

2023 Report on North Korean Human Rights



Ministry of Unification
Center for North Korean
Human Rights Records

This report was written based on the testimonies of
508 North Korean defectors who described
the human rights situation in North Korea since 2017.

2023
**Report on
North Korean Human Rights**

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 Commission on Human Rights adopted the first resolution on North Korean human rights in 2003, and the UN General Assembly has also adopted resolutions on North Korean human rights since 2005, expressing concern about the human rights situation and urging the North Korean authorities to make efforts to improve it.

In the Republic of Korea, efforts continue to be made to accurately understand and improve the human rights situation in North Korea. In August 2005, the 'North Korean Human Rights Act' was first proposed, and after 11 years of discussion, it was enacted in March 2016 through a bipartisan agreement. The North Korean Human Rights Act established the Center for North Korean Human Rights Records (hereafter referred to as the 'Center') under the Ministry of Unification on September 28, 2016, with the purpose of collecting and documenting information on the human rights situation in North Korea and promoting human rights for North Korean residents. The Center is responsible for conducting investigations and research into the human rights situation in North Korea, including investigations on Korean War prisoners detained in North Korea, abductees in North Korea,

and separated families. Its mission encompasses researching, preserving, and publishing information on the human rights situation in North Korea. Accordingly, after preliminary and pilot investigations, the Center commenced official comprehensive inquiry into the human rights situation in North Korea by interviewing North Korean defectors who entered the Settlement Support Center for North Korean Refugees (commonly known as ‘Hanawon’) on a four-week basis, starting from January 2017. As a result, a total of 3,412 individuals were interviewed, and 2,075 question-and-answer sheets were completed by 2022.

The major findings of the investigation were reported to the National Assembly, but there were limitations in disseminating them widely to the public. Therefore, in August 2022, the government decided to compile and release a report on the human rights situation in North Korea, based on testimonies collected so that the general public could have access to information on the human rights situation in North Korea. The *‘2023 Report on North Korean Human Rights’* aims to raise awareness among the general public about the overall human rights situation in North Korea. However, there has been a significant decline in the number of North Korean defectors entering South Korea. Fewer than 10 North Korean defectors provided testimonies on the human rights situation in North Korea for the year 2022. Even when extending the time period until 2020, the number of individuals testifying about the human rights situation in North Korea since 2020 amounted to less than 40. The Center acknowledged that the cases collected from the defectors alone were insufficient to

produce a comprehensive North Korean human rights report. Considering the decreasing number of North Korean defectors and the significance of this report as the government's first official report after the implementation of the North Korean Human Rights Act, the Center decided to extend the temporal scope of the report to include the year 2017, when the Center commenced its investigation. Therefore, the report provides a comprehensive overview of the human rights situation in North Korea from 2017 to 2022, based on the testimonies collected by the Center. Mindful of its objectives, the report was written with the following editorial directions. Firstly, it placed emphasis on providing an accurate portrayal of the human rights situation of North Korean residents, allowing the general public to easily comprehend the overall state of human rights in North Korea. Secondly, the report predominantly focuses on the human rights situation in North Korea over the past six years, aiming to enhance understanding of the current state of human rights within North Korea. Thirdly, efforts were made to describe the situation of each right guaranteed by international human rights conventions, while striving for a balanced perspective. In cases where conflicting testimonies were presented regarding specific human rights violations, the report includes testimonies from both sides.

The main body of the *'2023 Report on North Korean Human Rights'* is structured around key issues related to human rights in North Korea within the framework of international human rights standards. It is divided into four chapters: civil and political

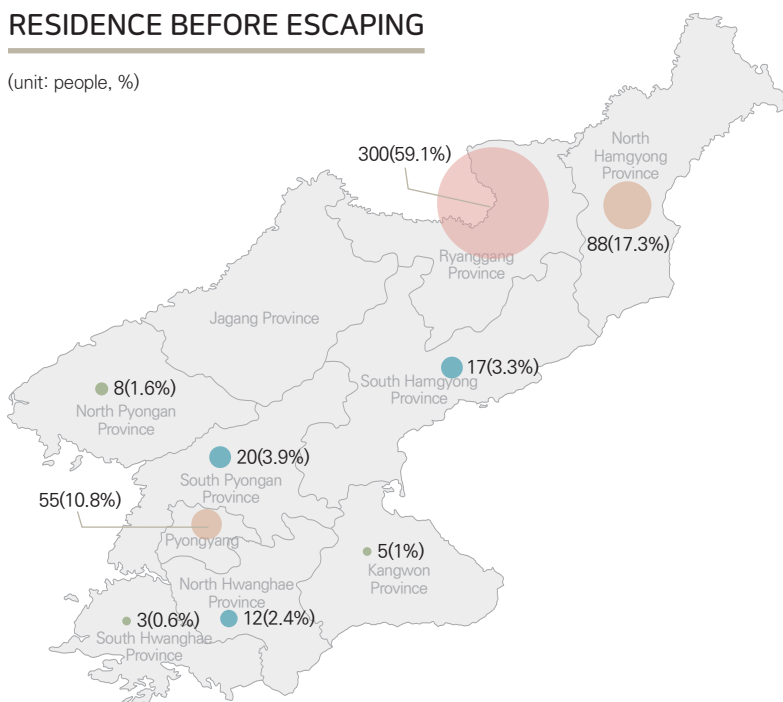
rights (referred to as ‘civil rights’), economic, social, and cultural rights (referred to as ‘social rights’), vulnerable groups, and special issues. The chapters on civil rights and social rights cover the rights stipulated in international human rights covenants. In line with the objective of this report to provide an understanding of the overall human rights situation in North Korea, the chapter on civil rights describes the human rights situation regarding 13 specific rights, while the chapter on social rights addresses 5 specific rights. The chapter on vulnerable groups sheds light on the human rights situation of women, children, and persons with disabilities, who are recognized as socially vulnerable groups requiring special consideration and protection. The special issues chapter is divided into two sections. The first section sheds light on political prison camps as a significant and serious human rights issue in North Korea. The second section addresses the issues of prisoners of the Korean War detained in North Korea, abductees in North Korea, and separated families, which represent a set of humanitarian concerns requiring immediate attention and are also human rights issues stipulated in the North Korean Human Rights Act.

The data utilized in the preparation of this report can be categorized into two primary sources. Firstly, the information pertaining to the human rights situation in North Korea is derived from ‘question-and-answer sheets,’ in which the Center documented the testimonies of North Korean defectors. These question-and-answer sheets were generated through investigations conducted by the Center on the human rights situation

in North Korea. The investigations involved firstly conducting one-on-one face-to-face surveys with North Korean defectors admitted to Hanawon with their prior informed consent. Children, individuals with health issues that hindered their participation in the survey, and those who did not want to be surveyed were excluded. The survey questionnaire was structured around the rights specified in international human rights treaties. In cases where specific human rights violations were identified during the survey, in-depth interviews were conducted to gather relevant information. The findings from these interviews were then documented in question-and-answer sheets following the prescribed legal format. In order to reflect the recent human rights situation in North Korea, the Center selected incidents that occurred between 2017 and 2022 from the collected data. These incidents were based on over 1,600 cases of human rights violations experienced by 508 individuals who provided testimonies on North Korea's human rights situation after 2017, out of a total of 2,075 individuals who filled question-and-answer sheets up to 2022. In areas where there were fewer cases collected after 2017, the Center also included cases that occurred after 2010. Additionally, if there were very few cases due to the specific nature of issues such as political prison camps, prisoners of the Korean War, abductees, and separated families, we included cases from before 2010 if they were considered significant. Secondly, the legal framework for assessing the human rights situation in North Korea was based on international human rights treaties, North Korean laws, official documents

RESIDENCE BEFORE ESCAPING

(unit: people, %)



released or submitted by North Korea. The Center also utilized general comments from the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights, as well as reports such as the Universal Periodic Review (UPR) and Voluntary National Review (VNR) of North Korea. Additionally, the Center used North Korean media including the Korean Central News Agency, and materials published by the Ministry of Unification.

The question-and-answer sheets, which were the primary source of data for the report, were obtained from 508 North Korean defectors. The demographic characteristics of this group

closely resembled those of the overall population of North Korean defectors interviewed by the Center, with some minor variations such as the gender ratio. The gender distribution of the 508 individuals cited in this report was 53% female and 47% male, which differs from the gender ratio of the overall population of North Korean defectors interviewed by the Center (80% female and 20% male). This difference is likely due to the fact that female North Korean defectors typically spend a longer period in third countries, such as China, before entering the Republic of Korea, compared to male North Korean defectors. As a result, the proportion of males is higher in this report because it specifically focuses on documenting the most recent human rights violations in North Korea. The majority of the 508 individuals cited in this report resided in border areas such as Ryanggang Province and North Hamgyong Province prior to their defection, accounting for 76% of the total. This aligns with the patterns observed in the overall population of defectors interviewed by the Center. However, the proportion of defectors from Pyongyang among the 508 individuals is relatively higher at 11%, whereas only 3% of the entire group interviewed by the Center were from Pyongyang. This is likely due to the stringent border controls imposed by North Korea since the COVID-19 outbreak, which has resulted in a relatively higher proportion of North Korean defectors being workers dispatched overseas. Given that a significant number of these workers are from Pyongyang, it has led to a higher representation of defectors from Pyongyang among the individuals cited in this report. The average age of

		Defectors from North Korea	
		Number(people)	Percentage(%)
Gender	Male	238	46.9
	Female	270	53.1
Total		508	100
Year of escape	2017	63	12.4
	2018	156	30.7
	2019	251	49.4
	2020	19	3.7
	2021	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
Residence (Province) before escaping	Ryganggang	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

the 508 individuals cited in this report is slightly lower than the overall population of interviewees. However, individuals in their 20s still comprise the highest proportion at 31%, and those under the age of 40 account for 67%. With respect to the year of

defection, the highest proportion is in 2019 at 49%, with cases of defection between 2018 and 2019 accounting for 80% of the total. However, defections after 2020 represent a mere 7.5%, with a minimal level of 1.8% observed specifically in 2022.

This report is based on the testimonies of North Korean defectors, and inherently has certain limitations, and the following points should be noted. Firstly, the majority of the testimonies in the report come from individuals who resided in border regions such as Ryanggang and North Hamgyong Provinces. As a result, cases from these areas are cited more frequently in the report compared to other regions within North Korea. Consequently, this geographical focus poses limitations when attempting to generalize the findings to the overall human rights conditions across all areas of North Korea. Secondly, due to the strict border closures and emergency quarantine measures enforced by the North Korean authorities in response to COVID-19, the number of North Korean defectors has plummeted, resulting in a very small number of cases concerning the North Korean human rights situation since 2020. Especially considering that only nine North Korean defectors testified about the situation in 2022, there may be some differences from the current human rights situation in North Korea as of 2023. Third, North Korean defectors rely on their memories when providing testimony. Due to the time lapse between the occurrence of the incidents experienced by the defectors and the timing of their testimonies after defection, there may be partial inaccuracies due to memory loss or degradation over time. Fourth, this report documents the

findings of the investigations undertaken up to 2022 and 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 Law on Provision of Education of Young People. However, specific human rights cases related to the application of these laws were not collected. If relevant cases are collected through investigations of the North Korean human rights situation, they will be included in subsequent iterations of this 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 *rodongkyoyang* 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* (pretrial 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 a 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 people's 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 outside information. It has been observed that North Korea has strengthened the punishment for contact with or distribution of outside 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 and distributing South Korean videos, or 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-owned enterprises, and *inminban* (people's 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-owned enterprises, 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 *rodongkyohwa* (reformation through labor).

Recent findings indicate that individuals in North Korea are not ensured the right to a fair trial. Administrative agencies can even impose *rodongkyoyang* (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, 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. The heads of *inminban* 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*, and the Women's Union. 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 outside 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 primary 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* keeps an eye on residents' ideological tendencies, while the *unified command* engages in crackdowns and punishment of anti-socialist and unsocialist 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 unsocialist 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 *rodongkyohwa* (reformation 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 outside information. Outside 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 outside 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 outside 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 outside 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 outside information could face up to

ten years of *rodongkyohwa* (reformation 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 Union, General Federation of Trade Unions, and Socialist Women's Union starting from their second year of primary 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-owned enterprises 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 on paper 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 in 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 food rations are 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 Socialist Enterprise Responsibility Management System in 2012, the ration distribution system has been divided into '*state rations*' and '*state-owned enterprise rations*.' *State rations* are 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-owned enterprise rations*, there is significant disparity in the amount of rations depending on the circumstances of the companies. *State-owned enterprises* earning foreign currency provided decent rations, but many other *state-owned enterprises* 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 *rodongkyohwa* (reformation 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 *rodongkyoyang* (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-owned enterprises 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-owned enterprises* 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-owned enterprises*, 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 outside 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 was 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 (productive 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 *rodongkyohwa* (reformation 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 primary schools to senior secondary 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 higher grades, they are mobilized more often and must endure longer hours and more intense labor. Senior secondary 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 *dolgyeokdae* (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 *ae-yugwon* (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-owned enterprises. It appears that *honorary discharged soldiers* receive preferential support and social benefits from the authorities compared to other disabled individuals. According to testimonies, *honorary discharged 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 discharged 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 department 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-affiliated workers or law enforcement 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, “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 protect the right to life of its residents. The North Korean Socialist Constitution (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 of the Law on

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

Protection of the Rights of the Child (2014) recognizes the right to life of children, while Article 38 of the Law on the Protection of the Rights of Women (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 interprets 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 the cases of lawful deprivation of life under a State Party’s domestic law may fall within the realm of an arbitrary deprivation of life under Article 6 if the rights recognized in the ICCPR, such as the right to a fair trial, were not properly ensured in the process.

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

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, “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 the North Korean authorities have perpetrated arbitrary deprivation of life within their 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 the spot.

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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.

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 be shot on sight without prior warning, citing COVID-19 prevention as the 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. Testimonies from fellow inmates consistently report witnessing executions of prisoners apprehended while escaping 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 *Jeongeo-ri kyohwaso* were also collected. A common thread in these testimonies was that executions were carried out by firing squad at the initiative of the *kyohwaso*'s warden, and a reading of the death penalty for the offense of escaping from *kyohwaso* preceded the executions, albeit unclear whether a trial took place. The warden gathered all the inmates in the front yard of *kyohwaso* and forced them to witness the executions, saying, "Watch what happens to you if you try to escape."

“On the day of the execution, all male and female prisoners were summoned to the courtyard of the *kyohwaso* (prison camp). Upon arrival, we saw a prisoner hung from the top of the main gate with a rope tied around his neck. The beating had been so severe that it was difficult to recognize his face. When all inmates 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 testimonies collected, it appears that certain detention facilities practice secret executions of their detainees. There are detention centers 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 for homosexuality, and in 2013, a female detainee was secretly executed for prostitution.

Other testimonies indicate 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 in the eighth month of her pregnancy. The guards induced preterm labor with medication and, upon the baby’s birth, killed the baby because they suspected that the baby’s father 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 the baby's father was believed to be Chinese. Guards then suffocated the baby to death.

B. Widespread Application of Death Penalty

Pursuant to Article 6, paragraph 2 of the ICCPR, in States 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 incorporated the death penalty as one of

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

7 *Ibid.*, para. 35.

foundational forms of punishments in its Criminal Law, progressively broadening the scope of offenses to which it can be applied through amendments to the law.⁸ The Criminal Law (2012) enumerated 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 (2015). In the Criminal Law (2022), amended on May 17, 2022, the crimes of illegal opium cultivation and drug production were separately defined, the crime of insulting the dignity of the state was added, and the death penalty was added as a statutory penalty for the crime of hostility against foreigners. Consequently, the total number of crimes for which the death penalty can be imposed has expanded to 11.⁹ However, according to the UN 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),

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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.

and drug trafficking and dealing (Article 237) under the Criminal 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' as 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

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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 instances of intentional destruction of weapons, ammunition, combat technology and equipment, and military facilities, extremely severe instances of embezzlement of national property, extremely severe instances of robbery of national property, extremely severe instances of intentional destruction of national property, extremely severe instances of currency counterfeiting, extremely severe instances of smuggling and trafficking of precious metals and colored metals, extremely severe instances of escaping from *kyohwaso* (prison camps), extremely severe instances of kidnapping, extremely severe instances of rape, extremely severe instances of personal property robbery, and crimes that may exceptionally be subject to life imprisonment (indefinite *rodongkyohwa* punishment) 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 life imprisonment (indefinite *rodongkyohwa* punishment) or the death penalty.

death penalty to be imposed for certain illegal acts. In 2020, North Korea enacted the Law on Emergency Anti-Epidemic Work, wherein Article 8 stipulates that the emergency quarantine period is deemed akin to a state of war. Article 65 of the same law provides that the death penalty can be imposed for violating orders and instructions related to emergency quarantine work. Additionally, Article 68 of the same 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 work, such as illegal entry into quarantined areas and impeding 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 UN Human

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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 work, 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 disciplining through labor (*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 work shall be sentenced to reformation through labor (*rodongkyohwa* punishment) 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 reformation through labor (*rodongkyohwa* punishment) of at least five years but not exceeding ten years. Those who have committed extremely severe acts disrupting emergency quarantine work shall be sentenced to reformation through labor (*rodongkyohwa* punishment) of at least ten years. In cases where the offense of disrupting emergency quarantine work is extremely severe, the offender shall be subject to either the death penalty or life imprisonment (indefinite *rodongkyohwa* punishment).

Rights Committee clarifies that the guarantees against arbitrary deprivation of life continue to apply in all circumstances, including in situations of armed conflict and other public emergencies that threaten the survival of the state.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 the whole text of the Law on Rejecting Reactionary Ideology and Culture, enacted in 2020, is yet to be 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 UN Human Rights Committee clarifies that any death penalty can be carried out only

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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 disciplining through labor (*rodongdanryun* punishment), reformation through labor for a definite period (*rodongkyohwa* punishment), life imprisonment (indefinite *rodongkyohwa* punishment), or death penalty with confiscation of property.

after providing the sentenced person with an opportunity to resort 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 (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 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 engaging in religious and superstitious activities, drug smuggling and trafficking, watching and distributing South Korean videos, distributing pornography, and engaging in prostitution. In most instances, executions were carried out by firing squad

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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 32.

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

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 a public trial held in Pyongsong, North Pyongan Province, in which one of 18 defendants was sentenced and immediately executed for possessing the Bible and preaching Christianity. 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 (*kwanliso*) or prison camps (*kyohwaso*). Moreover, since 2018, directives and decrees have been disseminated through public institutions and state-owned enterprises, stating that not only those who engage in superstitious activities but also those who observe but do not report them shall be punished, and that in severe cases, the death penalty may be imposed. Consequently, a special crack-down group known as “*grouppa*”¹⁸ was established to carry

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

out extensive crackdowns on superstitious activities. In 2019, these crackdowns were implemented throughout the country, starting in North Pyongan Province and extending to Pyongyang and elsewhere. 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 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 Ryanggang Province. Additionally, there have been cases of capital punishment for watching and disseminating South Korean dramas. A North Korean defector stated 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 Ryanggang 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 Ryanggang 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 a vacant lot of a collective farm in South Hwanghae Province in 2017 for charges of distributing pornography. 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 in accordance with 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 slumped downward."

C. Death Penalty against Children and Pregnant Women

Article 6, paragraph 5 of the ICCPR stipulates, "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 UN 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 (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 from Chongjin were publicly executed on a riverbank on charges of religious and superstitious activities, 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 in a stadium in Wonsan, Kangwon Province, for watching South Korean videos and using opium. 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. At the time of the execution, the

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

woman was reportedly six months pregnant.

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

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

21 *Ibid.*, para. 25.

at pre-trial detention center (*kuryujang*) of the state security department in Ryanggang Province due to the lack of heating and subsequently died while in custody without receiving any necessary medical treatment. Another defector, who had been held at *Hamhung kyohwaso* (prison camp), 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 to Not Be Subjected to Torture and Inhuman Treatment

The right not to be subjected to torture or inhuman treatment is aimed at protecting both the dignity and the physical and mental integrity of individuals. Article 5 of the Universal Declaration of Human Rights declares, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” and Article 7 of the ICCPR also stipulates, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.” The UN Human Rights Committee states that the prohibition in Article 7 of the ICCPR is complemented by the positive requirements of Article 10, paragraph 1 (Rights of detainees) of the ICCPR, which stipulates, “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 During Interrogation

Article 7 of the ICCPR prohibits torture or cruel, inhuman, or degrading treatment or punishment, but it does not contain any definition of these concepts. In this regard, the UN Human Rights Committee considers it unnecessary to draw sharp distinctions between the various forms of prohibited treatment and punishment specified in Article 7, and interprets that such treatment and punishment are much broader in scope than torture as normally understood.²³ According to the definition outlined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, torture is generally understood to mean any act of intentionally inflicting severe physical or mental pain or suffering on a person by a public official or other person acting in an official capacity, for a specific purpose such as obtaining information or a confession, or intimidating or coercing the person.²⁴ Therefore, even if some components of torture are not present, it may still constitute cruel, inhuman, or degrading treatment. The UN Human Rights Committee specifies that practices such as solitary confinement or incommunicado detention may amount to acts prohibited by Article 7.²⁵ In situations where violations of Article 7 are likely

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²³ UNHRC, CCPR General Comment, No. 7: Article 7 (Torture or 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 UNHRC, CCPR General Comment, No. 7: Article 7 (Torture or cruel, inhuman or degrading treatment or punishment), para. 2.

to occur, such as during interrogations, States Parties must take measures to prevent such violations. These measures include prohibiting the use of statements or confessions obtained during interrogation through torture or other prohibited treatment in criminal proceedings, conducting prompt and impartial investigations into reported violations of Article 7, criminalizing violations of Article 7, and providing effective remedies to victims.²⁶

North Korea also has regulations regarding torture and inhuman treatment. According to Article 280 of the North Korean Criminal Law (2022), individuals who use illegal means to interrogate a person or exaggerate or fabricate a case can be punished with disciplining through labor (*rodongdanryun*).²⁷ If these acts result in serious injury or death or unjustified criminal responsibility, the individuals can be punished with reformation through labor (*rodongkyohwa*) for less than five years, and for more serious acts, the punishment may be five to ten years of reformation through labor. The North Korean Criminal Procedure Law (2021) stipulates in Article 6 that “the state shall guarantee human rights in the handling of criminal cases,” and in Article 37 that “coerced or induced confessions cannot be used as evidence.” Additionally, Article 163 of the same law states that a officer in charge of preliminary examination cannot force a preliminary examinee to confess or to make a

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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 The term ‘Simmun’ specified in North Korean criminal law corresponds to ‘interrogation’ in South Korean law.

statement.²⁸ The Law on the Prevention of Beatings, which was adopted on November 30, 2021, stipulates in Article 22 that law enforcement officers, including social security agency personnel, or supervisory and control agencies, will face punishment if they fail to punish beatings discovered or investigate immediately reported cases of beatings, or if they engage in such behavior during official duties. The punishment may include unpaid labor for over three months, demotion (*kangjik*), dismissal (*haeyim*), or expulsion (*chuljik*).²⁹ Moreover, North Korea has consistently maintained in its UPR reports that it upholds scientific accuracy, objectivity, and impartiality, and protects human rights when dealing with criminal cases.³⁰ It has also reported that public prosecutors regularly monitor investigations, preliminary examinations, and reformation institutions to prevent torture and other inhuman treatment and punishment.³¹

However, according to the testimonies of North Korean defectors, it has been discovered that torture and inhuman treatment are frequently used during the interrogation process in North Korea. Most of the defectors who have been interrogated

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²⁸ The term ‘preliminary examinee (pisimja)’ defined in North Korean criminal procedure law corresponds to criminal suspect in South Korean law.

²⁹ The North Korean Law on the Prevention of Beatings, adopted in 2021, stipulates in Article 15 that if the victim is at fault, or if the perpetrator confesses to the wrongdoing, the act of beating may be punished lightly or not at all. However, in situations where violations of Article 7 of the ICCPR can easily occur, such as during the interrogation process, it is necessary to restrict the application of this provision.

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.

in North Korea recounted being coerced into making confessions, and one of the methods used to extract confessions was through beatings or other forms of torture. One defector testified that in 2018, when he was caught attempting to defect and was detained by a state security department, he was forced to admit to trying to cross the border during the interrogation process, and when he refused to confess, he was brutally beaten. Another defector recounted that in 2019, when he was interrogated at the *109 unified command Office*,³² the officers did not accept the food provided by his family and left him to starve because he refused to confess.³³ Eventually, the defector could no longer withstand the hunger and told the officers that he would admit guilt if given food. There were also testimonies of North Koreans suffering forms of torture other than beatings during the interrogation process. One man who was investigated at a state security department in 2017, testified that the officers used torture on him for not giving appropriate answers and lying.

“During interrogation, I was beaten with a square-shaped wooden stick. When I raised my handcuffed hands to block the officer and protect my head, he handcuffed me again behind my back, tied my arms to the back of a chair, and hit me on the head with the stick. Such beatings occurred during the first five days of the investigation.

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32 The “*109 unified command*,” also known as “*109 sangmu*” or “*109 grouppa*,” is a special task force established by the North Korean authorities. Personnel from five institutions – the Central Party, the Central Prosecutor’s Office, the Central Court, the Ministry of State Security, and the Ministry of Social security – are assigned to this task force to censor and crack down on the unsocialist activities of North Korean residents.

33 The food brought into the prison from the outside was referred to as ‘*myunsik*’ in North Korea.

I was also subjected to ‘airplane torture,’ which involves standing facing a wall and bending your waist to press your head against the wall, while raising both arms to put the backs of your hands against the wall. Whenever I moved during this torture, I was mercilessly beaten all over my body. Sometimes I had to maintain this position for up to two hours. In addition, I was tortured in a manner where the officer forced me to kneel on the ground with a wooden bar inserted between my thighs and calves, and subsequently, the officer pressed the stick between my legs using his foot.”

Meanwhile, other testimony indicates that measures were taken to prohibit acts of beatings in detention facilities. One defector recounted that he did not experience beatings during his investigation by a state security department in 2018 and heard that the department refrained from beating detainees according to a directive not to hit them. However, given all the testimony that has been collected, these measures appear to be a mere formality and have had little effect in restraining physical abuse. Another North Korean defector who was interrogated by a state security department in 2018 stated that he heard sounds of detainees being beaten in the adjacent interrogation room while he was being questioned about whether he had experienced human rights violations during his own interrogation. Testimony also indicates that it is rare for victims of beatings during the interrogation process to file a complaint and receive compensation, or for perpetrators to face legal punishment.

“Even if human rights violations occur during the interrogation process, there are almost no cases where prosecutors punish those responsible. Occasionally, powerful individuals will file a complaint to the Central Party, but even then, the Central Party does not respond well to these complaints.”

B. Public Executions

The UN Human Rights Committee has clarified that when a State Party applies the death penalty, it must be carried out in a manner that causes the least possible physical and mental suffering. Failure to do so would constitute a violation of Article 7 of the ICCPR.³⁴ Therefore, even if a competent court has imposed a death sentence for the most serious crimes, executing in public may be considered a ‘cruel, inhuman, and degrading punishment’ that is prohibited by Article 7 of the ICCPR. In the case of ‘summary executions’ carried out without trial, publicly revealing the execution would not only violate Article 6, which codifies the right to life, but also Article 7 of the ICCPR. The UN Human Rights Committee also has specified that the prohibition in Article 7 relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.³⁵ Therefore,

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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.

even those who witness a public execution may experience cruel and inhuman treatment, and as such, this can be considered a violation of Article 7 of the ICCPR.

The North Korean Criminal Procedure Law (2021) and the Judgments and Decisions Enforcement Law (2005) outline the procedures and means of executing the death penalty, but these laws do not contain an explicit provision on whether executions should be carried out publicly. In this regard, North Korea has acknowledged that public executions are carried out in North Korea, by responding that “the death penalty is carried out in public only in rare cases, after strong requests by the victim’s family and other concerned persons” at the 8th meeting of the 33rd session of the Working Group on the UPR, held on May 9, 2019.³⁶

Cases of public executions in North Korea have been documented annually until 2020. According to testimonies collected, public executions are carried out in open places accessible to many people, such as markets (*jangmadang*), riverbanks, and sports fields. As a result, there are cases where people accidentally witness public executions while passing by, but generally, public executions are carried out after mobilizing residents, including children, through affiliated institutions or organizations such as schools, state-owned enterprises, and people’s watch units (*inminban*).³⁷ One North Korean defector testified that he directly

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

³⁷ ‘*Inminban*’ (people’s watch unit) refers to the lowest level administrative unit and resident surveillance organization in North Korea. It is organized by People’s Committees based on the household number determined by the Cabinet of North Korea (Article 9 of the Resident

witnessed a public execution in 2018, where more than 1,000 people were present, mostly organized through factories and state-owned enterprises (SOEs), and he himself was mobilized through people's watch units (*inminban*). Mobilization was done by informing people of the date and place of a public execution and compelling them to participate. Testimonies have also been collected from individuals who refused to comply with such mobilization and created excuses. Another defector recounted that she had been shocked by seeing an execution scene for the first time when mobilized for a public execution, and thus later refused to comply with orders whenever the people's watch units (*inminban*) sought to mobilize her, using the excuse of being ill.

It has been revealed that public executions are carried out for a wide range of reasons beyond the crime of murder, including drug trafficking, superstitious and religious activities, watching and distributing South Korean videos, and more. One defector testified that he witnessed a man being publicly executed on charges of drug trafficking at an airfield in Ryanggang Province in 2018. Another defector recounted that he witnessed the public execution of a person who distributed the Bible and a person who robbed a grave at a collective farm in Pyongsong in 2018. There was also a case where one man who had watched South Korean dramas and shared them with North Korean residents was publicly executed in Ryanggang Province in 2020.

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Administration Law), and has an obligation to report suspicious individuals, including non-residents and job deserters (Article 10 of the Crowd Reporting Law).

The testimonies collected indicate that public executions are carried out under the supervision of the social security institution, and proceed in the order of publicly disclosing the identity and alleged crime of the individual being executed before the execution is carried out. As per the testimonies of defectors who have witnessed several public executions, public executions are carried out by tying the individual to a pillar and firing nine shots, with three shots each to the head, chest, and legs. One defector recounted that he witnessed three executioners each firing three shots per person during a public execution carried out under the supervision of the social security department in South Pyongan Province in 2018. Following execution by firing squad, officers confirm whether the executed person has died, and there was even testimony indicating that some of the people who were subject to execution survived the initial attempt to kill them, and so the officers shot them again to ensure their death. In 2018, there was even a case where a machine gun was used in a public execution on the banks of the Susong River in Chongjin, North Hamgyong Province.

“Five marksmen executed the person by shooting with machine guns. Another five marksmen aimed and fired their machine guns at the body of the deceased. I was forced to attend the public execution because the head of *inminban* declared it mandatory without exception. So, at that time, I couldn’t refuse to attend. The crowd of observers was massive. There were so many people there that it took over an hour to exit the venue after the execution ended.”

The majority of witnesses to public executions testified that they suffered significant mental anguish from witnessing them. One witness stated that because she had witnessed someone being killed in front of her for the first time, she was so scared that she couldn't eat or sleep properly for several days. Another witness said that she still could not forget the sight of the person being shot and falling to the ground, and she complained of suffering and distress from the memory of the scene when alone at night.

C. Human Experimentation

The ICCPR clearly outlines in the final sentence of Article 7 that “no one shall be subjected without his free consent to medical or scientific experimentation.” Additionally, the UN Human Rights Committee has emphasized that individuals who lack the capacity to give valid consent or are detained in any form should not be subjected to any medical or scientific experimentation that could have detrimental effects on their health.³⁸ Despite having various healthcare laws such as the Law on Medical Care, Medicine Control Law, and Public Health Law, North Korea does not have specific legal provisions regulating medical experiments or clinical trials of pharmaceuticals, such as the “Guideline for

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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.

Korean Good Clinical Practice” implemented under the South Korean Pharmaceutical Affairs Law.

Based on testimonies collected, it has been revealed that North Korea is conducting human experiments, including medical experiments, on living individuals without their consent. These experiments are primarily carried out at a facility known as ‘Hospital 83’ or ‘*Kwanliso 83*’ (referred to as ‘No. 83’). The experiment subjects at No. 83 are patients with mental illnesses such as schizophrenia or those with intellectual disabilities, who cannot provide valid consent for the experiments. Consent from the subjects is not required, even upon admission to No. 83. The decision to admit individuals to No. 83 is implemented by the inspection division of the social security office in the subject’s place of residence, with approval from the Ministry of Social Security. During the process, the consent of the experiment subjects’ family members is obtained. Testimonies have also revealed that experiment subjects’ families have been forced to consent to admission to No. 83 through threats from social security officers, stating that they would send them to a political prison camp (*kwanliso*) if they refused. Once a person is designated as a subject for admission to No. 83, social security officers administer sleeping pills and forcibly take them away. In one case, a female patient who insulted Kim Jong Un was transferred from Hospital 49 in North Hamgyong Province to No. 83 by the hospital in 2019. In addition to cases where individuals are forcibly admitted by North Korean authorities, individuals are also admitted to No. 83 by their family members for reasons such as drug or gambling

addiction. According to testimonies, if the direct family members of the experiment subjects sign statements declaring that ‘this person is someone who is doing what should not be done as a human being and is unlikely to be cured,’ the person may also become a subject for admission to No. 83.

3. Right to Not Be Subjected to Forced Labor

Article 4 of the Universal Declaration of Human Rights declares that “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.” Furthermore, Article 8, paragraph 3 of the ICCPR also prohibits all forms of slavery and the slave trade and specifies that no one shall be required to perform forced or compulsory labor.

North Korea’s Socialist Labour Law (2015) stipulates that the labor force of factories and state-owned enterprises cannot be mobilized for other work without the approval of the authorities. In particular, the law prohibits the mobilization of farm workers for work unrelated to farming during the agricultural season.³⁹ Additionally, the Law on Protection of the Rights of the Child (2014) prohibits child labor.⁴⁰ In the Voluntary National Review

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³⁹ The Socialist Labour Law (2015), Article 35.

⁴⁰ The Law on Protection of the Rights of the Child (2014), Article 19 (Prohibition of Child Labor) stipulates that “The Democratic People’s Republic of Korea strictly prohibits child labor. Institutions, state-owned enterprises, organizations, and individual citizens are not allowed to make children work.”

Report on Sustainable Development Goals (referred to as the 2021 VNR report), North Korea claimed that there is no forced labor or child labor in the country.⁴¹

A. Imposition of Labor in Custody

(1) Imposition of Labor in Penal Institutions (*Kyohwaso* and *Rodong Danryundae*)

Pursuant to Article 8, paragraph 3, of the ICCPR, heavy labor normally required of a person detained under a lawful order of a court or on conditional release from such detention does not constitute forced labor.⁴² Specifically, the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the ‘Nelson Mandela Rules’) provide that the maximum daily and weekly working hours of prisoners shall be fixed by law or by administrative regulation, taking into account the hours of work of free laborers.⁴³

41 Democratic People’s Republic of Korea, Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development, 2021, p. 31, “As the youth unemployment, forced 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 The ICCPR, Article 8 (3) (c) stipulates that “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 The United Nations Standard Minimum Rules for the Treatment of Prisoners, Rule 102 (1)

North Korea's Criminal Law (2022) specifies three types of labor punishment for criminal offenses: *rodongkyohwa* punishment (reformation through labor) for a definite or indefinite period, and *rodongdanryun* punishment (disciplining through labor).⁴⁴ Testimonies collected indicate that inmates in North Korea's penal institutions, such as *kyohwaso* (prison camps) and *rodong danryundae* (labor training camps), are subject to similar forms of labor punishment regardless of whether they have been sentenced to *rodongkyohwa* or *rodongdanryun* punishment. The working hours assigned to inmates in *kyohwaso* or *rodong danryundae* are usually more than 12 hours, with many forms of work requiring the completion of quotas. Inmates who fail to complete their daily tasks face beatings or other forms of punishment by officers.

Kyohwaso appears to classify inmates into various groups, such as the Newcomers' Group, the Last Term Group, the Repeat Offenders' Group, and the Lifers' Group, based on the number

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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; Rule 102 (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.

⁴⁴ Under Article 38 of The Criminal Law of 2022, the punishment of *rodongkyohwa* entails placing criminals in *kyohwaso*, where they are subjected to penal servitude. The duration of *rodongkyohwa* punishment for a definite period ranges from 1 to 15 years. Under Article 39, the punishment of *rodongdanryun* involves sending criminals to *rodong danryundae* for labor punishment, with a period ranging from 6 months to 1 year. According to the Report of the Working Group on the Universal Periodic Review (UPR) distributed in 2019, North Korea responded that "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," A/HRC/42/10, para73.

of incarcerations and sentence lengths. Depending on the type of work, inmates can also be divided into groups such as the Farming Group, Firewood Preparation Group, Clothing Manufacturing Group, Goods Group, and Wig-making Group, and some may work in mines. Generally, work is assigned one month after imprisonment and continues until the release date. As indicated by the group names, the work varies and includes farming on small sidework fields (*bueopji*) operated by *kyohwaso*, raising livestock, preparing firewood, making military uniforms or military shoes, making eyelashes, wigs, or hats, mining, construction, or carpentry. Work typically starts early in the morning and continues until the evening. Daily work evaluations are based on the assigned work quotas, not the time spent on work. There have been instances where the daily work quotas were excessive, and inmates had to reduce their sleep time to avoid punishment for not meeting the quotas. Ill or injured inmates are generally not given any leniency with their work quotas. Those who have not met their work quotas are punished through beatings, restrictions on family visits, or limitations on outside food brought by their families. Testimony indicates that inmates preferred work that allowed them to rest, such as farming, animal husbandry, and meal preparation, due to the excessive workload assigned to manufacturing work.

“While I was detained at *Hamhung kyohwaso* until 2018, I worked on making metal rings. I continued to work during the remaining time, except for mealtimes and daily work evaluation. During the winter, I worked from 6 am to 9 pm, and in the summer, I worked from 5 am

to 10 pm. Every day, we had a daily work evaluation at 5 pm, and those who did not perform well were beaten in the face with the prisoners' shoes by the *kyohwaso* officers.”

It has been indicated that prisoners at *rodong danryundae* are subjected to excessive labor in a similar manner. Testimonies suggest that the work of each individual prisoner is evaluated daily through a ‘performance evaluation,’ and there have been instances of prisoners being compelled to raise their performance every day. According to testimonies, when working at a small sidework field (*bueopji*) operated separately by *rodong danryundae* for farming, prisoners were given additional indoor work because there was not enough work available outside during the winter when the working hours were short. Like *kyohwaso*’s inmates, prisoners who did not meet their daily quotas were verbally abused, physically assaulted, and punished.

(2) Imposition of Labor under the Administrative Penalty Law

Under Article 8, Paragraph 3(b) of the ICCPR, heavy labor can only be imposed as a punishment for a crime if it is based on the law providing penal servitude and in accordance with a lawful order from a court. However, North Korea specifies two types of labor punishments as administrative penalties, the ‘Unpaid Labor penalty’ and the ‘*rodongkyoyang* penalty’ in the Administrative Penalty Law (2021). These penalties allow administrative agencies

to impose heavy labor instead of relying on court rulings.⁴⁵

The ‘Unpaid Labor Penalty’ is an administrative penalty imposed on officers who commit a serious illegal act related to the performance of their duties, with a duration ranging from one to six months.⁴⁶ The ‘*rodongkyoyang* penalty’ (labor education penalty) is an administrative penalty imposed on citizens who commit illegal acts and has a duration ranging from five days to six months.⁴⁷ North Korea has expanded the range of illegal activities subject to penalties by amending the Administrative Penalty Law (2016), increasing the number of offenses from 195 to 296. The scope of these offenses was further expanded to 307 acts in the 2020 amendment. Institutions authorized to impose *rodongkyoyang* penalties include the Socialist Legal Life Guidance Committee, the Cabinet, the Prosecution, the Courts, the Social Security Agency, Mediation Institutions, and Investigation Supervisory Agencies. Examples of cases where penalties have been imposed under the Administrative Penalty Law include instances where individuals were charged with illegal border crossing offenses (Article 285) after being forcibly repatriated following defection, cases where individuals were detected for engaging in contact, storage, or dissemination of

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⁴⁵ Article 344 of the Administrative Penalty Law (2021) specifies that administrative penalties are imposed by the relevant levels of Socialist Legal Life Guidance Committees, the Cabinet, the Prosecution, the Courts, Social Security Agencies, Mediation Agencies, Investigation Supervisory Agencies, and Qualification Granting Agencies.

⁴⁶ The Administrative Penalty Law of 2021, Article 17.

⁴⁷ The Administrative Penalty Law of 2021, Article 18.

outside information,⁴⁸ cases of unemployment or absence from work, cases of illegal international phone calls, and cases where individuals have been found to not be residing at their registered address. The *rodong kyoyangdae* (labor education camp) is the designated facility for carrying out *rodongkyoyang* penalties.⁴⁹ However, there have been cases where the penalty was received in a *jipkyulso*, indicating that the place of enforcement is not limited to just the *rodong kyoyangdae*.

According to testimonies collected, the labor imposed on detainees at *rodong kyoyangdae* takes various forms, including being mobilized to work at nearby state-owned enterprises or construction sites, farming at collective farms or small sidework fields operated by *rodong kyoyangdae*, making bricks, carrying and chopping firewood, and preparing meals at the *rodong kyoyangdae* kitchen, among other activities. In one case, an individual who was punished with a six-month *rodong kyoyangdae* penalty for not having a travel permit was detained at the *rodong kyoyangdae* of her residence and then mobilized to perform construction work for a nearby ranch. In another case, an individual

⁴⁸ With the revision of the “Administrative Penalty Law” in 2020 and the enactment of the “Law on Rejecting Reactionary Ideology and Culture,” it appears that the provisions regarding outside information contact, possession, dissemination, and similar activities have been excluded from the scope of administrative penalties.

⁴⁹ Article 18 of the Administrative Penalty Law (2021) designates *rodong kyoyangdae* as the facility for the *rodongkyoyang* penalty. It states that the *rodongkyoyang* penalty is an administrative penalty that involves sending citizens who have committed serious illegal acts to *rodong kyoyangdae* and compelling them to engage in labor. Additionally, Article 18 of the “Interpretation of the Administrative Penalty Law of the Democratic People’s Republic of Korea,” specifies that the *rodongkyoyang* penalty is implemented by sending individuals to *rodong kyoyangdae*, which is organized at the city (district) or county level, and subjecting them to difficult and strenuous labor.

who was forcibly repatriated following defection received a *rodongkyoyang* penalty and was then mobilized to perform construction work for a local courthouse and to raise livestock at the *rodong kyoyangdae*. Although working hours were sometimes fixed, it was common for individuals to be required to work from sunrise to sunset, with no holidays, and for more than 12-13 hours a day during their period of servitude. The imposed labor was often difficult to endure due to its high intensity and the deficient detention conditions, including inadequate meals consisting only of corn porridge without side dishes. In some cases, individuals resorted to bribery to secure early release or to be assigned to less demanding work. For instance, some individuals gave bribes to the social security officer in charge at *rodong kyoyangdae* to do miscellaneous tasks inside the administration building, while others bribed the head of *rodong kyoyangdae* and were released a few days after being detained.

“In 2017, when I was detained in the *rodong kyoyangdae* in Hyesan I had to wake up between 5 and 6 a.m., do some preliminary work, and have breakfast at 7 a.m. We had to work from 7:30 a.m. until around 1-1:30 p.m., when we took a break to eat lunch. Then, we had to restart work and briefly have dinner in the middle, continuing to work until 9 p.m. Our work included loading and unloading cement in front of the train station or doing construction work in other sites to which we were mobilized. One officer from the *rodong kyoyangdae* typically took about 30 people and assigned work, monitoring those who worked sloppily. If detainees were caught cutting corners on the job, they would receive separate punishment or be beaten.”

(3) Imposition of Labor in Temporary Detention Facilities

Article 10, paragraph 2 of the 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 specifies an untried prisoner shall not be required to work.⁵⁰ This is because the imposition of labor on unconvicted prisoners cannot be considered a punishment for a crime by a legitimate court order.

North Korea's Prosecution and Surveillance Law (2012) allows for the detention of individuals involved in criminal cases, even if they are not suspects in ongoing criminal proceedings.⁵¹ Similarly, the People's Security Enforcement Law (2007) permits the detention of individuals who have fled after violating any law, conspired to do so, or obstructed an investigation, as well as those who are vagrants or whose identity is unconfirmed.⁵² There have been numerous cases where individuals have been detained under the enforcement of these laws. Specifically, there have been instances where individuals were 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. Additionally, defectors who were forcibly repatriated have been detained in various facilities before facing a criminal trial in their place of residence.

