on their family background. In Pyongyang, District No. 410 refers to the outskirts of the city, and citizens residing there are restricted from relocating to the central areas of Pyongyang.

- ***Dolgeokdae***

‘Shock brigades,’ which is a specially organized unit to tackle the most difficult and challenging problems in construction and various business activities and aimed at promoting the policies of the authorities by moving up the deadlines, demonstrating organizational capacity, and establishing discipline.

- ***Frunze Incident***

An event involving the purging of military officers who had studied abroad at the Frunze Military Academy due to allegations of leaking inside information on North Korea to the intelligence agencies of the Soviet Union(now Russia) in the 1990s. They were reportedly even bought by KGB of the former Soviet Union to assassinate Kim Jong Il.

- ***Haejemin***

Individuals who have been released from detention in political prison camps through amnesty.

- ***Haeyim***

‘Dismissal,’ which refers to more severe form of administrative penalty than demotion, as it involves an officer being removed from their position or duties and assigned to perform labor or expelled from their unit. *Haeyim* penalty can be applied in cases where there are special considerations to be taken into account, even if the illegal act committed in relation to the performance of duties justifies *Chuljik* penalty.

- ***Ho Damdang Doctor System (Household Doctor System)***

North Korea’s medical and health policy, which designates a certain area

and requires one doctor to take responsibility for the health of the people living in the area.

- ***Honorary Discharged Soldier***

Individuals who have been injured or wounded during their military service and is discharged from the military with special recognition and benefits from the North Korea authorities.

- ***Hostile Class***

The lowest social rank among the classes and is considered the most disloyal to the regime and includes individuals who have criticized or opposed the government in any way. This class comprises political dissidents, religious minorities, and individuals who have attempted to flee the country. Especially, those who were born in South Korea, those who have the relatives in South Korea, Japan, China, USA and North Korean defectors and their family members.

- ***Ijumin***

Individuals who have not been granted amnesty and continue to live in the completely controlled zones within political prison camps.

- ***Inminban / Inminbanjang***

'Neighborhood(People's) Watch Units' means the basic unit of community life, consisting of a certain number of households organized to implement party and national policies, execute national social projects and keep close watch each other. *Inminbanjang* is the leader of *Inminban*.

- ***Jangmadang (Market)***

North Korea's markets in the 1990s, in which the existing farmers' markets expanded as the economic crisis deepened, transforming into illegal markets. However, in 2003, North Korea legalized these markets and converted them into *jonghapsijang* (comprehensive market). Though

there is a conceptual distinction between *jangmadang* and *jonghapsijang*, the term *jangmadang* is often used in a broad sense to refer to markets in general by North Korean residents.

- ***Jeongbowon (Informant)***

‘Secret information agents’ who are officially designated intelligence operatives of the Ministry of State Security. After receiving training and taking an oath, they submit periodic reports on the findings of monitoring neighborhood activities to the Ministry of State Security, which include information about residents’ statements during Inminban (neighborhood watch) meetings, as well as their economic status.

- ***Jipkyulso***

‘Holding center’ or ‘gathering center’ where individuals who have been arrested in areas outside their place of residence are detained until they are transferred to a law enforcement institute within their place of residence for investigation and punishment, but it is not a facility based on legal grounds. There are two types of *Jipkyulso*: ‘traveler *Jipkyulso*’ and ‘illegal border crosser *Jipkyulso*.’ Traveler *Jipkyulso* is a place for detaining violators of travel regulations, and illegal border crosser *Jipkyulso*, which is known to exist in border areas and a place for holding those who are forcibly repatriated from China. The detainees are often forced to work both inside and outside the *Jipkyulso*.

- ***Kangjik***

‘Demotion,’ which refers to an administrative penalty that involves lowering an individual’s rank by one or more levels, or assigning them to a lower position, when they have lost the qualification to hold their current position or perform their duties due to committing illegal acts related to the performance of their duties.

- ***KKoma Kwaje***

‘Children’s assignment’, which is given to members of the Children’s League as part of the “good work movement”. Participation in extracurricular activities, such as collecting rabbit hides, scrap metal, or paper, is required to fulfill this assignment.

- ***Kkotjebi***

A group of children (sometimes young adults) who are homeless, orphaned, or living on the streets for other reasons.

- ***Kukeumso***

‘Detention center’, which is administered by each provincial Ministry of State Security (MSS) Bureau. It is used to detain criminal suspects involved in political crimes related to South Korea. Detainees in this facility often face severe consequences such as being sent to *kwanliso* (political prison camps) or execution. Some of them may also be transferred for preliminary examination by the MSS.

- ***Kumsusan Palace of the Sun***

The place where the bodies of Kim Il Sung and Kim Jong Il, revered as the ‘Sun’, are housed, and a site where the authorities compel North Koreans to worship.

- ***Kuryujang***

‘Pre-trial detention center,’ where suspects or defendants are detained during preliminary examination stage and thereafter. It is established within both the Ministry of State Security and the Ministry of Social Security at the provincial, city and county levels.

- ***Kwanliso***

‘Political prison camp’ that operates without legal basis, where individuals

accused of anti-state or anti-ethnic crimes are incarcerated without trial by court, based on the decision of the Ministry of State Security. Within *kwanliso*, there are areas referred to as ‘completely controlled zones’ and ‘revolutionary zones.’