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

⁵¹ The Prosecution and Surveillance Law (2012), Article 32.

⁵² The People's Security Enforcement Law (2007), Article 47.

Temporary detention facilities in North Korea include *daekisil*,⁵³ traveler/illegal border crosser *jipkyulso*,⁵⁴ and the *unified command office*,⁵⁵ among others. According to testimonies documented, detainees at the Unified Command Office, where investigations into illegal acts primarily occur, are not subjected to forced labor. However, there have been testimonies indicating that compulsory labor is taking place on a regular basis, for those detained at traveler *jipkyulso* for violating travel regulations, as well as for defectors who are forcibly repatriated and detained at illegal border crosser *jipkyulso* before being sent to their place of residence.

In particular, while detaining at illegal border crosser *jipkyulso* during the transfer process, North Korean defectors who had been forcibly repatriated were frequently mobilized for work both inside and outside of the *jipkyulso*. This labor included internal construction projects, such as expanding the *jipkyulso* building, work at nearby construction sites, private housing construction, post-flood road repairs, and cement loading and

53 The term '*daekisil*' refers to a facility established by the social security department of each city and county to temporarily hold individuals until a decision is made regarding their detention. The duration of detention in these facilities seems to be relatively short.

54 The term '*jipkyulso*' refers to a facility used for the temporary detention of individuals involved in illegal activities outside their place of residence. There are two types of *jipkyulso*: one is used in cases such as the forced repatriation of North Korean defectors (Illegal Border Crosser *Jipkyulso*), and the other is used when individuals are apprehended without a travel permit outside their place of residence (Traveler *Jipkyulso*).

55 The term 'Unified Command Office' refers to the office space of an organization consisting of personnel from the Ministry of State Security, Ministry of Social Security, Socialist Patriotic Youth League, and the Prosecutor's Office, among others. The Unified Command has the authority to impose administrative penalties, including *rodongkyoyang*, and it can also transfer detainees to the Ministry of Social Security for criminal processing. The duration of detention in the Unified Command Office is estimated to be a few days.

unloading. Detainees were also subjected to forced labor in small sidework fields operated by the *jipkyulso* or nearby collective farms, such as planting rice, picking edible green vegetables 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 typically exceeded 12 hours from early morning to evening. Some detainees even testified about working on holidays during their detention. Testimonies indicate that during the winter season, when the demand for labor was relatively low, the waiting period at the *jipkyulso* was shorter, but it was longer during the farming season. This seems to be related to testimonies suggesting that there were cases where the *jipkyulso* intentionally delayed notifications for transferring detainees to their place of residence. There have been no testimonies of detainees being paid for the labor they were mobilized to perform at the illegal border crosser *jipkyulso*. Instead, testimonies suggest that labor was imposed on detainees to serve the financial interests of *jipkyulso*.

“In 2017, I was forcibly repatriated and sent to the illegal border crosser *jipkyulso* in Chongjin where I was detained for five days and subjected to forced labor. During that time, I was made to carry cement at a cement production site, which caused my eyes to become sore and painful due to the cement’s chemical composition. I was also forced to carry coal, with the *jipkyulso*’s agents pressuring us to work faster and making the work more difficult.”

B. Mobilization of Labor through Social Organization

According to Article 8, paragraph 3 of the ICCPR, any work or service that is required in situations of emergency or calamity which threaten the community's life or well-being, and those that form a part of normal civil obligations, do not constitute forced labor for members of society. However, the mobilization of North Korean residents through workplaces and social organizations to construction sites, among other places (known as Nolyuk Dongwon) cannot be considered as 'any work of service which forms part of normal civil obligations' because of the scale of mobilization, duration of service, and mandatory nature of participation.

It has been observed that the North Korean authorities routinely mobilize the labor of its residents through various organizations. These include *inminban* (people's watch unit) in residential areas, the Socialist Women's Union composed of full-time housewives (referred to as the 'women's union'), the Socialist Patriotic Youth League of all levels of schools (referred to as the 'youth league'), and the General Federation of Trade Unions of workplaces (referred to as the 'workers' union'). Notably, there have been numerous testimonies indicating that members of the Women's Union, full-time housewives, are being mobilized for labor at an increasing frequency. According to the testimonies collected, in Jagang Province, the Women's Union members are mobilized for mandatory, unpaid labor at an increasing frequency to local construction sites or rural areas for at least 8 hours

once or twice a week. Failure to participate in such mobilization could not only result in being reported to their husbands' workplaces but also in public criticism and denial of holiday materials they are entitled to. The frequency of mobilization through the women's union varies by region, with some members being mobilized almost every day more than five days a week. In recent times, women's union members have even been mobilized to stay for several days at large construction sites, with a new term, 'Women's Union *dolgyeokdae* (shock brigade),' coined to describe this phenomenon. These *dolgyeokdae* are composed of full-time housewives from each household of *inminban*, excluding women over 50 and military officials' families, and typically consist of around ten people. This trend seems to have arisen due to large-scale construction projects, such as the construction of Samjiyon in Ryanggang Province and city maintenance in each region. In cases where women's union members found it difficult to participate in mobilization, they were given the option to pay a specific amount of money each month, and they were referred to as the 'Women's Union Profit Unit.'

"Until 2019, I was mobilized for labor whenever the Women's Union instructed it. Internal mobilization refers to when people are mobilized to work for a short time from their own homes, while external mobilization involves packing food and going out to work for several days, which is called the "Women's Union *dolgyeokdae*." In the case of mobilizing all residents for construction projects such as railways and roads, residents were mobilized almost daily about five times a week. Such mobilization was difficult because it was compulsory,

regardless of personal circumstances, even if they were sick or were struggling economically.”

In addition, the testimonies of North Korean defectors indicate that labor mobilization is a common practice among students in senior secondary schools, technical schools, specialized schools, and universities. Senior secondary school students are regularly mobilized, in addition to the rural mobilization included in their curriculum. There have been documented cases of local secondary school students being mobilized sequentially to work on construction sites for school buildings in border regions. While professional construction work was done by paid laborers, students were assigned tasks such as carrying dirt and stones and assisting in plastering. Tasks that typically require the strength of an adult were assigned to school staff. Moreover, it has been found that students are required to participate in mobilization and have to pay a certain amount to the school to be exempted from it.

Students in vocational schools, technical schools, and universities are also frequently mobilized to work on large and minor construction sites near their schools, including the construction of statues of Kim Il Sung and Kim Jong Il, railway maintenance, apartment construction for city maintenance, and food factory construction. In particular, during the Samjiyon construction project that began in earnest in 2017, nearby college students were assigned and mobilized to secure the necessary labor force, and they were referred to as the ‘college student *dolgyeokdae*.’

For those attending technical colleges, it appears that they consider mobilization to be a significant part of their schedule, as rural mobilization or mobilization to construction sites in the area is expected. Additionally, it has been found that some work on apartments being built as part of city maintenance are assigned to local institutions, and tasks such as plastering, tiling, and window framing construction are carried out by institution staff or students.

“In 2018, while I was studying at a technical school, I was mobilized to a construction site for approximately three months. During this time, we carried out various tasks such as plastering, laying heated floors, tiling, installing windows, and connecting water pipes. We worked from 8:30 in the morning until 7 in the evening. I learned that male students with military experience even had to work night shifts. We did not receive any compensation for the labor mobilization. We had no choice but to participate since we were told that we would not receive our graduation certificates if we refused.”

According to testimonies, in areas where large-scale urban redevelopment projects were underway, residents of demolished houses were required to work on the construction sites where they would be provided with new housing. These residents were known as the ‘family *dolgyeokdae*.’ There were instances where one member from each household was mandated to participate in the construction, and at times, the labor force was evaluated daily to determine the number of floors of the apartment complex that each household would be allocated. In cases where a family member was unable to participate in the

construction site, the household was required to pay a monthly fee instead. The eligibility to move into the new housing was contingent on participation in construction work, indicating that the mobilization of residents from demolished houses was compulsory.

4. Right to Liberty and Security of Person

‘Liberty of person’ refers to the freedom from physical constraints or detention, while ‘security of person’ involves the freedom from injury to one’s mind and body. Article 3 of the Universal Declaration of Human Rights specifies that everyone has the right to liberty and security of person. Article 9 of the ICCPR similarly recognizes the right to liberty and security of person, with paragraph 1 prohibiting arbitrary or unlawful arrest or detention, and paragraphs 2 through 5 establishing procedural safeguards to ensure the protection of this right.

Article 79 of North Korea’s socialist constitution (2019) codifies the right to the inviolability of person and explicitly prohibits the arrest or detention of citizens without legal basis, whereby recognizing the right to liberty and security of person. Article 279 of North Korea’s Criminal Law of 2022 specifies that anyone who illegally arrests, detains, or confines someone shall be subjected to disciplining through labor (*rodongdanryun* punishment), while those who commit such acts repeatedly or cause serious consequences will be subjected to reformation through labor (*rodongkyohwa* punishment) for up to five years.

A. Arbitrary and Unlawful Arrest and Detention

According to the second sentence of paragraph 1 of Article 9 of the ICCPR, no one shall be subjected to arbitrary arrest or detention. The UN Human Rights Committee has interpreted it as arbitrary to arrest or detain someone for exercising their rights guaranteed by the ICCPR, even if the laws of States Parties provide grounds for crackdown and punishment.⁵⁶

In North Korea, individuals are subject to frequent arrests and detentions as punishment for exercising their rights guaranteed by the ICCPR, including freedom of religion and freedom of expression. Numerous documented cases show that individuals have been arrested and detained in North Korea for engaging in activities that the authorities deem unsocialist or antisocialist and criminalize, such as practicing superstitions and possessing South Korean videos. According to testimonies from North Korean defectors, in 2019, there was a widespread crackdown on superstitious activities, resulting in over 50 people being arrested and publicly tried in Pyongyang alone. Additionally, during an outside information crackdown by the *109 unified command* in the same year, another defector testified that he was arrested when a USB containing South Korean dramas was discovered in his home. Furthermore, there have been instances of malicious arbitrary arrests and detentions of family members of suspects without evidence of their involvement in any alleged

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

crimes. In one case, a woman was detained by the social security department for her son's defection and was forced to confess to aiding in his defection.

The third sentence of paragraph 1 of Article 9 of the ICCPR stipulates that "No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law," thereby prohibiting illegal arrest and detention. The UN Human Rights Committee specifies that deprivation of liberty not in compliance with States Parties' domestic procedural rules for arrest and detention may constitute unlawful arrest and detention.⁵⁷

Under North Korea's Criminal Procedure Law (2021), the criminal proceedings are divided into two stages: the investigation stage for identifying and locating criminal suspects, and the preliminary examination stage for confirming preliminary examinees and revealing the full details of the crime.⁵⁸ Coercive measures, such as arrests and detentions, can be carried out during the preliminary examination stage.⁵⁹ However, during the investigation stage, such measures can only be conducted in special circumstances with the prosecutor's approval, which means obtaining an arrest warrant.⁶⁰ In principle, it is not possible

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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 Article 177 of the Criminal Procedure Law (2021), prosecutors have the authority to issue warrants, and the act of issuing a warrant by a prosecutor is deemed as an approval by the prosecutor.

to make an arrest without a warrant, and if a person is detained, law enforcement officials must present their identification and the arrest warrant.⁶¹ Situations in which coercive measures can be taken without an arrest warrant are limited, such as in *flagrante delicto* (being caught in the act of committing a crime).⁶²

Many instances of illegal arrests and detentions without a warrant in North Korea have been documented. The majority of these arrests occurred during the investigation phase and were not conducted under exceptional circumstances that would justify an arrest without a warrant. Specifically, one North Korean defector testified that in 2019, social security officers arrived at her home and arrested her without presenting an arrest warrant or explaining the situation. They simply told her “We have something to investigate, come with us.” She was subsequently detained and investigated at social security office (Bunjuso), one of the lowest-level social security offices.⁶³ Another defector recounted that in 2019, state security officers abducted him from

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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 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 circumstances:

The suspect was caught in the act of commencing the offense, committing the offense, or immediately thereafter.

The victim or a witness identified the suspect as the offender either by grabbing or pointing them out.

The suspect’s body or place of residence exhibits indications of their involvement in the crime.

The suspected criminal is displaying suicidal behavior, attempting to flee, or is being pursued.

The alleged offender is providing false information about their place of residence.

⁶³ ‘Bunjuso’ is another name for the lowest level of the social security institution, which is the ‘social security office,’ established at the unit of *dong* and *ri*. (Reference: North Korean Social Science Publishing House, ‘Chosun Language Dictionary (Revised Edition),’ Volume 2, 2017, page 866).

his workplace and detained him at a state security department during an investigation.

“While I was at work, I ran into the state security officer who was in charge of my workplace. After exchanging a smile, he asked me to wait for a moment before heading inside the office. However, he didn’t return, and shortly after, I saw a sedan pull up. At that moment, I had no idea what was happening until two people got out of the car and apprehended me without any explanation. They quickly removed my belt and shoes before placing me in the car, forcing me to keep my head down. I was taken to a state security department where I was detained.”

B. Lack of Procedural Safeguards

(1) Failure to Notify the Reason for Arrest and Charges

Article 9, paragraph 2 of the ICCPR explicitly states 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.” Meanwhile, Article 179 of the North Korean Criminal Procedure Law (2021) stipulates that preliminary examinees subject to arrest and detention measures must be informed of the facts, and the reason and place of their arrest or detention must be notified to their family, affiliated organization, or relevant social security agencies within 48 hours from the time of arrest or detention.

The testimonies collected of those who had been arrested in

North Korea show that most of them were not informed of the reason for their arrest and the charges against them at the time of arrest. One former student testified that in 2017, when social security officers came to his secondary school, they only told him, “Let’s go, we have something to investigate,” and arrested him immediately. He was unaware of the grounds for his arrest until the interrogation, during which he learned that he was being charged in relation to the distribution of South Korean videos. One woman recounted that in 2018, state security officers came to her home and asked if she knew someone. When she answered yes, she was immediately arrested without being told the reason for her arrest and was detained in a pre-trial detention center (*kuryujang*) in a state security office. Another woman testified that in 2019, she was arrested at her home without being informed of the reason for her arrest and the charges against her. Later, during the investigation, she found out that it was because she had lived with someone who was not her spouse. There were also cases where state security officers took people into custody using coercion and threats without informing them of the reason for their arrest and the charges against them.

“I was arrested by the state security officer in charge of my town. He approached me and asked to borrow my cell phone because he needed to make a call. After I handed over my phone, he made a call, and within five minutes, three state security department motorcycles arrived. He then instructed me to get on one of the motorcycles, stating that he needed me to accompany him for some questioning.

When I refused to comply, he cursed at me, saying, ‘Get on quickly when you are being treated nicely.’ I was ultimately forced onto the motorcycle and taken to a state security department.”

Many cases have been collected where the families of detainees were not notified about the reason and location of their detention. Specifically, the testimonies collected suggest that state security departments have a practice of withholding information about arrests or detentions from the families of detainees. One defector testified that in 2017, when he was detained by the state security department on suspicion of attempting to defect, his family was not informed of the reason for or place of his detention. Another defector, who was detained by the state security department in 2019, made a similar statement that his family was also left uninformed about his detention. He further testified that families of individuals detained by the state security department are typically not given any information about the reasons for or locations of their detention.

(2) Excessive Pre-Trial Detention Duration

Article 9, paragraph 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 also clarifies that detention of persons awaiting trial shall not be the general rule. The UN Human Rights Committee specifies that the ‘officers authorized

to exercise judicial power' must be objective, independent, and impartial in relation to the issues dealt with, and hence, prosecutors cannot be considered as an officer exercising judicial power under paragraph 3.⁶⁴ However, in North Korea, there is no legal system for judicial review of a warrant. Instead, approval from a prosecutor is required when investigators or preliminary examination officers make a decision of arrest or detention.⁶⁵ According to its Criminal Procedure Law of 2021, if a suspect or criminal is detained during the investigation stage, a detention decision must be made within 48 hours of the detention and approved by a prosecutor.⁶⁶ The detained person must be investigated and handed over to the preliminary examination officer within 10 days of the detention date. If approval is not obtained from the prosecutor or if the detained person is not confirmed as a criminal within 10 days of the detention date, the individual must be released.⁶⁷ During the preliminary examination stage, the detention period can last up to two months, and an extension up to a maximum of five months is allowed.⁶⁸

The testimonies collected reveal that in North Korea, it is common practice for individuals to undergo investigation and preliminary examination while detained. Furthermore, there have been instances where individuals have been detained

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

65 The Criminal Procedure Law (2021), Article 173.

66 The Criminal Procedure Law (2021), Article 140.

67 The Criminal Procedure Law (2021), Article 140.

68 The Criminal Procedure Law (2021), Article 183 and Article 184.

beyond the legal limit on the duration of detention during the investigation and preliminary examination stages. One defector testified that in 2017, she was arrested during an accommodation inspection and detained for 75 days while undergoing investigation by a social security department. Another defector recounted that in 2019, he was detained for 6 months without justification in a pre-trial detention center (*kuryujang*) under a social security department during the preliminary examination on suspicion of using a Chinese mobile phone. As per the account of a male defector, he was held for nine months in a *kuryujang* under the state security department after being accused of being a defector broker.

(3) Lack of Other Procedural Safeguards

Article 9, paragraph 4 of the ICCPR stipulates, “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 without delay on the lawfulness of his detention and order his release if the detention is not lawful.” However, in North Korea, there cannot be found any legal system for reviewing the legality of arrests or detentions, such as a system of habeas corpus writ.

Article 9, paragraph 5 of the ICCPR stipulates, “Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.” North Korea has mentioned the ‘criminal compensation regulations’ in its Second Periodic Report on the implementation of the Covenant submitted to the

UN Human Rights Committee in 2000 and in the Common Core Document submitted to the UN in 2016.⁶⁹ However, regulations regarding criminal compensation for victims of illegal arrests or detention could not be found in publicly available North Korean laws and regulations, and no cases of compensation for victims of illegal arrests or detentions have been documented.

C. Enforced Disappearance

Pursuant 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 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 specifies that enforced disappearances violate numerous substantive and procedural provisions of the ICCPR and constitute a particularly aggravated form of arbitrary detention.⁷¹

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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.

⁷⁰ Article 2 of the UN ‘International Convention for the Protection of All Persons from Enforced Disappearance,’ adopted at 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.

Numerous testimonies have been collected indicating that enforced disappearances are still occurring in North Korea. According to these accounts, North Korean residents have been apprehended by the authorities and then vanished without a trace for several reasons, including engaging in religious activities, verbal treason (*mal bandong*), such as criticizing the regime, engaging in espionage or human trafficking, and attempting to defect to South Korea. One defector testified that a resident of his village was arrested by the state security bureau for allegedly receiving funds from a South Korean Christian organization and conducting missionary work in the village in 2017, and subsequently went missing.

Most of the cases of enforced disappearance were those where the fate of the victims could not be determined, or those who were suspected of being detained in political prison camps (*kwanliso*). In 2017, an individual was arrested after being caught communicating with his brothers in South Korea through a Chinese mobile phone that was wiretapped by the state security department. His family could not confirm his fate and whereabouts and decided to commemorate him on the day of his arrest as the day of his death. Another defector testified that in 2018, an elderly couple from his village was arrested for calling soldiers who stole their goats “worse than South Korea’s hostile forces,” and subsequently vanished without any trace. He stated that the villagers believed they had been detained in a political prison camp. There were also testimonies that the families of the disappeared individuals were also taken away. In 2018, an official

from the Workers' Party was arrested along with his family after making critical comments about the Kim Jong Un regime in a private setting, and their fates and whereabouts have been unknown since then.

5. Rights of Detainees

The rights of detainees refer to the rights of individuals who have been deprived of their liberty by law and authority. Article 10, paragraph 1 of the ICCPR specifies that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.” The UN Human Rights Committee has indicated in General Comment No. 9 that this provision applies not only to prisons but also to all institutions where persons are lawfully held against their will, such as hospitals and detention camps.⁷² However, this report specifically focuses on detention facilities for offenders, with its scope limited to this particular type of facility.

A. Detention Facilities for Offenders

In North Korea, detention facilities for offenders are classified into two types: temporary detention facilities for use during

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

criminal proceedings and facilities for enforcing criminal or administrative punishment. Temporary detention facilities include *daekisil*, *kuryujang*, *jipkyulso*, and *kukeumso*. Facilities used for carrying out penal or administrative punishment include *kyohwaso*, *rodong danryundae*, and *rodong kyoyangdae*. Testimonies suggest that these facilities are operated by either the Ministry of Social Security or the Ministry of State Security. Detention facilities under the Ministry of Social Security include *daekisil*, *kuryujang*, traveler *jipkyulso*, illegal border crosser *jipkyulso*, *kyohwaso*, and *rodong danryundae*, while *jipkyulso* (*kuryujang*) and *kukeumso* are under the Ministry of State Security. *Rodong kyoyangdae* in each region appears to be operated by the local People's Committees, while the institution that runs the Unified Command (*sangmu*) remains unclear.

Daekisil is located in local social security departments under the Ministry of Social Security,⁷³ where individuals are held prior to a decision to detain or confine them. *Kuryujang* is a pre-trial detention facility located in social security bureaus of each province and social security departments of each city or county, where criminal suspects are held in custody during preliminary examination, prosecution, and trial. According to testimonies,

73 The Ministry of Social Security, which is North Korea's current law enforcement institution, has undergone several name changes and reorganizations over time. The changes are as follows: Ministry of Social Security (1951) → social security department (1972) → Ministry of Social Security (1998) → Ministry of People's Security (2000) → People's Security Department (2010) → Ministry of People's Security (2016) → Ministry of Social Security (2020). Source: North Korea Information Portal. For this reason, when referring to the current agencies and personnel under the Ministry of Social Security, terms like social security bureau (or People's Security Bureau), social security department (or People's Security Department), and social security officer (or People's Security Officer) are often used interchangeably.

there are two types of *jipkyulso*: ‘Traveler *Jipkyulso*’ is a facility used for holding individuals who have been arrested or captured outside of their area of residence for moving within North Korea without a travel permit. ‘Illegal Border Crosser *Jipkyulso*’ is a facility that holds those who have been forcibly repatriated after defection before they are transferred to the jurisdiction of their area of residence for investigation, prosecution, and punishment, and is mainly operated in border areas.

Kuryujangs are located in the state security bureaus of each province and the state security departments of each city and county under the Ministry of State Security. While some North Korean defectors refer to these facilities as *jipkyulso*, they are different from travel *jipkyulso* or illegal border crosser *jipkyulso*. *Kuryujangs* are primarily used to detain suspects during investigations, preliminary examinations, and trials. *Kukeumso* appears to be run exclusively by state security bureaus at the provincial level or higher, and are primarily used to detain suspects associated with political offenses related to South Korea. There have also been testimonies indicating that individuals are held in *kukeumso* until a decision is made about whether or not they will be transferred to the department for a preliminary examination.

The penal facilities, *kyohwaso* and *rodong danryundae*, are administered by the Ministry of Social Security. *Kyohwaso* is a correctional facility specified in North Korean Criminal Law, where individuals who have been sentenced to *rodongkyohwa* punishment (reformation through labor) are accommodated after going through the criminal proceedings of investigation, pre-

liminary examination, and trial. *Rodong danryundae* is a facility where individuals who have been sentenced to *rodongdanryun* punishment (disciplining through labor) through trial are detained, as specified in North Korean Criminal Law.⁷⁴ It appears that *rodong danryundae* is frequently operated as an annex to *kyohwaso*. *Rodong kyoyangdae* is a facility that executes the *rodongkyoyang* penalty as specified in the North Korean Administrative Penalty Law of 2021.⁷⁵ *Rodong kyoyangdae* appears to be located not only in local areas but also in relatively large workplaces or collective farms. North Korean residents use the terms *rodong kyoyangdae* and *rodong danryundae* interchangeably to refer to these types of facilities.

In addition to these, there have been many cases of people being detained in facilities established by the so-called “Unified Command,” which is an organization formed by personnel from the Ministry of Social Security, the Ministry of State Security, the Public Prosecutor’s Office, and the Youth League, among others. In these cases, the location of detention is often not fixed and is usually an arbitrary space such as the organization’s office. This act of confining someone in such a facility is referred to as ‘detention’ in the North Korean People’s Security Enforcement Law (2007).⁷⁶

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⁷⁴ The North Korean Criminal Law of 2022, Article 39.

⁷⁵ The Administrative Penalty Law of 2021, Article 18.

⁷⁶ According to Article 47 (Detention Subjects) of the North Korean People’s Security Enforcement Law (2007), social security officers are authorized to detain individuals who flee after violating laws, those who conspire to violate laws, those who obstruct investigations, vagrants, and those whose identity is not confirmed. Article 50 (Detention Period) states that the

B. Treatment of Detainees

Article 10, paragraph 1 of the ICCPR imposes on States Parties an obligation to treat individuals who are vulnerable due to being deprived of their liberty with dignity and respect. In this regard, the UN Human Rights Committee specifies that not only may persons deprived of their liberty not be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including medical or scientific experimentation, but neither may they be subjected to any hardship or constraint other than that resulting from the deprivation of liberty.⁷⁷ The United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules) outline the standards for treating prisoners and operating penal facilities.⁷⁸ These include guidelines for separating prisoners according to sex, age, criminal record, and other factors, providing adequate living quarters and

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detention period for those who violate laws is up to 3 days for local social security offices and up to 10 days for social security departments in each city or county.

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

⁷⁸ The related UN standards that apply to the treatment of prisoners include: (1) the Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules) which were first adopted in 1957, and in 2015 were revised and adopted by General Assembly resolution 70/175; (2) the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 1998, which aims to protect all persons who are under any form of detention or imprisonment; (3) the Code of Conduct for Law Enforcement Officials, 1978, which provides guidelines for law enforcement officials; and (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, which outlines the medical ethical principles related to the role of healthcare personnel, particularly physicians, in protecting prisoners and detainees against cruel, inhuman or degrading treatment or punishment. (UNHRC, CCPR General Comment, No. 21, Article 10: Humane treatment of persons deprived of their liberty, para. 5.)

sanitary facilities, maintaining personal hygiene, and ensuring access to healthcare services. The Nelson Mandela Rules also specify guidelines for restrictions, discipline, and punishment within penal facilities.

North Korea stipulates in Article 6 of its Criminal Procedure Law (2021) that “the state shall guarantee human rights in handling criminal cases,” and also specifies in Article 6 of its People’s Security Enforcement Law of 2007 that “the state shall not violate human rights or abuse its authority in maintaining public security.” However, there are no specific provisions in publicly available North Korean laws and regulations regarding the treatment of detainees and the execution of penalties during the detention and punishment process.

(1) Poor Detention Conditions

Detention Space

Regarding the sleeping accommodation of appropriate size within detention facilities, the UN Standard Minimum Rules for the Treatment of Prisoners state that each prisoner shall occupy a cell or room by himself or herself during nighttime, where dormitories are used, they shall be occupied by prisoners carefully selected as being suitable to associate with one another in those conditions.⁷⁹

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⁷⁹ 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

In North Korea, generally, multiple detainees are assigned to share a single cell or room. As a result, the available space for each detainee is determined by the total number of detainees present at the time they are detained. According to the testimonies collected, it has been found that the majority of detainees were confined in narrow spaces alongside several other individuals. There were instances where approximately thirty detainees were confined together in a single cell, and up to fifty detainees were crammed into a single compartment of a *daekisil*, resulting in inadequate space to lie down properly for sleep. Although there were cases where detainees were alone in their cells due to the absence of other detainees, or with a relatively small number of individuals, it has been revealed that even in these situations, the conditions did not meet the UN Standard Minimum Rules for the Treatment of Prisoners in relation to the treatment of detainees.

Many statements from detainees indicate that the cell floor consisted of bare cement without any mats or flooring. Additionally, the lack of heating resulted in the floor becoming damp during the summer and even colder during the winter. Moreover, there were instances where an insufficient number of bedding items were provided, which forced detainees to lay small cushions on the cement floor and rely on small blankets

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 the nature of the prison.

for sleeping. However, in some detention facilities like the *rodong kyoyangdae*, there were cases where heating was available for the detainees.

Food

The UN Standard Minimum Rules for the Treatment of Prisoners state that every prisoner shall be provided by the prison administration with food that has nutritional value adequate for maintaining health and strength.⁸⁰ Furthermore, the rules specify that drinking water shall be made available to every prisoner whenever needed. However, the testimonies of North Korean defectors have shed light on significant deficiencies in providing sufficient food and water in North Korean detention facilities. The meals offered to detainees have been found to be similar across different types of detention facilities and regions. The meals were served three times a day, and the main dish offered in most facilities was called '*kangnaengi-bap*' or '*jaksal-bap*,' which consisted of whole or crushed corn kernels. Occasionally, a small portion of pickled radish was served as a side dish. However, in many cases, only a soup made with dried radish leaves and salt was provided alongside the meal. In some facilities where improved treatment of detainees was reported, meals were provided by combining corn with soybeans or white

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⁸⁰ The United Nations Standard Minimum Rules for the Treatment of Prisoners, 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. (2) Drinking water shall be available to every prisoner whenever he or she needs it.

rice, although corn remained the primary staple. In 2019, some detention facilities under state security departments at the city or county level included side dishes such as bean sprouts and meat substitute. In certain prison camps, detainees suffering from malnutrition were provided with beans and nutrient porridge in response to the increase in deaths caused by malnutrition among the detainees. However, the meals provided in the majority of detention facilities were insufficient in both quantity and quality, making it difficult for detainees to maintain good health without access to outside food, which was commonly referred to as *myunsik* in North Korea. The source of drinking water for detainees was typically tap water from the bathrooms in their cells. However, in many facilities, the supply or accessibility of tap water was unreliable or limited, and as a result, the small amount of water provided to each cell on a daily basis was used for drinking purposes.

“In the *jipkyulso* under the state security bureau of Ryanggang Province, I was provided with meals consisting of approximately 700–800 boiled whole corn kernels served with dried radish leaves soup. In the *kukeumso* under the state security bureau of Ryanggang Province, I was given meals that included a 200g portion of a combination of boiled corn kernels and beans, along with dried radish leaves soup and salted radish. Once a month, detainees were weighed, and those with malnutrition were provided with a supplement mixture containing processed corn powder, one tablespoon of oil, one tablespoon of powdered sugar, and water.”

Personal Hygiene

The UN Standard Minimum Rules for the Treatment of Prisoners state that prisoners shall be provided with water and toilet articles necessary for maintaining their health and cleanliness.⁸¹ Further, the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, also known as the Bangkok Rules, specify that essential items shall be provided to women who are menstruating.⁸²

Washing or bathing is essential for detainees who have to reside in detention facilities for extended periods. However, the provision of water and toiletries in the majority of North Korea's detention facilities has been found to be highly insufficient and inadequate. There have been cases where detainees, due to a lack of water, have had to reuse water for tasks like laundry or flushing toilets. Some facilities have even failed to provide any water for washing, leaving detainees unable to maintain personal hygiene throughout their period of confinement. Consequently, the cramped living conditions and the absence of bathing facilities have contributed to the proliferation of pests such as lice and bedbugs. While detainees in certain facilities have been provided

81 The UN Standard Minimum Rules for the Treatment of Prisoners, Rule 18 (1), 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 The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, 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, breastfeeding or menstruating.

with limited toiletries, primarily essential items like soap, the quantities have been so restricted that detainees have had to share them with others in the same confined space. In facilities where the importation of externally provided goods is permitted, such as *daekisil* or *kuryujang* under the social security institution, detainees have had the opportunity to receive daily necessities from their families. However, despite these arrangements, numerous testimonies have shown the unsatisfactory conditions prevailing in these facilities. According to these testimonies, even though water-flush toilets were installed in sleeping areas, strong odors persisted due to the poor water supply.

However, in contrast, there have been instances where prisoners in certain prison camps were granted regular group bathing sessions once a week and allowed to sun-dry their blankets and clothes. Prisoners were also provided with toilet paper, while soap and toothpaste were specifically allocated to prisoners without family visits. Additionally, efforts to improve cleanliness have been reported in some cases. Facilities that underwent improvements demonstrated better hygiene conditions, with regular cleaning being implemented. Some prison camps were reported to have converted traditional-style toilets into water-flush systems, resulting in a reduction in odor. Furthermore, there have been cases where female detainees could request menstrual pads from the guards when needed. However, many testimonies have indicated that the quantity of menstrual pads provided was still insufficient, leading to the need for alternative options such as toilet paper or cloth.

“During the menstrual period, whenever I raised my hand to request menstrual pads from the guards, they would provide one pad at a time. However, since we were all women gathered together, our menstrual cycles became synchronized due to hormonal influence. This resulted in multiple people asking for pads at the same time, which annoyed the guards and sometimes led to refusals. The living space we resided in was incredibly cramped, measuring about 6m x 4m, with 30 people sharing it. I vividly remember it being very uncomfortable to sleep.”

Healthcare Services

The UN Standard Minimum Rules for the Treatment of Prisoners state that providing healthcare services to prisoners is a State responsibility. Prisoners should enjoy the same standards of healthcare that are available in the community, and should have access to necessary healthcare services free of charge without discrimination on the grounds of their legal status.⁸³

In North Korean detention facilities, it has been documented that detainees who suffer from malnutrition or sustain injuries from abusive acts were seldom given proper medical treatment. Even when treatment was provided, the quality of the services offered was low. Specifically, in detention facilities other than correctional facilities, there were few instances of medical services being offered or medical personnel being present. As a result, proactive treatment was not provided even when detainees were injured during work or due to abuse by officers.

83 The UN Standard Minimum Rules for the Treatment of Prisoners, Rule 24 (1) and Rule 25 (2).

On the other hand, there have been testimonies indicating the presence of medical personnel in correctional facilities, and the facilities managed patients with diseases such as tuberculosis. However, the quality of treatment provided in these facilities was reportedly substandard.

There were cases where detainees with illness were granted a stay of proceedings or a stay of execution of their sentence. In particular, some of the detainees who were subjected to the *rodongkyoyang* penalty managed to avoid actual confinement by obtaining medical certificates and resorting to bribery. Furthermore, there have been a few documented cases where detainees successfully evaded incarceration in *kyohwaso* (prison camps) by presenting medical certificates and offering bribes.

In cases where deaths occurred in detention facilities, there were differences in how the situations were handled between correctional facilities and other detention facilities. Specifically, in prison camps, it has been revealed that the family of a deceased detainee was not informed about the death. They would only become aware of it when they visited the *kyohwaso*. Furthermore, the bodies of the deceased were not handed over to the family but rather buried or cremated near the *kyohwaso*. Regarding Jeongori *kyohwaso*, testimonies have indicated that when deaths occurred due to illness, male prisoners were responsible for transporting the bodies to a nearby location called ‘*Bulmangsan*’ for cremation. The family would only learn about the death when they visited the *kyohwaso*. On the other hand, in the case of *rodong kyoyangdae*, where the *rodongkyoyang*

penalty is implemented, there were cases where the family was informed and the body was handed over to them upon the detainee's death. There were also testimonies indicating that during investigations conducted by state security departments, the bodies of deceased detainees were transferred to the family. However, there were instances in *rodong kyoyangdae* where a detainee died as a result of an assault by fellow detainees, and in those cases, the body was not handed over to the family.

"In 2017 and 2018, I witnessed two deaths at *Hamhung kyohwaso*. In 2017, one person died without receiving treatment for pulmonary tuberculosis, and in 2018, another person died due to malnutrition. Unfortunately, I learned about the tuberculosis case only after the person had already passed away. Prior to their deaths, both individuals had been suffering without receiving proper treatment. When someone falls ill, the *kyohwaso* only conducts tests on that specific person. However, even if tests are conducted, the *kyohwaso* often fails to identify the cause of the illness. Even when the cause is identified, there is no medication available for treatment. I understand that the bodies of the deceased are cremated within the premises of the *kyohwaso*, and it appears that the families are not notified. I recall a specific incident where the son of a deceased inmate, who had passed away in February 2018, visited the *kyohwaso* for a family visit at the end of March."

(2) Harsh Treatment of Detainees

The United Nations Standard Minimum Rules for the Treatment of Prisoners specify that all prisoners shall be protected from torture and other cruel, inhuman or degrading treatment or

punishment, and these acts are unjustifiable under any circumstances.⁸⁴ The rules also state that matters related to conduct constituting disciplinary offenses and the types of sanctions imposed shall always be authorized by law or regulations, and the sanctions shall be in accordance with the principle of due process.⁸⁵ It emphasizes that disciplinary sanctions should never amount to torture or other cruel, inhuman or degrading treatment or punishment.⁸⁶

Article 280 of the North Korean Criminal Law (2022) stipulates that those who have interrogated individuals in an unlawful manner or exaggerated and fabricated cases shall be subjected to disciplining through labor (*rodongdanryun*), and if such actions have caused serious physical harm, death, or imposed unjust criminal liability, they shall be subjected to reformation through labor (*rodongkyohwa*) for up to five years. In cases where the gravity of the offense is severe, they shall be subjected to reformation through labor for a period of five to ten years. Article 22 of the Law on the Prevention of Beatings, enacted on November 30, 2021, states that if personnel from law enforcement agencies including social security agencies, and supervisory control agencies, fail to regulate acts of assault, fail to promptly investigate upon receiving reports, or engage in assault during the performance of their duties, they shall be subject to measures

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⁸⁴ The UN Standard Minimum Rules for the Treatment of Prisoners, Rule 1.

⁸⁵ *Ibid.*, Rule 37, and Rule 39.

⁸⁶ *Ibid.*, Rule 43 (1).

such as unpaid labor punishment for a minimum of three months or more, or disciplinary actions such as demotion (*kangjik*), dismissal (*haeyim*), or expulsion (*chuljik*).⁸⁷

In North Korea, there have been consistent reports of cases where detainees who refuse to confess or give satisfactory answers during interrogations while in custody are subjected to physical assault by officers. In one instance, an individual involved in remittance brokering, who was arrested, experienced physical assault during the investigation while in custody for failing to provide truthful statements. This resulted in significant bruising on the body. In another case, a resident involved in illegal trading was arrested based on a report and held in a temporary detention room (*daekisil*). During the investigation, the resident was subjected to assault on the legs and other parts of the body using a belt owned by the social security officer, resulting in severe bruising. There was also a case where a detainee was coerced into confessing during a pretrial examination by being struck in the abdomen with wooden blocks or having their legs struck with a stick by the social security agency. Furthermore, there have been numerous documented cases of officers and guards beating detainees for various reasons in North Korean detention facilities. These cases include beatings inflicted on detainees held in confinement cells for simply moving their bodies, and some detainees have even had their teeth knocked out by guards striking their faces with wooden batons. Additionally, serious

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⁸⁷ The Law on the Prevention of Beatings, Article 22.

battery was inflicted on detainees by guards due to conflicts among the detainees themselves. In detention facilities such as Travel *jipkyulso* and *rodong kyoyangdae*, beatings have been observed when detainees attempted to escape or failed to perform their duties properly. To deter escape attempts, a leader was chosen among the detainees to monitor other inmates and was also given the authority to use violence. In *rodong danryundae* and *kyohwaso*, detainees have faced beatings for failing to meet the planned daily workload. Work review session (*chonghwa*) takes place at 5 p.m. each day, and there was a case where the faces of detainees who failed to complete their tasks were repeatedly struck with shoes.

Based on the common thread of the collected testimonies, detainees had to maintain a posture called the ‘fixed posture’ or ‘cross-legged posture’ while confined in the cells of detention facilities. Detainees were instructed to keep both hands on their knees with their legs crossed and were not allowed to move at all. Additionally, communication with fellow detainees was strictly prohibited. Testimony indicates that guards would physically assault detainees or impose punishments on the entire group for even the slightest movement. In the confinement cells of *kuryujang* within the state security department of a county, there were accounts of guards punching detainees in the head if they moved while maintaining a fixed posture. Similarly, in *kukeumso* of the state security bureau in Ryanggang Province, detainees who moved while in the fixed posture were subjected to repetitive actions, such as sitting down and standing up or

being made to perform push-ups, as forms of punishment. This fixed posture had to be maintained for approximately an hour, followed by a ten-minute rest period, and this daily routine persisted until bedtime. Furthermore, detainees were required to seek permission from guards to use the toilet, and there are statements indicating that some guards either denied permission or chastised them. According to the testimonies, when detainees were transferred from the confinement cells for investigation purposes, detainees had to maintain a specific posture, bending their waist and walking backward while leaving the room and moving with a bent waist and lowered head.

“In 2019, at the *jipkyulso* under the state security bureau in Ryanggang Province, I endured brutal beatings by both the officers and guards. During the interrogation, the officers hit my forearms with their shoes and kicked me with their leather boots. They also struck my body using their fists and palms, ensuring that the strikes didn’t leave visible marks. I was subjected to countless punches. While confined in *Kuryujang* within the *jipkyulso*, I received more beatings from the *jipkyulso* guards than from the *jipkyulso* interrogation officers. In the *Kuryujang*, I was compelled to maintain a fixed posture throughout the entire day, with both hands on my knees, unable to move or engage in conversations with others. The guards summoned me to the front of the iron bars and struck my head and torso with their fists. They also forcefully banged my head against the iron bars. The guards would beat detainees without any clear reason whenever they felt like it.”

(3) Restrictions on Visits and Correspondence

The United Nations Standard Minimum Rules for the Treatment of Prisoners state that prisoners shall be allowed to communicate with their family and friends at regular intervals by corresponding in writing and, where available, using telecommunication, electronic, digital, and other means, as well as by receiving visits.⁸⁸

The collected testimonies indicate that the availability of visits and exchange of correspondence during detention varies depending on the institution where the person is held. Specifically, it has been observed that Ministry of State Security-run institutions do not generally permit visits, and the reasons for this restriction are unknown to most people.

In the illegal border crosser *jipkyulso*, detainees were seemingly allowed visits and to receive items from outside. However, such occurrences were rare. This appears to be because the *jipkyulso* served as a temporary holding facility for forcibly repatriated individuals until their transfer to their place of residence, which posed challenges for families residing in different regions in terms of staying informed about the forced repatriation and detention, as well as exercising their visitation rights. In the case of the *daekisil* within the social security departments, the majority of testimonies indicate that visits were not permitted, although food and items were brought in from the

⁸⁸ The UN Standard Minimum Rules for the Treatment of Prisoners, Rule 58 (1).

outside. However, there were instances where visits were allowed, suggesting regional discrepancies or possible bribery. Similar conditions were observed in detention facilities associated with the Unified Command referred to as '*grouppa*' or '*sangmu*.' While visits were not permitted, it was reported that meals and items could be received.

Detainees held in *kuryujangs* within the Ministries of Social or State Security do not appear to have allowed visits. A North Korean defector testified that when he had been held in a *kuryujang* of a social security department, visits were not permitted during the four-month period of pretrial detention. Another defector recounted the impossibility of visits while her younger sister had been held in a *kuryujang* of a social security department. Similar cases have been observed where visits were not permitted in *kukeumso* under the state security bureau, and there have been instances where no attempts were made for visits in the *kuryujang* of a state security department due to the knowledge that visits were not allowed there. However, bringing in items was possible in both institutions. This was likely because detainees undergoing preliminary examination and trial while in detention often experienced prolonged detention periods lasting several months, which made it challenging to maintain their health with the meals provided by the facility. The food brought into the detention facilities from the outside was referred to as '*myunsik*.' There were instances where detainees were permitted to receive their visitation food (*myunsik*) every morning in the *kuryujang* of the social security departments, and there were

testimonies of receiving their visitation food (*myunsik*) in the *kuryujang* of the state security bureaus.

Labor education camps (*rodong kyoyangdae*) have been found to allow visits and detainees to receive goods. There were cases of family members visiting detainees, and there was also an account of family members visiting a detainee at a work site where the detainee was working.

As for *kyohwaso*, it was stated that visits were allowed once every three months, but there were testimonies suggesting that it could be possible to have visits twice a month by bribing the responsible officials. The items brought in varied depending on the *kyohwaso*, but commonly included cornmeal powder, oil, rice taffy, and soybean paste. While detainees were allowed to bring in some necessities, there were reports of guards taking some items out of the daily necessity. It was also observed that *rodong danryundae* operated similar visitation practices to *kyohwaso*.

“In 2017, my younger sister was detained in a *kuryujang* of the social security department on charges of illegal border crossing and underwent preliminary examination and trial. She was only allowed to receive visitation food (*myunsik*) once a week. However, even that was only possible by bribing the guards and officers. The bribe amount was not fixed, and I had to give whatever the guards and officers demanded. Visits were not permitted, so I was unable to visit her even once.”

(4) Separation

Article 10, paragraph 3 of the ICCPR explicitly states that accused persons shall be segregated from convicted persons, except in exceptional circumstances.⁸⁹ Similarly, Article 37 of the Convention on the Rights of the Child emphasizes the importance of separating children deprived of liberty from adults, unless it is in the best interest of the child not to do so.⁹⁰ Moreover, the UN Standard Minimum Rules for the Treatment of Prisoners highlight the need for different categories of prisoners to be housed in separate institutions or parts of institutions, considering factors such as sex, age, criminal record, legal reason for detention, and treatment requirements.⁹¹

There was a statement suggesting that the pretrial detention center (*kuryujang*) under the Ministry of Social Security has criteria for segregation, including gender, involvement in the crime, and whether the detainee has been convicted, with no other criteria mentioned. However, it was revealed that the criteria varied depending on the institution. Gender-based segregation was generally observed in most detention facilities, but there were instances where it was not followed. In 2019, there

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

⁹¹ The UN Standard Minimum Rules for the Treatment of Prisoners, Rule 11.

was a statement mentioning the use of the same sleeping space due to the lack of gender segregation in the labor education camp (*rodong kyoyangdae*).

Regarding the separation of detainees awaiting trial and convicted detainees, it was unclear whether this practice was actually implemented. There were instances where individuals who had already been convicted and had a short remaining sentence were held together with those awaiting trial in the same cell within the pretrial detention center (*kuryujang*), and later they were released. Furthermore, there were testimonies stating that convicted detainees awaiting transfer to a prison camp (*kyohwaso*) were housed alongside those awaiting trial in the same cell within pretrial detention centers (*kuryujang*).

Cases regarding the separation of minors have been collected from various detention facilities. While the separation from adult detainees was relatively well implemented in some cases, there were instances where it fell short of proper implementation. In 2018, a specific case was documented where a woman and her infant child were detained separately from other detainees in the social security bureau in Ryanggang Province. Furthermore, there were accounts of witnessing cases where children under 14 years old, who were forcibly repatriated, were either released on the same day without being detained or held in temporary locations other than *kuryujang*, such as warehouses, until they could be transferred to their place of residence. On the other hand, individuals aged 15 and older were detained alongside adults in the same cell of the *kuryujang*. There were testimonies

that suggested the existence of separate penal facilities specifically designed for minors, but detailed information could not be obtained as there were no testimonies collected from individuals who had witnessed or experienced detention in such facilities.

“My younger sister was 15 years old when she was forcibly repatriated. She was sentenced to a one-year and four-month *rodongkyohwa* punishment for illegally crossing the border. After being released from the *kyohwaso*, she recounted her experiences in the detention facilities to me. During the preliminary examination, she revealed that she was held together with adults in the same cell within the *kuryujang* under the social security department and was compelled to maintain a fixed posture. She also stated that she was treated as an adult without any consideration given to her status as a child.”

C. Treatment of Women Detainees

The UN Human Rights Committee, in General Comment No. 28, specifies that the rights of individuals deprived of their liberty should be protected equally for both men and women. It specifically mentions that States Parties should provide information on whether women deprived of their liberty are guarded only by female guards.⁹² In addition, Rule 81 of the UN Standard Minimum Rules for the Treatment of Prisoners states that the part of the

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

prison set aside for women shall be under the authority of a responsible woman staff member. Furthermore, the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) provide detailed guidelines for the treatment of women who are deprived of their liberty.⁹³

North Korean Criminal Procedure Law (2021) stipulates that during a body search of a woman, a female staff member should be present.⁹⁴ It also includes provisions that prohibit the detention and confinement of pregnant suspects and criminals, as well as provisions for the suspension of sentence for them.⁹⁵

(1) Strip and Body Cavity Searches

According to Rule 52 of the UN Standard Minimum Rules for the Treatment of Prisoners, strip searches and body cavity searches should be conducted only if absolutely necessary.⁹⁶

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⁹³ The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) complement the UN Standard Minimum Rules for the Treatment of Prisoners by providing detailed guidelines for the treatment of women inmates. It addresses various areas concerning women prisoners, such as their healthcare management (hygiene, physical well-being, disease prevention), as well as matters pertaining to pregnant women, nursing mothers, and women with dependent children.

⁹⁴ The Criminal Procedure Law of 2021, Article 217.

⁹⁵ The Criminal Procedure Law of 2021, Article 175 (Reasons for arrest and detention), In the case of pregnant suspects, detention and confinement measures cannot be imposed during the period from three months before childbirth to seven months after childbirth.

⁹⁶ The UN 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.

Prison administrations are encouraged to develop and use alternative methods, such as scans, instead of these invasive searches.⁹⁷ If strip or body cavity searches are indeed conducted, they should be carried out in private and performed by trained staff of the same gender as the prisoner. In particular, body cavity searches should be conducted exclusively by qualified health-care professionals or, at a minimum, by staff who have received proper training from a medical professional regarding hygiene, health, and safety standards.⁹⁸

In North Korean detention facilities, when individuals are admitted, they are subjected to strip searches,⁹⁹ and their belongings are inspected. It has been reported that women who have been repatriated after defecting undergo an additional intrusive search called a ‘uterus search,’¹⁰⁰ which is not conducted on women apprehended within North Korea. The purpose of strip searches appears to be the detection and removal of potentially harmful objects hidden on the body, in conjunction with the inspection of personal belongings. According to the testimonies collected, strip searches are conducted in private by female staff

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⁹⁷ The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rule 20.

⁹⁸ The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rule 52 (2).

⁹⁹ Strip search is conducted to inspect the belongings, clothes, and other items of the detained individuals. It is performed after they have removed their clothes.

¹⁰⁰ According to testimonies from North Korean defectors, ‘uterus search’ is typically conducted when individuals are forcibly repatriated and detained after their defection from North Korea. It is often carried out along with a strip search before their detention. It appears to be done in order to search for hidden money or other items concealed inside the anus or vagina of women being repatriated.

members. These staff members remove all types of fasteners and cords from the detainee's clothing and confiscate any items that could be considered weapons during the inspection of personal belongings.

On the other hand, the accounts from North Korean defectors who have experienced forced repatriation reveal that uterus searches are conducted to find any valuable items that repatriated women may possess. The uterus search involves visually examining the interior of the vagina or manually searching for concealed items. Uterus searches appear to be conducted in unsanitary conditions, with multiple individuals being searched simultaneously rather than individually. There were cases in the illegal border crosser *jipkyulso* under the social security bureau where several forcibly repatriated women were gathered in one space and subjected to both strip and uterus searches. The staff members of the *jipkyulso* performed uterus searches on multiple detainees without washing their hands. These staff members were not adequately trained in hygiene, health, and safety standards by medical professionals. There were also instances in which a female staff member working in the dining area conducted uterus searches during admission to the *kuryujang* facility in the state security department. There were even cases where uterus searches were conducted by male staff members of detention facilities. In the illegal border crosser *jipkyulso* facility under the social security bureau, male guards were responsible for conducting uterus searches on female detainees. Meanwhile, there were also cases indicating changes in

certain facilities. In these cases, obstetrics and gynecology equipment was used during body cavity searches, or only personal belongings searches and blood/infectious disease tests were conducted. Additionally, women detainees who had been forcibly repatriated were coerced into repeatedly performing jumping squat movements while naked, referred to as *ppomppu*, with the aim of dislodging any hidden items from the vagina.

“When we were transferred to the *jipkyulso* in Chongjin in 2017, the guards instructed us to enter the room. Around 20 of us went in, and then two male guards ordered us to undress completely. We had to take off our clothes accordingly. Then, they made us sit down and stand up 100 times before telling us to lie face down. From behind the detainees who were lying face down, the guards used their fingers to conduct searches inside our anus and vagina to check for any hidden money.”

(2) Sexual Violence

Sexual violence occurred in various detention facilities, including social security bureaus, social security departments, and illegal border crosser *jipkyulso*. The perpetrators of these acts included guards, staff members, and officials responsible for the detention facilities. The incidents of sexual violence took place in diverse locations. Some detainees were sexually assaulted outside the *kuryujang*, while others experienced sexual assault within hospitals where they were receiving medical care while incarcerated. In the illegal border crosser *jipkyulso*, a high-

ranking official attempted to sexually assault female detainees in his office or summoned detainees late at night for sexual assault. In these cases, the same individual committed offenses against multiple detainees within the same institution.

There were also instances of guards and officers in detention facilities repeatedly sexually assaulting the same individual during her period of detention. The perpetrators exploited their positions of authority to perpetrate sexual violence against detainees. Based on the accounts of North Korean defectors who have experienced sexual violence in custody, they were unable to refuse or object to the abuse and refrained from reporting the incidents to the detention facility due to fear of the consequences they might face, including further harm or repercussions during their confinement.

“In 2016, I was raped by a guard at the *jipkyulso* in Ryanggang Province. I was detained in the *kuryujang* within the *jipkyulso*. He instructed me to come out in the evening and then took me to a warehouse where sacks of corn cobs had piled up. I was forcibly stripped and raped there. He also threatened to beat me and extend my detention period if I resisted.”

(3) Forced Abortion

Cases have been documented of pregnant women who were detained in North Korean detention facilities and subject to forced abortions. The majority of those who experienced forced abortions while in detention were women who had been forcibly

repatriated after defecting from North Korea. These women had become pregnant while in relationships with Chinese individuals during their stay in China.

According to the accounts from North Korean defectors with experience working in relevant agencies, it was standard practice for pregnant women who were forcibly repatriated from China to be subjected to immediate abortion regardless of the stage of their pregnancy, before being transferred to their registered place of residence. Furthermore, there were reports indicating that since the late 1990s, as defections and forced repatriations became more prevalent, the North Korean authorities implemented directives to punish women who became pregnant while in relationships with foreigners after forced abortion.

These forced abortions typically occur during investigations conducted by the social security bureau or the state security bureau at the illegal border crosser *jipkyulso* in border regions. The majority of abortion procedures take place in hospitals located near detention facilities and are often carried out with the involvement of military medical personnel affiliated with the detention facilities. Testimonies have revealed instances where women, who were arrested in China while three months pregnant or even more advanced in their pregnancy and forcibly repatriated, were taken to external hospitals to undergo forced abortions. Additionally, there was a case of a woman detainee who was forcibly repatriated while approximately eight months pregnant, and she was transferred by military medical personnel from the illegal border crosser *jipkyulso* to nearby hospital for

a forced abortion. After the procedure, she was sent back to the *jipkyulso*. While not common, there have also been cases of women being transferred to their registered place of residence while still pregnant and undergoing forced abortions there.

“In 2017, I witnessed a pregnant woman who was three months pregnant being subjected to a forced abortion after being forcibly repatriated to North Korea together with me. This woman revealed that she had been repatriated less than a year after defecting from Ryanggang Province. At the time of her repatriation, she was already three months pregnant. The forced abortion took place in an external hospital, according to my recollection. After our release, I had the opportunity to meet with her and learn more about the specific details of the incident.”

(4) Arrest and Detention of Pregnant Women

The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders explicitly state that non-custodial sentences should be prioritized for pregnant women and women with dependent children.¹⁰¹ The North Korean Criminal Procedure Law prohibits the arrest and detention of pregnant women from three months before childbirth to seven months after childbirth¹⁰² and stipulates the suspension of sentence.¹⁰³

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¹⁰¹ The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), Rule 64.

¹⁰² The Criminal Procedure Law of 2021, Article 175.

¹⁰³ The Criminal Procedure Law of 2021, Article 427.

As for the treatment of pregnant women, there have been several cases involving the prohibition of arrest and detention and the suspension of sentence. According to testimony collected, pregnant detainees were seen in various detention facilities, including the *kuryujang* of the Social Security agencies, the office of the Unified Command, and the *jipkyulso* of the State Security agencies. One pregnant woman was detained in the *kuryujang* within the social security department before reaching the seventh month of pregnancy. She underwent investigation and preliminary examination and was released when she reached the seventh month of pregnancy, as detention is prohibited during that period. There was another case where a pregnant woman, who had been detained on charges of human trafficking, was released to give birth, and subsequently, she was re-detained after seven months. Additionally, there was a case involving a pregnant woman who was arrested and detained in the *kuryujang* within the state security department. This woman was released as she approached childbirth. Furthermore, a specific case was documented in which a pregnant suspect was arrested, but she was not detained due to being over seven months pregnant, and she did not undergo criminal proceedings at that time. The suspect entered criminal proceedings shortly after giving birth, but detention was not possible, and the preliminary examination took place at her home. The subsequent trial was held in court, and a sentence of six months of disciplining through labor (*rodongdanryun* punishment) was confirmed, but the execution of the sentence was suspended as it

was within seven months postpartum.

On the other hand, there have been few cases regarding the treatment of pregnant women related to arrest and pretrial detention prohibition, as well as suspension of sentence. Particularly, when forcibly repatriated from China, pregnant women were arrested and detained in various detention facilities regardless of their stage of pregnancy. There was also a testimony regarding a four-month pregnant woman who was arrested and detained by the social security bureau. Later, when she was approximately seven months pregnant, her family members were informed by a state security agent that she was being held in a political prison camp.

“My wife had been involved in assisting people in defecting from North Korea to China even before our marriage. In 2015, five individuals who appeared to be State Security agents from the *jipkyulso* under the state security bureau forcefully entered my house and took my wife. The following day, the head of the *jipkyulso* and four agents came to my house with my wife and conducted a search without any search warrant or legal document. After completing the search, the head of the *jipkyulso* asked me if my wife was pregnant. As she was four months pregnant at that time, I replied, ‘Yes, she is pregnant.’ The head responded, ‘Understood,’ and they took my wife back to the *jipkyulso*. In 2015, an agent from the state security department in my county came to my house and informed me that my wife had been taken to a *kwanliso*.”

D. Improving Detention Treatment

It was the common thread of the testimonies collected from North Korean defectors who had experienced detention that the treatment of detainees in North Korean detention facilities was extremely poor. However, there were a few testimonies suggesting that, in certain cases, there had been improvements in the treatment of detainees.

Regarding the harsh treatment of detainees, testimonies consistently reveal that detainees in North Korea are subjected to frequent physical abuse and cruel treatment. However, there were indications of efforts to reduce the severity of such treatment towards detainees. Previously, it was the common practice in detention facilities, including *kuryujang*, for detainees to move with their heads lowered and waists bent during transfers. However, there were reports stating that around 2017 detainees were allowed to move with only a slight bow of their heads, and shackles or handcuffs were no longer used during interrogations. While detained in the cells, detainees were compelled to maintain a fixed posture and were prohibited from moving or having conversations with other detainees. Access to the toilet was typically granted only after obtaining permission. Non-compliant detainees were subjected to physical abuse, but there were testimonies indicating a decrease in such instances of physical abuse. However, according to testimonies collected, physical abuse or cruel treatment has not been completely eliminated, although there have been improvements compared to the past.

Similar cases were also documented at *kyohwaso*. There was a report stating that around 2017 directives aiming to eradicate human rights abuses were frequently delivered to *kyohwaso*. These directives included instructions, such as “eliminating deaths caused by malnutrition in *kyohwaso*, refraining from imposing punishment even if tasks or plans were not fulfilled, and abstaining from physical abuse or bullying.” As per the report, following the implementation of these directives, detainees suffering from malnutrition within *kyohwaso* received additional provisions such as meat soup, bean paste, and supplements. Additionally, one defector testified that during his detention and investigation by the state security department, he was asked ‘Have you ever experienced human rights abuses during the interrogation?’ prior to the completion of the interrogation. Another defector recounted that the directives prohibiting physical abuse against detainees during interrogation were delivered to both the State Security and social security institutions. Furthermore, a defector who had previously worked at the state security department stated that the department was being cautious about human rights abuses against individuals undergoing interrogation.

“In the *kuryujang*, if prisoners speak or move without maintaining a fixed posture, they would be punished by being made to kneel and stand. In 2015, there was a case where guards who had been physically abusing prisoners within the *kuryujang* received demotions referred to as ‘military title demotions.’ Since then, incidents of physical abuse have significantly decreased. Whenever directives were issued once or twice a month, the director of the investigation division and the secretary of the party would educate the prison

guards about the content of the directives, which included refraining from human rights violations, undignified behaviors, and prohibiting unauthorized visits and outside food.”

There were also documented cases where proactive measures were taken against perpetrating officers. In one instance, a detainee leader who assisted an officer in the *rodong kyoyangdae* physically assaulted another prisoner, resulting in his death. As a response, the head of the *rodong kyoyangdae* was removed from his position and detained in the *daekisil*. Another case involved a resident who was under investigation and detained in the *daekisil* within the social security department. The resident was subjected to physical abuse by a social security officer. Following a complaint from the resident, the offending officer was subsequently punished. There was also an incident where a resident, who had experienced physical abuse during interrogation at the state security department, filed a complaint. As a result, the perpetrator underwent an investigation and the victim received support and comfort from higher authorities.

There were also statements indicating improvements in the detention environment. It was mentioned that during the winter season, items such as blankets, sanitary pads, powdered soap, face soap, toothpaste, and other necessities were provided in the *kuryujang*. Additionally, there was a case in which a woman and her seven-month-old infant were not detained in the *kuryujang* but kept in an office. They were provided with different meals, including white rice, unlike regular detainees.

6. Right to Freedom of Movement and Residence

The ‘right to freedom of movement and residence’ is one of the fundamental rights necessary for human survival, explicitly guaranteed in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 13 of the UDHR affirms 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 provisions for the freedom of movement and residence. As stated in Article 12, paragraph 1 of the ICCPR, everyone lawfully within the territory of a State shall have the right to liberty of movement and freedom to choose one’s residence. Furthermore, Article 12, paragraph 2 of the ICCPR guarantees the freedom to leave any country, including one’s own, and paragraph 4 explicitly safeguards the right to enter one’s own country.

Article 75 of the North Korea's Socialist Constitution (2019) guarantees the right to freedom of movement and residence. However, in practice, North Korea restricts the free movement and residence of its residents through systems such as travel permits.

A. Restrictions on Movement

Article 12, paragraph 1 of the ICCPR stipulates, "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." The right to freedom of movement may be restricted pursuant to Article 12, paragraph 3 of the ICCPR if it is necessary to protect national security, public order, public health, or the rights and freedoms of others. The UN Human Rights Committee emphasizes that even when restricting freedom of movement, restrictions must not impair the essence of the right.¹⁰⁴ The Committee explicitly states that preventing individuals from traveling internally without a specific permit or unreasonably delaying the issuance of such permits is not a valid restriction under Article 12, paragraph 3 of the ICCPR.¹⁰⁵ Such measures taken by a State would violate the rights to freedom of movement guaranteed by Article 12 of the ICCPR.

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¹⁰⁴ UNHRC, CCPR General Comment, No. 27, Article 12: Freedom of movement, para. 13.

¹⁰⁵ *Ibid.*, paras. 16–17.

Regarding freedom of movement, North Korea mentioned at the 8th meeting of the 19th session of the Working Group on the Universal Periodic Review in 2014 that “Freedom of travel is fully guaranteed by the Constitution and laws, and people are free to travel anywhere within the country, with the exception of the front lines and areas with military installations, where one could travel after obtaining permission.”¹⁰⁶ However, in practice, North Korea operates a travel permit system and an accommodation registration system, which restrict the free movement of its residents within North Korea. Furthermore, it enforces laws to maintain the ‘travel order’ and imposes penalties on those who violate such laws.

(1) Travel Permit System

According to testimonies collected, from North Korean defectors, North Korean residents are only allowed to move within the province where their place of residence is located. Even in such cases, they must possess a citizen identification card called *Gongminjeung*. To travel outside the boundaries of their province of residence, they must carry a travel permit issued by the authorities. If detected engaging in unauthorized movements, such individuals are subjected to legal punishment. Under Article 30 of the People’s Security Enforcement Law (2007) and Article 299 of the Administrative Penalty Law (2021), the social security

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¹⁰⁶ UN Doc. A/HRC/27/10 (2014), para. 62.

institution monitors residents' actions to detect any violations of the travel order and can impose fines or a penalty of up to three months of *rodongkyoyang* on individuals who violate the travel order.

No legislation regarding the process of issuing travel permits was found in publicly accessible sources. However, based on the testimonies collected, it has been reported that travel permits are issued by the Second Division of either the local People's Committees or the social security departments within their respective localities. In the case of workers of state-owned enterprises the applicant is required to fill out an application form and submit it to the company's bookkeeper. Once the application is verified and endorsed by the bookkeeper, a travel permit is issued by the Second Division, following the approval process involving the company's administrative supervisor, the responsible state security officer, and the responsible social security officer. For ordinary residents, the Second Division issues a travel permit following approvals from the head of people's watch unit (*inminban*) the local administrative office, the responsible state security officer, and the responsible social security officer.

According to the testimonies of North Korean defectors, the duration required for issuing travel permits varies. When obtained legally, it typically takes a minimum of ten days to obtain a travel permit. However, it is possible to expedite the process by offering bribes, such as money or cigarettes. Although the official procedure for obtaining a travel permit does not involve any cost, it is not only time-consuming but also cumbersome. For these

reasons, it has been reported that many North Korean residents resort to giving bribes to obtain travel permits more easily. There are also testimonies stating that bribery during the travel permit application process has become so normalized that it is viewed as a legitimate expense. Testimonies suggest that this practice has led to a significant amount of bribes being provided to the responsible social security officers of the Second Division. One defector recounted that in 2015, when they visited Pyongyang and applied for a travel permit at the Second Division of the social security department, immediate issuance was possible by paying CN¥100, while a payment of CN¥50 would result in a waiting period of several days. Outside of Pyongyang, fees ranging from CN¥10 to CN¥20 were required. In particular, the Rason (formerly Rajin-Sonbong) region in North Korea poses the greatest difficulty in obtaining a travel permit as they are issued by the state security department instead of the Second Division of the social security department.

Meanwhile, it has been revealed that for certain areas such as Pyongyang, Rason City, and border regions, an approval number is assigned when issuing travel permits. The permits with an approval number have various colored lines and include a cipher from the Ministry of State Security, clearly distinguishing them from regular travel permits. A North Korean defector testified that if it is not a restricted area, they could obtain a travel permit from the director of the Second Division. However, if they intend to travel to restricted areas like Pyongyang or Gumho District, they need to obtain the approval of the Chief of the state security

department and send documents to the local authorities of the restricted area. Only after receiving the approval number can they obtain the travel permit.

As per the accounts of North Korean defectors, when individuals are moving within the same county in North Korea, a citizen ID card is sufficient for local movement. However, in border areas, an additional document called the “Outing Confirmation Certificate” is required along with the citizen ID card, even for local movement within the same county. This certificate should bear the confirmation seals of the head of people’s watch unit (*inminban*) and the head of the local administrative office. The certificate should also include details such as the destination, date, and purpose of the visit.

The inspection of travel permits is reportedly conducted at various locations during travel, including trains and checkpoints, along different sections of the journey. It appears that a significant number of residents, despite the risk of detection, attempt to travel between regions without a travel permit. The reasons for not having a travel permit are mainly due to the complex application process and cost issues, leading to a decision not to apply, or because they do not meet the criteria for obtaining a travel permit.

If a person is found to be without a travel permit, the person may face punishment or, under the pretext of this violation, undergo body searches and inspections of their belongings to uncover any potential additional illegal activities. In some cases, this has resulted in arbitrary arrests and detentions. According

to the testimony of a North Korean defector, she was discovered to be without a travel permit during a travel permit inspection and underwent an inspection of her belongings. During the inspection, a note was discovered in her notebook indicating her mother's address in South Korea, suggesting that her mother was residing there. As a consequence, she was arrested and detained on charges of attempting illegal border crossings, rather than solely for violating travel regulations by not having a travel permit. This demonstrates that travel permit inspections serve not only as a means of restricting freedom of movement but also as a tool for exerting control over individuals.

On the other hand, testimonies collected show that even if individuals are found traveling without a travel permit, the situation can often be resolved on the spot without facing any punishment by offering bribes. Cases have been documented in which individuals caught without a travel permit paid bribes ranging from NK₩5,000 to NK₩100,000 in order to avoid punishment. One defector testified that in 2019, he was apprehended by a social security officer at a train station for traveling without a travel permit. He was able to avoid punishment by promising to pay NK₩5,000, and as collateral, his wife's citizen ID card was seized. Another defector recounted that in 2017, he was caught without a travel permit at the final checkpoint. However, he was able to avoid punishment by offering a bribe of NK₩100,000 to the checkpoint inspector. There were also cases where individuals who, in order to avoid travel permit inspections, bypassed checkpoints and walked on mountain trails for several

hours before taking another bus to continue their journey. In some cases, individuals used private service cars to prevent being caught without a travel permit.¹⁰⁷ According to the testimonies, it is rare for individuals without a travel permit to be caught during inspections because there is prior coordination between service car drivers and checkpoint agents.

“Nowadays, in North Korea, if people take a private service car to travel to other provinces, they can pass through checkpoints without showing a travel permit because the driver has already bribed the checkpoint guards in advance. Obtaining a travel permit takes a long time and requires making bribes, so it is inconvenient, and many people choose not to obtain them.”

By contrast, there have been cases where individuals received administrative penalties in the form of *rodongkyoyang* penalties for traveling without a travel permit. According to the testimony of a North Korean defector, in 2018, while traveling on a train, she was discovered to not have a travel permit during a travel permit inspection and received a 6-month *rodongkyoyang* penalty for violating travel regulations.

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¹⁰⁷ To make money, individuals rent cars owned by institutions or state-owned enterprises and use them to transport people, similar to regular buses, in exchange for payment. These types of cars are commonly referred to as ‘Earning Buses’ or ‘Service Cars.’

(2) Accommodation Registration System

Under Article 32 of the North Korean Resident Administration Law of 2010, North Korean residents should obtain approval from the relevant authority if they want to accommodate someone else in their own home. The specific procedures and details regarding this approval process have not been found in publicly available sources. However, based on testimonies collected, if a homeowner wants to accommodate someone, they must report it to the head of *inminban* (people's watch unit) and register the information in the accommodation registration book. The head of *inminban* will then register the same information in the accommodation registration book maintained at the local social security office.

Pursuant to Article 10 of the Crowd Reporting Law of 2019, individuals who are not registered in the accommodation registration book are deemed to have engaged in illegal activities and are subject to reporting. The *inminban* must report such illegal lodgers to the relevant social security agency or other reporting agencies.¹⁰⁸ Additionally, the social security agency monitors violations of accommodation registration as outlined in Article 33 of the People's Security Enforcement Law. Violators of the accommodation registration order, as stipulated in Article 248

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¹⁰⁸ The Crowd Reporting Law of 2019, Article 10 (Establishment of *Inminban* Reporting System): The reporting processing agency should establish the *Inminban* Reporting System to ensure that all abnormal situations are reported through the *inminban* without exception. The *inminban* should promptly discover and report individuals who change their place of residence, unregistered residents, unregistered lodger, job deserters, suspected criminals, and other suspicious individuals to the reporting addressing agency.

of the Administrative Penalty Law, may face fines or a maximum penalty of three months of *rodongkyoyang*. This indicates that the North Korean authorities' control over the movement of their residents continues not only during their departure but also upon their arrival at their destination. Even if individuals have obtained a travel permit and entered a specific area, they are still required to register their accommodation and failing to register can be detected through accommodation inspections. Likewise, individuals who enter a specific area without a travel permit can face potential arrest or punishment at any time as a result of surveillance and reports by the *inminban*, along with inspections carried out by social security agents.

Numerous testimonies have been collected, that recount experiences of accommodation inspections. According to these testimonies, accommodation inspections are carried out by the social security agents responsible for the respective regions. They visit each household together with the head of the *inminban* to check for unregistered individuals who are not listed in the accommodation registration book. During these visit-based inspections, not only unauthorized lodging by outsiders but also other illicit activities such as watching unauthorized videos, using unauthorized electronic devices, and engaging in prostitution are subject to investigation. Therefore, accommodation inspections serve as a means of exerting control beyond the movement of North Korean residents, extending to various dimensions of control. In cases where individuals are caught during accommodation inspections for unregistered lodging, there have been

instances where they bribe their way out of punishment. In 2017, during an accommodation inspection at his grandmother's house, a payment of NK₩5,000 was made to avoid punishment. According to another defector's testimony, accommodation inspections in border areas were conducted with the purpose of detecting illegal border crossings as of 2019.

"I lived in the border area in North Korea, and accommodation inspections for detecting illegal border crossings were conducted approximately four times a year. The frequency of inspections increased during special security periods (such as before the Lunar New Year, mourning periods, etc.) and during the smuggling season in the summer."

B. Restrictions on Residence

(1) Restrictions on Changing Residence

The UN Human Rights Committee specifies that the freedom of residence, guaranteed under Article 12 of the ICCPR, includes the right to choose a place of residence and the right to reside in a place of one's choice.¹⁰⁹ In North Korea, in order to relocate to a different area of residence, one must go through 'eviction registration' and 'residence registration.' For eviction and residence registration, individuals are required to complete a 'eviction regis-

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

tration application' and 'residence registration application' and submit them to the social security institution.¹¹⁰ The applications can be obtained from the social security institution. Approval from the responsible social security officer and state security officer of each region is required for 'eviction and residence registration.'

According to the testimonies collected it has been revealed that in North Korea, the process of relocating to a chosen place of residence is subject to restrictions, including complex, time-consuming, and involving demands for bribes in exchange for approval. One North Korean defector who had experienced relocating her residence within Hyesan, Ryanggang Province, in 2018 recounted that while it is technically possible to change one's place of residence in North Korea, the procedure itself is complicated. Additionally, individuals face inconvenience as they are required to personally visit responsible officers to obtain approval.

"The procedure for changing residence starts by first going to the social security office to purchase a 'residence relocation application.' It costs NK₩500 per sheet. After filling out the application, you visit the head of the *inminban* (people's watch unit) and report that you will move to a different neighborhood. The head of the *inminban* stamps the application. Then, you go to the local administrative office to obtain an official stamp that bears the name of the administrative office. Afterward, you return to the social security office and report

110 The Law on the Registration of Citizenship of 2015, Articles 4, 14.

to the responsible social security officer, receiving his assurance. Next, you visit the responsible state security officer and report to him, receiving his approval. After that, you go to the social security office of the intended place of residence and submit the application with the stamps to the social security officer in charge of that place. The officer keeps the application and records it in the resident registration ledger, stating that 'So-and-So has come here for relocation.' Finally, you visit the state security officer in charge of that place and report, 'I have arrived.' There can be the inconvenience of having to visit the head of the *inminban*, social security officer, or state security officer again if they are not available."

There were also testimonies indicating that bribes were necessary during the process of changing residence. According to these testimonies, the respective institution would not grant residence or eviction registration without receiving bribes. One North Korean defector recounted that around 2017, there was a directive on "not accepting bribes and generally facilitating residence registration," which somewhat eased the process of obtaining approval for changing residence.

On the other hand, it has been reported that changing residence to a different province or a special region is more challenging and time-consuming compared to changing residence within the same city or county. Another defector testified that when relocating to a special region, the refusal of approval from the institution resulted in a delay of over six months for residence registration.

“In 2017, while moving and attempting to register my new residence, I faced difficulties as the social security department declined to grant approval. It appears that they refused due to concerns that problems might arise if my son, who defected, and our family moved. I visited the social security department every day, requesting residence registration, but they sat it on for six months. I even offered them one pack of cigarettes and NK₩100,000, but it proved to be futile. In that area, there was a potato starch factory, and Kim Jong Un frequently visited the local area for on-the-spot guidance, which might explain the situation I faced.”

When moving to Pyongyang, additional evaluations and approvals are required to determine eligibility for residency in the central districts and the possibility of residing near the 1st Line Road, among other factors. There was a report stating that acquiring up to 13 verification stamps is necessary when seeking to obtain the right to reside in a house in Pyongyang. It was noted that women can reside in Pyongyang by marrying male Pyongyang citizens. Recently, there has also been testimony stating that financial capabilities are the most important factor in residing in Pyongyang.

“If you have a lot of money, you can reside in Pyongyang. When constructing apartments in Pyongyang, the Eighth Department of the Central Committee of the Workers’ Party and the Ministry of Social Security sell construction rights for approximately 200 square meters of land, with a cost of around US \$300,000. By purchasing these rights, you can become a resident of Pyongyang. This is because it involves contributing money to the state. Additionally, women can reside in Pyongyang by marrying male citizens of Pyongyang, and

those who excel in sports can live in Pyongyang by joining the 4.25 Sports Club or the Amnokgang Sports Club.”

(2) Forced Relocation

The UN Human Rights Committee recognizes that the right to choose one’s place of residence within the territory includes protection against all forms of forced internal displacement.¹¹¹ Forced internal displacement refers to being forcibly evicted from one’s current place of residence and compelled to move to another location within the same territory. In North Korea, these forced relocations are also referred to as ‘expulsion,’ unlike the typical usage of the term in international human rights law, which refers to being forcibly removed from a country.

According to the testimonies collected, it has been revealed that forced relocation is still being carried out in North Korea. Forced relocation occurs for various reasons, including access to South Korean information, drug trafficking, defection, and political motives. The process of forced relocation involves the cancellation or revocation of the housing permit of the current place of residence by the relevant institution, followed by assigning the individual to a designated area for relocation. As a result, it is typical for the entire family of the expelled individual to be forcibly relocated together. One North Korean defector testified that in 2017, his friend was expelled from university

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

and forcibly displaced, along with the friend's family, due to the association of his friend's father with Jang Song-thaek. Another defector recounted an incident in 2018 where he personally witnessed the expulsion of a resident's family from their place of residence. The resident had been caught watching a South Korean drama by the *109 unified command*, leading to a three-year sentence of reformation through labor (*rodongkyohwa* punishment) and confinement in a *kyohwaso* (prison camp). As a consequence, the resident's family was forcibly displaced to rural areas. The testimonies collected indicate that the majority of the areas where expelled individuals are relocated are mining or rural areas, and this results in the children inheriting the same workplace and place of residence as their parents in the designated area. This practice imposes collective responsibility on all family members for the violation of legal order by one family member. It is known as guilt-by-association and can be seen as an additional violation of their human rights.

"My father was expelled from Pyongyang to Sinyang County when he was 17 years old. I heard that my grandfather, who worked as a warehouse manager for 'Rodong Sinmun' (North Korean newspaper), failed to prevent a fire and was subsequently expelled. After the expulsion, my father faced even greater hardships, including discrimination and harsh treatment, in the countryside compared to the times of the Arduous March (the great famine). We continued to live in the new place where we had been deported to. We had no house, and when I was in primary school (7 years old), my father received a plot of land and built a house. In the new location, we were assigned to work on a collective farm."

C. Restrictions on Leaving the Country

In order to leave one's country of residence and to travel elsewhere, travel documents such as a passport are required, which means the right to leave a country must include the right to obtain the necessary travel documents. In this regard, the UN Human Rights Committee states that when a State refuses to issue a passport or extend its validity for a national residing abroad, it may deprive this person of the right to leave a country.¹¹² Furthermore, the Committee has specified instances where the right to leave one's country of residence is unreasonably restricted. These include situations where individuals are required to obtain an invitation from the State of their destination or from people residing there, experiencing unjustified delays in the issuance of travel documents, facing exorbitant fees for passport issuance that greatly exceed the actual administrative costs, and encountering restrictions on traveling together with family members.¹¹³

As a State Party to the ICCPR, North Korea is obligated to issue passports and extend their validity for its residents. However, in practice, it has been observed that the process of issuing passports in North Korea is complex, involving bribery, and time-consuming. According to an account from a North Korean defector who obtained a passport to visit relatives in China in 2019, multiple

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¹¹² *Ibid.*, para. 9.

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

guarantors' assurances are required for passport issuance. These assurances include those of the head of people's watch unit (*inminban*), the responsible social security officer, the responsible state security officer, as well as officials from the state-owned enterprise where he was assigned and municipal authorities. Recently, there has been a rise in cases where individuals, after receiving a passport for visiting relatives in China, choose not to return to North Korea. As a result, additional obstacles have been imposed to make the issuance of passports more difficult for applicants intending to visit relatives in China, especially in the border area of Ryanggang Province. Furthermore, there have been testimonies indicating the presence of age restrictions and other limitations when obtaining a passport.

"The criteria for passport issuance do not have gender restrictions, but one must be over 50 years old. They must have family members in North Korea and be married with children. Although I was neither married nor within the required age range, I was able to obtain a passport by spending a significant amount of money. I was originally not eligible for issuance, but I obtained it by paying money. Each time I received an assurance from a guarantor, including the head of *inminban*, I paid \$50 in US dollars. I also paid US \$300 to the foreign affairs official from the state security department and US \$7,000 to the foreign affairs official from the state security bureau."

On the other hand, in 2013, North Korea amended its Immigration Law, which included the establishment of border inspection agencies at border crossing points and the clarification of the requirement to possess an immigration certificate. Residents who

cross the border without possessing an emigration certificate are subject to criminal punishment under Article 260 of the Criminal Law (2022) for the crime of illegal border crossing.¹¹⁴ However, while making it very difficult to obtain emigration certificates, penalizing those who travel abroad without possessing them can be seen as excessive and unjustifiable, restricting the right to leave one's country of residence.

According to the testimonies collected, North Koreans who have been forcibly repatriated or voluntarily returned to North Korea are investigated by agencies such as the Ministry of State Security regarding the circumstances of their defection, the reason for their defection, and their activities after defection. Based on this investigation, they are subjected to various forms of punishment. Cases of release without punishment include those who defected during the 'Arduous March (the great famine)' period due to simple economic reasons such as hunger, those who defected for a brief period lasting less than 10 days, and those who provided bribes. Administrative penalties were imposed in cases where individuals defected for economic reasons, such as to earn money and stayed in China for less than one year, resulting in a *rodongkyoyang* penalty of less than six months. In some cases where individuals had lived in China longer than one year, some were sentenced to *rodongkyohwa*

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¹¹⁴ The Criminal Law of 2022, Article 260 (Crime of Illegal Border Crossing): Anyone who illegally crosses the border shall be subjected to *rodongdanryun* punishment. In cases where the act of illegal border crossing is severe, a sentence of up to 5 years of *rodongkyohwa* punishment shall be imposed.

punishment (reformation through labor) under the charge of illegal border crossing.

“To make money, I traversed a mountain near Ryanggang Province and defected to China in 2012. In 2016, I was arrested by Chinese police officers at the restaurant where I worked in the city of Jilin, China. I was then forcibly repatriated to the state security department in North Hamgyong Province. After the trial, I received a sentence of 1 year and 8 months of *rodongkyohwa* punishment for the crime of illegal border crossing.”

7. Right to a Fair Trial

The right to a fair trial is a fundamental element of human rights protection and serves as a procedural means to uphold the rule of law. Article 10 of the Universal Declaration of Human Rights states that everyone is entitled to a fair and public hearing by an independent and impartial tribunal. Similarly, Article 14, paragraph 1 of the ICCPR guarantees the substantive fairness of trial outcomes by stipulating the right to a fair and public hearing by a competent, independent, and impartial tribunal. Paragraphs 2 to 7 regulate the rights of the accused in criminal proceedings.

North Korea reported in the third UPR report submitted in 2019 that the independence of the courts and the right to a fair trial are guaranteed by the Socialist Constitution, the Criminal Procedural Law, and the Law on the Composition of Courts.¹¹⁵

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

A. Trial by a Court

According to Article 14, paragraph 1 of the ICCPR, everyone has the right to a trial by a court in the determination of any criminal charge against him. The right to a trial by a court means that individuals have the right to be tried for criminal offenses only in a court, and it implies that they are protected from being subjected to criminal charges in places other than a court. In this regard, the UN Human Rights Committee emphasizes that the meaning of ‘determination of any criminal charge’ should be interpreted in accordance with the ICCPR. The Committee also specifies that the protections provided under Article 14, which are afforded to defendants in criminal cases, also extend to individuals charged with administrative violations, which might lead to imposition of sanctions that, regardless of their classification under domestic law, must be regarded as penal due to their purpose, character, or severity.¹¹⁶ Therefore, even if a particular punishment is treated as an administrative sanction under North Korean domestic law, if it can be considered a sanction of a criminal nature according to the ICCPR, the right to a trial by a court must be ensured.

North Korea’s Administrative Penalty Law stipulates the *rodongkyoyang* (labor education) penalty as a type of administrative penalty.¹¹⁷ According to Article 344 of the Administrative

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

¹¹⁷ The Administrative Penalty Law, Article 18.

Penalty Law (2021), the *rodongkyoyang* penalty can be imposed by not only administrative agencies such as the Committee for Socialist Legal Life Guidance and the social security institution but also state-owned enterprises and organizations. Numerous cases of individuals receiving the *rodongkyoyang* penalty by administrative agencies have been documented. Based on the comprehensive testimonies, it can be determined that the *rodongkyoyang* penalty essentially involves confinement with heavy labor, which gives it a nature resembling imprisonment. This can be considered a sanction of a criminal nature imposed by administrative agencies without a trial, thereby impeding the right to a trial by a court. One North Korean defector testified that he traveled to Pyongyang without a travel permit in 2019 and was subsequently arrested by a social security officer. He received a six-month *rodongkyoyang* penalty for unauthorized entry into Pyongyang and was detained in Rodong Koyangdae (labor education camp). At *rodong kyoyangdae*, he was assigned to construction work, specifically excavating a mountain near the *rodong kyoyangdae* to create a ranch. He worked for over 12-13 hours daily. Detainees were often subjected to physical abuse if they failed to meet their assigned quotas or did not work properly.

In cases involving crimes against the state and the nation, it has been revealed that the right to a trial by a court is not adequately guaranteed for the suspects. According to the North Korean Criminal Procedure Law (2021), the investigation and preliminary examination of such crimes fall under the jurisdiction

of the state security institution,¹¹⁸ and subsequent trials are under the jurisdiction of the Provincial Courts as the court of first instance.¹¹⁹ However, testimonies collected indicate that in practice, individuals charged with crimes against the state and the nation are sometimes subjected to investigation and punishment by the state security institution without undergoing a criminal trial, and they are subsequently held in political prison camps. There was a specific case where a man, who was detained in 2019 under suspicion of being a spy due to engaging in illegal international communication, underwent investigation and punishment by the state security institution without a trial. Eventually, he was transferred to a political prison camp.

B. Independence of the Courts

The UN Human Rights Committee clarifies that the notion of a ‘tribunal’ in Article 14, paragraph 1 of the ICCPR designates a body, regardless of its denomination, that is established by law, and is independent of the executive and legislative branches of government.¹²⁰ The independence of the tribunal is closely linked to the procedure and qualifications for the appointment of judges, thus ensuring the independence of judges is necessary to uphold

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¹¹⁸ The Criminal Procedure Law of 2021, Article 50.

¹¹⁹ The Criminal Procedure Law of 2021, Article 47.

¹²⁰ UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, para. 18.

the independence of the tribunal. To this end, the UN Human Rights Committee states that judges' tenure, remuneration, and other aspects of their status should be guaranteed by law, and judges should be protected from any form of political influence.¹²¹

In North Korea, there are the Central Court, Provincial Courts, People's Courts, and Special Courts, including Military Courts, Railway Courts, and Military Supplies Courts.¹²² According to the North Korean Socialist Constitution (2019), the Central Court is the highest court in North Korea, responsible for supervising the judicial activities of all courts. It is accountable to the Supreme People's Assembly for its own work and, when the Supreme People's Assembly is in recess, is accountable to the Presidium of the Supreme People's Assembly.¹²³ The Socialist Constitution (2019) and the Criminal Procedure Law (2021) also stipulate that "courts independently conduct trials and perform judicial activities in accordance with the law."¹²⁴ However, the North Korean Socialist Constitution states that all state institutions are organized and operated in accordance with the principles of democratic centralism and that all activities are conducted under

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

122 Article 30 of the Law on Composition of Courts (2011) states that North Korea establishes a Supreme Court, Provincial (Municipal) Courts, and City (District) People's Courts. However, Article 159 of the Socialist Constitution (2019) stipulates that trials are conducted by the Central Court, Provincial (Municipal) Courts, City (District) People's Courts, and Special Courts. This suggests a change in terminology from the Supreme Court to the Central Court, as observed.