- ***Mal Bandong***

‘Verbal treason’ or ‘reactionary words.’

- ***Mokdong Doctor***

‘Herdsman doctor’ who practices medicine without a medical license.

- ***Muri Baechi***

‘Group allocation,’ forcibly and unilaterally assigning groups to places with a shortage of manpower, such as to coal mines and other workplaces.

- ***Patriotic Martyr***

Individuals who contributed to the construction of socialism after liberation, including not only army and national officials, but also outstanding residents from diverse fields including science, medicine, and literature.

- ***Pojeon Responsibility System***

A farming method operated on a family unit scale, which is reduced to 4-5 people by subdividing the *bunjo*, which is the lowest-level unit of a collective farms. Each family unit is responsible for the production and management of their assigned section, called ‘*pojeon*.’

- ***Revolutionary Martyr***

Individuals who lost their lives in the resistance against Japanese colonial rule including revolutionary elders who fought alongside Kim Il-Sung in anti-Japanese partisan activities.

- ***Revolutionary Zone***

A section within a political prison camp where individuals convicted of relatively minor political crimes are incarcerated after being subjected to revolutionary punishment. If they are deemed to have been ‘remodeled’ enough to become loyal to the authorities, they may be released after one to three years.

- ***Rodong Danryundae***

‘Labor training camp’ designated by North Korean Criminal Law to enforce the ‘disciplining through labour’, which is one of the criminal punishments. *Danryundae* is administered by the Ministry of Social Security.

- ***Rodong Kyohwaso / Kyohwaso***

‘Prison camp’ which is designated by North Korean Criminal Law to enforce ‘reform through labour,’ which is one of the criminal punishment. *Kyohwaso* is administered by the Ministry of Social Security.

- ***Rodong Kyoyangdae***

‘Labor education center’ designated by North Korean Administrative Penalty Law to enforce the *Rodongkyoyang*(labor education) penalty, which is one of the administrative penalties.

- ***Rodongdanryun Punishment***

‘Disciplining through labour’ which is imposed as a criminal punishment by a court. The duration of this punishment ranges from over six months up to a maximum of one year.

- ***Rodongkyohwa Punishment***

‘Reformation through labour’ which is a type of criminal punishment imposed by a court. The duration of this punishment exceeds one year. There are two types of Rodongkyohwa Punishment: reform through

labour for a definite period ranging from over one year to a maximum of 15 years, and reform through labour for an indefinite period.

- ***Rodongkyoyang Penalty***

‘Labor education penalty’ that is imposed as an administrative penalty by various administrative institutes, including social security institutes. It involves the requirement to perform heavy labor during detention, which can be considered akin to a form of criminal punishment. The duration of this penalty ranges from a minimum of five days to a maximum of six months.

- ***Sahoejeok Kyoyang Dispositon***

‘Social education disposition’ that means deferred prosecution or suspended sentence, which is determined by the prosecutor’s decision or the court’s judgment for defendants charged with general crimes.

- ***Saenghwal Chonghwa***

‘Life review session’ or ‘Life Review Ideological Summing-up Political Meeting’ (a weekly, monthly, quarterly, or annual meeting in which North Korean residents reflect on their work and personal lives and engage in mutual criticism and self-criticism within their respective organizations, including the party, government agencies, and labor groups)

- ***Songbun***

‘Background’ which refers to the social classification of individuals based on their position within the social hierarchy and the ideological composition of people. In order to identify which class’s ideas have the greatest impact and dominate their mindset, *Songbun* is divided into social categories according to their family background, occupation, and social experiences. (Political Background; Working Class, Farming Class, Military Class, and Intellectual Class)

- ***Shimhwajo Incident***

A purge event that took place in the late 1990s during the early years of Kim Jong Il's reign. The term *shimhwajo* derives from the name of a special inspection team that was used during the purge. It is also known as the *Ryongsung* Incident because it occurred in the Ryongsung area of Pyongyang.

- ***Sotoji / Teotbat***

'Small and fragmented agricultural land plots,' usually used by individual households or collective farms, for subsistence farming and food production.

- ***Suikgumjo***

'Profit unit' in which workers or members who pay a portion of their *suikgums* (profits) to their assigned work-places or organizations in return for not being required to show up for work.

- ***Todae***

'Family classical background' which is determined by social and political experiences of one's parents, such as their family's political loyalty, social status, and revolutionary history prior to the involvement in society.

- ***Tongbowon (Reporter)***

Individuals who receive instructions from officers of the Ministry of State Security or the Ministry of People's Security to monitor the activities of residents in their respective neighborhoods or workplaces and report relevant details to the officers.

- ***Wavering Class***

The middle of the three social classes in North Korea. Non-members of the Korea Workers' Party and the other working people and farmers who

might be waved or not loyal to the leader and the Party especially during the difficult periods, such as 'Arduous March Period' or 'War Period.'

- ***Yeolsungja***

'Enthusiast,' which refers to junior-level leaders who are actively involved in the implementation national policies or projects. In school, *yeolsungja* refers to student leaders, including class presidents or class representative.