123 The Socialist Constitution of 2019, Article 167, Article 168.

124 The Socialist Constitution of 2019, Article 166; Criminal Procedure Law of 2021, Article 268.

the guidance of the Workers' Party.¹²⁵ According to the principle of the party's supremacy and democratic centralism enshrined in the constitution,¹²⁶ the Supreme People's Assembly, as the superior organ of the judiciary, is nominally defined as North Korea's highest sovereign institution, but in reality, it is under the control of the Workers' Party. The Central Court and other judicial institutions in North Korea are also subject to the management and supervision of the Workers' Party. This is confirmed through North Korea's explanation that in North Korea, the law must serve and obey politics. Accordingly, not only the law itself but also law enforcement and interpretation of the law should be carried out under the guidance of the Workers' Party's line and policies, as clarified by the authorities.¹²⁷ The judiciary, along with the prosecution and social security agencies, is portrayed as a proletarian dictatorial institution that is engaged in a struggle to safeguard the stability of the Workers' Party and the state and strengthen the country's legal order.¹²⁸ This is also evident in North Korea's Socialist Constitution, which stipulates that as part of their mission, courts must protect sovereignty and the socialist system through judicial activities and actively struggle against class enemies and adversaries.¹²⁹

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¹²⁵ The Socialist Constitution of 2019, Article 5, Article 11.

¹²⁶ The Socialist Constitution of 2019, Article 87.

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

¹²⁸ North Korea Ministry of People's Security Publisher, Reference book for workers of legal field (2009), p. 25.

¹²⁹ The Socialist Constitution of 2019, Article 162.

In North Korea, judges are elected through the People's Assembly elections. The Chief Justice of the Central Court is elected by the Supreme People's Assembly, while other judges of the Central Court are elected by the Presidium of the Supreme People's Assembly. Judges of the Provincial Courts and People's Courts are elected by the respective regional People's Assemblies.¹³⁰ The term of judges corresponds to the term of the respective People's Assembly, and they can only be dismissed upon summons by the People's Assembly that elected them.¹³¹ However, in North Korea, the People's Assessors System has been adopted, which results in judges being controlled in making verdicts in first-instance trials only with the consent of people's assessors. In North Korea, this is because the verdict in the first-instance trial is adopted through the majority decision of one judge and two people's assessors who constitute the first-instance trial.¹³² People's assessors are members of the court with equal authority as judges and participate as representatives of the working people in the trial process of hearing and resolving cases. They only participate in the first-instance trial and are involved alongside judges in all issues raised during the trial process, from fact-finding to handing down of verdicts.¹³³ People's assessors

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¹³⁰ The Socialist Constitution of 2019, Article 91, Article 140; the Law on the Composition of Courts of 2011, Article 4; the Local Sovereign Authority Law of 2011, Article 10.

¹³¹ The Socialist Constitution of 2019, Article 60; the Law on the Composition of Courts of 2011, Article 7, Article 8, Article 91, Article 140.

¹³² The Socialist Constitution of 2019, Article 163; The Criminal Procedure Law of 2021, Article 270, Article 339; the Law on the Composition of Courts of 2011, Article 9, Article 17.

¹³³ North Korea Encyclopedia Publisher, Gwangmyong Encyclopedia(2009), p. 603.

are also elected by various levels of People's Assemblies, similar to judges, but the qualification requirements are not specified. However, testimonies collected indicate that the elections for people's assessors are either nonexistent or purely formal. It is reported that in practice, only individuals with strong loyalty to the Workers' Party are selected as people's assessors, and once elected, they are obligated to follow the directives of the Workers' Party.

On the other hand, North Korea mandates that prosecutors oversee trials.¹³⁴ Prosecutors engage in supervisory activities by participating in trials or reviewing trial records. The monitoring of trials by prosecutors also facilitates the control of the judiciary by the Workers' Party. Under North Korea's Prosecution and Surveillance Law (2012), prosecutors have the duty to monitor the faithful compliance with decisions, orders, and instructions of state institutions as political guardians of the state.¹³⁵ Additionally, North Korea's constitutional provisions, which establish the Prosecutor's Office and prosecutors as constitutional institutions alongside the courts and judges, with the Prosecutor's Office positioned above the courts, further demonstrate this. According to testimonies collected, it has been found that North Korean residents perceive prosecutors, rather than judges, as leading trials.

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¹³⁴ The Criminal Procedure Law of 2021, Article 14; The Prosecution and Surveillance Law, Article 11.

¹³⁵ The Prosecution and Surveillance Law, Article 7, Article 14.

“Due to the oversight of the Prosecutor’s Office over the courts, the courts have little power. There isn’t much bribery of judges since prosecutors receive almost all of it. The prosecutors who are investigating devour the meat, the prosecutors conducting preliminary examination eat some meat left on the bones, and court judges gnaw on the bones.”

C. Publicity of Trials

(1) Publicity of Hearings and Verdicts

Article 14, paragraph 1 of the ICCPR guarantees the ‘right to a public hearing.’ The right to a public hearing means that all trials should, in principle, be conducted publicly. The principle of public trials ensures transparency in the litigation process and serves as a means to safeguard not only the interests of individuals but also the interests of society at large, particularly emphasized in criminal proceedings. According to the General Comment of the UN Human Rights Committee, even in the absence of a specific request for a public hearing, recognizing this right is an obligation of the State Party, and the obligation to conduct a public hearing includes the duty to make information regarding the time and venue of the hearings available to the public.¹³⁶ However, the right to a public hearing may be limited in certain

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

exceptional circumstances. Pursuant to Article 14, paragraph 1 of the ICCPR, public access to hearings can be restricted for reasons of morality, public order, national security, or when necessary to protect the interests of the parties' private lives, or when there are special circumstances where publicity would prejudice the interests of justice.

In North Korea, it is a principle to conduct trials in public.¹³⁷ North Korea explains that the publicity of trials is a constitutional principle based on the nature of people-oriented socialist trials, where criminal cases are heard and verdicts are delivered in front of the masses.¹³⁸ However, it is also stipulated that trials may not be conducted in accordance with the laws,¹³⁹ where there is a danger that a national secret or personal secret would be revealed, or there is a fear of exercising a negative effect on society.¹⁴⁰

On the other hand, the UN Human Rights Committee further restricts the grounds for non-disclosure of verdicts and places stronger protection on the public disclosure of judgments than the publicity of hearings. The public disclosure of verdicts ensures access to the judgment itself. Therefore, if only certain individuals have access to the judgment or if access to the judgment is restricted based on specific interests, it would be

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¹³⁷ The Socialist Constitution of 2019, Article 164.

¹³⁸ North Korea Encyclopedia Publisher, Gwangmyong Encyclopedia(2009), p. 612.

¹³⁹ The Socialist Constitution of 2019, Article 164.

¹⁴⁰ The Criminal Procedure Law of 2021, Article 267.

considered a violation of Article 14, paragraph 1 of the ICCPR. In this regard, North Korea claimed in its third UPR report submitted in 2019 that even when court hearings are not open to the public, sentences are made public.¹⁴¹ However, according to testimonies from North Korean defectors who have experienced trials in North Korea, it appears that the principles of public trials are not properly upheld in North Korea. Unless it is an on-the-spot public trial, not only the hearings but also the sentencing are reported to be kept non-public. In a case where one woman was tried for illegal international communication at the People's Court in 2019, the trial was conducted in a non-public manner, with only the judge, people's assessors, prosecutor, defense lawyer, and other court personnel allowed to attend, while family members of the defendant were unable to observe the trial. The sentence was also not made public.

(2) On-the-Spot Public Trials

The publicity of hearings and sentences are fundamental components of the right to a fair trial. However, according to the testimonies of North Korean defectors, it has been revealed that North Korea utilizes a system of public trials as a propaganda tool for resident indoctrination. One such system is the 'on-the-spot public trials.'¹⁴² where trials are organized by the courts on the

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

¹⁴² North Korea Encyclopedia Publisher, Gwangmyong Encyclopedia (2009), p. 614.

spot with the intention of awakening the masses and deterring crime. Rather than being a purely impartial judicial process, these trials serve as a means to exert psychological pressure on defendants and ordinary residents. On-the-spot public trials are conducted by mobilizing local residents to attend, where they are exposed to the details of the case and participate in the interrogation of the defendant. In accordance with Article 282 of the North Korean Criminal Procedure Law, there have been cases where representatives of institutions, state-owned enterprises, and organizations have publicly uncovered and condemned the actions of the defendant.¹⁴³

There have also been cases where defendants were swiftly subjected to public execution following an on-the-spot public trial led by the court. One defector testified that she directly witnessed an on-the-spot public trial of three women who were accused of engaging in graffiti that defamed Kim Jong Un in 2016. The trial was attended by a judge, prosecutor, defense lawyer, and the chief of the city branch of the Ministry of Social Security. The judge pronounced the death penalty, and the three defendants were immediately executed publicly on the spot. Another defector recounted that she personally witnessed an appeal court trial in 2011, where four North Korean residents were tried for murder. The trial was conducted in the format of

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¹⁴³ The Criminal Procedure Law of 2021, Article 282 (Organization of On-the-Spot Public Trials): Courts have the authority to organize an on-the-spot public trial in order to enlighten the public and prevent crime. In such cases, representatives from institutions, state-owned enterprises, organizations, and even the victim involved in the case can be invited to expose and condemn the actions of the offender.

an on-the-spot public trial organized by the court, and one of the defendants, who received the death penalty, was publicly executed immediately after the trial at the direction of the provincial bureau of the Ministry of Social Security.

D. Presumption of Innocence

According to Article 14, paragraph 2 of the ICCPR, everyone charged with a criminal offense shall have the right to be presumed innocent until proven guilty according to law. The presumption of innocence is an essential principle for ensuring a fair trial and protecting the rights of criminal suspects, applicable not only to defendants but also criminal suspects before the filing of charges. It places the burden of proof on the prosecution, requiring that no criminal charge can be presumed until it is proven beyond a reasonable doubt. Accordingly, during the conduct of the trial, the judge must refrain from prejudging the outcome and must not interpret any doubtful facts in a manner that would result in a guilty verdict for the defendant. The duty of the judge responsible for criminal trials to refrain from prejudging the outcome of a trial is recognized by all public authorities. Therefore, public authorities should refrain from prejudging the trial outcome, including by abstaining from making public statements affirming the guilt of the accused.¹⁴⁴

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¹⁴⁴ UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and

It has been revealed that the right to be presumed innocent is not properly guaranteed in North Korea. One defector testified that in 2019, while being detained at a pretrial detention center (*kuryujang*) operated by the city branch of the Ministry of Social Security on charges of illegal international communication, there was an election for deputies to the Supreme People's Assembly. Despite not having received a guilty verdict, the defector's right to vote was revoked by the branch of the Ministry of Social Security, citing his status as a subject for reformation through labor (*rodongkyohwa* punishment).

In North Korea, it has been reported that a practice known as '*public denunciation gathering*' is conducted, wherein the suspect is coerced into confessing their crimes in front of a large crowd before their criminal trial. The legal basis for these public denunciation gatherings cannot be found in publicly available North Korean legislation. However, as per testimonies collected, these public denunciation gatherings appear to be organized by the social security institution for general crimes and by the Prosecutor's Office for administrative and economic general crimes. In a specific case in 2017, a man was subjected to a public denunciation gathering in front of a cinema before being brought to trial at a People's Court in Ryanggang Province. The Ministry of Social Security branch organized the gathering, arranging approximately ten detainees in a lineup in the courtyard in front of the cinema. The head of the branch sat inside a broadcasting

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tribunals and to a fair trial, para. 30.

van, publicly announcing the names and charges of the detainees and criticizing them through a microphone.

Under the principle of presumption of innocence, noncustodial investigation and non-custodial trial are the norms, and defendants should not be brought to the trial proceedings in handcuffs or in any other manner that implies their guilt as a criminal. Article 278 of the North Korean Criminal Procedure Law (2021) stipulates the principle that defendants should not be physically restrained while inside the courtroom. However, according to testimonies collected, it has been found that in North Korea, it is common for individuals to be held in custody from the investigation stage to the trial stage.¹⁴⁵ Furthermore, multiple testimonies indicate that defendants are treated as criminals throughout all hearings, being forced to bow their heads and assume a guilty posture. There have also been cases where defendants were handcuffed during hearings.

E. Rights of the Accused in Criminal Proceedings

(1) Right to Legal Representation

Suspects and defendants have the right to defend themselves through legal assistance (right to legal representation). The right to legal representation includes, in accordance with Article 14,

¹⁴⁵ See, for further information, the section on 'Right to Liberty and Security of Person.'

paragraph 3 (d) of the ICCPR, the right to appoint a legal counsel of their own choosing, the right to be informed of this right, and the right to have free legal assistance. The court is required to notify the accused of their right to appoint legal counsel. If the accused cannot afford a private defense counsel, the state must provide them with a public defender. To ensure effective defense, the accused must be guaranteed the right to communicate with their counsel.

North Korea stipulates the right to legal representation for defendants in Article 164 of the Socialist Constitution (2019). The North Korean Criminal Procedure Law (2021) also guarantees the right to legal representation for preliminary examinees and defendants.¹⁴⁶ Preliminary examinees, defendants, and their family members have the right to choose their own defense counsel.¹⁴⁷ When preliminary examinees decide not to exercise their right to choose a defense counsel during the preliminary examination stage, the officer in charge of the preliminary examination requests the Bar Association to appoint a defense counsel and assigns a ‘court-appointed defense counsel.’¹⁴⁸ If a public defense counsel is initially appointed for the defendant and later the defendant chooses to hire a private lawyer, it is stipulated that the private lawyer will become the defense

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¹⁴⁶ The Criminal Procedure Law of 2021, Article 54.

¹⁴⁷ The Criminal Procedure Law of 2021, Article 56.

¹⁴⁸ The Criminal Procedure Law of 2021, Article 59, Article 61.

counsel.¹⁴⁹ This provision indicates the presence of a private lawyer system in North Korea. The Lawyers Law (1993) also guarantees the right to freely choose a defense counsel, further evidence of the existence of a private lawyer system.¹⁵⁰ There have been instances where private defense counsels have been appointed. According to the testimony of a North Korean defector, there is a growing trend of offering money to appoint a private defense lawyer instead of a public defender. This is because private defense counsels are perceived to actively advocate for the defendant during the trial, potentially leading to reduced sentences.

The right to appoint and receive legal assistance from a defense counsel should be recognized for suspects even during the police interrogation stage. The UN Human Rights Committee has observed that suspects should be able to request a defense counsel immediately upon arrest. Cases where suspects were detained without access to a defense counsel and cut off from external communication during interrogation were considered typical examples of violating the ‘right to prepare a defense’ guaranteed under Article 14, paragraph 3 of the ICCPR.¹⁵¹

In North Korea, the fact that the accused has the right to choose a defense counsel and receive legal assistance should be notified to preliminary examinees within 48 hours after the determination

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¹⁴⁹ The Criminal Procedure Law of 2021, Article 64.

¹⁵⁰ The Lawyers Law of 1993, Article 4.

¹⁵¹ Gridin v. Russian Federation, Communication No. 770/1997 (2000), para. 8.5.

of criminal responsibility during the preliminary examination,¹⁵² and the appointment of a defense counsel can only be made from the time of the determination of criminal responsibility during the preliminary examination until the commencement of the trial proceedings.¹⁵³ Many testimonies have been collected from individuals who have gone through criminal proceedings in North Korea. The majority of these testimonies describe cases where suspects were detained without being allowed to communicate with the outside world and not given the right to appoint a defense counsel or receive any form of legal assistance during the investigation and preliminary examination stages. Furthermore, there were cases where individuals did not receive notification regarding the right to appoint a defense counsel until the start of the trial proceedings. One North Korean defector recounted his experience during his trial in 2017 for watching South Korean videos. He mentioned that he did not receive notification regarding the right to appoint a defense counsel or receive legal assistance until the start of the trial proceedings, and he first met his defense counsel at the courtroom on the day of the hearing.

Even when a defense counsel is appointed, it is crucial for defendants to receive effective legal representation from the counsel. To ensure this, it is essential to guarantee the right of communication between suspects or defendants and their defense counsel. The Criminal Procedure Law (2021) and the

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¹⁵² The Criminal Procedure Law of 2021, Article 158.

¹⁵³ The Criminal Procedure Law of 2021, Article 58.

Lawyers Law (1993) of North Korea stipulate that appointed defense counsels can meet and communicate with suspects and defendants, and if requested by preliminary examinees, defendants, or defense counsels, the officers responsible for preliminary examinations and judges should facilitate these meetings.¹⁵⁴

According to testimonies collected it is reported that the right to communicate with defense counsel is not recognized during the investigation and preliminary stages. However, it appears to be recognized after the conclusion of the preliminary examination and the prosecutor's drafting of the indictment. There have been cases where defendants had a meeting with their defense counsel after the indictment, but they did not receive practical assistance from their counsel. One defector mentioned that the visitation by their defense counsel before the trial merely involved a confirmation of the case record and was no different from the interrogation conducted by the prosecutor. It was noted that in most cases, defense counsels were present in the courtroom during the criminal trials in North Korea. However, even when the defense counsel attended the hearings, they mostly did not engage in substantive arguments on behalf of the defendant. One defector reported that during his trial, there was a defense counsel appointed by the court, but the counsel did not make any arguments on his behalf, providing no assistance at all. Another defector, who underwent a trial in 2019 on charges

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¹⁵⁴ The Criminal Procedure Law of 2021, Article 66; The Lawyers Law of 1993, Article 9.

of smuggling, stated that while the officer responsible for preliminary examination informed him about the appointment and assistance rights of defense counsel, he had not met his defense counsel before the trial proceedings and could only meet the counsel during the hearing. Further, the defense counsel did not present any arguments during the trial, rendering no assistance at all.

The North Korean Law on Lawyers (1993) stipulates that defense counsel shall ensure the legal rights and interests of preliminary examinees and defendants,¹⁵⁵ and they shall also faithfully enforce laws and regulations while accurately seeking to uncover the truth in criminal cases.¹⁵⁶ Regarding the role of defense counsel, one North Korean defector stated that the defense counsel treated the defendant as a criminal and forced them to admit to the criminal acts they were accused of, i.e. they played a role similar to that of a prosecutor. There were also reports indicating that defense counsel had no authority in criminal trials.

(2) Right to Summon and Examine Witness

According to Article 14, paragraph 3 of the ICCPR, defendants have the right in the trial to examine or have examined the witnesses against them and to obtain the attendance and exam-

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¹⁵⁵ The Law on Lawyers of 1993, Article 12.

¹⁵⁶ The Criminal Procedure Law of 2021, Article 55, the Law on Lawyers of 1993, Article 10.

ination of witnesses on their behalf under the same conditions as witnesses against them. However, in relation to this, North Korea's Criminal Procedure Law only contains a provision stating that the presiding judge shall give the defendant an opportunity to question witnesses, without guaranteeing the right of the defendant and defense counsel to summon witnesses favorable to their case.¹⁵⁷ The North Korean Law on Lawyers (1993) also only stipulates that "the right of defense counsel to communicate with witnesses is guaranteed."

It has been revealed that in North Korean criminal trials, defendants are not properly guaranteed the right to summon and examine witnesses. There have been testimonies indicating that the court approved the defendant's request for favorable witnesses to testify in court, but in most cases, the defendant did not have the opportunity to cross-examine the witnesses who appeared in court, nor could they summon witnesses favorable to their defense. One defector stated that as a defendant, he directly requested the court summon a favorable witness for his defense, but the presiding judge did not allow it, resulting in the inability to summon a favorable witness. There were also reports from individuals who were unaware of their right to summon and examine witnesses, and therefore could not exercise such a right.

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¹⁵⁷ The Criminal Procedure Law of 2021, Article 309.

(3) Right Not to Testify Against Oneself

According to Article 14, paragraph 3 (g) of the ICCPR, a suspect or an accused person has the right to refuse to be compelled to testify against themselves or to confess guilt, which means they have the right to remain silent. This implies that law enforcement authorities should not apply direct or indirect physical or undue psychological pressure on the defendant for the purpose of obtaining a criminal confession. Therefore, it is not permissible to treat the defendant in a manner prohibited by Article 7 of the ICCPR, which prohibits torture and inhumane methods, in order to obtain a confession. According to the General Comment of the UN Human Rights Committee, the State Party must ensure that any statements or confessions obtained in violation of Article 7 of the ICCPR are excluded as evidence in domestic legal proceedings, and the burden of proving that a statement by the accused was made freely is on the State Party.¹⁵⁸

In North Korea, Article 37 of the Criminal Procedure Law (2021) stipulates that statements obtained through coercion or inducement cannot be used as evidence, and if a criminal's statement is the only evidence, it shall be deemed insufficient to prove their guilt. Furthermore, Article 163 of the Criminal Procedure Law (2021) states that the officer responsible for the preliminary examination cannot compel preliminary examinees to admit to the crime or induce them to make a statement. However, it

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¹⁵⁸ UNHRC, CCPR General Comment, No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, para. 41.

appears that there is no provision requiring the notification of the right to remain silent for preliminary examinees and defendants. As a result, it appears that preliminary examinees and defendants in criminal proceedings may not be aware of their right to refuse statements that may be detrimental to their case.

Furthermore, contrary to the provisions in North Korea's Criminal Procedure Law (2021), there have been reports indicating that during the preliminary examination, a preliminary examinee was coerced into signing false statements that were disadvantageous to them, and these statements were used as evidence of guilt during the trial. Among North Korean defectors who had experienced criminal investigations and preliminary examinations, there were numerous cases where they were forced to confess through physical assault and cruel treatment. Specific cases related to these issues can be found in the section on the 'Right Not to Be Subjected to Torture and Inhuman Treatment.'

F. Right to Appeal

According to Article 14, paragraph 5 of the ICCPR, any person convicted of a crime has the right to his conviction and sentence being reviewed by a higher court. In the case of North Korea, under the Criminal Procedure Law (2021), there is the possibility of appealing a criminal judgment. The People's Court serves as the court of first instance for general criminal cases that do not

fall under the jurisdiction of Provincial Courts, Special Courts, or the Central Court.¹⁵⁹ If the defendant, defense counsel, or the claimant for damages has objections to the decision or judgment of the court of first instance, they can file an appeal with the Provincial Court, which serves as the appellate court.¹⁶⁰

According to testimonies collected, it has been observed that the majority of individuals who underwent a trial in the first instance were informed of their right to appeal, but chose not to exercise it. The reasons for not appealing varied. Some individuals believed that appealing would not change the outcome of the case, so they decided to forgo the appeal. In one specific case, a North Korean defector reported that when she received a sentence of two years and one month of reformation through labor (*rodongkyohwa* punishment) for illegally crossing the border and smuggling in 2015, the judge informed her of her right to appeal within ten days. However, she decided to waive her right to appeal because she believed that the sentence would not be reduced even if she appealed. Another reason for not filing an appeal is the defendants' fear that it would lead to more severe punishment for daring to appeal without demonstrating remorse. In this regard, one defector recounted an incident in 2014 when he received a sentence and returned to the pretrial detention center (*kuryujang*), the chief guard informed him about the right to appeal but warned that appealing could result in a

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¹⁵⁹ The Criminal Procedure Law of 2021, Article 46.

¹⁶⁰ The Criminal Procedure Law of 2021, Article 354.

longer sentence. As a result, he chose not to exercise his right to appeal. Similarly, in 2019, another defector received a sentence of four years and three months of reformation through labor (*rodongkyohwa* punishment) for engaging in illegal international communication. Despite being informed about the right to appeal by the judge, she chose not to appeal due to the fear that daring to appeal without demonstrating remorse would result in a longer sentence.

"I chose not to appeal out of concern that it would lead to negative consequences. Typically, those who file an appeal are individuals who have the ability to bribe relevant parties in order to receive a reduced sentence, whereas people without financial means abstain from filing appeals due to the fear of facing harsher punishment. By appealing, they are often perceived as lacking remorse for their actions."

On the other hand, there have been instances where defendants were not informed about their right to appeal during the first instance trial, resulting in their failure to file an appeal. For instance, in 2019, during a trial in a People's Court in North Hamgyong Province, a defendant was charged with the crime of illegal border crossing. The defendant argued that she was not notified of her right to appeal and, consequently, was unaware of the possibility of filing an appeal. Furthermore, it has been observed that in cases where a death sentence is pronounced and immediately carried out in public trials, the right to appeal is does not exist.

There are cases where defendants exercised their right to

appeal in criminal trials. Among such cases, there are instances where individuals filed an appeal within the specified appeal period¹⁶¹ but were not granted permission to appeal by the higher court, resulting in the affirmation of the first-instance verdict without a second trial. For example, in 2019, a defendant in a People's Court was sentenced to a reformation through labor (*rodongkyohwa* punishment) of 3 years and 6 months for the crime of illegal international communication. The defendant applied for an appeal to the higher court but was not granted permission, resulting in the confirmation of the first-instance verdict without a second trial.

Meanwhile, there have been a few cases where individuals who appealed within the specified appeal period received a reduction in their sentences. However, it has been discovered that in these cases, bribery was involved or the defendants had access to private defense lawyers. One defector shared an incident from 2005 when he was sentenced to a 2-year reformation through labor (*rodongkyohwa* punishment) by a People's Court for watching South Korean movies. During the appeal period, he filed an appeal and managed to secure favorable witnesses through bribery, resulting in a reduction in his sentence. Another defector recounted a case from 2011 where her nephew was initially sentenced to death for a murder charge in a People's Court. By appointing a private defense lawyer and submitting

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¹⁶¹ Under Article 357 of the Criminal Procedure Law (2021) of North Korea, in the case of reformation through labor (*Rodongkwohwa*), the period for filing an appeal is 10 days, while in the case of disciplining through labor (*rodongdanryun*), it is only 3 days.

an appeal within the appeal period, the defendant's private lawyer's appeal was accepted, leading to a reduced sentence of reformation through labor (*rodongkyohwa* punishment) with an indefinite period in the second trial.

G. Right to Criminal Compensation

Article 14, paragraph 6 of the ICCPR stipulates, "When a person has by a final decision been convicted of a criminal offence 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." In this regard, North Korea mentioned in its Second Periodic Report submitted to the UN Human Rights Committee in 2000 and in the Common Core Document submitted in 2016 that it has regulations for 'criminal compensation' that compensate individuals who have been unjustly arrested, detained, or punished.¹⁶²

However, no specific provisions related to compensation for wrongful convictions were found in publicly available North Korean legislation. Although cases do exist of an individual who initially received a guilty verdict was later proven to be wrong-

¹⁶² UN Doc. CCPR/C/PRK/2000/2 (2000), para. 17(d); UN Doc. HRI/CORE/PRK/2016 (2016), para. 52.

fully convicted and subsequently pardoned, no compensation for damages resulting from the wrongful conviction was provided to him. Specifically, in 2002, the individual was convicted of causing injury to a minor and was imprisoned in a prison camp (*kyohwaso*). Four years later, the real perpetrator was arrested and he was released, but no compensation was awarded for the wrongful conviction.

8. Right to Privacy

The right to privacy refers to the right of individuals to have their privacy protected, without being subjected to public disclosure or interference, and to have control over their personal information.¹⁶³ Article 12 of the Universal Declaration of Human Rights clarifies that “No one shall be subjected to arbitrary interference with their privacy, family, home, or correspondence, nor to attacks upon their honor and reputation.” Similarly, Article 17 of the ICCPR stipulates that everyone has the right to the protection of the law against arbitrary or unlawful interference with his privacy, family, home, or correspondence, and against unlawful attacks on their honor and reputation. In this regard, the UN Human Rights Committee acknowledges that as all persons live within society, the protection of privacy is necessarily relative.¹⁶⁴ However, the Committee specifies that no interference can take place except in cases envisaged by the law of States

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¹⁶³ The right to privacy, also known as the ‘privacy right,’ is associated with the protection of one’s private life. The National Human Rights Commission of Korea recognizes the inviolability of personal secrets, the freedom from unwarranted intrusion into privacy, and the management and control of personal information as fundamental components of privacy rights.

¹⁶⁴ UNHRC, CCPR General Comment, No. 16, Article 17: Right to privacy, para. 7.

Parties.¹⁶⁵ That is, any interference authorized by States Parties can only occur on the basis of law, which itself must comply with the provisions, aims and objectives of the ICCPR.

Article 79 of the North Korean Socialist Constitution (2019) stipulates, “Citizens have the right to inviolability of person and dwelling, and the secrecy of correspondence shall be guaranteed.” It also states, “No citizen can be arrested or detained without the basis of law, nor can their dwelling be searched.” However, despite this constitutional provision, other laws such as the Resident Administration Law (2010),¹⁶⁶ the People’s Security Enforcement Law of (2007),¹⁶⁷ Administrative Penalty Law (2021),¹⁶⁸ provide grounds for interfering with the privacy of residents and carrying out actions such as ‘house searches’ and ‘accommodation inspections.’ Moreover, in September 2021, North Korea enacted the Law of Provision of Education of Young People, which delineates behaviors that young people are prohibited from engaging in their daily lives and actions that may have negative influences on them. The law also specifies that administrative or criminal responsibilities can be imposed in cases where such behaviors are committed, thereby legally authorizing interference in the privacy of young people.¹⁶⁹

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¹⁶⁵ *Ibid.*, para. 3.

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

¹⁶⁷ The People’s Security Enforcement Law of 2007, Articles 8–53.

¹⁶⁸ The Administrative Penalty Law, Article 248.

¹⁶⁹ The Law of Provision of Education of Young People, Articles 41–45.

A. Surveillance and Control

North Korean residents, starting from their early years in primary school when they begin their social lives, and continuing until they leave affiliated social organizations, are subjected to surveillance and control within these organizations, which operate under the North Korean authorities. Specifically, the authorities engage in surveillance and exercise control through the system of *inminban* (people's watch unit) at the residential level and through the *saenghwal chonghwa* (life review session) within social organizations. The scope of surveillance and control encompasses not only public aspects of life but also extends to the private sphere.

(1) *Inminban* (People's Watch Unit)

Under North Korea's Resident Administration Law (2010), the relevant People's Committees organize several households into *inminban* and appoint a head and an assistant head for each *inminban*.¹⁷⁰ The head of the *Inminban* operates under the guidance of the corresponding office at the *Ri*, *Eup*, *Workers' District*, or *Dong* level. The *inminbans* are the lowest-level organizations through which the North Korean authorities exercise surveillance and control over their residents, intruding in their privacy. These organizations are responsible for tasks such as guiding

¹⁷⁰ The Resident Administration Law of 2010, Articles 9–10.

residents' lives, monitoring their ideological tendencies, and exercising oversight over external visitors. Within the *inminban*, there are several relevant staffs, including the *inminban* head, assistant head, head of household, hygiene leader, agitator, social security officer, or state security officer. These people carry out surveillance mandates by directly visiting households within their jurisdiction or by inquiring with neighbors, assessing various aspects of residents' daily lives, and reporting their findings to their superiors. Additionally, within the *inminban*, some individuals are chosen to serve as informants (*jeongbowon*) or reporters (*tongbowon*) for the State Security or social security institutions. They are responsible for performing assigned surveillance tasks and reporting information gathered to the respective agencies they are affiliated with. This process enables the authorities to effectively conduct surveillance and exercise control over residents.

According to the accounts from North Korean defectors, regular informants (*jeongbowon*) are secret informants of the state security institution who have undergone training and signed an oath. They submit reports to the state security institution every 15 days, providing details on the day-to-day lives and conversations of residents in the *inminban* based on their monitoring activities. In the case of reporters (*tongbowon*), they receive weekly assignments and report the information they gather through surveillance to their respective affiliated agencies. Their reports encompass diverse aspects of residents' lives, such as the current situation of families with one or more members

defected from North Korea, residents' income-to-expense ratios, their grievances towards society, daily lives of released former prison inmates, households engaged in smuggling activities and business activities, living conditions and lifestyles within officials' households, drug trafficking, and the status of accommodations for external visitors.¹⁷¹

"Reporters (*tongbowon*) report to the social security officer in charge of the *inminban* about various pieces of information, including the status of accommodations for external visitors, the inventory of products held by traders, rumors circulating among residents, households planning secret relocations, households spending more than they earn, individuals who enjoy South Korean videos or music, households having their own cattle, houses involved in smuggling activities, houses engaged in medicine sales, residents' loyalty to the Party, participation rates in rural mobilization, the situation of non-residents and unemployed individuals, cases of marriage between blood relations and early-age marriages, drug trafficking, and any other pending issues. A reporter is an honorary position, and having a good relationship with social security officers is certainly a plus."

Due to the higher likelihood of defection, it appears that individuals with experience in defection from North Korea or their family members are exposed to more thorough surveillance. There have been documented cases where individuals were monitored by the head of *inminban*, reporters (*tongbowon*), and other neighbors after their phone conversations with family members

¹⁷¹ Pursuant to Article 33 of the Resident Administration Law, residents must report any abnormal phenomena, including illegal acts, to the relevant authorities.

in South Korea were detected and investigated by the Ministry of State Security branch. Some individuals reported that after their family members' defections, the head of *inminban* and informants under the direction of the Ministry of State Security branch, visited their residences every day and night to check their absence or presence. Furthermore, there have been testimonies indicating that defectors, after being forcibly repatriated, experienced increased surveillance by both the state security institution and the social security institution.

"After my daughter defected in 2017, our neighbors began to surveil us. On three occasions, we caught the elderly woman next door pressing her ear against our shed's door and eavesdropping whenever she noticed unfamiliar people visiting our house. The head of *inminban* regularly visited our house to monitor our family's activities. In 2018, there was a day when my husband and I left our son home alone while we were away, and someone reported that we had defected to China. As a result, the state security officer in charge of our village came to our house."

Since Kim Jong Un came to power, there have been testimonies indicating an increase in surveillance on the families of North Korean defectors. Prior to 2010, there was no surveillance on the families of defectors. However, since Kim Jong Un assumed leadership, a systematic surveillance system has been implemented to monitor the families of missing persons. They are under constant monitoring by reporters (*tongbowon*), informants from the state security institution, the head of *inminban*, and neighbors. Specifically, they were required to report their

whereabouts to the head of *inminban*. Even when relatives visited their homes, they were obligated to report this to the head of *inminban* as well.

In addition to individuals involved in defection, there have been testimonies indicating that both South Korean Prisoners of War (POWs) and individuals who returned from Japan or relocated from South Korea are continuously reported on to the authorities, along with their families, as special targets of monitoring. Documented cases have shown that families, including those with South Korean-born parents who resided in Japan and were repatriated to North Korea around the 1960s, were monitored until 2017 due to their parents' background. Moreover, testimonies have revealed that both POWs from the Korean War and their families were under constant surveillance by the state security department during the mid-2000s and around 2016.

Similar to the *inminban*, the military also seems to have a system of peer surveillance among fellow soldiers, where privacy is intruded upon. Testimonies have been collected from former North Korean soldiers who served as intelligence operatives, spying on their fellow soldiers during military service. According to the accounts, state security officers within the unit designate intelligence operatives to monitor unit members, and through their collaboration, officers are able to monitor the entire unit.

(2) *Saenghwal Chonghwa* (Life Review Sessions)

'*Saenghwal chonghwa*' refers to regular meetings where North Korean residents gather within their Workers' Party, institutions, or social organizations on a weekly, monthly, quarterly, and annual basis to reflect on their work and personal lives, and engage in mutual criticism of each other's public and private affairs.¹⁷² According to testimonies collected, North Korean residents participate in weekly *saenghwal chonghwa* meetings organized by their respective organizations, including schools, workplaces, military units, *inminban*, Socialist Women's Union of North Korea (Women's Union), and Socialist Patriotic Youth League (Youth League). These meetings usually take place on Saturdays. As all members of the organizations are required to participate and are subject to criticism if they do not, there were also testimonies of forced participation.

Workers dispatched overseas and students residing abroad are also required to participate in locally conducted *saenghwal chonghwa*. Testimonies from overseas workers indicate that their workplace supervisors or cell secretaries (the secretaries of the lowest-level organizational units within the Workers' Party) organize weekly *saenghwal chonghwa* on Saturdays or Sundays. Attendance is mandatory for all employees, including those engaged in external contracted activities. According to the testimony of an individual studying abroad, they were required

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¹⁷² National Institute for Unification Education, Ministry of Unification, North Korea Knowledge Dictionary, 2021, p. 492.

to attend weekly *saenghwal chonghwa*, and the outcomes were reported by the Youth League secretary to the State Security officer.

"I attended *saenghwal chonghwa* once a week, and I participated in study sessions and lectures once every two weeks. Additionally, we gathered every evening at 19:00 for roll calls and to receive updates on policies and instructions. The Youth League secretary supervised the *saenghwal chonghwa* and reported its contents to the state security officer. Students studying abroad were obligated to attend *saenghwal chonghwa*, and there was no option to skip, even if one was feeling unwell. In that regard, I have no clue what might have happened if I didn't attend *saenghwal chonghwa*."

There were also testimonies indicating that *saenghwal chonghwa* is organized with distinctions based on positions within an organization. It was mentioned that separate *saenghwal chonghwa* sessions were held in universities, for regular students on one side and others for party members such as Youth League members and discharged soldiers. Another testimony stated that during the military service, separate *saenghwal chonghwa* sessions were conducted, ones among the Workers' Party and Youth League members in their relevant organizations and other sessions among regular soldiers and others.

Recently, decreased number of people actually go to their workplaces, because of personal economic activities and others, has resulted in *saenghwal chonghwa* being conducted as mere formalities. As per the accounts collected, as the number of Women's Union members engaged in personal economic activities increased, it became difficult to convene all members in one

place at the same time for *saenghwal chonghwa*. This led to the falsification of records in notebooks, creating a false appearance of *saenghwal chonghwa* having taken place. To prepare for potential inspections of their participation in *saenghwal chonghwa*, the members were required to record and maintain their *saenghwal chonghwa* notebooks and study notebooks. Another report revealed that in recent times, due to the increasing number of workers opting to pay fees to avoid going to their designated workplace, regular workers no longer participate in *saenghwal chonghwa*, and it is primarily attended by officials.

“In recent times, *saenghwal chonghwa* is almost non-existent. Although directives are given from above, very few people follow them. To prepare for inspections, individuals write and maintain their own *saenghwal chonghwa* notebooks and study notebooks, as if they had participated in *saenghwal chonghwa*. The chairperson of the municipal or district Women’s Union, the Ideological Department chairperson, or the Organizational Department chairperson visit members’ houses or call them for interviews in the primary party committee, and they examine the *saenghwal chonghwa* notebooks as part of the inspection process. It is known within the Women’s Union that *saenghwal chonghwa* is rarely conducted and exists only as a formality. However, no specific actions are taken.”

Based on the many cases collected, even in the case of overseas dispatched workers, *saenghwal chonghwa* is often conducted merely as a formality. According to testimony, due to high workloads and challenges in finding separate time, the workers record false *saenghwal chonghwa* content in their personal notebooks

and submit them to their supervisors. There have also been testimonies indicating that since 2020, *saenghwal chonghwa* has not been conducted due to the prohibition of gatherings to prevent the spread of COVID-19.

B. Illegal House Searches

Dwellings are the primary places where individuals carry out their private activities, and protecting privacy within these spaces is essential. Article 79 of the Socialist Constitution (2019) specifies that North Korean residents are guaranteed the inviolability of their person and dwelling, and their dwellings cannot be searched without a legal basis. Under Article 212 of the Criminal Procedure Law (2021), searches can be conducted when there is sufficient cause to believe that a criminal is in hiding or that there are necessary items or documents to uncover the crime. When conducting a search and seizure, the social security officer responsible for the preliminary examination should prepare a search and seizure determination document and seek approval from the prosecutor.¹⁷³ Additionally, the officer's identification document and the search and seizure determination document should be presented to the person being searched and subject to potential seizure.¹⁷⁴ It is also necessary to have an 'observer'

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¹⁷³ The Criminal Procedure Law of 2021, Article 213.

¹⁷⁴ The Criminal Procedure Law of 2021, Article 214.

present during the search and seizure.¹⁷⁵

There was a case where a house search was conducted with a search determination document. This occurred when the criminal charge of using unauthorized mobile phones had been confirmed through the confession of a suspect in custody. However, the North Korean authorities have been found to frequently carry out illegal house searches. The majority of documented cases involved officers conducting house searches without adhering to proper legal procedures, even though there were no exceptional circumstances justifying searches without the prosecutor's approval.¹⁷⁶ In most cases, the officers failed to present their identification documents and the search and seizure determination documents during the house searches. Furthermore, the presence of an observer, such as the head of *inminban*, was seldom ensured during these house searches. Specifically, there was testimony stating that a search determination document and the presence of the head of *inminban* were required as a rule for a house search. However, in practice, this rule is not consistently followed during house searches. Another testimony indicates

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¹⁷⁵ The Criminal Procedure Law of 2021, Article 217.

¹⁷⁶ The Criminal Prosecution Law (2021), Article 139 (Grounds for arrest, search, and seizure 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 circumstances:

The suspect was caught in the act of committing the offense or immediately thereafter.

The victim or a witness identified the suspect as the offender either by accosting them or pointing them out.

The suspect's body or place of residence exhibits indications of their involvement in the crime.

The suspected criminal is displaying suicidal behavior, attempting to flee, or is being pursued.

The alleged offender is providing false information about their place of residence.

that unexpected house searches were commonly conducted in border regions to combat smuggling, but these searches were carried out without presenting a search determination document.

Among the organizations that primarily conducts house searches, there is the *109 unified command*, which was established to impede access to and dissemination of outside information. According to testimonies collected, as outside information proliferates, the *109 unified command* has frequently carried out house searches as part of their crackdown efforts. However, it was found that search determination documents were not presented during these searches. One North Korean defector testified that while watching a South Korean movie, the *109 unified command* proceeded with a house search without a search determination document presented. Another defector, who has experienced multiple house searches conducted by the *109 unified command*, testified that search determination documents were not presented during any of the searches. In cases where individuals were caught sharing South Korean movies during house searches conducted by the *109 unified command*, no search or seizure determination documents were presented. Furthermore, items such as portable media players, USB drives, MP3 players, and other personal belongings that were discovered during the searches were seized. The specific details regarding the crackdown on outside information by the *109 unified command* are described in the section on ‘The Right to Freedom of Expression.’

“In December 2017, while watching a South Korean movie at my friend’s house in the city of Hyesan, Ryanggang Province, we heard a knock on the door. When we asked who it was, the person outside claimed to have been sent by my father. We opened the door and three members of the *109 unified command* entered the house. My friend was taken aback by the situation and accidentally dropped the memory card on the floor, stepping on it. The members of the *109 unified command* noticed it and proceeded to conduct a house search. They did not possess a search determination document. Normally, a search determination document and the presence of the head of *inminban* are required for the *109 unified command* to conduct a house search. However, nowadays, it is common to see house searches being conducted without a search determination document or the head of *inminban*.”

As per testimonies collected, it has been revealed that there are instances of house searches being conducted under the guise of accommodation inspections. Accommodation inspections are carried out to check for the presence of unregistered individuals. However, in some cases, house searches are conducted without search determination documents, using accommodation inspections as a pretext. Testimonies have also been collected stating that house searches were consistently conducted during accommodation inspections. In 2010, the responsible state security officer, the head of *inminban*, and the head of the local office carried out late-night accommodation inspections once a week. During these inspections, they simultaneously searched for unauthorized CDs or electronic devices, such as rice cookers and electric heaters, in the residents’ houses.

In 2013, there was a case where a house search disguised as an accommodation inspection was conducted by the head of *inminban*, social security officers, and surveillance officers at 01:00, which was later than the usual time for accommodation inspections. During this house search, fertilizer stored in the house was confiscated. In 2015, in Pyongyang, accommodation inspections were conducted approximately once or twice a month by the *109 unified command* or social security officers. These inspections went beyond checking for unregistered individuals and also involved searching for any signs of exposure to outside information, such as South Korean movies and songs.

C. Communication Inspections

Article 1 of North Korea's Communications Law of 2021 defines that 'communications activities' include electronic communications and postal communications, and Article 8 of the same law stipulates that the confidentiality of these communications activities shall be guaranteed. Additionally, Article 54 of the same law specifies that communication agencies and their supervisory and control agencies shall oversee and control communication activities with strict confidentiality protection.

(1) Mobile Phone Inspections

North Korea explicitly states in Article 5 of the Law on Mobile Communications of 2020, “The State shall strictly ensure the requirements of promptness, accuracy, serviceability, safety, cultural relevance, and confidentiality in the provision and utilization of mobile communication services.” However, numerous cases have been documented where individuals have been subject to frequent inspections of their mobile phones by the authorities. According to testimonies collected, there have been frequent random mobile phone searches conducted by unsocialist *grouppa* (investigation task forces) on young people. These searches aim to identify and remove any objectionable video content and unsocialist text. In 2017, there was a documented incident in Ryanggang Province where Youth League officers conducted surprise searches and inspections of young people’s mobile phones while they were making phone calls on the street. Similarly, in 2019, there were cases of mobile phone inspections carried out by the Youth League and the Workers’ Party committees of universities. The purpose of these searches was to identify any inappropriate content, including South Korean songs, movies, or obscene materials, that might be stored in the students’ mobile devices.

“While I was simply walking down the street with my mobile phone, I frequently endured phone searches conducted by social security officers. Specifically, in around October 2019, a social security officer approached me, confiscated my mobile phone, and

inspected whether it stored any videos or songs. If any foreign videos were discovered during the search, it would lead to several days of investigation and the requirement to offer bribes in order to retrieve my phone. It is quite bothersome. That's why I made sure not to store anything on my phone that could potentially trigger investigations in the first place."

Overseas students and dispatched workers have also encountered restrictions on their mobile phone usage imposed by supervisors, including state security officers. According to testimonies collected, smartphones are typically prohibited in order to prevent internet access, and only 2G mobile phones capable of making phone calls are allowed. There have been documented cases where individuals who violated the rules against smartphone usage had their devices confiscated and were subjected to fines.

(2) Wiretapping

Article 8 of North Korea's Communications Law of 2021 specifies the protection of electronic communications confidentiality. However, it has been revealed that, in practice, the North Korean authorities engage in wiretapping of residents' phone conversations using signal detectors and interception devices. The wiretapping of phone conversations appears to be mainly targeted at conversations made using Chinese mobile phones. According to the collected testimonies, in 2014, the authorities ordered the wiretapping of conversations with individuals in

China or South Korea, and the Ministry of State Security conducted wiretapping operations using large vehicles equipped with interception devices. Since 2015, the surveillance of unauthorized international communications has been intensified, and residents have been informed about this through proclamations. During periods of heightened surveillance, interception vehicles would patrol the streets to conduct wiretapping activities. During regular times, specialized agents equipped with interception devices would patrol designated areas for wiretapping purposes. In 2016, many individuals engaging in conversations with family members living in China or South Korea were caught and promptly arrested by the interception forces under the Ministry of State Security provincial bureau. Additionally, in 2018, an incident occurred where the Ministry of State Security provincial bureau. conducted wiretapping on a remittance broker operating within North Korea.

“In 2018, I was caught at my home by two members of the 15th Wireless Surveillance Bureau, which operates under the Ministry of State Security. The 15th Wireless Surveillance Bureau conducts surveillance on unauthorized communications in border areas using radio wave detection equipment. They identify Chinese mobile phone signals, track the location of users, and make arrests. When they came to my house to arrest me, the members of the 15th Bureau brought printed records of my phone conversations and text message contents. They showed me the evidence along with a search determination document and demanded my Chinese mobile phone. The records contained every detail of the messages and conversations I had had with my mother, including the content verbatim, date, and duration of each communication.”

Even though one may be caught through wiretapping, there have been testimonies indicating that in most cases, bribery can cover up the incident, resulting in little to no actual punishment.¹⁷⁷ This implies that it is common practice for the officers responsible for wiretapping and enforcement to accept bribes in exchange for nullifying these incidents.

“I was investigated after the 15th Bureau detected my phone conversations and text messages with my mother, who lives in South Korea, made using my Chinese mobile phone. My father accompanied me and offered bribes to two members of the 15th Bureau, amounting to approximately CN¥1,000 to CN¥2,000. He also provided bribes of around CN¥1,000 to the state security officers. As a result, I received a warning without facing any punishment. Bribery is commonly used as a means to avoid punishment, even if caught by the 15th Bureau. That’s why the members of the 15th Bureau enjoy a wealthy lifestyle.”

Meanwhile, there were also testimonies regarding changes in the authorities’ wiretapping methods. In 2016, a single-story building of approximately 33 square meters, located in the border area of Misan Ri, Onsong County, North Hamgyong Province, had a radio wave detector installed, enabling wiretapping activities.

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¹⁷⁷ Article 261 of the Criminal Law of 2022 stipulates that individuals engaging in unauthorized international communication shall be subject to *rodongdanryun* punishment (discipline through labor), and in severe cases, they shall be subject to *rodongkyohwa* punishment (reformation through labor) for up to 5 years.

(3) Correspondence Censorship

Article 23 of the North Korean Communication Law of 2021 stipulates that communication agencies and state-owned enterprises shall guarantee the confidentiality of correspondence. However, despite this provision, it has been reported that the North Korean authorities are censoring the correspondence of their residents. Testimonies collected indicate that state security officers stationed in communication agencies routinely censor correspondence according to established procedures. One North Korean defector testified that she was required to sign an oath of secrecy, pledging to keep such facts confidential, after witnessing the state security officer stationed at the post office censoring international mail. According to her testimony, postal items identified as problematic through the content censorship process were not delivered to the recipients.

"I worked as a mail sorter at the post office. My main responsibility was to categorize and arrange the letters collected by communication agents and delivery personnel based on their respective regions. The office of the state security officer, located on the first floor of the post office, was divided into two sections. One section was specifically assigned to the state security officer, while the other section was occupied by sorters like me. I gathered not only international mail but also registered mail, military mail, and mail sent by individual soldiers into a basket. After the state security officer conducted censorship of the letters in the basket, they placed them back in the basket, and then I picked up the basket and sorted the letters out again. This is why registered mail takes longer to be delivered than regular mail in North Korea. If a postal item is flagged

as problematic during inspection, it cannot be received by the intended recipient.”

North Korean workers and students abroad always had their letters of correspondence between family members in North Korea censored. One North Korean defector, who had experience as a dispatched worker abroad, testified that during his visit to North Korea on vacation, he discovered that he couldn't receive letters sent by his family due to censorship. The reason for censorship was that the letters described the situation in North Korea, where food distribution was suspended. As a result, communication between family members was disrupted, and he later realized that the letters were being censored. Additionally, there were testimonies indicating that most North Korean residents are aware of such letter inspections and censorship, and hence they avoid sending any mail that may contain sensitive content through official channels.

D. Other Privacy Invasions

In addition to house searches and accommodation inspections, the North Korean authorities have been revealed to exert control and surveillance over the private lives of residents through various inspection measures, such as inspections of portraits

and portrait badges,¹⁷⁸ clothing, and electricity usage. There were testimonies stating that North Korean residents underwent portrait inspections at their homes approximately three times a year, conducted by their respective organizations. For Women's Union members, the local Women's Union chairperson visited their homes to inspect the condition of the portraits of the Supreme leaders. There were also cases where individuals who had undergone plastic surgery were investigated and publicly criticized as targets of ideological struggle. Furthermore, testimonies have been collected regarding unexpected electricity inspections aimed at detecting the use of unregistered electrical appliances. Additionally, there have been testimonies stating that, in accordance with directives prohibiting Western-style attire and hairstyles, frequent street inspections of residents' appearances were conducted. Instances of overseas residents facing inspections have also been documented, where individuals studying abroad were subjected to periodic inspections to ensure their attire complied with traditional styles and that they always wore the portrait badges.

In recent years, it has been revealed that the North Korean authorities have strengthened their control over the lifestyles of their residents. According to testimonies collected, as residents gained more access to outside information starting around 2017,

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¹⁷⁸ 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 the Republic of Korea, 『Korean- English Glossary of North Korean Human Rights』, 2016, p. 233; North Korean Social Science Publishing House, 『Chosun Language Dictionary (Revised Edition)』, Vol. 2, 2017, p. 938).

inspections of daily life have also become stricter. The directive on eliminating unsocialist phenomena was continuously issued during that period, resulting in intensified inspections on various aspects of people's lifestyles, including clothing. Specifically, with the enactment of the Law on Provision of Education of Young People in 2021, it has been found that control over the lifestyles of young people has been further reinforced.¹⁷⁹

"Since 2017, there has been a repeated issuance of the 'directive on eliminating unsocialist phenomena', leading to intensified crackdowns on various aspects of people's lifestyles, including clothing. The members of the Women's Union have increasingly adopted Western styles, which prompted the establishment of inspection units within the Women's Union to conduct inspections for identifying non-compliance with traditional styles. As access to outside information expanded, these censorship measures gradually became stricter. Furthermore, the state security officer responsible for my town would frequently visit residents' houses under the guise of conducting inspections, but his true motive was to solicit bribes, leading to widespread corruption."

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179 Article 41, paragraph 14 of the Law of Provision of Education of Young People of 2021 stipulates that young people shall not engage in behaviors that deviate from North Korean customs, such as wearing clothing, grooming oneself, or partaking in weddings in a foreign manner, which may undermine the healthy social ambiance. Additionally, Article 45 of the same law specifies that individuals who violate the law shall be held accountable administratively or criminally.

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

The right to freedom of thought, conscience, and religion is a prerequisite for freedom of expression and a core element of democracy. Article 18 of the Universal Declaration of Human Rights declares, “Everyone has the right to freedom of thought, conscience, and religion,” and the ICCPR also recognizes this right in Article 18. According to Article 18, paragraph 1 of the ICCPR, the right to freedom of thought, conscience, and religion includes the freedom to have or to adopt a religion or belief of one’s choice, and the freedom to manifest it. The UN Human Rights Committee clarifies that the former freedom is one of the most fundamental human rights related to an individual’s inner world, and should not be subject to any restrictions imposed by the State,¹⁸⁰ whereas the latter freedom, as a form of freedom of expression, may be subject certain limitations, but only under strict conditions. In other words, the freedom to manifest religion

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¹⁸⁰ UNHRC, CCPR General Comment, No. 22, Article 18 (Freedom of thought, conscience and religion), para. 3.

or belief can be limited to a minimum extent only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.¹⁸¹

North Korea does not have explicit provisions regarding freedom of thought and conscience, but it addresses freedom of religion in Article 68 of the Socialist Constitution of 2019. North Korea has consistently alleged, through its participation in the UN Universal Periodic Review process, that it legally recognizes and practically guarantees freedom of religion.¹⁸²

A. Violation of Freedom of Thought

(1) Coercion of Thought

Article 18, paragraph 2 of the ICCPR stipulates, “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 the establishment of an official belief system by a State in the constitution, statutes, or actual practice. However, if a State compels individuals to adhere to its official belief system and shows favoritism towards those who express support for it, or if it imposes any disadvantages or discrimination against

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¹⁸¹ *Ibid.*, para. 8.

¹⁸² 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. 68.

individuals who do not accept the official belief system or who oppose it, it may be considered a violation of the freedom of thought and conscience guaranteed by Article 18 of the ICCPR.

The Socialist Constitution of North Korea does not have provisions regarding freedom of thought and conscience. Instead, Article 3 of the Socialist Constitution of 2019 establishes ‘*Kimilsungism-Kimjongilism*’ as the sole guiding principle for national construction and activities, affirming that *Kimilsungism-Kimjongilism* is the official belief of North Korea. Furthermore, through the ‘Ten Principles for the Establishment of the Party’s Unitary Leadership System’ (referred to as the ‘Ten Principles’), North Korea does not allow any belief other than *Kimilsungism-Kimjongilism*. In the Ten Principles, North Korea emphasizes the absolute adherence of the entire community to *Kimilsungism-Kimjongilism* as the highest principle of the Workers’ Party. It states that the teachings of the deceased great leaders, as well as the policies, directives, and instructions of the Workers’ Party, must be followed unconditionally and wholeheartedly, considering them to be laws, and demonstrating unwavering dedication and sacrifice.¹⁸³ This indicates that the Ten Principles hold a higher status than the Socialist Constitution and serve as governing norms that ensure the institutional assurance of the Unitary Leadership System.

According to the Ten Principles, North Korean residents must

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¹⁸³ ‘Ten Principles for the Establishment of the Party’s Unitary Leadership System’ revised and supplemented on September 2021, Article 1(1).

actively participate in all forms of learning in order to arm themselves with *Kimilsungism-Kimjongilism*, and vigorously combat any negligence or hindrance in their learning. North Koreans should show respect for and protect the portraits, statues, and badges of Kim Il Sung and Kim Jong Il, along with the monuments, plaques, and other commemorative items that document their speeches. Furthermore, the residents should establish and protect ‘*Revolutionary Sites*’¹⁸⁴ and the ‘*Kim Il Sung-Kim Jong Il Research Institutes*’ with utmost reverence and dedication. In North Korea, the Ten Principles appear to be deeply ingrained and internalized by North Koreans as absolute rules of behavior influencing their social and daily lives.

Concerning ideology education, the teachings of Kimilsungism-Kimjongilism begin in the form of music, arts, and physical education in childhood, encompassing the whole curriculum of education from primary school to secondary school. It continues after secondary education, even in daily lives - in the form of study sessions and lectures through organizations such as the military and workplaces and *inminban*. According to testimonies collected, a daily routine at work in North Korea involved a 30-minute reading activity upon arrival. During this activity, the workers would recite exemplary cases of adherence to the Party’s policies

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¹⁸⁴ According to Article 2 of the Law on the Administration of Revolutionary Relics, enacted by North Korea in 2021, ‘Revolutionary Historical Work is defined as ‘the sacred endeavor to steadfastly uphold and pass down from generation to generation the illustrious revolutionary history and immortal revolutionary achievements of the great leaders Comrade Kim Il Sung, Comrade Kim Jong Il, and the respected Comrade Kim Jong Un.’ It is also stipulated that this is an honorable and significant project aimed at arming the people with the revolutionary tradition of Juche.

and socialist ideology as published in newspapers. Following reading activities, they would then sing loyalty songs dedicated to the Party, such as ‘Our Party Flag’ and ‘With Single-Minded Unity.’ Workers would then commence with their daily tasks. On Friday evenings, they would take part in *saenghwal chonghwa*, a life review session. During this session, workers would engage in self-reflection, examining their actions and behaviors in the context of the principles of *Kimilsungism-Kimjongilism*. On Saturday evenings, they would engage in learning activities specifically focused on the Ten Principles and the struggle to eradicate unsocialist ideologies.

Ideological education by the North Korean authorities is also conducted abroad for workers dispatched overseas. Testimonies have been collected, stating that workers who neglected to participate in such ideological education were subjected to criticism and could face disadvantages in terms of promotions and in other areas. During their dispatch to Russia from 2013 to 2018, workers’ study notebooks, in which they recorded what they had learned from study sessions, were inspected by a party secretary once a month. If the notes were not properly written, the workers would be subjected to verbal abuse. Furthermore, workers were required to participate in question-and-answer learning competitions twice a year, which included exams for ideological screening. If the workers received poor scores, it would hinder their prospects for further dispatch, leading to disadvantages.

“The most important law or directive that must be followed in North Korea is the Ten Principles for the Establishment of the Party’s Unitary Leadership System. This is what we learn in school. It is emphasized that we should always engrave the Ten Principles in our minds and live our lives according to them, whether in school or in society later on. Our homeroom teacher emphasizes repeatedly that there will be severe legal consequences for violating the Ten Principles. Through this education, we are deeply ingrained with the belief that we should never dare to engage in actions that contradict these principles.”

In North Korea, portraits of Kim Il Sung and Kim Jong Il must be displayed in all public facilities and homes. Additionally, residents are required to wear badges with portraits attached to their outer clothing. According to testimonies collected, the management of the portraits should be done by wiping them daily with great care using an embroidered velvet towel, which is stored in a box called a ‘sincerity box’ placed next to the portraits every morning. Portrait inspections are conducted by inspectors who wear white gloves and carefully examine the frames for any dust or imperfections. If a portrait is found to have flaws, the inspector records the owner’s name in a register. However, testimonies collected indicate that the frequency of these inspections has gradually decreased since the Arduous March period, and from 2013 onwards, they have been rarely carried out. The management of the portraits and the wearing of portrait badges have become integrated into the daily lives and routines of the residents, and it is uncommon for any violations to be detected

during inspections. However, if violations are identified during inspections, the names of the violators are recorded in a register, and their affiliated institutions are notified, which may result in disadvantages or penalties. One North Korean defector testified that he was apprehended during a dress code inspection conducted by the Youth League surveillance unit in Pyongyang. His name was recorded and the incident was reported to the company where he worked because he did not have a portrait badge attached to his outer coat. As a punishment, he was required to perform unpaid labor at a mine shaft for a day.

In various institutions, state-owned enterprises, and schools, there are *Kimilsungism-Kimjongilism* research centers, and in each city and province, there are Revolutionary History Museums and statues of Kim Il Sung and Kim Jong Il. As per testimonies collected, residents were required to show loyalty to the supreme leader at these locations. From primary school onwards, they were obliged to participate in the cleaning of nearby statues of Kim Il Sung and Kim Jong Il before attending school, and they had to take turns in security duties to guard the *Kimilsungism-Kimjongilism* research centers.

The *saenghwal chonghwa* system, which is implemented in North Korea, can also be seen as a mechanism to enforce the adherence to *Kimilsungism-Kimjongilism* on North Korean residents. According to testimonies collected, the *saenghwal chonghwa* system entails North Korean residents reviewing their behavior and thoughts in their organizational and daily lives for the previous week, using the teachings of Kim Il Sung and Kim Jong

Il as a reference. Residents are also required to publicly acknowledge any shortcomings or mistakes they have made, and make a commitment to improve themselves. Criticizing and pointing out the mistakes of others is also required within this system. The *saenghwal chonghwa* system is implemented throughout the entire lifespan of North Korean residents. The *saenghwal chonghwa* system can be considered as the institutionalization of the Ten Principles, which mandate North Koreans embrace the teachings of Kim Il Sung and Kim Jong Il, along with the party's policies that embody those teachings, as guiding principles for both social and daily life, to adopt as a creed and to utilize to evaluate, and to steer all thoughts and actions at all times and in all places. Specific cases related to the *saenghwal chonghwa* system can be found in the section on the 'Right to Privacy.'

(2) Control of Thought

The UN Human Rights Committee clarifies that the presence of an official belief system in a state should not lead to discrimination against individuals who do not accept it or even oppose it, and individuals should not face punishment for this reason.¹⁸⁵ In relation to this matter, during the 16th meeting of the Working Group of the Universal Periodic Review (UPR) held on December 9, 2009, the North Korean delegation responded by stating that "thoughts and political views are not something that can be con-

¹⁸⁵ UNHRC, CCPR General Comment, No. 22, Article 18 (Freedom of thought, conscience and religion), para. 9.

trolled by the law.”¹⁸⁶ However, in the report of the North Korean Association for Human Rights Studies (2014), North Korea explicitly stated that “it absolutely does not allow the promotion and dissemination of ideologies that contradict the Juche ideology.”¹⁸⁷ Moreover, the North Korean Criminal Law (2022) includes provisions on a wide range of thought-related crimes, including Article 66 (Anti-National Propaganda and Agitation). The Ten Principles also specifies that individuals should never tolerate any disputes or opposition regarding *Kimilsungism-Kimjongilism* and the Party’s line and policies, should vigorously struggle against counter-revolutionary ideologies such as bourgeois ideology and flunkeyism, and should strictly adhere to the truthfulness and purity within *Kimilsungism-Kimjongilism*.¹⁸⁸ At the 7th Congress of the Workers’ Party in May 2016, Kim Jong Un emphasized the importance of preventing the infiltration of any foreign ideologies within the Party, and ensuring that the Party maintains unwavering alignment with the leader’s thoughts and intentions based on *Kimilsungism-Kimjongilism*.

Testimonies collected of North Korean defectors confirm that no beliefs other than North Korea’s official ideology of *Kimilsungism-Kimjongilism* are accepted, as specified in North Korea’s legislation and claims. Furthermore, it has been revealed

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¹⁸⁶ UN Doc. A/HRC/WG.6/6/L.12 (2009), para. 45.

¹⁸⁷ The DPRK Association for Human Rights Studies, ‘Report of the DPRK Association for Human Rights Studies’, 2014, Ch. 2. Enjoyment of Human Rights by the DPRK Citizens, 1) Political Rights, (5) Freedom of Religion and Thought.

¹⁸⁸ Ten Principles for the Establishment of the Party’s Unitary Leadership System’ revised and supplemented on September 2021.

that the state security department has planted informants within the *inminban* (people's watch unit) and other organizations to clandestinely monitor residents' thoughts and report their findings to the authorities, as well as to encourage residents to surveil each other. The practice of controlling thoughts extends to overseas dispatched workers. One North Korean defector who was dispatched abroad from 2010 to 2017 testified that separate ideological education was not provided. However, there were informants from the state security department present in each working group, reporting the workers' ideological inclinations to the state security officers.

Furthermore, in its effort to exert control over the thoughts of its residents, North Korea establishes specialized task forces, such as the 'unsocialist *grouppa*,' to actively suppress acts deemed as deviating from the *Kimilsungism-Kimjongilism* (referred to as 'counter-revolutionary thought'). Specifically, individuals who are discovered to have watched or possessed videos deemed to be counter-revolutionary content face a wide range of punishments, ranging from warnings to execution, depending on the severity of the case. Detailed instances related to these cases can be found in the sections that address the 'Right to Freedom of Expression' and the 'Right to Freedom of Assembly and Association.'

B. Religious Repression

Article 68 of the North Korean Socialist Constitution of 2019 guarantees freedom of religion, but also stipulates that “religion cannot be used to bring in foreign influences or undermine the state and social order.” Article 41 of the Law of Provision of Education of Young People, enacted in 2021, provides that “youth should not engage in religious and superstitious activities.” North Korea also clarified during the 8th meeting of the 33rd session of the working group of the UPR, held on May 9, 2019, that it does not condone or tolerate any attempts or maneuvers by hostile forces to use religion as a means to overthrow its political system or violate public order.¹⁸⁹ This attitude towards religion is also reflected in the perspective of the Association for Human Rights Studies in North Korea, which claims that “freedom of religion is allowed and ensured by the laws of the state only to the extent necessary to protect social order, public safety, morality, and other individual rights.”¹⁹⁰

According to testimonies collected, it has been revealed that in North Korea, freedom of religion is merely mentioned in written legislation but is not actually guaranteed in practice. The majority of the testimonies indicated that individuals had never encountered any religious activities in North Korea. Some

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¹⁸⁹ UN Doc. A/HRC/42/10 (2019), para. 68.

¹⁹⁰ The DPRK Association for 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.

mentioned having heard of terms related to Christianity, such as the Bible, but only through the anti-religious education conducted by the authorities. The anti-religious education by North Korean authorities regarding Christianity has been found to be implemented not only in school curricula but also through organizational activities after graduation. Testimonies revealed that anti-religious education in North Korea resulted in an increase in negative perceptions of religion. Additionally, there were testimonies indicating that individuals who believed in Christianity were regarded as counter-revolutionaries. One North Korean defector testified that in 2015, he was required to attend the 'Class Education House' (one of the North Korean regime propaganda institutions) once a month, where he received anti-religious education. This education included teachings that depicted religion as being brought to North Korea by invaders, including through the Bible. The education also portrayed Christians as collaborators of imperialistic invasion and as hostile forces against the nation and revolution. Another defector mentioned that in educational institutions, social institutions, and legal institutions, she underwent continuous education that promoted the belief that "religion was false and meaningless" and portrayed missionaries as wicked. She was subjected to brainwashing, which resulted in her not daring to have any interest in religion. She also mentioned experiencing fear to this day upon hearing the term 'missionary'. Furthermore, there was testimony indicating that during lectures conducted in *inminban*, residents were taught that Christians are considered

counter-revolutionaries and were therefore obligated to report any Christians they encountered.

“There was a time when residents were gathered together for thought education, and during that time, I saw pictures of the Bible and images of worship for the first time. They taught us that the Bible was filled with superstitions and that reading it would corrupt our thoughts. Therefore, if we ever came across a Bible, we were instructed to report it. They depicted those who possessed the Bible as traitors to the nation who needed to be eliminated from our country. As a result, many North Korean residents, including myself, believed that the Bible was a book that portrayed the North Korean regime in a negative light, and we thought that merely possessing the Bible could result in death.”

The suppression of Christianity in North Korea is attributed to its monotheistic beliefs, which are seen as conflicting with the cult of personality and the Juche ideology. Cases have been documented where individuals allegedly involved in missionary work have faced punishment. In 2017, in North Hamgyong Province twelve residents were arrested and interrogated by the state security department on charges of engaging in religious activities. Two individuals were subsequently imprisoned in political prison camps on suspicion of receiving funds from Christian organizations in South Korea and establishing Christian bases for missionary work among the local residents. The remaining ten individuals were subjected to *rodongkyohwa* punishment (reformation through labor) and *rodongdanryun* punishment (discipline through labor) because they were deemed to have

been deceived and received education without a proper understanding of the true nature of Christianity. There was also testimony stating that a Christian group operating a church secretly was discovered and subsequently punished by the state security department. In 2019, a group that operated a church secretly in Pyongyang underwent a severe crackdown and was completely dismantled. Five individuals were publicly executed, seven were sent to political prison camps (*kwanliso*), and thirty were subjected to *rodongkyohwa* punishment (reformation through labor). Around 50 related individuals, including family members, were forcibly expelled. Additionally, there were testimonies indicating that individuals who were forcibly repatriated faced even harsher punishments if it was discovered that they had contact with Christian organizations in China or were found in possession of the Bible during investigations conducted by the state security department. One North Korean defector reported that during her detention at *kuryujang* (pre-trial detention facility) within the state security department, she witnessed three detainees being subjected to severe punishments due to their religious activities in China. Two individuals suddenly disappeared after their connections to churches in China were revealed during the investigations, while the remaining individual, who was a family member of the two, remained imprisoned for over two years for refusing to confess to attending a church.

There have been consistent testimonies indicating that religious facilities in North Korea are propaganda-oriented institutions operated by the North Korean authorities. According

to one defector's testimony, although there were churches and cathedrals in Pyongyang, they were potempkin establishments exclusively accessible to foreigners, while North Korean residents were strictly prohibited from entering. Another defector mentioned that the Chilgol Church was visible from his house, but he never witnessed anyone entering or saw any signs of the church being open or operational.

C. Superstition Crackdown

In North Korea, socialism is defined as a human-centered socialism that embodies the Juche Ideology.¹⁹¹ As a result, superstitious activities are considered contradictory to the principles of self-reliance emphasized in the Juche ideology,¹⁹² leading to their classification as unsocialist behaviors.¹⁹³ The North Korean authorities criminalize and crack down on what they deem to be unsocialist behaviors, viewing them as deviations from socialism and reflections of foreign ideologies, including bourgeois ideologies, which can undermine socialism and damage the

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¹⁹¹ North Korea's Social Science Publishing House, Chosun Language Dictionary (Revised Edition), Vol. 2, 2017, pp. 1137–1138.

¹⁹² The Juche Ideology promotes the idea that the North Korean people are the masters of their own destiny and emphasizes the independence of the nation from external influences. It asserts that this independence and self-reliance can only be achieved under the guidance of the Supreme Leader. As a result, loyalty and devotion to the Supreme Leader are regarded as crucial elements of the ideology.

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

authority of the Party and the Supreme Leader.¹⁹⁴ Superstitious activities, being one of these unsocialist behaviors, are subject to crackdowns and punishments under the Criminal Law.¹⁹⁵ Since 2015, amendments have been made to the Criminal Law in North Korea, resulting in stronger punishments for superstition-related offenses. The maximum term of imprisonment for these offenses has been increased from 7 years (*rodongkyohwa* punishment) to 10 years (*rodongkyohwa* punishment). Previously, an essential element for establishing the crime was accepting money or goods in exchange for superstitious activities. However, this element has been removed following the amendment, and now mere engagement in superstitious activities alone can lead to imprisonment.

Testimonies collected also indicate that crackdown and punishment for superstitious activities intensified. In the past, measures were taken to suppress superstitious practitioners, such as shamans, but the punishment imposed was typically limited to administrative penalties, including the *rodongkyoyang* penalty, and criminal punishment was rare. When residents were discovered seeking the services of superstitious practitioners, they would generally receive only warnings without facing

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¹⁹⁴ North Korea's Social Science Publishing House, Chosun Language Dictionary (Revised Edition), Vol. 2, 2017, p. 962.

¹⁹⁵ Article 291 of the Criminal Law (2022) stipulates that individuals who engage in superstitious behavior shall be subject to *rodongdanryun* punishment. If the offense of superstitious behavior is committed habitually or results in serious consequences, a punishment of up to five years of *rodongkyohwa* shall be imposed. In cases where the offense is deemed severe, the punishment shall be *rodongkyohwa* for a period exceeding five years but less than ten years.

legal punishment. However, due to the increasing prevalence of superstitious activities among residents, the crackdown and punishment for such activities have been intensified since 2018. Testimonies collected show that directives for cracking down on superstitious activities were continuously issued, leading to the organization of special task forces known as *grouppa*, which have conducted widespread crackdowns on these activities. The severity of punishment has also been heightened, resulting in residents who sought out superstitious services receiving administrative penalties of up to three months of *rodongkyoyang* penalty, and some superstitious practitioners being sentenced to *rodongkyohwa* punishment (reformation through labor) for more than seven years. There have even been instances where decrees stating “those who engage in superstitious practices shall be subject to execution by firing squad” were issued, leading to the actual execution of superstitious practitioners. In 2019, the 619 Unified Command (*grouppa*) carried out an extensive crackdown on superstitious activities, resulting in the arrest of approximately 50 individuals. Subsequently, a public trial was held for these individuals in front of a hotel in Pyongyang. A fortune-teller was sentenced to five years of *rodongkyohwa* punishment, while a shaman who manufactured and distributed drugs received a heavier sentence of seven years of *rodongkyohwa* punishment. There were two individuals who received a death sentence. One of them, who deceived residents by claiming to have the ability to resurrect the dead, was sentenced to death. The other individual was sentenced to death

for possessing the Bible and engaging in prayer.

“It was the first time I had ever seen individuals executed for superstitious activities. Since 2018, the crackdown on superstitious activities has become severe, and this is the first time it has led to executions. In the summer of 2018, my acquaintance, who worked as a prosecutor at the provincial prosecutor’s office, informed me that each prosecutor was tasked with prosecuting three individuals involved in superstitious practices. He also asked me to notify him if I had any information about superstitious practitioners in the area.”

10. Right to Freedom of Expression

Everyone has the right to freely express their opinions as long as it does not interfere with public order or harm others. Article 19 of the Universal Declaration of Human Rights states, “Everyone has the right to freedom of opinion and expression.” Similarly, Article 19 of the ICCPR affirms that individuals have the right to exercise freedom of expression through any media of their choice, and also recognizes that this right may be limited by law in necessary circumstances, such as respecting the rights of others, protecting national security, or maintaining public order. The UN Human Rights Committee states, “Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person and are essential for any society.”¹⁹⁶ The guarantee of the right to freedom of expression ensures transparency and accountability across social life and, in turn, contributes to the promotion and protection of human rights.

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¹⁹⁶ 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 Press and Publication

According to Article 19, paragraph 2, of the ICCPR, everyone shall have the right to freedom of expression whether it is expressed orally, in writing, in print, through art, or any other chosen media. Under Article 19, paragraph 3 of the ICCPR, this right may be subject to certain restrictions as provided by law, and when it is necessary to respect the rights or reputations of others, and protect national security, public order, public health, or morals.¹⁹⁷ The UN Human Rights Committee emphasizes that a free, uncensored, and unrestricted press or other media is essential in any society to ensure freedom of opinion and expression as well as the enjoyment of other rights enshrined in the ICCPR.¹⁹⁸

North Korea stipulates in Article 67 of the Socialist Constitution (2019) that “citizens shall have the freedom of the press and publication.” However, Article 2 of the North Korea’s Publication Law (1999) imposes restrictions on the purpose of publishing businesses, requiring them to adhere to and develop the socialist cause based on the revolutionary publishing tradition. Additionally, Article 47 of the Publication Law stipulates, “Printing facilities shall be registered and their use supervised and controlled to prevent the spread of reactionary ideologies,

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¹⁹⁷ The International Covenant on Civil and Political Rights, Article 19, Paragraph 3.

¹⁹⁸ UNHRC, CCPR General Comment, No. 34, Article 19: Freedoms of opinion and expression, para. 13.

culture, and lifestyles.” Article 48 of the same law prohibits the production, publication, distribution, export, and import of publications that can propagate reactionary ideologies, culture, and lifestyles, and requires their confiscation.

In North Korea, the Central Broadcasting Committee, operating under the Cabinet, oversees broadcasting. Its objective is to disseminate and report the Party’s policies, as well as the domestic and international situation, both locally and globally.¹⁹⁹ One North Korean defector, who had experience in press and publishing-related work in North Korea, testified that the authorities determined the content of the press and publications. When reporters affiliated with the provincial Broadcasting Committee covered the daily lives of residents, their coverage underwent censorship by the Committee and was edited before being broadcast. Another defector, who had worked in the Publishing Supervision Bureau, testified that his responsibility included confiscating reactionary publications and reporting them to Pyongyang.

“The Broadcasting Committee of Ryanggang Province had around 80 journalists, including those assigned to city and county broadcasting committees. These journalists covered significant events in Ryanggang Province and the daily lives of its residents. After submitting their reports to the Broadcasting Committee, the articles

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¹⁹⁹ The Central Broadcasting Committee of North Korea is an institution that plans and oversees all broadcasting operations, and it performs both broadcasting functions and regulatory functions simultaneously (Ministry of Unification, National Institute for Unification Education, ‘Understanding North Korea 2022’, p. 312).

underwent censorship by the Deputy Director of the News Writing Department and were further edited by the Deputy Director of the Editing Department. The journalists wrote news articles only praising the North Korean regime and depicting the prosperous lives of North Korean residents in accordance with the reporting guidelines.”

(2) Crackdown and Punishment on ‘*Mal Bandong*’ (Verbal Treason)

The term ‘*mal bandong*’ (verbal treason) exemplifies the typical restrictions on freedom of expression by the North Korean authorities. ‘*Mal bandong*’ refers to words or expressions of criticism towards the Supreme Leader, the Workers’ Party, or the political system in North Korea.²⁰⁰

Testimonies collected indicate that North Korean authorities exercise control and surveillance over the everyday speech of residents, thereby infringing on residents’ ability to freely express their opinions. In North Korea, any form of criticism towards the leadership, comparisons between the North Korean system and the South Korean system, or expressions of grievances towards the North Korean authorities are deemed as acts of *mal bandong* (verbal treason). In 2018, there was a case where a cadre from the provincial Workers’ Party expressed his personal opinion of the Kim Jong Un regime in a private meeting. After being reported by those around him, the cadre and his family

²⁰⁰ National Human Rights Commission of the Republic of Korea, “Korean– English Glossary of North Korean Human Rights,” 2016, p 145.

were arrested and subsequently disappeared. During the same period, in South Hamgyong Province, an incident occurred where soldiers stole a goat belonging to an elderly couple. When the outraged elderly woman expressed her frustration by referring to the soldiers as “worse than the hostile forces from South Korea,” she was reported by people around her. Consequently, the elderly couple was arrested the next day and sent to a political prison camp (*kwanliso*), while their possessions, including livestock, were confiscated. Additionally, during the same period, an individual residing and farming in the border area of Ryanggang Province had his entire field confiscated by the collective farm affiliated with Ryanggang Province for planting trees on it. When the person expressed his frustration, saying, “How can I survive if the state doesn’t provide any rations?” he was punished for that statement. There also have been testimonies stating that North Korean residents consistently lived in fear, fully aware that their words could potentially cause trouble.

“In May 2018, I heard that a woman in the city of Hyesan, Ryanggang Province, who was selling homemade noodles, was sent to the *rodong danryundae* (labor training camp) for one month on charges of *mal bandong* (verbal treason). This was because the fact that she had complained to a cadre from the Provincial People’s Committees, saying, ‘If we are not allowed to make and sell homemade food, how are the residents supposed to eat and survive?’ was discovered.”

B. Control of Outside Information

Article 19, paragraph 2 of the ICCPR stipulates that the right to freedom of expression shall include the freedom to seek, receive, and impart information and ideas of all kinds. According to the 2014 UN Commission of Inquiry (COI) report on human rights in North Korea, North Korean residents are denied the right to have access to information from independent sources, and state-controlled media are the only permitted source of information in North Korea.²⁰¹ The COI report also states that North Korean residents are punished for watching and listening to foreign broadcasts, including foreign movies and dramas. Furthermore, the COI report mentioned that with the increasing flow of outside information into North Korea from the Republic of Korea and China, the North Korean authorities seek to preserve their monopoly on information by carrying out regular crackdowns and enforcing harsh punishments.²⁰²

In this regard, North Korea argued in the 2014 Report of the Association for Human Rights Studies that “all citizens are freely exercising their right to express their views and will, and can swiftly acquire accurate information and utilize it with convenience, and freely convey their ideas and opinions.”²⁰³ Furthermore,

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²⁰¹ UN Doc. A/HRC/25/63, 2014, para. 29.

²⁰² *Ibid.*, para. 30.

²⁰³ The DPRK Association for 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.

in its third UPR report submitted in 2019, North Korea reported that “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.”²⁰⁴

Science and technological advancements have led to the emergence of various storage media and sharing methods. The increasing use of smartphones and the development of storage media have made it easier for North Korean residents to access outside information compared to the past. In response, the North Korean authorities have strengthened restrictions on residents’ access to outside information by implementing control systems. In 2020, North Korea enacted the Law on Rejecting Reactionary Ideology and Culture, which introduced stricter punishments for accessing and disseminating outside information.

(1) Access to Outside Information

Testimonies collected reveal that North Korean residents have been exposed to outside information in various forms such as movies, dramas, music, books, and leaflets. Outside information has primarily entered North Korea through students studying abroad, overseas workers, and individuals involved in illicit trade, and it has been disseminated through acquaintances.

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²⁰⁴ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 30.

Despite potential customs inspections for individuals who frequently travel to and from overseas, there have been testimonies indicating that some individuals have been able to bribe customs officials to bring in outside information. Additionally, there have been accounts of outside information being introduced through high-ranking individuals. According to the testimonies, in 2018, the majority of residents in the city of Hyesan, Ryanggang Province, watched South Korean movies and dramas. One North Korean defector testified that she and her family would watch South Korean films using portable media players (notetel), finding them entertaining due to their portrayal of actual lives compared to North Korean films. Multiple testimonies indicate that in 2019 as well, residents were able to receive South Korean dramas, movies, and music files through USB drives from acquaintances and play them on portable media players, or computers. In 2020, there were also documented cases in Musan County, North Hamgyong Province, where residents watched South Korean dramas shared by acquaintances.

The young generation has been found to play a significant role in the dissemination of outside information. Among the tech-savvy young generation, who are skilled in manipulating information and communication devices, the sharing of South Korean movies and dramas takes place, facilitating the spread of outside information. Many testimonies have been collected from secondary school students who received and watched South Korean dramas and movies shared by their school friends. In 2019, there were also testimonies from young people in the

border areas between North Korea and China who downloaded video files on Chinese smartphones to access outside information. Around the same time, a number of college students had watched South Korean movies and dramas, and they could be easily identified through their speech patterns, appearance, and imitation of South Korean style. As the sharing of outside information became active, particularly among students and the younger generation, there were testimonies suggesting that in early 2020, the authorities instructed parents to write a pledge stating that they would not permit their children to view reactionary content at home.

“Since around 2018, whenever a decree was issued, it warned that severe punishment would be imposed on those caught watching reactionary movies. Due to the COVID-19 situation, the crackdowns were intensified, and I heard that the 109th *sangmu* (*group*) was dispatched to Musan County. This measure was taken because more and more people started watching South Korean dramas and movies as all activities, including going to school and attending external gatherings, were strictly prohibited. Additionally, I heard that in late February or early March 2020, parents were required to sign a pledge stating that they would not allow their children to watch reactionary videos at home.”

(2) Crackdown on Outside Information

Article 22 of the People’s Security Enforcement Law (2007) stipulates that the social security agency shall crack down on acts such as copying and distributing decadent music, dance,

paintings, photographs, and books, as well as actions that violate registration orders, such as the unauthorized use of computers and printers. In 2021, North Korea enacted the Law on Provision of Education of Young People, which prohibits young individuals from singing songs that are not of North Korean origin, dancing in non-North Korean styles, and dressing in attire or grooming that does not align with North Korean norms.²⁰⁵ Furthermore, this law imposes a duty to report such activities.

The North Korean authorities have established special task forces to enforce the control of outside information. Among these task forces, the *109 unified command* is recognized as one of the key entities responsible for enforcing such controls. Comprised of members from the Workers' Party, the State Security Agency, the Social Security Agency, and technical experts, the *109 unified command* operates as a joint inspection task force. Its main objective is to restrict residents' access to outside information, including foreign videos, publications, radio broadcasts, DVDs, and other mediums. North Korean residents refer to this organization using various names such as *109 sangmu*, *109 grouppa*, *109 unified command*, and 109 Sojo. Testimonies have indicated that the authorities' control through task forces like the *109 unified command* intensified from the late 2000s onwards, as storage media became more compact, facilitating easier sharing and distribution. The collected testimonies have also revealed the existence of other task forces, such as the 312, 620, and

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205 The Law on Provision of Education of Young People (2021), Articles 41, 44.

627 Unified Commands. The 312 Unified Command focuses on enforcing control over devices capable of playing content like videos, while the 620 Unified Command is responsible for cracking down on movies, drugs, and mobile phones. This latter task force is reportedly a source of fear among residents due to the difficulty in concealing cases through bribery. Testimonies have also documented the activities of the 627 Unified Command, which cracked down on the sharing of South Korean films.

Officers from organizations such as the *109 unified command*, the State Security Agency, and the Social Security Agency have been found conducting house searches and crackdowns on outside information without providing search determination documents. In 2018, there was a case where the *109 unified command* conducted an unexpected house search and body search without search determination documents. During these searches, a USB memory containing South Korean dramas was discovered, leading to subsequent investigations. Additionally, in 2019, the *109 unified command* carried out surprise house searches in Ryanggang Province, inspecting computers, notetels (portable media players), and mobile phones. Furthermore, there were also instances of random street searches conducted to inspect mobile phones.

“In 2018, while I was watching a North Korean film on a USB at my home in the city of Hyesan, Ryanggang Province, suddenly the *109 sangmu* (Unified Command) came to my house and searched for foreign contents. During the search, it was discovered that there were Korean songs on the USB. As a result, I was taken to the office

of the 109 *sangmu*. I was detained for about two days, and during that time, I underwent two interrogation sessions each day. My mother provided a bribe, and I was released without facing legal sanction.”

Since around 2017, the North Korean authorities have expanded the scope of their crackdown to encompass attire and lifestyles that are influenced by outside information, particularly South Korean dramas and movies that have gained widespread circulation. According to testimonies collected, the authorities have cracked down on Western-style clothing, such as flared pants, skinny pants, and jogger pants. They have also clamped down on ‘Western-style hairstyles,’ prohibiting hair dyeing other than black and requiring women to have hair that reaches about one hand’s width below the ears. Men were instructed to have a hairstyle that does not cover the eyes with bangs. In 2018, photos stored on mobile phones such as cakes, rose flowers, foreign hotels, and images with English text were targeted for crackdown, as they were deemed to reflect a foreign-style. Additionally, testimonies indicate that text messages containing South Korean expressions were subjected to surveillance and control.

“Since around 2017, there has been an escalation in crackdowns on various aspects of daily life. These crackdowns were implemented to suppress unsocialist behavior under the directives of our supreme leader emphasizing that ‘we should live according to our country’s customs and not adopt the customs of other countries.’ Since

2018, this crackdown has further intensified. Inspector units have been deployed throughout the streets, conducting inspections and enforcing regulations regarding clothing and hairstyles. If clothing is deemed inappropriate, they used scissors to cut the pants in the middle, making them unusable. Similarly, they cut people's hair with scissors as part of the enforcement measures.”

On the other hand, it has come to light that residents have been resorting to more sophisticated tactics to evade the surveillance regime. In 2019, the authorities instructed residents to regularly update the software on their mobile phones and computers, citing functional improvements. However, the true purpose behind these updates was to bolster surveillance capabilities. Some residents, who were aware of this, chose not to update their devices. Additionally, inspection measures were implemented to identify whether the updates had been carried out. However, some individuals successfully evaded surveillance by manipulating their devices to create the appearance of having installed the updates. When a file is played on a computer or a mobile device, it generates data records that can be traced during investigations. As a result, there have been testimonies of people sharing anti-tracking measures on USB drives and installing them on their computers and mobile devices to delete all records of played files.

(3) Punishment for Access to and Dissemination of Outside Information

As outside information has spread widely within North Korea, it has been found that the North Korean authorities have intensified the punishment for accessing and disseminating such information. The North Korean authorities enforce more severe punishments specifically against those who access or disseminate content associated with South Korean movies, music, and other types of media. Article 183 of the North Korean Criminal Law (2012) initially prescribed a maximum punishment of up to five years of *rodongkyohwa* punishment (reformation through labor) for the importation and dissemination of what was considered decadent culture. However, after 2013, this article was amended, increasing the maximum punishment to ten years of *rodongkyohwa* punishment for individuals engaged in such activities. Furthermore, in 2020, the North Korean authorities enacted the Law on Rejecting Reactionary Ideology and Culture, which introduced stricter measures to combat the possession, dissemination, and access to outside information. Under this law, the maximum penalty of up to 10 years of *rodongkyohwa* punishment can be imposed for accessing, possessing, or disseminating foreign films, songs, and other forms of media. The punishments are even more severe when it comes to accessing, possessing, or disseminating South Korean movies, songs, and other media.

Numerous cases have been documented where individuals received *rodongkyohwa* punishment (reformation through labor)

from the North Korean authorities for their involvement in accessing and disseminating outside information. In 2019, a woman witnessed fifteen individuals in their 20s being sentenced to one to three years of *rodongkyohwa* Punishment for watching South Korean dramas or listening to South Korean songs during a public denunciation gathering. In 2018, a man who had shared South Korean drama files with an acquaintance was caught and sentenced to 3 years and 6 months of *rodongkyohwa* Punishment. Similarly, in 2019, another individual received a 4-year sentence of *rodongkyohwa* Punishment for sharing South Korean dramas with friends. Furthermore, there have been testimonies suggesting that since around 2020, the punishment for disseminating outside information has been further intensified. The head of *inminban* reportedly visited residents door-to-door, informing them about the penalties for accessing and spreading outside information, and even demanding that they write down the information.

As the punishment for accessing and disseminating outside information has ratcheted up, it has been found that the size of bribes required to avoid punishment has increased. The common thread of the collected testimonies is that since 2017, directives regarding the access and dissemination of outside information have been issued multiple times, leading to stricter enforcement, and as a consequence, the amount of bribes offered to conceal such activities has also risen. In 2014-2015, it appears that an amount of up to CN¥1,000 was required to nullify cases involving access to or possession of outside information. Specifically in

Ryanggang Province in 2015, a person caught with Chinese movie CDs paid a bribe of a pack of cigarettes to cover up the case. Another individual caught with an American movie paid a bribe of CN¥50 (approximately \$8) to resolve the incident. Additionally, there was a testimony stating that a bribe of CN¥800 (approximately \$120) was given to cover up South Korean and US novel files. In South Pyongan Province in 2015, a case involving files containing US movies and South Korean songs was dismissed after a bribe of CN¥700 (approximately \$100) was given. Moreover, in North Hamgyong Province in 2015, an officer involved in cracking down on outside information received a bribe of CN¥1,000 in exchange for dismissing a USB drive containing several South Korean dramas.

Around 2017, it appears that the amount of bribery required for cover-ups increased, and it varied depending on the case. It was also found that South Korean video and song files required more bribery compared to files from other countries. In 2017, a resident in North Hamgyong Province, who was caught with American movies, paid the officer conducting the crackdown CN¥2,000 to dismiss the case. There were testimonies stating that in 2018, in Ryanggang Province, bribes of around CN¥1,000 for Indian movies and CN¥600 for Chinese movies were sufficient for resolving the incident. In 2019, an amount of approximately CN¥5,000 was needed for covering up the possession of American movies in North Hamgyong Province. However, in the case of South Korean videos and music files, there were many testimonies suggesting that a bribe of at least CN¥10,000 (approximately

\$1,500) or more was required. In 2018, in North Hamgyong Province, there was a case where a resident who was arrested for possessing South Korean movies faced a demand for a bribe of CN¥4,000 by the social security officer involved. Similarly, in the same region in 2019, another resident who was arrested for distributing South Korean dramas was released after paying CN¥7,000 to the director of the social security department. In 2018, in Ryanggang Province, cases involving South Korean music required a bribe of CN¥5,000, while cases involving South Korean dramas and movies required a bribe of CN¥10,000 to cover up the incidents. Similarly, in the same region in 2019, there was a testimony stating that a social security officer demanded a bribe of CN¥10,000 in exchange for reducing the punishment of a son who was caught with South Korean movies to the administrative penalty known as *rodongkyoyang*. In late 2019, in Pyongyang, there was a testimony stating that someone who was caught watching South Korean videos paid a bribe of \$10,000 to cover up the incident.

“109 group^{pa} and the social security officer in charge of my town are continuously conducting crackdowns. In cases related to South Korean outside information, providing a bribe of CN¥10,000 to CN¥20,000 can result in escaping punishment, but otherwise, it may lead to *rodongkyohwa* punishment. In cases involving other countries like India, China, and Russia, penalties, such as the administrative penalty known as *rodongkyoyang*, are imposed at worst.”

Meanwhile, it appears that punishments for minors accessing and distributing outside information have been increased. Previously, when minors were discovered to have accessed or shared such information, they usually received a Social Education Disposition (leniency measure). In some cases, additional measures were taken, such as public criticism during school assemblies or revocation of membership in the Socialist Patriotic Youth League (referred to as 'Youth League'). In 2014, there was a testimony indicating that a student who was watching American and South Korean dramas was caught by the *109 unified command* and forcefully expelled from the Youth League. Additionally, he received a disposition of being prohibited from military enlistment. In 2017, there was a case where the *109 unified command* investigated a student who shared a South Korean drama with a friend. When the school was informed of the student's offense, he faced public criticism in front of other students and was subsequently expelled from the school. Recently, there have been numerous reported cases of minors who have accessed outside information being sentenced to *rodongkyohwa* punishment or even more severe punishments. In 2018, in Musan County, North Hamgyong Province, two students from a senior secondary school were sentenced to *rodongkyohwa* punishment and detained in a juvenile correctional facility known as '*Juvenile Kyohwaso*' for watching South Korean and Japanese movies, as well as pornographic videos. Similarly, in 2018, a minor in Hyesan City, Ryanggang Province, was sentenced to *rodongkyohwa* punishment for sharing and watching South

Korean dramas and movies with friends.

“In December 2018, a public trial took place at the square in the city of Hyesan, Ryanggang Province. There were seven to eight prisoners, all of whom were handcuffed. They were publicly tried for watching South Korean dramas. One of the prisoners was a second-grade secondary school student who received a one-year *rodongkyohwa* punishment for watching just one episode of a South Korean drama. After the public trial, the social security officer responsible for the school visited and warned that ‘being a student’ does not mitigate severity of the punishment for engaging in similar behavior, using 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, and no one may be compelled to belong to an association. The ICCPR stipulates that everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests,²⁰⁶ and the right to freedom of peaceful assembly.²⁰⁷ Furthermore, the ICCPR specifies that no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society.²⁰⁸ General Comment No. 25 of the Human Rights Committee emphasizes that the freedom of expression, assembly, and association are essential conditions for the effective exercise of the right to vote and must

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²⁰⁶ The International Covenant on Civil and Political Rights, Article 22.

²⁰⁷ *Ibid.*, Article 21.

²⁰⁸ *Ibid.*, Articles 21–22.

be fully protected.²⁰⁹

Article 67 of the Socialist Constitution of North Korea (2019) states that “Citizens have freedom of demonstration and association, and shall be guaranteed the right to free involvement in democratic political parties and social organizations.” However, the Criminal Law of North Korea provides grounds for limiting the freedom of assembly, demonstration, and association. Article 245 of the Criminal Law of 2022 stipulates that a person who fails to follow the direction of a state institution and causes a disturbance collectively shall be sentenced to *rodongdanryun* punishment (Disciplining through labor).²¹⁰ Additionally, the Criminal Law stipulates that a person who has committed acts of deceiving the public or other actors for specific political gains shall be sentenced to *rodongdanryun* punishment (Disciplining through labor).²¹¹

A. Restrictions on Freedom of Assembly

The right of peaceful assembly enables individuals to express their opinions collectively and to participate in the formation of their societies, while also safeguarding the exercise of individual autonomy in solidarity with others. Consequently, the failure to

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²⁰⁹ UNHRC, CCPR General Comment, No. 25, Article 25: Participation in public affairs and the right to vote, para. 12.

²¹⁰ The Criminal Law (2022), Article 245.

²¹¹ The Criminal Law (2022), Article 246.

respect and guarantee the right of peaceful assembly is typically indicative of repressive measures.²¹² Freedom of assembly includes not only the right to participate in voluntary assemblies but also the right to refuse to participate in mandatory assemblies.

The UN Commission of Inquiry (COI) on Human Rights in North Korea pointed out that students are required to participate in parades, mass rallies, and choreographed performances for political purposes by the North Korean authorities.²¹³ Specifically, the COI expressed concerns about the potential dangers to the health and well-being of children due to the strict training routines and prolonged duration of the Mass Games under harsh conditions.²¹⁴ Furthermore, the COI mentioned that the rights of North Korean residents are restricted by being compelled to participate in assemblies. The report by the North Korean Association for Human Rights Studies did not mention the right to refuse to attend assemblies as mentioned in the UN COI report. Instead, the report stated that assemblies and demonstrations can be conducted in accordance with the Regulations on the Guarantee of the Right to Assembly and Demonstration, with the requirement of prior notification to the People's Committee and the social security institution regarding the purpose, date, time, place, organizers, and size. Contrary to the claims of the North Korean Association for Human Rights Studies, testimonies

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²¹² UNHRC, CCPR General Comment, No. 37, Article 21: on the right of peaceful assembly, paras. 1–2.

²¹³ UN Doc. A/HRC/25/CRP.1 (2014), paras. 172, 175.

²¹⁴ *Ibid.*, para. 175.

collected reveal that the right to assembly and demonstration is not guaranteed. It was stated that no one was permitted to engage in collective actions and was even unable to contemplate such actions.²¹⁵

It has been found that participation in events such as regime-led assemblies and mass rallies is unavoidable. In the Pyongyang area, individuals are mobilized to take part in regime-led assemblies, which include the commemoration of Kim Il Sung's death anniversary at the *Kumsusan Palace of the Sun* on July 8th, mass demonstrations on the anniversary of the establishment of the North Korean regime on September 9th, and regime-led assemblies on the Workers' Party founding anniversary on October 10th. During the year 2017 in Pyongyang, around ten mass rallies were held to demonstrate loyalty to the Workers' Party, patriotism, and opposition to imperialism. These rallies and mass mobilization events were organized by the authorities and often focused on specific school grades or designated state-owned enterprises for participation. The majority of individuals took part in these events out of fear of facing criticism if they chose not to attend. While it was not permitted for those selected for mobilization to be absent, it was possible to exclude certain individuals from the mobilization list, although this exclusion process incurred additional costs.

Mass Games heavily rely on the mobilization of students,

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²¹⁵ The DPRK Association for 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, (3) Freedom of Assembly and Association.

particularly 1st and 2nd graders from senior secondary schools. The famous Arirang Mass Games, in particular, entail several hours of daily practice starting from April. From June until October 10th, practices are held throughout the day. Additionally, all students are obliged to participate in the Mass Games conducted annually on June 6th to commemorate the Founding Day of the North Korean Children's Union, and the practice extends until late at night. One North Korean defector testified that her secondary school-aged son, who participated in the Mass Games, frequently got injured during practice and often cried due to physical exhaustion. It was found that there was a psychological burden associated with the financial cost of abstaining from the Mass Games. According to a testimony, in Pyongyang, it was necessary to pay around \$100 in order to be excused from the Mass Games. Among the entire class of 35 students, approximately 7 students were able to afford the fee. Starting in June, when full days were dedicated to practice, students who were exempt from the Mass Games stayed at home for private tutoring to prepare for college entrance exams instead of attending school. Despite many students desiring to be exempted from the demanding practices, the financial burden made it difficult for them, and thus they were still compelled to participate.

There were also testimonies stating that workers, farmers, soldiers, and housewives in the local area were obligated to participate in the annual Mass Rally held on June 25th. Similar to Pyongyang, it was reported that in other regions as well,

individuals were mobilized for events such as the birthdays and anniversaries of Kim Il Sung and Kim Jong Il, as well as the founding day of the Workers' Party, approximately five to ten times a year. Participating in these regime-led assemblies was considered a duty of the residents, and unless they were too ill to walk, all residents were required to attend. It was seen as disloyalty to the Supreme Leader and the Party to personally choose not to participate in such mobilization, which would result in criticism. As a result, testimonies indicated that cases of non-participation had not been witnessed due to the expected consequences of facing criticism.

"Public events that Kim Jong Un goes to are 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 state-owned enterprises. They could choose not to, but they rarely do because they are afraid of the criticism that would certainly follow."

B. Forced Organizational Life and the Absence of Freedom of Association

Article 22 of the ICCPR stipulates that everyone has the right to freedom of association with others for the protection of their

interests. In the 2014 UN COI report, it was highlighted that in practice, there appears to be no officially registered political party or civil society organization that operates independently from the control of the North Korean authorities and the Workers' Party.²¹⁶ It also mentioned that all residents are required to become members of and participate in the activities of mass associations that are under the oversight of the Workers' Party.²¹⁷

The Socialist Constitution of North Korea stipulates that "citizens have the freedom of demonstration and association, and the free activity of democratic political parties and social organizations is guaranteed."²¹⁸ In its UPR report submitted in 2009, North Korea stated that social organizations can be established by submitting an application to the Cabinet, which includes details about the organization's purpose, membership size, and organizational structure.²¹⁹ The report also mentioned the freedom of activity for social organizations. Similarly, in the 2014 report by the North Korean Association for Human Rights Studies, North Korea asserted that democratic political parties and social organizations can freely form and operate within the framework established by the Constitution and laws. The report also outlined the procedures necessary for organizing an association.²²⁰

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²¹⁶ UN Doc. A/HRC/25/CRP.1 (2014), paras. 182.

²¹⁷ *Ibid.*, para. 183.

²¹⁸ The Socialist Constitution (2019), Article 67.

²¹⁹ UN Doc. A/HRC/WG.6/6/PRK/1 (2009), para. 44.

²²⁰ The DPRK Association for 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, (3) Freedom of Assembly and Association.

It was found that all North Korean residents are obliged to join various social organizations under the guidance and supervision of the Workers' Party throughout their life cycle, starting from the age of seven until retirement. These organizations include the North Korean Children's Union (referred to as the 'Children's Union'), the Socialist Patriotic Youth League (referred to as the 'Youth League'), the General Federation of Trade Unions of North Korea (referred to as the 'Trade Union'), the Union of Agricultural Workers of North Korea (referred to as the 'Agricultural Workers' Union'), and the Socialist Women's Union of North Korea (referred to as the 'Women's Union').

In North Korea, organizational life begins with joining the Children's Union in the second grade of primary school at the age of seven. The Children's Union is a youth organization managed by the Youth League²²¹ and comprises students from primary to junior secondary school. Once individuals enter senior secondary school, they transition to the Youth League. After graduating from secondary school and being assigned to a workplace, they become members of the Youth League in their respective workplaces until the age of thirty. If they are granted membership in the Workers' Party, they cease to be members of the Youth League. Men over

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²²¹ According to the 'Encyclopedia of Korean Culture' published by the Academy of Korean Studies, the Socialist Patriotic Youth League in North Korea is a affiliated organization of the Workers' Party. It was formed through the merger of the North Chosun Democratic Youth League (1946) and the South Chosun Democratic Youth League (1951). Over the years, it underwent several name changes: from the Chosun Democratic Youth League (1951) to the Socialist Labor Youth League (1964), then to the Kim Il Sung Socialist Youth League (1996), followed by the *Kimilsungism-Kimjongilism* Youth League (August 2016), and finally to the Socialist Patriotic Youth League (April 2021).

the age of 30 who have not joined the Workers' Party join the Trade Union or Agricultural Worker's Union. Women working in workplaces join the Trade Union or Agricultural Worker's Union, while married women who become full-time housewives are enrolled in the Women's Union. Compulsory membership in these organizations typically continues until the age of 60 for men and 55 for women. When individuals reach that age, they become eligible for the pension system. However, there have been statements that women in the Women's Union remain as members until the age of 70. The entire process of joining and terminating membership is carried out automatically, without regard to personal intent, through administrative procedures such as workplace assignment or marriage registration. It was commonly testified that withdrawal based on personal intent is not possible.

"No one wants to be a member of the Women's Union. Membership is automatic. Due to the excessive burden on its members, no one wants to be a part of it. There is no separate membership process, and all married women automatically become members of the Women's Union when they register their marriage. That's why I became a member when I registered my marriage in 1991."

The most challenging issue in the activities of organizations that individuals were obligated to join was the assignment of tasks, control, and disadvantages imposed on members. There were several obligations imposed on members, including various material contributions, mobilization of labor, participation in

lecture sessions and study sessions, and *saenghwal chonghwa* (life review sessions). The Youth League manages various material contributions, including '*kkoma gyehoek*' (Children's Assignment),²²² at the school level. As part of this, students were required to submit items such as rabbit pelts, scrap metal, scrap rubber, used paper, scrap aluminum, or pay the corresponding amount of money on a monthly basis. In the Women's Union of full-time housewives, there were yearly assignments for contributions that involved items such as rabbit pelts, work gloves, dried wild vegetables, and oil-producing crops. If needed, additional contributions in the form of goods or cash were also required. The mobilization of labor enforced by the Women's Union was found to be a substantial burden for its members. In areas where large-scale construction projects were underway, Women's Union members were mobilized to work at construction sites for several days. This group was referred to as the 'Women's Union *dolgyeokdae* (Shock Brigade).' In cases where participation in various mobilization activities was challenging for Women's Union members, they were organized into a *Suikkeumjo* (Profit Unit) and required to contribute a predetermined amount of money to the Women's Union on a monthly or yearly basis. It appears that organizations are also responsible for mobilizing workers affiliated with the workplace to the *dolgyeokdae*

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²²² '*Kkoma gyehoek*' (Children's Assignment) refers to a plan established by members of the Children's Union, where they set goals for engaging in good deeds and carry out activities to achieve those goals. North Korea's Social Science Publishing House, Chosun Language Dictionary, Vol. 4, 2017, p. 488.

(shock brigade). As a result, the Youth League of the workplace conducted inspections to detect unauthorized absences and non-payment of profits. In some cases, individuals who were caught during the inspections were mobilized to join the *dolgyeokdae* (shock brigade). According to the testimony, there was a labor shortage in Samjiyon City, and as a result, the regional Youth League was assigned the task of mobilizing additional members for the *dolgyeokdae* (Shock Brigade). Furthermore, there was a case where a worker from a workplace was deployed to the *dolgyeokdae* for a year. As per the testimonies collected, lectures and study sessions were primarily held every Saturday right after the *saenghwal chonghwa* (life review session). In these sessions, Kim Jong Un's teachings and directives, which were gathered on a three-month basis, were presented. The members of the organization were required to transcribe the content, and failure to do so properly could result in criticism. It was revealed that the organization exercised control over its members through conducting *saenghwal chonghwa* (life review session) on material contributions, mobilization of efforts, and participation in lecture sessions and study sessions. *Saenghwal chonghwa* consisted of weekly, monthly, quarterly, and annual meetings, where self-criticism and criticism of others took place. More details on *saenghwal chonghwa* can be found in the section regarding the Right to Privacy.

"Until 2019, we received ideological education in the form of lecture sessions every Saturday after the *saenghwal chonghwa* (life review

session) at the workplace. Our main task was to listen to Kim Jong Un's teachings and directives and take notes in an 'Ideological Notebook.' The messages and directives given by Kim Jong Un over a three-month period were gathered and presented during the weekly lecture sessions. The ideological notebooks were subject to inspection on a quarterly basis, and if it was found that the note-taking was not done properly during the inspection, it was considered ideologically problematic, leading to disadvantages in the workplace such as exclusion from overseas assignments."

The control and disadvantages imposed on members of organizations were carried out in the form of criticism and punishment. It appears that the Youth League is assigned the responsibility of critiquing and disciplining senior secondary school students. If a student member of the Youth League was found to be engaging in wrongdoing or caught during lifestyle inspections, the Youth League has the authority to enforce disciplinary measures, including issuing reprimands and conducting what is known as an ideological struggle. Ideological struggle typically refers to a process where a student publicly reflects on their wrongdoing and faces public criticism in front of the entire student body. If someone becomes the subject of an ideological struggle, the Youth League has the authority to administer punishment. The punishment is a form of disciplinary action that involves revoking the membership of the Youth League and demoting individuals to candidate members. During the period of punishment, it was reported that individuals were not allowed to enlist in the military or pursue higher education. Additionally, they faced

discrimination in job placements. Additionally, disciplinary actions were also imposed on overseas dispatched workers who were under the control of their respective organizations. There were instances where some workers were discovered to possess prohibited smartphones and were found watching South Korean movies. As a result, they faced public ideological struggle and were forcibly repatriated to North Korea for investigation.

12. Right to Political Participation

The Universal Declaration of Human Rights provides in Article 21 that everyone has the right to take part in the government of his country, directly or through freely chosen representatives, and the will of the people shall be the basis of the authority of the government. Additionally, Article 25 of the ICCPR guarantees that every citizen has the right to participate in elections through direct, universal, and equal suffrage, using a free and secret ballot. It also ensures the right to participate in political affairs directly or through freely chosen representatives, without any distinctions or unreasonable restrictions. In this regard, the UN Human Rights Committee clarifies that this participation is supported by ensuring freedom of expression, assembly and association.²²³ The Committee also highlights that such elections must be held at intervals that are not unduly long, and the right to vote in elections must be established by law and subject only to reasonable restrictions.²²⁴ Regarding the right to stand for

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²²³ UNHRC, CCPR General Comment, No. 25: Article 25 (Participation in public affairs and the right to vote), paras. 8, 12.

²²⁴ UNHRC, CCPR General Comment, No. 25: Article 25 (Participation in public affairs and the

election, the Committee explains that any limitations on this right must be justified by objective and reasonable criteria.²²⁵

The North Korean Socialist Constitution of 2019 provides that residents exercise their sovereignty through the Supreme People's Assembly and local people's assemblies at all levels, which serve as their representative organs.²²⁶ It also specifies the right of residents to vote and stand for election.²²⁷ Furthermore, the North Korean Constitution stipulates that the representative organs at all levels, ranging from county People's Assemblies to the Supreme People's Assembly, are elected based on the principles of universal, equal, and direct suffrage by a secret ballot.²²⁸ The Law on Election of Deputies to People's Assemblies at All Levels also establishes the principles of universal, equal, and direct elections, as well as secret ballots.²²⁹

A. Compulsory Participation in Elections

The UN Human Rights Committee clarifies that an independent electoral authority should be established to supervise the electoral

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right to vote), paras. 9, 10.

²²⁵ *Ibid.*, para. 15.

²²⁶ The Socialist Constitution of 2019, Article 4.

²²⁷ The Socialist Constitution of 2019, Article 66.

²²⁸ The Socialist Constitution of 2019, Article 6.

²²⁹ The Law on Election of Deputies to People's Assemblies at All Levels (2020), Articles 2 to 5.

process and to ensure the fairness and impartiality of elections.²³⁰

The Law on Election of Deputies to People's Assemblies at All Levels of North Korea stipulates detailed provisions on the determination of electoral districts, composition of the election commission, preparation of voter lists, nomination of candidates, voting procedures, and certification of election results.

There have been numerous testimonies indicating that North Korean residents must participate in elections without any exceptions, as voting is considered a 'civic duty' in North Korea. The North Korean authorities view the act of not participating or being omitted during the voter registration and election process as a severe deviation from the norm. Consequently, individuals who do not vote are evaluated as not being part of the community, and even homeless individuals, known as '*kkotjebi*,' are strongly compelled to participate in the elections. Additionally, the testimonies also reveal that residents perceive elections not so much as a right but as a means of control. This is because elections are viewed as an opportunity for the authorities to conduct practical census and gather information about movements or defections. As a result, the election period is considered inconvenient for the general population, leading to minimal interest in the elections or the elected representatives.

According to testimonies collected, the voter list is created by residents directly writing the names of all household members on

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²³⁰ UNHRC, CCPR General Comment, No. 25: Article 25 (Participation in public affairs and the right to vote), para. 20.

the form provided by the head of the *inminban* to each household.²³¹ The required information includes the name, place of birth, workplace name, position, and the number of the citizen identification card called ‘Gongminjeung.’ The compiled household list, along with the citizen identification cards, is submitted to the Ministry of Social Security branch. The completed voter list is then displayed at the respective polling stations approximately 10 days before the election to address any omissions or discrepancies. Three days before the election, the photos, names, and brief biographies of the candidates are posted.²³² On the day before the election, the citizen identification cards submitted to the Ministry of Social Security branch are returned. The citizen identification cards are distributed with a voter registration number attached to them, or separate election registration cards are issued.

The head of the *inminban* advises residents to refrain from travelling prior to the election, as the voter register is used to confirm their actual residence at the stated addresses. If it is necessary to travel on the day of the election, individuals should inform the Election Committee of their cause and destination of travel, and obtain a ‘Election Travel Permit.’²³³ This document is transferred from the voter’s residential constituency to the constituency near their destination, resulting in the removal of

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²³¹ The Law on Election of Deputies to People’s Assemblies at All Levels (2020), Article 28 to 32.

²³² The Law on Election of Deputies to People’s Assemblies at All Levels (2020), Article 47.

²³³ The Law on Election of Deputies to People’s Assemblies at All Levels (2020), Article 33.

their name from the original voter register.²³⁴ It is highly unlikely for the document holders to miss an election due to the advanced transmission of their registration information from the voter's home electoral district to the electoral district near the destination.

Polling stations have been found to be installed up to ten days before the election, using funds collected from residents. This demonstrates a contradiction with the provision in Article 6 of the Law on Election of Deputies to People's Assemblies at All Levels (2020), which specifies that election expenses are covered by the state. The collected testimonies reveal that there is a separate enclosed space called 'voting booth' within polling stations. Inside the voting booth, portraits of Kim Il Sung and Kim Jong Il are hung on one side of the wall, and below them, there is a desk, a ballot box, and writing utensils. Depending on the polling station, slogans such as "Let's all vote in favor" may also be displayed.

The voting process typically takes around three to five hours and generally concludes before noon. Movement to the polling station is usually organized by *inminban*. The head of the *inminban* verifies the participation of residents to ensure that all individuals listed in the voter register have cast their votes. During voting process, residents are required to bring their civil identification card and election registration card. Individuals without an identification card can obtain a temporary identification card

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²³⁴ The Law on Election of Deputies to People's Assemblies at All Levels (2020), Article 34.

on the day of the election from the social security department after their information has been confirmed. In the cases of voting by the elderly, individuals with disabilities, and patients with limited mobility, the election commission arranges visits to each household with a ‘mobile ballot box.’²³⁵

Inside the polling station, election commission members verify the identification card, compare it with the voter register, and distribute the ballot papers. In North Korea, the election for deputies is determined by voting for or against a single candidate. Not marking anything on the ballot paper indicates support, while drawing a line across the candidate’s name indicates opposition.²³⁶ According to the consistent testimonies collected, residents, upon receiving the ballot paper, enter the voting booth and simply put the paper directly into the ballot box, completing the voting process.

“I participated as a voter in the deputies’ election held in March 2019. The election was conducted in a coercive manner, where everyone was required to participate and put their vote in favor without exception. So all we did was put our ballot paper into the box as a sign of support. We had no knowledge of whom we were voting for, and there was no opposition to the candidate. We couldn’t even fathom voting against the candidate. Non-participation in the election was seen as betrayal, so everyone had to participate. Even those who had relocated had to obtain a temporary certificate and participate in the voting. The candidate didn’t even need to run a campaign to secure his victory.”

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

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

B. Violation of the Principle of Direct and Secret Voting

Article 25 of the ICCPR stipulates that every citizen shall have the right to take part in the conduct of public affairs, directly or through freely chosen representatives. According to General Comment No. 25 of the Human Rights Committee, where a mode of direct citizen participation is established, no unreasonable restrictions should be imposed.²³⁷ The Committee also emphasizes that voters should be free from any kind of violence or threat of violence, compulsion, inducement or manipulative interference.²³⁸ The Committee further highlights the need to take measures to guarantee the conditions for secret voting during elections including absentee voting, where such a system exists.²³⁹ Additionally, it clarifies that 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.²⁴⁰

The North Korean Law on Election of Deputies to People's Assemblies at All Levels stipulates that all citizens aged 17 and older have the right to vote, allowing them to directly cast one vote in each election.²⁴¹ It also states the principle of secret voting, which

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²³⁷ UNHRC, CCPR General Comment, No. 25: Article 25 (Participation in public affairs and the right to vote), para. 6.

²³⁸ *Ibid.*, para. 19.

²³⁹ UNHRC, CCPR General Comment, No. 25: Article 25 (Participation in public affairs and the right to vote), para. 20.

²⁴⁰ *Ibid.*, para. 20.

²⁴¹ The Law on Election of Deputies to People's Assemblies at All Levels (2020), Articles 2 to 4.

prohibits the requirement of disclosing whether a voter voted in favor or against and prohibits any form of pressure or retaliation related to voting.²⁴² Specifically, the law mandates the installation of voting booths to ensure the secrecy of the vote, with only the voter allowed to enter and no one else permitted to peek into the voting booth.²⁴³ According to Article 64 of the same law, voting is conducted using anonymous ballots.

At the same time, North Korea permits proxy voting, allowing individuals who are unable to vote directly to designate someone else to vote on their behalf.²⁴⁴ One North Korean defector testified that he accompanied his parents with visual impairments to the polling station and cast their votes on their behalf. Another defector recounted that when she was unable to vote due to being outside her place of residence on the day of the election, the head of the village office cast a proxy vote for her. Similar instances have been documented in relation to the use of mobile ballot boxes. In circumstances where it was challenging to personally place the ballot paper into the mobile ballot box, family members placed the ballot paper into the box on their behalf.

The Law on Election of Deputies to People's Assemblies at All Levels warrants the secrecy of the vote by implementing measures such as anonymous voting and restricting access to

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²⁴² The Law on Election of Deputies to People's Assemblies at All Levels (2020), Article 5.

²⁴³ The Law on Election of Deputies to People's Assemblies at All Levels (2020), Article 56 and Article 65.

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

the voting booth only to the voter, prohibiting anyone else from peeking inside. However, contradictory testimonies have been collected regarding the possibility of identifying voters through the ballot paper. Some individuals testified that the ballot paper size was approximately 8cm × 12cm and only included the names of candidates, making it impossible to identify the voters. On the other hand, there are testimonies stating that the ballot papers of individuals who were forcibly repatriated differed from those of ordinary residents. Regarding the visibility of a voter's choice, either for or against, conflicting testimonies have also been collected. According to several testimonies, the voting booths within polling stations were covered with curtains, and inside, there was a ballot box and writing tools. Only one voter was allowed inside the voting booth at a time, and the interior was shrouded with tents or curtains, preventing visibility from the outside. Meanwhile, several instances have been documented where the secrecy of the vote was not guaranteed. One defector testified that election management officials could observe the placement of ballot papers in the ballot box during the voting process. Another defector revealed that during her participation in the Supreme People's Assembly election that took place in March 2019, she witnessed the head of *inminban* monitoring the insertion of ballot papers into the ballot box at the entrance of the voting booth. Particularly, when using the "mobile ballot box" for voting, it was discovered that voters were unable to cast a negative vote as they had to cast their votes in the presence of the election management official who carried the mobile ballot

box. Furthermore, some testimonies have been collected stating that it was possible to speculate on how the voter cast their vote. In North Korea, the methods for indicating approval or disapproval during elections differ.²⁴⁵ According to of the Law on Election of Deputies to People's Assemblies at All Levels (2020), no mark is made to indicate approval, whereas a horizontal line is drawn across the candidate's name to indicate disapproval.²⁴⁶ Testimonies have indicated that this voting method allows for an estimation of whether the voter expressed approval or disapproval based on the duration of time spent inside the voting booth.

The Law on Election of Deputies to People's Assemblies at All Levels of 2020 prohibits the instigation of opposition voting, abstention, and election disruption during election campaigns.²⁴⁷ As per the collected testimonies, it has been revealed that North Korea organizes singing groups called "Gachangdae," consisting of secondary school students, to conduct election encouragement campaigns that extend beyond mere encouragement. These singing groups have been found to exert pressure for approval voting through slogans such as "Everyone supports the election" and "Let's all vote in favor of the election together." Additionally, slogans displayed at the entrances or inside and outside the election precincts, such as "Let's all vote in favor," bear a resem-

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

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

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

blance to the slogans that the singing group chants.

In most testimonies, there were no instances of witnessing or hearing about cases where opposition voting occurred. There was only speculation that those who engaged in opposition voting would face punishment. The common thread among testimonies collected was that North Korean residents refrained from opposition voting because they believed it has no benefits but only possible disadvantages.

“I participated as a voter in the election of deputies in March 2019. I had no choice but to participate. Refusing to participate would be considered a challenge to the Party and result in punishment as a reactionary. The head of *inminban* urged *inminban* members to participate in the election. There was no election campaign, so we simply voted for the candidates and placed the ballot in the ballot box. Opposition voting or abstaining was completely impossible. We were not provided with any writing tools; we only received the ballot paper and once we placed it in the ballot box, it was done.”

C. Restrictions on the Right to Stand for Election

The Human Rights Committee emphasizes that any restrictions on the right to stand for election must be reasonable,²⁴⁸

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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.

and should be prescribed by law.²⁴⁹ No person should suffer any form of discrimination or disadvantage due to their candidacy.²⁵⁰

North Korea specifies in the Law on Election of Deputies to People's Assemblies at All Levels (2020) that there is no limitation on the number of candidates that can be registered for a constituency.²⁵¹ If multiple candidates receive an equal number of votes, it is considered a situation without an elected candidate.²⁵² These provisions are based on the premise that multiple candidates can exist. Moreover, candidates for deputies of people's assemblies at all levels can be recommended directly by residents (voters) or jointly or independently recommended by political parties or social organizations, without imposing limitations on candidate recommendations.²⁵³ The report of the North Korean Association for Human Rights Studies (2014) also states that candidates for elective office are recommended directly by residents or jointly or independently recommended by political parties or social organizations.

In practice, however, the collected testimonies reveal that the recommendation of candidates for deputies under the Law on Election of Deputies to People's Assemblies at All Levels

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249 *Ibid.*, para 15, Persons who are 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.

250 UNHRC, CCPR General Comment, No. 25: Article 25 (Participation in public affairs and the right to vote), paras. 17–18.

251 The Law on Election of Deputies to People's Assemblies at All Levels (2020), Article 42.

252 The Law on Election of Deputies to People's Assemblies at All Levels (2020), Article 74.

253 The Law on Election of Deputies to People's Assemblies at All Levels (2020), Article 35.

cannot be done by ordinary residents or organizations. There were testimonies that the municipal or county party committee recommends individuals who meet specific criteria to become candidates for county people's assembly deputies. These criteria include factors such as age, membership in the Workers' Party, and background. Furthermore, there have been testimonies that once someone is selected as a candidate, their election is certain.

"Candidates for deputies are selected by the municipal or county party committee based on specific criteria. For female candidates, the criteria include age, worker-class status, affiliation with government agencies, and party membership. The Department of Deputies, which operates under the municipal People's Committee, establishes the qualifications for deputies and publicly announces them, and then candidates who meet these qualifications are selected from state-owned enterprises and other organizations. The most important factor considered is party membership, followed by whether the individual is a working woman. Once recommended as a candidate for deputies, their election has been decided, so they don't have to do anything special."

13. Right to Equality

Article 7 of the Universal Declaration of Human Rights states, “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.” Similarly, Article 26 of the ICCPR guarantees the right to equality before the law and equal protection of the law without any discrimination. It also specifies that the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds.

Similar to the ICCPR, the Socialist Constitution of North Korea stipulates that “Citizens have equal rights in all aspects of social and public life,” ensuring the enjoyment of rights without discrimination.²⁵⁴ However, North Korea categorizes all residents into the so-called ‘*songbun* (background),’ which is an important criterion for determining social status and a source of discrimination.

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²⁵⁴ The Socialist Constitution of 2019, Article 65.

A. Social Class in North Korea

It is known that North Korea classifies its residents based on their *songbun* and class. A resident's *songbun*²⁵⁵ consists of 'origins-based Songbun (family background)' and 'social-based *songbun* (social background).' 'Origins-based *songbun*' serves as a class foundation and is determined by the socio-political life background of one's parents from birth until the one enters society. 'Social-based *songbun*' refers to the classification determined by one's occupation and social class relationships after starting their social life.²⁵⁶ Since the late 1950s, it is known that the North Korean authorities have conducted multiple classification surveys to determine the *songbun* of individual residents. Residents were categorized into three main classes: the core class, the wavering class, and the hostile class, along with fifty-one subcategories. Based on this classification system, it is known that since the 1990s, the North Korean authorities have classified their *songbun* and class into three primary classes.²⁵⁷

255 The term 'Songbun' refers to the social classification of individuals based on their social differences, which are determined by social class relations. It is the classification of individuals based on their background, occupation, and social experiences, aiming to identify which class ideology has a significant influence and dominates their mindset. (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, p. 113, 120.

257 According to the 'Encyclopedia of North Korea' and the 'Collected Works of Kim Il Sung,' the term 'basic masses (basic class)' refers to the fundamental force in the revolutionary movement, composed of workers and farmers. This class includes revolutionaries, war participants, children of revolutionaries (referred to as 'young reds'), and discharged soldiers. The term 'complex masses' refers to individuals with complex family and social-political backgrounds, including those from South Korea or returnees from abroad. The term 'remnants of the hostile class' refers to the remnants of the exploiting class that were liquidated after

the basic masses, complex masses, and remnants of the hostile class. Below these three classes, there are fifty-six subcategories and an additional twenty-five *songbun* classifications.²⁵⁸

The twenty-five *songbun* classifications appear to be based on the type of work individuals are engaged in, and the criteria for classification seem to include factors such as past occupations, wealth accumulation, and identity. Since the *songbun* system was introduced in 1957 and the Resident Re-registration Survey Project was conducted from 1966 to 1967, some of these categories may not currently be applicable due to changes in North Korea over the years. Among these, it appears that *songbun* categories such as laborer, farmer, farm worker, soldier, student, and office worker are still being employed in North Korea. Three main classes and fifty-six subcategories, based on these classifications, appear to form the foundation for determining the daily discrimination experienced by North Korean residents.

According to the collected testimonies, the *songbun* and class in North Korea are recorded in the Residents' Register. While many residents are aware of their own origins-based and social-based *songbun*, it is often noted that they are unaware of how the authorities perceive their class and subcategory, as documented in the Residents' Register. The Residents' Register is compiled by the

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the socialist revolution in North Korea. (North Korean Encyclopedia Publishing Company, 'Encyclopedia of North Korea', 1996, p. 3, 11, 16; 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.

Civil Registration Division of the social security department at the city or county level with the purpose of collecting information about residents' circumstances. Testimonies have indicated that in North Korea, these background checks are considered essential for the recruitment of cadres due to the significance of their *songbun*. The Residents' Register appears to be organized based on household units, and the recorded information includes personal details such as the householder's date of birth, detailed employment history, as well as the birth and overall history of the householder's parents, along with other details such as *todae* (family background) or specific family circumstances. Additional information is recorded for each individual within the household up to the fourth degree of relationship. This information includes the individual's relationship with the householder, date of birth, place of residence, family relationships, education, occupational changes, and recent developments, including administrative punishments. North Korean residents do not have personal access to or the ability to view their own Residents' Register data, and the majority of residents are unaware of the information recorded in the register. Only provincial and municipal party cadres, state security officers, and human resources personnel from major institutions who require knowledge of the residents' background can access and review the Residents' Register. If residents have valid reasons such as job relocation, change of residence, or marriage/divorce registration, they can formally request modifications through the social security office in their place of residence. However, changing one's family background

(*todae*) is not easy, as it undergoes an annual inspection known as the ‘Residents’ Register Inspection.’ Additionally, there were testimonies indicating the existence of separate registers for cases involving missing household members or individuals with negative backgrounds, such as South Korean Prisoners of War (POWs).

“In North Korea, I believe that *songbun* (background) is highly important for things like recruiting cadres. Residents are aware that their background information is created and maintained in the Residents’ Register, but they are not allowed to access or view them. Most residents are unaware of the specific contents recorded in the register. If they believe they have been disadvantaged due to their *songbun*, they may be curious, but are unable to see it. Occasionally, individuals who have faced discrimination based on their background may bribe a social security officer to modify their records.”

B. Discrimination

The UN Commission of Inquiry (COI) on Human Rights in North Korea states in its 2014 report that ‘*songbun*’ is the key factor determining the course of every North Korean from birth, and that decisions regarding residency, occupation, access to food, healthcare, education, and other services are contingent upon one’s *songbun*.²⁵⁹ Additionally, the COI mentioned that

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²⁵⁹ UN Doc. A/HRC/25/CRP.1 (2014), para. 271.

songbun determines eligibility for military service, college admission, and membership in the Workers' Party.²⁶⁰ Individuals with a lower *songbun* are often assigned to jobs in mining and farming, and their descendants are frequently excluded from higher education opportunities. The COI also states that *songbun* appears to play a crucial role in the consideration of punishments for criminal offenses, with individuals of lower *songbun* receiving harsher penalties.²⁶¹

(1) Residential and Regional Discrimination

North Korean residents do not have the freedom to choose their place of residence; instead, their location is 'assigned' to them. Typically, they continue to live in the same place as their parents until they become adults. Only major life events such as changing careers or getting married can potentially result in a change of residence. *Songbun* determines whether an individual's place of residence is in Pyongyang, the provinces, urban areas, rural areas, or on the islands. The origins-based *songbun* of an individual is determined by the social *songbun* of their grandparents or parents, and as a result, the location where the grandparents or parents resided plays a crucial role in determining the person's place of residence. If the grandparents or parents of an individual resided in rural areas as farm workers

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²⁶⁰ *Ibid.*, para. 277.

²⁶¹ *Ibid.*, para. 280.

or in mining regions as miners, it is highly probable that their children will likewise be assigned a place of residence in rural or mining areas. Similarly, if grandparents or parents worked in state-owned enterprises in Pyongyang, it becomes highly likely that their children will also reside in Pyongyang. The likelihood of residence being determined by *songbun* implies that there is minimal potential for changes in the future. In the 1990s, a directive known as ‘No. 410’ was implemented,²⁶² which mandated that the offspring of farm workers who became non-farm workers should return to rural areas even if only one parent had a farming background. These measures reinforce the role of *songbun* in determining residency. Recent findings indicate that measures still exist to ensure that individuals with a farming family background are systematically assigned to work on farms.

Pyongyang is strictly distinguished from other regions. Migration from the provinces to Pyongyang is restricted, while numerous benefits are offered to the citizens of the capital. Individuals who possess a ‘Pyongyang Citizen Card’ do not require a separate travel permit when traveling to other areas, except for the border region. There was a testimony that individuals with a Pyongyang Citizen Card can travel as far as to near the city of Chongjin in North Hamgyong Province. Pyongyang citizens are

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²⁶² According to the testimony collected, ‘Directive No. 410’ was issued by Kim Jong Il on April 10, 1995, and it appears to be related to ‘*songbun*.’ Those who were previously farmers were forced to engage in farm work, and if one spouse was from a farming background, then the entire family, including the spouse and children, would be designated as farmers. In Pyongyang, the areas targeted by ‘Directive No. 410’ are reportedly Ryongsong District, Sunan District, Ryokpo District, and some parts of Nakrang District, and residents in these areas are not allowed to work or reside in the central zone.

only required to undergo identity verification by comparing their Pyongyang Citizen Cards and actual faces during random inspections at checkpoints, without having their luggage or belongings searched. At the entrance and exit of Pyongyang, there is a checkpoint known as 'Guard Post No. 10.' Testimony indicates that there is a significant difference in the level of inspection conducted between Pyongyang citizens and residents from other regions. Food rations are another advantage that Pyongyang enjoys compared to other areas. Testimony indicates that rations were distributed to a certain extent to Pyongyang citizens until recently. Additionally, Pyongyang citizens have greater advantages in terms of healthcare services compared to residents from other regions, as they have convenient access to medical facilities such as the 'Central Hospital' and specialized hospitals located in Pyongyang. As a result, there have been individuals who give bribes to social security officers in order to obtain forged Pyongyang Citizen Cards. Those who acquire these forged cards tend to reside in surrounding areas like Mangyongdae District rather than the central area of Pyongyang. They regularly provide bribes to the head of the *inminban* (People's Watch Unit), relevant social security officers, and state security officers to evade detection. Testimonies have indicated that in response to the growing incidents of forgery or alteration of Pyongyang Citizen Cards, there is a regular replacement of these cards every few years. The reasons cited for this practice are primarily related to capital defense and security concerns.

On the other hand, it has been found that discrimination exists

among residents of Pyongyang based on their residential areas,²⁶³ specifically targeting a group known as the ‘No. 410 Targets.’ The ‘No. 410 Targets’ refer to citizens residing in the outskirts of Pyongyang, including Taesong District, Sadong District, Tongil Street, and Mangyongdae District. These individuals are not assigned to work in the central area and are restricted from relocating their residence to the central region. Moreover, they are not provided with goods that are allocated to the central area. Testimonies indicate that these measures in Pyongyang were implemented after the period of the ‘Arduous March’ (Great Famine). It has also been stated that ‘No. 410 Targets’ are subjected to various discriminatory measures, including exclusion from food distribution and public transportation benefits.

Another form of residential discrimination based on *songbun* is forced relocation. There have been instances where individuals convicted of crimes and their families were forcibly relocated from downtown areas or specific regions such as Pyongyang and Samjiyon. In one case, a citizen of Pyongyang who completed his penal servitude (reformation through labor) and was released from a prison camp (*kyohwaso*) was already subjected to expulsion to North Pyongan Province. Similarly, in another case, a resident from the City of Samjiyon in Ryanggang Province, upon completing her penal servitude (disciplining through labor) and

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263 Article 31 of the Law for the Management of Pyongyang (2014) stipulates that “citizens who intend to reside in the central area from the surrounding areas or from other regions must obtain residence approval from the relevant institution.” This indicates that there is a distinction between residing in the surrounding areas of the capital and residing in the central area.

being released, was considered ineligible to continue living there due to her previous conviction. This was because Samjiyon is the hometown of Kim Jong Il, and ex-convicts were not allowed to reside there, resulting in her expulsion to nearby areas.

“Pyongyang residents face discriminatory treatment regarding job allocation and food distribution, which is determined by their place of residence categorized as the ‘central zone’ and the ‘surrounding zone.’ They refer to this situation as being ‘caught in No. 410.’ The central zone includes Jung (Central), Moranbong, Taedonggang, and Sosong districts, while the surrounding zone encompasses Ryongsong, Hyongjesan, and parts of Taesong Districts. Individuals residing in the surrounding zone are not eligible for employment in the central zone, and there are disparities in the supplies provided between the two zones. In order to obtain a Pyongyang Citizen Card as a resident from a different region, one must reside in Pyongyang, and non-residents are strictly prohibited from obtaining it. It is challenging for residents from other regions to relocate to Pyongyang. However, in certain cases, women can become eligible for residency in Pyongyang by marrying a man from the city, and if individuals from other regions serve as military officials in Pyongyang, their families are also permitted to reside there.”

(2) Discrimination in College Admission

Discrimination based on *songbun* in college admissions is associated with the college admissions process. It seems that there are three main steps to enter college after completing secondary school. The first step involves a nationwide examination conducted for recommendations. These examination results are then ranked at the city and county level. Finally, college entry

recommendations are made based on these examination scores and the students' *songbun*. Recommended students have to take another examination at their respective colleges, and admission decisions are made based on the results. The number of recommended students varies by region, and it has been found that *songbun* is more important than academic performance. The eligibility to take the final university examination is limited to those who have received a recommendation. Therefore, recommendations play a more significant role than individual exam scores. The recommendation process is handled by the Education Department of the local People's Committee. There was testimony stating that the director of the Education Department at the local People's Committee informed a student, who was in the process of preparing for college entrance, that they would not be able to enroll in college due to a missing family member. In another case, two grandsons were excluded from being recommended for college entrance because their grandfather was from South Korea.

In some cases, soldiers who have completed their military service are deemed eligible for college recommendation, and their admission is based on recommendations from the military authorities and the People's Committee, without the need for any examination. It has been observed that factors such as *songbun*, social class, and category of the soldier's parents play a significant role in the college admission recommendation process. In one instance, a soldier who finished his military service in Pyongyang after graduating from secondary school received a recommen-

dation for admission to a college in Pyongyang. However, his recommendation was subsequently revoked on the grounds that he was the son of farmers, rendering him ineligible to enroll in a college in Pyongyang. Furthermore, children of farmers either faced blanket restrictions on college admission or were limited to specialized agricultural schools where they would be assigned to farms even after graduation. On the other hand, there have been testimonies indicating that the departments and officials responsible for college recommendations within the People's Committee accepted bribes in exchange for providing recommendations. The head of the Education Department in the local People's Committee, who wielded significant authority in college recommendations, was stated to have regularly accepted bribes. It was also stated that a bribe of over CN¥10,000 was required to secure a recommendation for admission to a medical university.

"In 2018, I was preparing for university entrance exams, while pursuing admission to a medical university. Before the university application process began, there was a procedure to meet with the director of the Education Department in the local People's Committee. During that meeting, the Education Department director told me, "It will be difficult for you to attend university because your mother is missing." Upon hearing that, I gave up on pursuing a university education. The Education Department director's recommendation was crucial for students to qualify for university entrance exams, and his authority was significant. Giving bribes to receive the recommendation from the Education Department director was common practice, and to receive a recommendation for admission to a medical university, a bribe of approximately CN¥15,000 was required."

(3) Workplace Discrimination

In North Korean society, it has been found that one's occupation is determined based on one's *songbun*, and changing jobs or career paths is extremely difficult. Furthermore, individuals may face disadvantages in promotions due to their *songbun*. Family members of individuals from South Korea are restricted from holding positions as cadres, law enforcement workers such as state security officers, social security officers and prosecutors, or administrative officials. Similarly, children of farm workers are not allowed to work as laborers. For ordinary residents, their occupation and career path are determined based on their *songbun* and social class upon graduating from senior secondary schools. It appears that firstly, the decision of whether to enter the workforce, pursue university education, or join the military is determined by one's *songbun* and social class. The decision to enter the workforce is made by the labor department of the People's Committee, where the most important criteria are one's *songbun* and social class. Specifically, children of farmers and miners have limited opportunities for being assigned to other occupations beyond their parent's professions. Unless they pursue university education, they will not be assigned to different professions. Even if they enroll in college, they are ultimately directed to work on farms after graduating from agricultural colleges or specialized agricultural schools. The same restrictions apply to the children of miners, impeding their mobility to diverse occupations. One North Korean defector

testified that he aspired to enter a political college to become a state security officer but was unable to do so because his grandmother was from South Korea. Additionally, there have been cases where children of farmers, upon graduating from senior secondary schools, were assigned to the same farms as their parents. Similarly, there have been instances where children of miners were assigned to the same mines as their parents. On the other hand, there have been testimonies suggesting that children of farmers or miners could secure placements in different workplaces through the use of money or connections. There was a case where an individual, who did not wish to be assigned to a farm, managed to gain admission to a specialized school and ultimately became a laborer through bribery.

On the other hand, in cases of forced job changes resulting from the authorities' directives or policies, the criteria for such changes were based on an individual's *songbun* (social classification) and class. In the mid-1990s, there was a case where a child of a farm worker was forcibly transferred to a collective farm under Directive No. 410. In 2019, there was another directive to send individuals with rural connections back to rural areas. This directive also required the children of farmers who had become laborers to return to farming, and there was a testimony that this directive led to the forced transfer of a laborer back to their father's farm. If a farm worker wishes to switch to a different occupation, it is possible by offering bribes to the labor department of the local Rural Management Committee. However, it was also mentioned that many farm workers cannot afford

this, which makes job transfers difficult for them.

Discrimination based on one's *songbun* has also been found in promotions. It includes cases where returnees from Japan to North Korea were unable to be promoted to managerial positions even if they became law enforcement workers, as well as cases where individuals were excluded from promotions due to their parents being from South Korea or being identified as family members of North Korean defectors. There was testimony stating that an individual, whose father served in the North Korean military during the Korean War, was unable to get promoted within his affiliated organization due to his father being from South Korea. Another defector testified that despite graduating from an agricultural college, he couldn't advance to a higher position on the collective farm because his father did not participate in the Korean War and instead engaged in business, which had a negative impact on his background. There was also a case where an individual made it onto the promotion list but was later informed that promotion was not possible due to the defection of his wife's sister.

"My grandfather on my mother's side was from South Korea. He came to North Korea and joined the North Korean military during the Korean War. His children faced discrimination because of their father's South Korean origin. Although it has decreased compared to the past, there is still discrimination based on one's family background. In 2018, my uncle, who was working at a seismological observatory, attempted to get promoted but was unable to do so because of his father's background."

(4) Other Discrimination

Family Members of North Korean Defectors

Family members of North Korean defectors are classified as ‘complex masses’ or ‘complex class,’ and there were testimonies stating that North Korean authorities classify them as ‘No. 111 Subject.’ These family members have been reported to face discrimination, including being deprived of opportunities for university admission, exclusion from the Workers’ Party, restrictions on job choices and military enlistment.

In some cases, inquiries are conducted into the remaining family members of defectors, leading to their temporary detention by local state security departments for several days. Discrimination has also been identified in terms of restrictions on admission to higher-level schools, job placements, promotions, forced discharge, and the inability to enlist in the military. Additionally, there was a case where an individual, who was placed in a job after completing his military service, was received a notification from the workplace stating that he could not be accepted the workplace due to his parents’ defection, with the reason being that the workplace would be held liable for potential successive defections. In another case, an individual was denied a promotion at a People’s Committee-affiliated organization because his wife’s cousin had defected. Alongside cases of individuals experiencing discharge from military service due to their mother’s defection, there have been testimonies stating that families of defectors cannot serve in the military. In

another instance, a man was demoted from a manager position at an agricultural equipment company to a laborer at an urban construction site because his younger sibling had defected.

“I wanted to work at an agricultural machinery workshop in Musan County, but I couldn’t get in because of my status as a family member of a defector, and I didn’t have a job. Afterward, I gave a bribe to the manager of a business office affiliated with the local Party, and I was able to work there. However, after just three months, I received a notice that I would have to leave. When I asked the manager to help me continue working there, he dismissed me, saying, “How can a defector’s son like you work at an office affiliated with the local Party?”

Returnees from Japan to North Korea

A returnee from Japan to North Korea (referred to as a ‘returnee’) is an individual who, based on the repatriation agreement concluded between North Korea and Japan in 1959, returned to North Korea in groups after residing in Japan following the liberation of Korea.

Testimonies collected reveal that returnees and their children did not face restrictions in university admission, military service, or joining the Workers’ Party. However, they experienced practical limitations in choosing occupations, frequently being barred from entering positions such as Party-affiliated workers or law enforcement workers. There were also testimonies stating that returnees and their families were referred to as ‘Jjaepo’ and faced discrimination, based on a division into three categories:

families of officials in the General Association of North Koreans in Japan (Jochongyeon), ordinary individuals, and families of individuals released from the Omura camp. Families of officials in the General Association of North Koreans in Japan were able to work as social security officers or the Party-affiliated workers. Ordinary individuals had the opportunity to join the Party, pursue higher education, and serve in the military, but they were not allowed to work in the Party organizations, the State Security Agency, the Social Security Agency, or the Prosecutor's Office. Additionally, family members of individuals released from the Omura camp were unable even to join the Party. Some testimonies mentioned that returnees were unable to enter colleges of education, and there were cases where their children were denied placement as administrative workers.

"Due to our family background, neither I nor my siblings could attend universities or work in the jobs we desired. My elder sister aspired to become a teacher and applied to a college of education for that purpose. However, despite having sufficient grades and qualifications, she was denied admission due to our parents being from South Korea and us being returnees from Japan to North Korea. Similarly, my eldest son, who graduated from medical school, aimed to join the military as a doctor at the Military Medical School, but he was unable to do so and ended up serving as a hygiene officer in a regular unit. Even in my workplace, I faced obstacles in progressing to higher positions, such as a manager, due to my family background."

Chinese Relatives

Chinese-origin individuals refer to those who migrated to China, specifically the northeastern region of China, before the liberation of Korea, and later returned to the North Korean region from the time of the Korean War in 1950 until around 1960, if they have relatives residing in China. These individuals are referred to as 'Chinese Relatives' by North Korean residents and appear to be classified as complex masses in North Korea's *songbun* system. Chinese-origin individuals were able to join the People's Army, and to pursue higher education, but it was found that joining the Workers' Party was difficult for them, and they also faced challenges in working in institutions such as the Social Security Agency, State Security Agency, Prosecutor's Office, and others.

When Chinese-origin individuals visit their family or relatives residing in China using a border entry permit (issued to residents of border areas) or a passport, it has been found that the approval process for their visit takes a long time, and there are also many restrictions on these visits. To apply for a border entry permit or a passport for visiting relatives in China, the general conditions are that the person must be over the age of 55 or 60, which is the eligible age for elderly pension, and they must have children. It was also not possible for multiple family members to visit together. Additionally, several documents need to be submitted when applying, including 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. The certificate of invitation should be signed and include the inviter's name, date of birth, address, phone number, workplace, and other personal information, as well as the purpose of the visit by the North Korean relatives and the cost of their stay.

"My husband and I are Chinese-origin individuals who were born in China and lived in the city of Dandong in Liaoning province before immigrating to North Korea in 1961. We had three sons in North Korea, but because all of them had Chinese origins, they were unable to join the Workers' Party or receive promotions in their workplaces. Since the Kim Jong Un regime in 2012, the discrimination against Chinese-origin individuals has worsened. My eldest son got married and later divorced because he didn't want to burden his own children with the status of being Chinese-origin individuals."

IV

Economic, Social and Cultural Rights

1. Right to Food

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) upholds the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and requires that the States Parties recognize freedom from hunger as a 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 their 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 put in place agricultural production policies in the Agriculture Law (2020), the Farming Law (2021), and the Grain Distribution 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 to implement concrete 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 2022』, 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 to meet demand because of 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 had been made towards more land reclamation, seed variant development, and soil enrichment in order 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 more than 1 million tons short of demand.²⁶⁸

In addition, the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) attributes North Korea's chronic food shortages to both insufficient agricultural production and land, a lack of agricultural equipment and fuel, poor infrastructure, and the practice of monocropping.²⁶⁹ According to 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 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 Concern

In response to chronic food shortages, the North Korean authorities have implemented the Field (*pojeon*) Responsibility System.²⁷¹ This was part of the 'June 28 Policy' reforms to the agricultural sector in 2012. The Farming Law was amended to introduce the system nationwide in 2014. By granting autonomy over land management to collective farms and producers, the system appears to have increased food production. It requires farmers to contribute a certain portion of their harvest to the collective farms they belong to, while providing incentives by allowing them to dispose freely of the remainder.²⁷² The term 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 share of the harvest distributed based on the efforts and production results of farmers.²⁷³ The distribution of crops

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 productive 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 boost agricultural production," according to the (North) Korean Central News Agency (Feb. 7, 2014).

²⁷² The pilot introduction of the Field (*pojeon*) Responsibility System is believed to have been influenced by the 'July 1st Measures' in 2002. In 2004, in some regions of North Korea, the 'Field Responsibility System' was implemented as a pilot, allowing sub-work team ('*bunjo*' in collective farm) to have autonomy with farming methods and surplus production. In particular, since North Korea pushed the 'Five-Year Plan for Increasing food production to 8 million tons' with the goal of doubling (their food) output from 2003 to 2007, the authorities appear to have introduced the Field Responsibility System, believing that it would improve farmers' willingness to work was an important factor in achieving the goal. The Field Responsibility System, piloted, did not yield significant results (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, pp. 830-834).

²⁷³ The Farm Act(2021), Article 26.

between farmers and the North Korean authorities is 3 : 7.²⁷⁴ It is said that farmers retain all surplus production except for state-planned quota.

The 'Field Responsibility System' was instituted in some regions around 2012 and expanded in others after two to three years. The land allocated for the 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 3,300m² (1,000 pyong). On a farm in the Ryanggang Province, about 6,400m² (1,950 pyong) was allotted to a couple with two children, but there were also cases where 3,300-5,950m² (1,000-1,800 pyong) were allotted to each individual. There were also reports that at a farm in South Pyongan Province, three families were allocated 5,950m² (1,800 pyong) each, while a farm in North Hamgyong Province allocated 9,900m² (3,000 pyong) per person.

Although it was claimed that the 'Field Responsibility System' had been thoroughly implemented, in reality, some farmers continued in traditional collective farms, while others operated under a mixed arrangement. The farmers that adhered to the old collective farming system had introduced the plot management system as a formality and had four or five field cultivation

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²⁷⁴ In 2012, it became known that the distribution under the 3:7 system was implemented following the so-called 'June 28 Policy.' This means that farmers received approximately 30% of the total output as profits in-cash and in-kind, while the authorities took 30% for costs such as taxes, and 40% for national procurement. Since the May 30 Policy introduced 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)

managers responsible for 1,650~1,980m² (500~600 pyong) just to make it appear as if the new system was functioning. The job of field managers was not to do actual farming, but to make the fields look good. There were also farms that partially implemented the new system, allocating plots to individuals, ‘collective plots’ for joint cultivation in groups, and ‘food plots’ to produce food for individual farmers. In some cases, two families operated under the sub-work team (*bunjo*) system, so that they could monitor one another. In other instances, farmers were given the same amount of land, 3,300m² (1,000 pyong) per person, and planned yields were set at 2.5kg of corn and 1.5kg of rice per 33m² (one pyong).

The varieties of crops that farmers were required to plant in their fields were also specified, and the authorities provided seeds, fertilizer, and pesticides; however, in reality, the farmers appear to have borne a substantial portion of these costs. Based on the authorities’ plan, farmers were directed to produce certain crops including rice, barley, maize, potatoes, and beans. It was commonly claimed that farmers had to bear the cost of cultivation because they were included in the plan and the authorities supplied insufficient amounts of fertilizers and pesticides. Some also said that the fertilizer provided by the authorities was insufficient to achieve the required yield and that fertilizer was to be supplied three times per year sufficient for roughly 3,300m² (1,000 pyong), but the actual amount of fertilizer received by farmers was much smaller due to significant amounts of embezzlement. As a result, farmers had to purchase

fertilizer by themselves, but it was difficult to purchase in the markets due to the authorities' restrictions placed on fertilizer. In addition, agricultural machinery needed for spring ploughing to prepare the soil for farming was collectively shared, but other necessary farming tools, such as small half-moon shaped hoes (homys), sickles, and shovels had to be bought individually.

During the early years of the Field Responsibility System, some farms increased their output, but there were limits to such improvements due to shortages of fertilizers and pesticides. Even when the farms reported a production increase, they did not provide the specific numbers to the farmers. At the same time, some accounts indicate that farm-level production was not substantially different from what it was before the Field Responsibility System was implemented. Despite the absence of a noticeable increase in production, the planned quota appears to have increased annually. As a higher overall target was established, the amount that farmers were required to provide the state was bound to increase as well. Target yields were based not on the cultivation situation but rather on the grade of the land determined during the spring season, so they did not reflect the impact of natural disasters, such as extreme weather events. Some statements indicated that when corn yields fell in 2018 because of rat damage to crops, farmers had no option but to sell grain to cover the quotas. Other reports indicated that even if farmers produced enough to have part of the harvest left over after submitting their quotas to the North Korean authorities, there were so many thieves during the harvest that the actual

amount they would receive was small. A widespread complaint was that the food farmers received at the end of the year was insufficient. The quantity allocated to an individual's harvest quota was greater than the actual yield during the harvest, so farmers had to supplement their allotment with grain from the farm's communal fields, or in many instances, being unable to meet quotas or demands for cash contributions, they raised pigs and chickens to compensate for the shortfall. In such circumstances, under the Field Responsibility System, some farmers filed complaints with prosecutors believing that the funding for seeds and fertilizers had been embezzled by middle managers such as sub-work team leaders, thereby increasing farmers' personal burden and reducing their allocation. The prosecutor's office investigated farms, but no adjustments were made.

"The Field Responsibility System has been in place since around 2012. There is a group under the sub-work team (*bunjo*). 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 grain privately to make up for my quota if the harvest wasn't sufficient. With the introduction of the Field Responsibility System, there is a perception among farm members that the distribution of food has not increased but rather shrunk."

Following the implementation of the Field Responsibility System, farmer dissatisfaction became more widespread. Prior

its introduction, each farmer cultivated a substantial quantity of cleared land or sloped land 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 sloped land plots into farms and the prohibition of individual cultivation. False reports indicating that the system was functioning well, production is rising, and producers are better off than before have led to the continued increase in the state-planned 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 sub-work team leader and work team leaders in collective farms were concerned about the dilution of their authority and interests under the new system and were interested in reverting to the old system.

The deteriorating food situation in North Korea and the floods of 1995 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, reduced even more due to North Korea's fourth nuclear test in 2016.

Although many North Korean defectors were aware of food aid from international community, few actually received it in the form of rations. Some learned that China had provided rice and

fertilizer 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-owned enterprises and people's watch units (*inminban*). Others stated that they became aware of food aid because they saw "ROK" or "US" printed on rice packets circulating in the marketplace, they saw rice being sold in their local markets, or they witnessed their acquaintances receiving it. In some cases, they received the food directly, such as rice provided by South Korea at a public distribution center in their community prior to 2010 and corn from a distribution center in Nampo in 2016.

In accordance with the plan of the Ministry of Food Procurement and Administration (MFPA), the MFPA 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 as a matter of principle. The MFPA departments of cities, counties, and districts distribute the food to distribution centers in residential areas. The majority of food, however, is allocated to the North Korean military, Ministry of State Security, Ministry of Social Security, munitions-producing factories, among others, with food distribution centers providing residents with only a fraction of the total. Residents were only notified of distribution when an inspection team that monitored distribution was present. After the inspection team left once the food was distributed, the food was taken back with only a portion left for the notional beneficiaries. The military and other 'special agencies'

(security services, munitions producers, etc.) were prioritized for food allocation at ports where aid was unloaded. They were instructed to conceal their military license plates and arrive at the port in civilian clothing.

“If there is international aid, the Cabinet will tell the Ministry of Food Procurement and Administration how to distribute the food. According to the MFPA’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 the family of anti-Japanese partisans, 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, this was common sense.”

B. The Rationing System

Cabinet Decision No. 56 established the country’s food rationing system in March 1952 in North Korea.²⁷⁵ However, due to economic difficulties after 1990, the rationing system did not function effectively, and food distribution to the general population was suspended in late 1995, with the exception of certain classes. In 2002, the country implemented a rationing system under the

²⁷⁵ Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, p. 310.

‘July First Measures’ that sought to provide food at affordable prices, and in 2004, it strengthened the system of self-supply for food in major institutions and state-run firms, with the exception of the security sector, including soldiers and officers of the Ministry of State Security.²⁷⁶ In 2012, the collective farm sector implemented the Field Responsibility System in accordance with the ‘June 28 Policy,’ and the Socialist Enterprise Responsibility Management System for factories and state-owned enterprises was implemented in accordance with the ‘December First Economic Management Improvement Measures.’ These measures prompted changes to the food rationing system.²⁷⁷

It is believed that North Korea classifies food ration allocations by age, gender, occupation, and labor intensity. It excludes farm laborers from food rations, because they received distribution in proportion to their labor output.²⁷⁸ According to North Korean defectors, food rations are classified as ‘state rations’ and ‘state-owned enterprise rations.’

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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 Enterprise Responsibility Management System (SERMS) is described as guaranteeing the independence of state-owned enterprises’ (SOEs) management activities, departing from the previous method of independent cost accounting. Under this system, each SOE independently sets its own production plans, including the allocation of personnel, land, facilities, and procurement of raw materials, and makes requests to the state or procures inputs on its own. Article 33 of the Socialist Constitution (2019) stipulates that the state shall implement SERMS in economic management and ensure the proper utilization of economic levers such as input costs, prices, and profitability. Article 4 of the Enterprise Law (2020) stipulates that the state shall ensure that state-owned enterprises establish precise management and firm-level strategies, and implement SERMS, to adhere to socialist principles in their activities, while maximizing profits.

278 The Farm Law(2021), Article 48, Article 51.

State rations are provided to those that are not employed, such as underage children, housewives, university students, and retirees eligible for old-age benefits, whereas the state-owned enterprise rations are provided for the employed in their workplace. Although the state rations were reportedly discontinued after 1995, they did not completely cease, with reports of their continuation for some, including the security sector and in Pyongyang.

“When distributed internally by a state-owned enterprise (SOE), rations allocated vary depending on the circumstances of the firm. If someone receives distribution from an organization or an SOE, it is reported to the state distribution office and excluded from state distribution. Those who do not receive SOE rations and their dependents receive distribution from the state distribution center. This is because some SOEs unable to distribute internally opt for state rations, while well-off firms choose to distribute internally. If the head of the household works, only the head of the household receives distributions at the workplace, and the family members receive distributions from the state distribution center. I heard that Pyongyang City and Jagang Province generally received distributions, but other regions faced difficulties with distribution and also heard that the distribution system was abolished.”

It appears that there are significant differences in the food rationing system between Pyongyang and the provinces in North Korea. In Pyongyang, the rationing system seems to work relatively well, with individuals receiving a variety of food items such as rice, corn, and potatoes. In 2017, according to North Korean defector testimony, the daily ration for college students

in Pyongyang was 500g of rice per day, but slightly less was actually distributed every 15 days in 2018. However, in the provinces, the frequency, amount, and types of food rationing varied significantly. For example, in Bocheon County of Ryanggang Province in 2018, potato rations were provided during the harvest season based on the number of people per household. Prior to this distribution, it was announced that enough potatoes for one year would be distributed; however, only eight months of potato rations were issued, and residents had to pay for the transportation costs, resulting in them receiving only 500 kg, far less than the intended amount of 2 tons. In Kimhyongjik 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 also in Ryanggang Province, where the first and last rations were provided in 2013 with no more rations as of 2019. In the same region, families reportedly experienced significant difficulties with regards to food rations.

It has emerged that individuals eligible for state distribution of food rations include members of security sector, such as the Workers' Party, the Ministry of Social Security, the Ministry of State Security, the Prosecutor's Office, the Socialist Patriotic Youth League, the armed forces, and other 'special agencies', in addition to priority recipients such as teachers and medical personnel. In 2018, it was alleged that a regular police officer from a municipal social security department had received county rations, that were more than enough to live. In 2017, a municipal

state security department provided its state security officers with slightly less than the per day ration of 600g of rice and other grain at a ratio of 5:5. 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 soldier was 800g, regardless of rank, and rice cakes, pork, and seafood were distributed on holidays. Even in divisions stationed near the border, it was reported in 2020 that soldiers were served rice with every meal. In 2019, it was reported that an honorary discharged soldier, who had been discharged from the military due to injuries, received rations each month.

However, there were instances where the frequency and quantity of meals were not in accordance with the regulations, even for the security sector. In 2020, the meals provided to soldiers at a military base in North Hamgyong Province were supposed to be 800g of cornmeal, salt, and soybean paste, but they were only given 100g of cornmeal, broth, and pickled radish. In 2018, a family whose father worked in the local social security department had difficulties due to a 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 secondary school educator received state rations in 2019, but only about 70% of the stipulated amount. In 2017, an primary school teacher in the province of Ryanggang received annually 80kg of potatoes and 60kg of Kimchi cabbage,

and 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 was substantial variation in the food rations for healthcare employees, and in some cases, no rations were provided at all.

In 2018, it was reported that employees at a county hospital in Ryanggang Province received a five-month supply of wheat, barley, and corn and a seven-month supply of potatoes during harvest season. These provisions, however, only lasted approximately four months. Other testimony indicated that the distribution of 6kg of corn per month at the People's Hospital in North Hamgyong Province had been discontinued from 2017. In the same year, nurses were provided with a three-month supply of potatoes, which they were required to procure from the farm directly. In contrast, a doctor working at the Ryanggang General Hospital in 2019 did not receive food rations. Moreover, according to other North Korean defector testimonies, clinics established within counties in Ryanggang Province 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 were no more rations. From 2015 to 2017, my monthly salary remained the same at NK₩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 would get less than 1,000. You can hardly buy ten candies or so with that money.”

At the same time, factory and office workers are registered for food rations, and the standard quantity and type of grain to be supplied is set by the state.²⁷⁹ However, state organizations and SOEs unconnected to the regime's security sector distributed food to their employees separately. Consequently, there was substantial variation 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 driver working for an SOE 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, 5 l of oil, 2kg of sugar, two bags of condiment (MSG), 2kg of pork, and one chicken per month. In 2019, another worker affiliated with a provincial party-connected 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 worker, 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 cases, provisions were reportedly paid in-kind. There were some provinces where rations were distributed

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²⁷⁹ According to Article 43 of the Grain Distribution Law(2021), the state-set food supply allocation per individual and grain type shall be determined based on the degree of labor intensity, occupation, and the type of individual, 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 or grain type, nor shall it be supplied twice. Article 44 of the same law requires the central grain distribution agency and local agencies to regularly and accurately register food supply recipients and provide them with food supplies. Institutions, state-owned enterprises, and organizations must properly manage changes in food supply recipients and re-register them with the relevant grain distribution agency.

regularly, mostly in mixed grains. 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 ration regulations. 80% of the rations consisted of corn, while rice was only distributed on holidays. Ration coupons 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 state distribution office in their 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 SOE in Pyongyang 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 two to three months. An SOE 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 Ryanggang Province was supposed to receive 700g of food per day, but instead received 150kg of potatoes once a year. In 2019, a municipal People's Committee-level institution employee's family received 200kg of potatoes once a year, but had to pay NK₩ 20,000, which amounted to nearly ten times their monthly salary, 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, adding up to approximately 150kg.

A laborer at a Ryanggang Provincial People's Committee-affiliated organization said 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 worker from an office affiliated with South Pyongan Province stated he had never received rations during his seven years of service. In 2018, a worker at a mining company in North Hamgyong Province reported that the mine had stopped operating, so workers did not receive any rations. Another worker stated that there had been no rations since around 2017 where they were employed. Other testimony indicates that despite working for a county party-affiliated organization in 2019, rations were not provided.

Organizations and state-owned enterprises were required to produce and distribute their own food to their employees. Some organizations and state-owned enterprises operated 'No. 112 Land' where employees were required to produce their own food. No. 112 Land is land on a local farm leased by another organization or state-owned enterprise, from which the employees receive their food. North Korean defector testimony has claimed, however, that it was ineffective because the land leased was infertile, organizations had to bear the cost of growing crops, and there was a problem with paying rental fees. Instead of rations, an office worker in North Hamgyong Province 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 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 rations. The grain ration was 700g for a worker, 400g for an adult dependent, and 300g for a child per day. The ration tickets were issued as per the state’s criteria, but the actual ration was not given as per the ration ticket. The workplace 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. North Korean’s Efforts to Secure Food

Due to the dysfunctional food rationing system in North Korea, many residents have been forced to find ways 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 mountainous regions, medicinal herbs and vegetables were sold to compensate for the food shortage.

Along with sidework plots, cultivation of low hills and slash-and-burn fields have become important.²⁸⁰ This form of cultivation is, however, the subject of crackdowns.²⁸¹ Even so, because

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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.

it is difficult to live with the food provided by collective farms, the majority of farmers cultivate 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 cleared mountain plots in the morning and collective farms in the afternoon. In 2019, another farmer in North Hamgyong Province cleared a part of a mountain to create a 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 workplace. According to his testimony, he raised pigs and chickens and grew corn, beans, and vegetables to compensate for the food shortage. In addition, another former North Korean resident said they had cleared a piece of land in the mountains near their residence and harvested beans, corn, etc. while being unemployed in 2019.

The North Korean authorities intensified forest restoration policies may have impacted residents' clearance and cultivation of mountainous land. According to reports, in 2012, the 'Congress of Workers within the General Mobilization Campaign for Land Management' addressed forestation and forest protection management. Municipality and county offices of the Workers' Party ordered residents to plant trees for every four meters around their mountain plots or even in the middle of the plots themselves. Previously, instead of enforcing restrictions on the cultivation of cleared lands, the authorities charged residents an annual tax of NK₩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 mountains or fields. 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 rent to the government, around NK₩5,000 to NK₩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 refrain is that inadequate food distribution at their workplaces makes it difficult to survive unless someone else in the family engaged in private economic activities. In situations where male workers had to work and could not engage in private economic activities, full-time housewives or other family members, especially women, supported their families through trading, smuggling, and running errands for pay. In 2018, North Korean residents reportedly were working for wages in coal mines or fishing to support their families while officially not having a job. In 2019, a mother sold food at *jangmadang* (marketplace) because her husband did not receive a food rations at his workplace. Another housewife bought a spot at the *jangmadang* in

North Hamgyong Province and engaged in retail business to make a living. In 2019, in the mountainous areas near the border, women collected items such as angelica-tree shoots, bracken, and pine nuts during each season and smuggled them to China. Another reported their father had been a worker, but because he did not receive rations, they helped their family survive by moving merchandise across the China-North Korea border. There was also someone who reported going to and from China while also doing manual labor on construction sites, etc.

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, ran errands for pay, and smuggled. In 2019, SOE employees in South Hamgyong Province sold clothing from what was a nominally factory outlet but actually run as a private store. Another North Korean defector said that they did business at the entrance of a *jangmadang* in 2019. In another case, a worker registered a motorcycle at his workplace in Ryanggang Province and utilized it for a transportation business. Another worker purchased a vehicle and registered it with the city's taxi office, engaging in taxi work under the condition of monthly payments to the office. The taxi office operated all the taxis in the same way. In 2018, in South Pyongan Province, a worker did not go to his workplace but instead worked at a construction site, and another worked on a squid fishing boat. Medical personnel earned income and engaged in private medical activities, such as providing medical care or assisting with childbirth. In 2017, a worker smuggled in daily

necessities from China and sold them to local retailer traders. In 2019, a factory worker acted as a remittance broker by paying a portion of their monthly profits as a fee to their workplace.

“I smuggled with my youngest sister-in-law from 2006 to 2019. We dug up angelica tree roots and bracken 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 law enforcement workers take money from the smugglers.”

D. Impact of Sanctions

In response to North Korea’s July 4 and July 28, 2017 ballistic missile launches, the United Nations adopted Resolution 2371 on August 5, 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 and Ryanggang Provinces, a number of North Korean-Chinese joint ventures had been established and were operating; they paid their workers on time,

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²⁸² United Nations Security Council, Resolution 2371 S/RES/2371(2017), para. 12 : According to Resolution 2371, 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.

unlike North Korean-run enterprises. Nevertheless, there are reports of a rise in the number of joint ventures who were shut as a result of successive sanctions. For instance, a hotel in the city of Rason operated by a joint venture primarily relied on Chinese tourists. But after the sanctions, few Chinese tourists visited, making it difficult to pay employee wages. 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 Additionally, the restrictions on crude oil imports appear to have had an impact.²⁸⁴ In certain instances, mines, including coal mines, were closed due to fuel and electricity shortages. Furthermore, it became difficult to import refined oil from China via small-scale smuggling. Consequently, residents who rely on motorcycles for transportation were affected. Multiple reports from North Koreans showed that around the same time, trading companies in the border region closed operations and the local economy deteriorated.

In the border region between North Korea and China, a sig-

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²⁸³ UN Doc. S/RES/2270 (2016.3.2.), UN Doc. S/RES/2321(2016.11.30): According to Resolution 2270, coal and iron ore were included in the list of sanctions, but cases for humanitarian purposes were exempted, and it was pointed out that the export volume of coal actually increased after the sanctions. Subsequently, Resolution 2321 imposed annual limits on North Korea's exports, and it is evaluated that a comprehensive ban was imposed through Resolution 2371.

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).

nificant portion of the local population engaged in small-scale smuggling with China. However, the economic activities of the local populations were negatively affected by the tightening sanctions against North Korea, the installation of barbed wire along the border by North Korean authorities, and the enforcement of anti-smuggling measures. Defector testimony shows that to compensate for the decline in economic activity, the outsourcing industry for bond processing became more active.

The primary outsourced products were small-scale items such as summer hats, bags, wigs, and accessories. Further, reports indicate that People's Committees took the initiative, obtained permits, and operated these businesses.

Around 2014, eyelashes were the principal products of outsourcing industry in the border region. Workers were paid in Chinese Yuan based on the quantity of finished 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 it fell short. Other testimony indicated that 1.5kg to 3kg of rice were paid per piece, depending on the tightness of the brim in 2019. Outsourced manufacturing also recently expanded from border regions to inland provinces, including South Pyongan and Hwanghae Provinces.

The decline in cross-border trade has also affected prices, leading to volatility. The price of fish and herbal medicines dropped because they were subject to export bans. The price of manufactured products, such as necessities and Chinese imports, rose considerably. In 2017, there was a sharp increase in the

cost of food and essential necessities in Pyongyang, which locals attributed to sanctions, and they simultaneously experienced significant fluctuations in the currency exchange rate as well. Other testimony indicated difficulty purchasing necessities due to the increased prices of Chinese imports in border regions. In 2018, after state-owned mining enterprises ceased operations in North Hamgyong Province, prices increased, making workers' lives extremely challenging. The ports of Nampo and Songlim, which were once active in trade with China, experienced a significant decrease in 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 boats to catch squid, or picking mushrooms in the mountains. Also, because the sanctions stopped trade, the price of goods went up a lot. The cost of living increased, and many trading companies went out of business. Overall, Musan County became a hard place to live."

2. Right to Health

Health is a fundamental prerequisite for dignified and happy life. The Ottawa Charter for Health Promotion of the World Health Organization (WHO) underscores that health is a crucial dimension in the quality of life. Similarly, the 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 CESCR also maintains that States Parties must provide 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 medically sound.²⁸⁷

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²⁸⁵ International Covenant on Economic, Social and Cultural Rights Article 12(1).

²⁸⁶ *Ibid.*, Article 12(2).

²⁸⁷ UN CESCR, General Comment No. 14, The right to the highest attainable standard of health, para. 12.

In its third UPR report submitted in 2019, North Korea reported efforts to improve key health indicators to the level of major advanced countries. These efforts include increasing the average life expectancy, reducing infant mortality rates, and expanding the number of childbirths supported by skilled medical practitioners. Furthermore, in the VNR report submitted in 2021, it was claimed that North Korea has healthcare facilities available from the central level down to the lowest organizational units. They asserted that each province has medical universities, training centers for healthcare professionals such as nurses, as well as medical research institutes.

A. Preventive Medicine

Article 12 of the ICESCR establishes the treatment and control of disease as a state duty. The CESCR states that in order to control disease, it is necessary to monitor infectious diseases, collect and improve information on them, and implement immunization programs and other strategies to contain such diseases.²⁸⁸

Article 56 of the Socialist Constitution (2019) states that the State is responsible for protecting lives and promoting the health of the population by strengthening the ‘Household Doctor System’ and preventive medicine. In a similar vein, article 3 of the Public Health Law (2012) states that “The basis of socialist

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²⁸⁸ *Ibid.*, para. 16.

medicine is preventive medicine and the state develops a preventive medicine system that embodies the principles of socialist medical science,” requiring the North Korean authorities 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 examinations of the population to identify suspected patients in time and to provide emergency vaccinations to the population.”

North Korea provides mandatory vaccinations from infancy and early childhood and appears to provide general immunization programs for all age groups during outbreaks of epidemics. As for basic vaccination for infants and children, vaccinations including tuberculosis, hepatitis B, polio, diphtheria, pertussis, tetanus, measles, Japanese encephalitis, and malaria are provided. Vaccinations 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 in accordance with a set schedule. They are vaccinated by clinic doctors 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. Others recall doctors visiting kindergartens for vaccinations in April 2019. In addition, there was testimony regarding vaccinations occurring 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.”

(2) Infectious Disease Control

North Korea’s Public Health Law (2012) stipulates that in order to prevent infectious diseases, 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 that institutions in charge of sanitation and quarantine should identify targets of regular and temporary vaccination, devise a plan for infectious disease control, and carry out vaccinations. In addition, if the level of herd immunity falls below the necessary threshold, supplementary

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²⁸⁹ Public Health Law (2012), Article 27.

vaccination should be carried out, and medical institutions should be equipped with storage facilities and acquire 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 when outbreaks occur. During such outbreaks, municipal epidemiological centers distribute printed educational guidelines to clinics, and clinics use these materials to educate residents about infectious disease symptoms and prevention. Vaccination for infectious diseases was found to be primarily carried out by household doctors affiliated with medical institutions such as district hospitals, sanitation offices, and clinics.²⁹¹ They appear to conduct vaccinations by visiting educational institutions or private residences, or residents may visit clinics for vaccination. According to testimony from North Korean defectors, infants and young children are usually vaccinated at clinics, while students are vaccinated by a doctor who visits the school or by the school doctor. A student attending a college in the city of Nampo reported that the college doctor gave him a flu shot in 2015. In 2017, typhoid was spreading in Ryanggang Province, and district doctors gave residents

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²⁹⁰ Law on Prevention of Communicable Diseases(2020), Article 30–Article 34.

²⁹¹ The District Doctor Responsibility System means that household doctors are responsible for the health of the residents in their area. They treat outpatients, and also continually conduct hygiene and public health-related activities, vaccinations and physical examinations within the area they are responsible for. (Ministry of Unification, National Institute for Unification Education, 『North Korean Knowledge Dictionary』, 2021, p. 598).

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, vaccination coverage was good 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 collected regarding pandemics prior to COVID-19 indicate that those with highly contagious tuberculosis (TB), were managed by the authorities, and medication was sometimes provided free of charge. In 2017, TB patients treated at the General TB Hospital were reportedly prescribed medication and had chest x-rays 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 state of 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. Other testimony indicates that patients with highly contagious TB, who should have been hospitalized, were not. Some patients were treated at home due to poor hospital conditions, but there was no follow-up measures by hospitals or authorities. Moreover, testimonies from some North Korean defectors who had been diagnosed with tuberculosis while serving in the military revealed that they were discharged without being treated, and were not properly managed or treated by the authorities after being discharged.

Other than tuberculosis, testimony related to the proper treatment and management of hepatitis patients was also collected. One defector reported that during their military service in 2017, they saw a hepatitis ward in a military hospital. In 2018, a hepatitis prevention center that specialized in treating hepatitis patients had already been established in North Korea, and treatment and management of hepatitis patients was 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 in and outbound migration of residents. 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, the North Korean authorities have closed the country's borders since January 2020, banned gatherings of more than three or four people, required mask wearing outdoors, quarantined incoming people from abroad and those who had come into contact with them for 45 days, and banned group-based work including fishing and construction. Testimony indicates that there were 20-30 minutes of public education on the COVID-19 situation in front of security outposts in each district before work hours. Inspection groups from the Women's Union and composed of university students conducted daily quarantine inspections, while quarantine inspections of state institutions and enterprises were conducted by the COVID Unified Command, which consisted of about six people, including leaders of the People's Committee and the County Workers' Party Committee. Testimonies indicated 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 labor education penalty (*rodongkyoyang*).

"Around March 2020, I heard on television that COVID was spreading around the world, and that's when I realized there was a pandemic. Around August 2020, the head of the people's watch unit told everyone to wear masks when they go outside. I bought the masks at market and wore one whenever on the move. In September 2020, doctors from public clinics went door-to-door to check people's temperatures with electronic thermometers and kept a record. We had to go through body temperature checks and spray hand sanitizer whenever we got on a bus, went into a store, or went to a market. Heads of the people's watch units told people that they shouldn't

get together in groups of more than three, unless they were 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

The designated district doctor system makes doctors in specific areas responsible for 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 when absent and provided health education to residents of the village on boiling water before drinking. In another area, the locally-designated 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.

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²⁹² In North Korea, clinics are located in the province, towns and counties, and doctors are allocated to these regions. A clinic doctor is responsible around 200 to 300 people and in rural areas, they take care of around 500 people (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2022, p. 598).

“In late 2018, there was a typhoid virus going around. Doctors from the local 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 our front doors.”

Other testimony indicated that doctors were not concentrating on their actual work as they were engaged in commercial activities to make a living. According to one account, in 2017, people called household doctors to their homes for electro-cardiogram and ultrasound tests in exchange for in-kind payments. In 2019, a doctor who worked at a clinic purchased an 11-passenger van using his own money and worked as a taxi driver, because there were no rations or wages. Among the interviewees, some were unaware of the household doctor system.

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 from former residents of Pyongyang, Musan and Onseong counties in North Hamgyong Province, and Kimhyeongjik County in Ryanggang Province, where medical care and treatment were provided without charge. Triage, hospitalization, and treatment were free, and hospitals provided common medicines such as medicines for colds without charge. In city of Gaecheon in South Pyongan Province, a woman gave birth via caesarian section with free hospitalization, surgery, and medication. In 2018, surgery was said to be 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 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 the city of Hyesan, Ryanggang Province, where the director of a college hospital was fired for refusing to admit patients who

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293 The DPRK Association for 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.

could not afford to pay. Conversely, 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 patient died within two months as the person could not receive treatment.

Gratuities for medical personnel rapidly became a standard and customary throughout the country. In 2015, the North Korean authorities reportedly instructed hospital doctors not to accept cigarettes as gratuities, but despite this guidance, such practices continued. In addition to cigarettes, gratuities were paid in cash: CN¥300 for an appendectomy, NK₩20,000 for tartar removal, NK₩50,000 for a fibroid operation, CN¥30 for a childbirth, and CN¥150 to CN¥200 for a caesarean section. In 2012, testimony indicated 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 NK₩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 to power medical equipment when they used hospitals. Medicines should, in principle, be provided free of charge at medical centers; however, multiple sources stated that they had to purchase medications from locations other than official pharmacies. People in North Korea obtained a majority of their medications from formal and informal pharmacies, and markets. In 2014, a now-former North Korean resident went to a hospital which lacked necessary medications, and the doctors would write down required medicines to purchase from a nearby unlicensed pharmacy. In 2015,

both hospitals and official pharmacies only had such drugs as herbal medicine and aspirin, forcing patients to rely on unlicensed pharmacies. In 2016, because hospitals did not sell medicines and public clinics lacked medicines, a now-former North Korean resident purchased UN-supported medicines from an unlicensed pharmacy. In 2017, a patient who visited a hospital was given a prescription and was able to purchase the drug at a local drugstore. Also, in 2018, a patient with xerotic eczema went to the hospital and received the prescription; therefore, appropriate medicine could be purchased. In 2019, because numerous medications were unavailable at the hospital, a witness had to purchase medication at an official pharmacy. The official pharmacies were stocked with numerous high-priced and high-quality medications, making them inaccessible to the general public. The general population purchased medications from unlicensed pharmacies, operated by non-medically-trained traders in the marketplace.

“The Gowon County Hospital had a pharmacy, but I think 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 an unlicensed pharmacy than from a hospital or a government-run pharmacy, because the private pharmacy could preserve medicines in the refrigerator to keep them fresh. I thought the official hospitals’ medicines didn’t work.”

On the other hand, testimony indicates that medicines provided by international organizations were not distributed to the public for free, but sold elsewhere. A pharmaceutical management center supplied hospitals with medications, some of which were taken away with the permission of the hospital director and were sold to residents in the market and elsewhere. In 2017 and 2018, the WHO monitored the situation to ensure that patients received their medications, but international donations of medications continued to be stolen.

C. Healthcare Services

General Comment No.14 of the CESCR 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 medical care from trained medical personnel.²⁹⁴

The condition of medical equipment and facilities are reportedly poor in North Korea. Multiple testimonies showed that medical facilities lacked adequate equipment. Further, they show that in the provinces, city-level hospitals had emergency rooms but no ambulances. Provincial-level hospitals only had simple medical equipment such as abdominal ultrasound machines,

²⁹⁴ UN CESCR, General Comment No. 14, The right to the highest attainable standard of health, paras. 12(a), (d).

x-rays, gastroscopes, and electrocardiographs, but advanced equipment such as CT or MRI scanners were not available, and the available equipment was 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, a 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 medication, cotton balls and other items 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 medicine and operate medical equipment. According to testimony from North Korean defectors, 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, candles 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,

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²⁹⁵ *Ibid.*, para. 12(b).

access to healthcare facilities, including 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 a provincial-level People’s Hospital, central hospitals in Pyongyang or other specialized hospitals, people generally had to use connections and pay bribes.

“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 hospitals in Pyongyang like Kim Manyu Hospital, the Red Cross Hospital, the Pyongyang Medical Hospital, and so on. They will send your medical records, like diagnosis and treatment results, to the other hospital, too.”

There are separate ‘medical departments’ in North Korean hospitals that are only accessible to those above a certain rank and their families. Typically, these departments are located within the provincial people’s hospital, but in other cases, in the municipal people’s hospital too. In the city of Pyongyang, there is a medical facility known as the Bonghwa Clinic, which serves exclusively to

central party officials and their families. Cadres, patriotic martyrs, revolutionary martyrs, and those who have met the supreme leader (Jeopkyunja) have access to the ‘medical departments.’ In this context, cadres consist of the provincial party departmental heads, secretaries, and provincial Party and People’s Committee chairs, the head of a major provincial organizations, as well as the party secretaries, 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 ‘medical departments,’ 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.

In recent cases, connections and bribes are also significant factors in discrimination in healthcare access. Multiple testimonies indicated that receiving treatment in an higher-level hospital is possible with connections and money even if you do not have referrals, and access to specialized hospitals in Pyongyang is available to anyone with money.

“In April and September 2019, I went to the Ryugyong 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 punishment up to labor education penalty (*rodongkyoyang*), while Article 222 of the Criminal Law (2022) states that disciplining through labor (*rodongdanryun*) 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 regulations, private medical practice is widely conducted by healthcare service providers outside of formal medical institutions. Testimony indicates that doctors have difficulty in surviving on their official salaries, so they visit patients for personal treatments and make extra money. Further, doctors earn money by offering private medical services to patients who frequently come for treatment, and nurses earned money by visiting patients and administering injections upon request. Although this practice is unlawful, there appears to be no active

enforcement by the authorities. 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*' (quack doctors), apparently a common phenomenon of people who practice medicine and administer treatments without a license. Some licensed doctors who went through formal training lack necessary skills, and some people preferred to get treatment from '*herdsmen*' who were at times better practitioners. 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 her in his own house gave her too much medicine, leading to her death. A neighbor didn't tell the police about what happened because he personally knew the doctor. The doctor was not punished, and continued to work as a private doctor at home."

Testimony indicates that illicit drugs are frequently used as substitutes for medicine in North Korea, particularly opium and methamphetamine, also known as '*bingdu*' 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 defector sources have reported as to the use of these drugs to treat colds, inflammation, bronchitis, congestion, neuralgia, cerebral blood clots, back pain, typhoid, arthritis, gout, stroke, and genital

issues. In one instance, a person cultivated 300 poppy plants and stored them in their medicine cabinet to treat low blood pressure, abdominal pain and other issues when necessary.

At the same time, testimony indicates that narcotics are frequently used for non-medical purposes, as well. The indiscriminate use of narcotics transcends gender, age, and socioeconomic status. Some use them out of curiosity, while methamphetamine is used for its stimulant effects, with students utilizing it when studying to stave off sleep. There were also instances of people becoming addicted to drugs by inhaling secondhand smoke from their friends or parents.

E. Drinking Water

The UN CESCR emphasizes that ‘the highest attainable standard of physical and mental health,’ referred to in Article 12, paragraph 1 of the ICESCR, encompasses a broad range of socioeconomic factors that create an environment for people to lead a healthy life and notes ‘water’ as an element of the right to health. Water is also considered one of the most basic components necessary survival and is essential for securing an adequate standard of living.²⁹⁶

North Korea’s Law on Public Sanitation (2014) establishes

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 quality standards, management of sanitation facilities, disinfection of water, and protection of water sources to be managed by relevant institutions. The law stipulates that the 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 progress has been slow. 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, 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 a lack of electricity, tap water is only available for two to three hours per day. In 2017, testimony indicated 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, other testimony indicated that those without indoor

water supplies used water from wells, communal water supplies, or fetched water from rivers to drink when there was no tap water supply. The water supplied through the pipes does not appear to be clean. In 2013, at the river 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 reported that the chemicals were replaced with salt during the final stages of water quality control because the required chemicals were in short supply. In 2019, sewage from an obsolete sewage system flowed underground in North Hamgyong Province, contaminating the water and causing outbreaks of diarrhea among those 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 Amrok (Yalu) 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 take our fill 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 Amrok 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 the authorities began operating spring water stations, more people have been purchasing water, and after the 2017 typhoid epidemic, more testimonies of people

paying for spring water were collected. The water bottles were said to be stamped with the North Korean authorities' 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 a lack of electricity keeps tap water from flowing in the pipes, water quality issues arise. There were many cases of microorganisms growing in the 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 (UDHR) states that everyone has the right to work, to free choice of employment, to just and favorable conditions of work, to protection against unemployment, to equal pay 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 limits on 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 North Korea, “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 receive compensation in proportion to the

²⁹⁷ International Covenant on Economic, Social and Cultural Rights, Article 6–7.

quantity and quality of their labor. Institutions, enterprises and social organizations are required by the Socialist Labor 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. The ICESCR stipulates that the States Parties shall take appropriate measures to protect the right to earn a living by work freely chosen or accepted.³⁰¹ General Comment No. 18 of the CESCR explains that the right to freely accept or choose work implies not being forced in any way whatsoever to engage in employment, and it encompasses the right of access to a system of protection guaranteeing each worker access to employment and the right not to be unfairly deprived of employment.³⁰²

The Socialist Constitution (2019) and Socialist Labor Law (2015) of North Korea acknowledge that workers may choose their occupation based on their desires and abilities.³⁰³ The 2021

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²⁹⁸ The Socialist Labor Law (2015), Article 30.

²⁹⁹ The Socialist Labor Law (2015), Article 32.

³⁰⁰ The Socialist Labor 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

VNR report also states all citizens are given jobs based on their individual desires and skills, working conditions are guaranteed, and they are given jobs based on their knowledge, qualifications, and wishes after graduating from school. All work, however, is assigned by the labor administration system,³⁰⁴ which considers the assignment of labor to be a crucial aspect of the socialist labor system.³⁰⁵ “For workers, the right to work and the right to a guaranteed job are achieved 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 dependent, namely full-time housewives and those whose health prevents them from working.³⁰⁸

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of the Socialist Labor Law (2015) states that all workers have the right to work.

³⁰⁴ North Korea’s Social Science Publishing House, ^FLegal System of the Democratic People’s Republic of Korea (Labor Law System)_J, 1994, pp. 78, 85.

³⁰⁵ North Korea’s Social Science Publishing House, ^FLegal System of the Democratic People’s Republic of Korea (Labor Law System)_J, 1994, p. 118.

³⁰⁶ North Korea’s Social Science Publishing House, ^FLegal System of the Democratic People’s Republic of Korea (Labor Law System)_J, 1994, p. 77.

³⁰⁷ North Korea’s Social Science Publishing House, ^FLegal System of the Democratic People’s Republic of Korea (Labor Law System)_J, 1994, p. 73.

³⁰⁸ According to Articles 15, 73, and 74 of the Socialist Labor 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

With the exception of college students and military conscripts, upon completion of high school,³⁰⁹ the People's Committee's Labor department, under the labor bureau, place all other school graduates in state-owned enterprises. Similarly, the labor departments of local People's Committees place college graduates and military veterans in jobs upon graduation and discharge.

North Korean defectors report that a resident's social class (*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 selected by the leader's Bodyguard Command, but because his mother was missing, he was denied the chance to enlist and assigned to the Baekdu Mountain Hero Youth Shock Brigade instead. Testimony from another defector indicates that if a North Korean attends a school specialized in railway related technology, they will be assigned to a railway-related organization and will not be able to choose another position. Another defector reported that one cannot refuse job assignment in North Korea or indicate one's preferences, and they were assigned to a state-run urban construction company to work at construction sites.

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that is close to the custom that women cannot engage in social work due to childbirth and 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 primary school, three years of junior secondary school, and three years of senior secondary school. Prior to this reform, junior and senior secondary school were combined into a six-year secondary school program (1972–2011), referred to as secondary school. (Ministry of Unification, National Institute for Unification Education, 『Understanding North Korea 2022』.

Recently, another case showed that an individual can switch jobs from the initial job assignment through connections and bribes. A person who was unemployed after graduating from high school used a connection to get a job at a company under the provincial People's Committee. Another person, who was initially assigned to a clothing factory after graduating from a 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. While another defector said that, in fear of being assigned to a farm because their parents were both farm laborers, they stayed at home after dropping out of high school, and were able to get a job later at a state-owned enterprise through their father's acquaintance. Another unemployed person bribed a hospital manager to get a job in a hospital. Through connections and bribes, college graduates and military veterans were sometimes excluded from forced placement. One witness was able to use connections to get a job as a cashier in a coal mine after being discharged from the military. Another person reported that when they graduated college, most students got job placements at schools, but extra connections were 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 reported that in order to be transferred to the subsidiary hospital managed by

their then-workplace, that person provided supplies required by the hospital. To work at a company managed by a trade department of the municipal People's Committee, another person asked for the help of a friend who worked for the People's Committee. While someone who was assigned to the shock brigades (*dolgyeok-dae*) used bribes to acquire necessary documents and stayed unemployed for a while. Due to the fear of punishment, that person used a connection to get a position at the People's Committee in their province.

Graduates of high schools, technical schools, and secondary academies for orphans were collectively assigned to work in difficult or undesirable workplaces such as farms and mines. In one instance, a high school graduate was coerced to work at a newly opened enterprise without their consent, and the authorities placed them 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 reported 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 reported that several graduates of secondary academies for orphans were placed in Shock Brigades every year. There was also a case in which medical school graduates were assigned to a hospital in the city of Samjiyon as a group so that the college's party

secretary could take credit for such assignments. It was widely believed that removing one's name from the list was necessary to avoid group assignments, which required connections and bribes.

"A total of 40 students graduated from our high school together. Aside from those who went to college or joined the army, 20 of them were sent to machine tools factory. Since the 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) Crackdowns on Joblessness and Absenteeism

In its General Comment No. 18, the Committee on the Covenant on Economic, Social and Cultural Rights states that everyone has the right not to be compelled to work and that the state must protect the right to freely choose one's own occupation.³¹⁰ Nevertheless, the DPRK's Socialist Constitution (2019) and Socialist Labor Law (2015) mandate work as an obligation,³¹¹ and the Administrative Penalty Law (2021) establishes penalties for noncompliance with work obligations in daily life.³¹² The

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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 for citizens. Citizens shall participate in labor conscientiously, and observe strictly labor regulations and working hours. Under Article 4 of the Socialist Labor 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 absent without authorization from work shall be punished by labor education penalty (*rodongkyoyang*) for less than 3 months. If the offense is considered severe, one shall be punished by labor education

Administrative Penalty 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 without valid reason, whereas ‘absenteeism’ is the act of not showing up for work without a valid reason. Both joblessness and absenteeism are subject to enforcement and punishment.

One way of being excluded from a work placement includes not enrolling in senior secondary school, dropping out of school, or not enrolling when transferring schools. There are also instances where a person purposefully discarded the ‘dispatch letter’ in order to avoid reporting to the workplace where they were supposed to be placed. The dispatch letter apparently has to be physically transferred when affiliations change, such as when a senior secondary 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 were testimonies indicating that individuals, graduating from high schools, were bribing their school principals to not submit the documents that would have been given to the labor department of the People’s Committee, in order to get the jobs they desired. Further, university students used their connections to ask college party officials to remove them from the university’s rolls in order to avoid placement in

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penalty 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 not going to work or not adhering to working hours without proper reasons.

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 the ‘*sangmu*’ that focuses on dealing with unemployment. The head of the people’s watch unit (*inminban*) compiles a list of non-working residents and submits it to the local security officer, who then acts against them. Those who are caught without employment are punished in accordance with the Administrative Penalty Law, which specifies labor education penalty (*rodongkyoyang*) 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 these crackdown, primarily by regularly bribing the heads of people’s watch units. In order to avoid getting caught or avoid punishment, bribes were paid to police and agents from the Unified Command Center. A North Korean defector reported that they personally asked the head of people’s watch unit to clear their name from the list in exchange for CN¥100 every year. Others stated that they had been unemployed since graduating from senior secondary school and paid bribes of CN¥50 to police and other enforcers each time there was a crackdown to avoid being punished. As of late, unemployed individuals have been sent to Shock Brigades 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

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³¹³ The Administrative Penalty Law(2021), Article 119.

Construction Shock Brigade. Others claimed that they evaded the crackdown on unemployment by bribing the security guards in charge, but were mobilized to Shock Brigades 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 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 state-owned enterprises enforces and punishes absenteeism by checking the attendance status of workers and reporting it to the social security officer in charge of the issue in their locality. Under the Administrative Penalty Law, the penalty for absenteeism, just like joblessness, is labor education penalty (*rodongkyoyang*) 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' who were also subject to crackdowns and were treated as absent without leave if they did not make payments to their workplace for more than two months, 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 for people in their respective

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³¹⁴ The Administrative Penalty Law(2021), Article 119.

residential areas.³¹⁵ In some instances, workers obtained a medical certificate from a clinic and presented it at work in order to avoid such crackdowns, while they were actually at home resting.

To avoid unemployment and absenteeism crackdowns, workers frequently paid money monthly to their managers or the directors of the state-owned enterprises where they were employed then subsequently did not report to work, instead working as *8.3 workers* on the black market as a sideline job. In one instance, approximately 10 out of 40 workers in a workplace were reported to be *8.3 workers* who paid a fee to their employer, and in another instance, approximately 30% of all hospital medical staff were organized as *8.3 workers*. Another defector reported that 60% of the workers in the institution to which they belonged paid a fee to not report for work, indicating that a significant number of nominally state employees 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 instructor depending on their affiliation. In times of crackdowns, there were no certificates, as police directly confirm the affiliations of workers

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³¹⁵ Even in the face of the economic crisis, state-owned enterprises were still required to meet their allotted plans (in cash-terms), and workers needed to work in markets to maintain a minimum livelihood. As a result, workers who paid a certain amount to state-owned enterprises 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.)

if they are targeted. Due to the Korean Workers' Party's recent policy aimed at limiting 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 state firms investigating their earnings and private economic activities.

"You tell your boss that you need to make money in a sideline job but still want to be registered with the company. With your boss's permission, you can make money elsewhere. You don't have to sign up again for a different job. I paid the party secretary NK₩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 work obligations, 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 abandoning their assigned workplaces. Some employees engage in private economic activities when they are not at work, whereas others do so while at work. Diverse economic activities were discovered, including wholesale and

retail, services, and private wage labor. A person who paid CN¥30 per month to their workplace in return for being allowed to engage in business where they sell household items in alleyways said that it was more profitable to work as an 8.3 worker. There were also instances of people making and selling squid fishing nets and editing wedding or birthday videos as *8.3 workers*. A North Korean defector reported that they made money driving a taxi when there was no work to be done at their workplace by paying a monthly fee of CN¥1,300 to a state-owned taxi company. Late-night taxi driving would earn the person hundreds of Chinese Yuan per 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,’ and receiving interest.

“In 2018, I was a member of the Urban Construction Brigade. When I paid some ‘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 go to work in my place. I sold manufactured goods 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, 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 does not cover the full cost of labor.

According to the North Korean Socialist Labor Law (2015), the piece-rate payment system and the flat-rate payment system are the basic forms by which living expenses are paid, while the bonus payment system and the prize system are the additional forms of living allowances.³¹⁹ In addition, living expenses for

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.

³¹⁹ The Socialist Labor Law(2015), Article 39.

workers are stipulated to be provided based on the living expense classification system and the principle of living expense payment. The North Korea's Labor Quantification Law (2020) states that North Korean workers receive wages in accordance with the evaluation of their performance.³²⁰ However, workers who worked in institutions or state-owned enterprises 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 to workers. In contrast, those who worked for the state-run firms that earned foreign currency or worked at a joint-venture company were compensated more than those employed in a typical state institution or organization. In some instances, they were compensated above and beyond their basic living expenses calculated via the contracting system.

An primary school teacher in Ryanggang Province received NK₩1,800 per month for living expenses in 2017. This was sufficient to purchase just 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 county people's hospital in 2018 reported that they received NK₩1,600 per month in cash based on the payment regulations, so little that hospital

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320 The Labor Quantification Law (2020), Article 2, Article 26.

employees did not even complain when the payment was skipped. A railway freight worker reported that they were paid only once for more than one year of service, just NK₩1,500. In 2018, a former worker at a Provincial People's Committee-affiliated organization received NK₩2,800 annually for living expenses. Someone who used to work for an organization under their county People's Committee stated that they had never received remuneration in over a decade of service, and another account from a former employee of organization under the People's Committee in 2018 indicated that no living allowance was paid. A worker who served in rear services in a mine in 2017 claimed that there was no compensation for work. In addition, workers who worked at offices under a provincial trade bureau in 2018 and a city facilities office in 2019 mentioned they were never paid any living allowances.

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 the average. They were paid in USD or RMB, or in-kind, such as in rice or oil, by joint ventures, foreign currency-earning organizations, and other well-run firms.

In 2019, a person who worked for a foreign currency earning company in Pyongyang received \$50 twice a month. In one instance, a restaurant earning foreign currency paid \$30 per month for as living expenses for each of its workers. In 2018, a gold mine in South Pyongan Province 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 approximately NK₩12,000~13,000 including a monthly flat wage of NK₩2,600 and a contract living allowance that depends on production, which was NK₩10,000. In certain instances, workers in manufacturing industries were paid between NK₩17,000 and NK₩18,000 per month. However, the living allowance was only sufficient to purchase 4kg of rice that would not sustain them for a month. In 2018, an foreign trade office in Ryanggang Province paid a full year's wages and supplies for distribution all at once. The amount paid per worker was CN¥1,800, or approximately NK₩3,000,000. In 2019, a joint venture company in Ryanggang Province paid its employees NK₩90,000-120,000 per month and 25kg of rice annually. In addition, the joint venture company's compensation in 2020 was performance-based. A skilled worker was compensated CN¥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 had 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 NK₩2,000, which wasn't enough to pay for a bowl of noodle soup."

(2) Working Hours, Breaks and Leave

The Socialist Labor Law (2015) stipulates that workers are required to work eight hours per day, though this may be reduced to six or seven hours depending on the intensity and conditions of the work, to have one day of rest per week and fourteen 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 enterprise is operational. Workers with less work may have worked fewer than eight hours per day or only every few days, whereas construction workers and miners frequently work 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 former worker from a munitions factory stated in 2017 that he worked eight hours a day, five days a week, and was required to participate in daily life review sessions and political events on Saturdays but had Sundays off. In 2020, a former administrator at a County People's Committee-affiliated organization reported that he was actually unemployed and free to spend his days as he pleased. A former factory worker worked eight hours per day, from 8 a.m. to 6 p.m., with a two-hour lunch break, and was required to appear at work on off-days, which were Thursdays. A former cashier at a 24-hour operational mine reported that the work schedule was flexible, as they were in charge of supplying laborers with work-related supplies, daily

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321 Article 16 of the Socialist Labor 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 Labor Law(2015) states that workers are guaranteed a day of rest every week. State-set holidays and Sundays are rest days. State firms and cooperatives must provide workers with an additional day of rest when they, due to unavoidable circumstances, require workers to work on a rest day.

necessities, and so on. In 2019, a former urban construction company's employee worked eight-hour days testifying that there was no overtime work as there was no compensation or food rations provided. In 2018, a former employee at a People's Committee-run workplace reported working from 7 a.m. to 3 p.m. daily but there were no vacations. In other instances, employees worked beyond the required hours. A former worker at an trade company reported that they got 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 the cleaning of 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. People who worked at construction sites under the external construction office such as Yeomyeong Street in Pyongyang worked from 7 a.m. to 3 or 4 a.m. the following morning. A former 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. A North Korea-China joint venture company also obligated workers to work 12 hours, from 7 a.m. to 9 p.m. every day with no holidays.

Further, while statutory leave is 14 to 35 days depending on the job, despite the regulations there were contradictory claims. Some said that it was difficult to use in practice except in cases of family emergency, however, some were able to use the leave in line with regulations. In 2019, a former employee of a municipal utility company stated that they was required to use all 15 days of annual leave. Former workers from a wood-processing plant reported being able to take 15 days of annual leave in 2018,

while workers from a mine reported that they could also do the same in 2019. However, leave was difficult to get approval for, with the exception of official holidays, and some claimed they could only take time off when there was a family celebration or funeral. A former bookkeeper employed at an office under their county People's Committee in 2018 was able to receive just three to four days off with the permission of the work group leader or director as taking a vacation was very difficult. Concerned about being fired, they could not raise this issue because they had been provided 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 have fun or relax somewhere else."

(3) Working Environment – Safety and Accidents

The Law on Labor Protection (2021) of North Korea mandates that the central labor administration determine the target and period of safety education,³²³ and that institutions, state-owned enterprises, and organizations provide education on the authorities' labor protection policy, labor safety regulations, work operational safety laws, and labor hygiene knowledge,

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³²³ Law on Labor Protection(2021), Article 9

in addition to the installation, inspection, and maintenance of safety facilities.³²⁴ In addition, it mandates the provision of safety equipment to workers,³²⁵ as well as the deployment of labor protection inspectors and labor safety supervisors.³²⁶

In reality, the regulations regarding safety education, the installation and maintenance of safety facilities, provision of safety equipment, and deployment of safety supervisors on work sites were not adhered to, and workers who required safety equipment did not receive it in a timely manner. In 2018, a former worker at the 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 supply, while safety footwear, work attire, and gloves were not supplied. In 2017, at a military-owned mining company, employees reportedly receiving hard hats but no other equipment. Others reported that there was no safety equipment provided in 2019 at a railway workplace. There were exceptional cases, workers at a construction site of a rice mill supported by South Korea in Gangnam District of Pyongyang received only one pair of gloves per week, contrary to the original requirement of one pair per day.

Inadequate safety training and oversight by the authorities was also reported, and even on sites where safety supervision

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³²⁴ Law on Labor Protection(2021), Article 11, Article 12, Article 17, Article 18.

³²⁵ Law on Labor Protection(2021), Article 27 to Article 34.

³²⁶ Law on Labor Protection(2021), Article 51.

appeared to be relatively effective, supervision was conducted only when required. In an enterprise under the External Construction Management Bureau, an inspector to oversee 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 workplaces where safety supervision work was conducted regularly, the personnel did not appear to be professionally trained as inspectors, but rather workers performed the role of ‘labor safety agent’ on a rotating basis. In 2019, at a joint venture company in Ryanggang Province, safety training and safety supervision of workers was delegated to the ‘chief engineer’, a middle manager, without proper education or experience as a safety 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. It was 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 the 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 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 labor laws.³²⁷ The reason that the three rights related to work (the right to organize, the right to collective bargaining, and right to collective action) which are guaranteed in most democracies by constitutions or labor laws are not found in North Korea is due to the fact that subordination of labor to capital has ended, imposing the duty of providing employment on the North Korean state and the legal relationship between employer and employee does not, allegedly, exist.

This was also supported by multiple testimonies from North Korean residents who say they could not only not take collective action, that it was unthinkable. For this reason, there was no testimony regarding the exercise of the right to organize, the right to collective bargaining, and the right to take collective action.

³²⁷ North Korea's Social Science Publishing House, 『Legal System of the Democratic People's Republic of Korea (Labor Law System)』, 1994, p. 66.

D. Special workers

(1) Shock Brigades

Shock Brigades (*dolgyeokdae*) are the name given the military-style organizations which allocate personnel from regions and enterprises to construction in order to expedite the completion of large-scale construction projects in a short period of time,³²⁸ 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, is in charge of the 922nd Construction Brigade and the City Regiment reports to the construction brigade. In the lower ranks of the Shock Brigade of Orangcheon No. 5 Power Plant are reportedly the Hwaseong County Company, Steel Works Company, Pohang District Company, Songpyeong District Company, and Orang County Battalion, but the number of companies and battalions seem to vary depending on the size of the workforce. The size of the entire Shock Brigade structure is not precisely known. In the case of the Samjiyon City

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³²⁸ Shock Brigades are a special unit that are primarily organized to carry out construction or other projects. They include the 'Youth Shock Brigades' and the 'Speed Campaign Shock Brigades.' These special units are formed with the purpose of addressing the most difficult and challenging issues in construction and other projects. (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, p. 258.)

³²⁹ Shock Brigades are organized to enable efficient military-style operations even during normal times. They can also be immediately incorporated into the regular military in case of emergency for use in engineering battalions. Despite not being part of the regular army, as a militarized organization, they require personnel to wear uniform at all times, with a rank insignia worn under the Kim Il Sung badge on the left of the uniform. (Ministry of Unification, National Institute for Unification Education, Dictionary of North Korean Knowledge, 2021, pp. 259–260.)

Construction Shock Brigade, 100,000 people are reported to have been 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 size was significant. However, as part of local urban renewal efforts, shock brigades organized for construction consist 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 a shock brigade to use the service experience as a potential advantage for joining the Korean Workers' Party and for college admission. Until the early 1990s, there were numerous instances of women who wanted to join the Party, but had difficulties in joining military who would join the shock brigades, helped them enter universities after serving a certain period of time in the shock brigades. In case of voluntary enlistment, individuals join the shock brigades just like they would join the army in order to be accepted to the 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 reported of an individual from a region far from the border who volunteered to join a shock

brigade in the border region in order to escape from the country. However, there was also a case reported of a member of the Baekdusan Hero Youth Power Plant brigade in Baekam County of Ryanggang Province who was unable to leave it after many years of service and continued to serve even after joining the Party. It was also claimed that some brigades worked longer than the allotted time because they had posed for a group photo with Kim Jong Un, who provided guidance on the construction of dams. However, it appears that voluntary enlistment has decreased as the benefits, such as college admission or party membership after serving in shock brigades were not forthcoming, and as the labor conditions became more intense. On the other hand, with a growing number of construction projects, voluntary enlistment and forced mobilization through crackdowns increased, as more workers were needed than in the past.

Forced mobilization was carried out in numerous ways. There were instances in which people were mobilized through job assignment or were forcibly recruited by their workplace or people's watch units, and some were mobilized for being unemployed or traveling without a permit. Being assigned to a shock brigade by one's workplace occurred in Ryanggang Province, where the Samjiyon County construction project was located. Testimony indicated 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 upper middle

school in the city of Hyesan, a facility for protection and education for children without family, were also assigned to shock brigades. In one case, members of the Youth Shock Brigade in Ryanggang Province visited senior secondary school graduates' homes and forced them to join the brigade as if they were being enlisted in the military.

When each workplace assigned a number of their workers to the shock brigade, the service period was relatively brief. However, in some workplaces with a small number of employees, workers were frequently re-enlisted or the service period was extended because there were no substitutes. There were cases in which a person served in the shock brigade four times for a total 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 their replacement did not arrive. As the number of people mobilized for the brigades dropped from around ten to three, there was a situation in which it was difficult to determine who to mobilize. In addition, shock brigades include profit workers, and members were responsible for covering the cost of hiring brigade substitute workers where they could and the hiring expenses paid were CN¥100 per month.

Someone who substituted in the brigade on behalf of another who was assigned by the workplace or people's watch unit for a short time received a monetary reward. Recently, individuals enlist in a brigade as a serviceperson (North Korean slang for someone who acts as a replacement for someone assigned to a shock brigade) in return for a fixed amount of money. A fisher-

man who was assigned to work for a brigade during a time when he needed to go fishing found a ‘serviceman’ to work in his place. There was a case in which two factory workers had to be sent to the brigade, but there was no one to go, so a substitute worker was sent and received a monthly payment of CN¥300. Problems with sending a replacement worker arose occasionally when the service period was extended or money was not paid as promised.

It appears that numerous issues have arisen as more people have been mobilized. Specifically, testimonies show that the mobilization of children has increased. Age identification was not as strict for workers substituting others and for those working as a punishment, which led to underage children working in brigades. In one instance, a 14-year-old who was apprehended by a Youth League official for wandering outside of their residential area without a travel permit was sent to a shock brigade with the documentation indicating that they were 19 years old. There was also a case where a Youth League in a district cracked down on homeless children at markets 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 Kangwon Province Sepo District Construction Shock Brigade in 2014, the Military-People Power Plant Construction Shock Brigade of Suseongcheon in North Hamgyong Province in 2016, the Pyongyang 618 Construction Shock Brigade, 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 is the construction of dams, apartments, and roads, and it was reported that daily work hours were very long because the task had to be completed quickly by 'Speed Campaign.' The majority of testimonies indicate that the amount of work to be completed each day was predetermined, and that they had reduced time to sleep due to the excessive amounts of work. There were reports that the work began before breakfast and was not completed even after the evening meal, and that the assigned work load had to be completed with workers having less than five hours of sleep. It was common for their working hours to exceed 10 hours, and it was easy to find cases of individuals who worked more than 15 hours per day. In some instances, testimony indicates 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 3-4 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 testimony indicates they worked at night with incandescent lighting two to three days per week. In the Samjiyon City Construction Shock Brigade, working hours were between 8:00 a.m. and 7:00 p.m., however, the workers worked until around 1:00 a.m. when night work was involved. The reason for the long work hours was that construction had to be completed using only manpower and no heavy equipment. Brigades also had very high work intensity. Members of the Shock Brigade at the Tanchon Power Plant were required to

move approximately 1.5 meters of stones piled up from blasting 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; among these tasks, transporting the stones was exhausting work.

“What I did in the Mt. Baekdu Hero Youth Shock Brigade was to help build an underground sewage system. The daily schedule was to work from 5 a.m. 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.”

Remuneration

The payment of compensation to shock brigade workers varied depending on how they were mobilized. When mobilized by order of their workplace or people’s 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 people’s watch units, they were not paid for their labor, but were given money or goods collected by residents. During the period in which members were mobilized from their workplaces, they did not receive remuneration as they were not at work. However,

it was reported by some that they received 10 kg of rice, 2 kg of cooking oil, laundry soap, seasoning, etc. With collective farm members, the head of the management committee gave NK₩100,000 to members when they entered the brigade. If members were sent to brigades as a result of crackdowns on unemployed workers, travel permit infringements, or vagrancy, 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, reported that they were not compensated for their 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. One North Korean defector reported that during three years of work in the shock brigade, they were paid a total of NK₩1,200 on just one occasion. It was commonly reported that those who voluntarily joined the brigades did not receive remuneration, and in some cases, they had to personally prepare necessary equipment.

Safety Supervision and Management

With respect to safety equipment, only safety helmets were reportedly distributed to workers, and the provision of overalls and footwear varied by workplace. Typically, only a portion of the equipment was provided, and the type and quantity of equipment varied based on the individual shock brigade's situation. 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 brigade members themselves 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 each worker had to work in what they were wearing when they were mobilized, and personally acquire the required equipment. On the other hand, it was reported that the Tanchon Power Plant Shock Brigade and Ryanggang Province Battalion of the Samjiyon County Shock Brigade received safety helmets, work shoes, and uniforms. Safety management and supervision were conducted in workplaces in a superficial manner. There was no evidence that safety education was provided to workers. According to one report, shock brigade workers who had prior experience in construction were in charge of safety education and supervision at an apartment construction site, and in the Ryanggang Province Regiment of the Broad Railroad Shock Brigade 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 a lack of safety education. A worker fell from a ladder while plastering, and another was injured by a falling piece of stone which was being lifted by a crane at an apartment construction site. In addition, it was reported that a member of the brigade was killed when a rope

was severed while the concrete mixture was being lifted by a crane and moved to a higher floor. There was also testimony indicating that a member of a Shock Brigade died after being hit by a rock while working in a mineshaft.

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 members' positions. 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 Mt. Baekdu 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 the working environment such as with meals 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 the Nampo City Regiment of the Samjiyon City Construction Shock Brigade could spend between NK₩2,500 and NK₩4,000 per meal, which included 600g of corn rice, salted cabbage soup, and salted fish,

vegetarian meat, etc., but there was also testimony indicating that the regiment's party officials could spend the cost of 30 to 40 workers' meals on one meal for themselves. In a separately organized brigade in certain regions, lower level workers were only given corn-mixed rice and bean paste soup, whereas technicians were reportedly served a portion of meat at each meal. With regard to the leadership of the regimental command, they were served 7:3 ration of corn and rice, soup, vegetables, and kimchi as a side dish. The general consensus was that the living conditions were poor with some variations depending on the progress of the construction. Shock brigades mainly worked on construction sites, and sleeping quarters were cramped. Some testimony indicated that 15 members shared a room, which was 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 intense work frequently resulted in malnutrition known as 'weakness' in North Korean, and numerous safety incidents have been reported, but medical treatment was insufficient. In shock brigades with a 'military doctor,' patients could receive treatment, but this was limited to administering medicines that 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 the shock brigade ran away due to poor

working conditions, high work demands, and long work hours. 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 reported that a brigade leader and a male brigade member struck her legs and torso dozens of times with a shovel.

“In our shock brigade, seven spoons of cooked barley with salt or soybean paste were given as meals. 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) Workers Dispatched Overseas

The first instance of overseas dispatches of North Korean workers documented was from 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, initially limited to Russia, expanded to include China, Central Asia, and the Middle East, and then, around 2010, Eastern Europe and Africa. The type of industries 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 workers also worked on statues and murals. In Eastern Europe, construction and agricultural workers were dispatched. While a small number of construction workers and physicians were sent to Africa. In China and Southeast Asia, there were more manufacturing and restaurant workers, and there were recent cases of dispatching of IT-related workers assigned to software development and system maintenance jobs.

Conditions for Selection

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 reasons for exclusion from overseas assignments included those who had served in the military at critical facilities, those with family members who worked for the Central Committee of the Party, those with relatives who had been imprisoned in political prison camps or who had escaped from North Korea, those with relatives whose whereabouts were unknown, those with a family member who had been punished for committing a crime, or those with a family member who had been dispatched overseas. Testimony indicates that such selection processes were intended to minimize the likelihood of personnel escaping work sites after being dispatched or to prevent the disclosure of sensitive information. In addition, construction or general workers, college graduates (except for architecture and art majors), unmarried

people, those without children, and divorced individuals were excluded from consideration, and selection criteria also included special skills required in construction like plastering. There was testimony that a construction worker dispatched to Russia paid a bribe to have their college graduation information removed from documents, and there were also testimonies indicating that dispatch was delayed because there were other family members working abroad. Regarding what is considered 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 testimony indicating 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 following selection. For restaurant workers, preference was given to graduates of vocational schools or universities over high school graduates, and to unmarried women under the age of 23, with the requirement that both parents are alive. In case of being

dispatched as a general worker during military service, those who received commendation during military service were selected first; unmarried people were required to have both parents alive, and those with a history of desertion or problems with their service were excluded from consideration.

“Those who have a defector or someone punished for political crimes among their family members won’t be selected because of their family background. Those who have family conflict or illness, or those who have a family member with work experience in a special 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 selection. Persons who graduated from a university were only sent out as managers, not as workers. 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, in the case of workforce training offices operated by the dispatching agency, there were differences depending on the industry, such as candidates being recommended after entering the training office and working for a certain amount of time. The selection process begins with a recommendation for selection by the cadre department of the office, and an instructor from the cadre department at the office is believed to be in charge. If a candidate is recommended, the cadre department conducts a background

check, interviews a guarantor, and prepares documents for the selected individual based on their workplace security officer's evaluation report. At the time of document preparation, the cadre department instructor and director of the cadre department are involved. The prepared documents are then submitted to the cadre section of the Foreign Construction Guidance Bureau. The submitted documents will be checked by the guidance bureau's cadre section instructor, followed by interviews with the official responsible for processing the recommendation within the cadre section, cadre section director, party organization secretary, and chief party secretary, and finally the documents are sent to the Central Committee of the Party and the selection is determined after the interview with a party instructor at the 8th Department.

The major organization that dispatches construction workers appears to be the Foreign Construction Guidance Bureau, which operates the Foreign Construction Workers Training Office (henceforth referred to as the training office). Overseas workers were selected from experienced trainees from the office or others from state-owned enterprises. In addition, central institutions independently dispatched workers, and soldiers on 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 and two years. When dispatched as a middle manager, interviews with the organization secretary and its party secretary are conducted in addition to previously mentioned interviews and

then the documents are sent to the Central Committee where the would-be dispatch worker is interviewed by an instructor from and the director of 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 a soldier undergoing military service is dispatched, they are selected by the training office or by the military engineers' unit. The process includes sending documents to the brigade with the information of person recommended for dispatch, and the unit's cadre department will conduct background checks and if there is no problem with these checks, the person will be interviewed by the brigade and the corps. Once the person completes physical check-ups, documents will be sent to General Political Bureau of the military, with the decision apparently being made following an interview at the General Political Bureau. Testimonies show that applicants were interviewed by the commanders of their unit, their political commissars, cadre department chiefs, and security officers. Interviews by the General Political Bureau were conducted by a colonel-level officer. For doctors, the process depended on their affiliation and the host organization. Doctors will start the application process with interviews conducted by provincial or city party officials in their residential area, and later will be interviewed by 8th department of central party, or officers from the Ministry of State Security. However, there were testimonies indicating that some people bribed their way through so that they could be selected as candidates. Those who wished to work at a restaurant had to graduate from a specialized

school called the External Service Academy in Pyongyang or had to be recommended. The school's training takes 1-2 years and the manager of overseas restaurants select students personally. Those recommended went through an interview hosted by the organization that manages the restaurant. After the selection process, selected candidate worked at a restaurant in Pyongyang for a year, and an evaluation was written by the Youth League and after the background check, the final decision was made.

Except for the case of being dispatched during military service, defectors have reported that they had to pay a bribe in order to be sent overseas. According to testimony, it was common for employees of training office under the Foreign Construction Guidance Bureau to bribe the responsible official in the cadre department in order to be chosen before others when the minimum working period required to initiate the selection process was met. The instructor in the cadre department has the authority to recommend candidates in the training office, and a worker who was sent to Russia stated that he paid \$50 to the instructor, \$50 to the security officer at the workplace, \$30 for a physical examination, and \$100 to the instructor of the cadre department of the training office. Another reported that the amount was \$50 for a first-time deployment and \$100 for the second time. Bigger bribes were demanded in cases where workers were not employed at the training office of the Foreign Construction Guidance Bureau. There was testimony indicating that bribes totaling \$1,500 had to be paid to the cadre director of the Guidance Bureau, the cadre department of the

city/county party in the place of their residence, and a party secretary of Pyongyang Second People's Hospital which does the physical examinations. Bribes were required for the dispatch of a doctor though the selection was made through a public notice. Testimony indicates that bribes totaling \$4,500 were paid to the relevant department of the dispatching agency in the Central Party and the 8th department, and between \$300 and \$500 was given as a bribe during each interview. Other testimony indicates that \$1,500 was paid to the director who had the authority to make a recommendation. Some reported that interpreters paid a total of \$1,500 in bribes to officials in charge of documents and qualifications, including the cadre department instructor in the training office, the instructor in the cadre section of the Foreign Construction Guidance Bureau, and the instructor in the central party cadre department. In another instance, \$300 was paid to the official in charge of overseas deployments at the dispatching company.

"I heard that other people who go abroad as interpreters give a bribe of \$500~\$1,000. I know that the amount of the bribe 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."

Pre-departure 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 Foreign Trade once the

dispatch is confirmed. At training, workers were educated on the customs and etiquettes of country they are to be dispatched to, as well as awareness about enemy operations, and learned about the activities of other countries' intelligence agencies, and some visited counter-intelligence exhibits. With managerial-level dispatches, a separate pre-departure training was conducted, with the president, interpreter, workplace manager, and doctor receiving the training as a group in a case described by a defector. In addition to the prerequisite education for ordinary workers, education included how to create more foreign supporters of North Korea and a reminder not to be influenced by capitalism.

Labor Renumeration

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 foreign companies does not sign contracts with the workers. However, in case of North Korean company providing labor to a local company in the receiving country a contract was signed directly on rare occasions between the local company and the worker(s). 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, an additional fee is paid. The amount of money paid to the workers is determined by deducting their state-planned quota stay and operational 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 had 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. This deduction included the \$200 state-planned quota the remaining \$450 included \$50 for food and \$100 to \$150 per month for company operating costs.

Workers at 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 monthly amount was consistently reduced

thereafter, and payments were inconsistent from month to month. Payments to the North Korean authorities ranged from \$300 to \$670 per person per month, covering the state-planned quota (effectively the taxes they pay to the authorities back home), meals, company and workplace expenses, the contribution to the Workers' Party, 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 workers' wages in one lump sum, the local North Korean company would manage the payment and only notify workers about this. If wages were determined based on labor quotas, workers would receive an extra \$30 for each overachievement and a \$30 reduction for each underachievement. 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 state-planned quota, employees in host countries received only around \$100. In another case, the host country company paid North Korean workers by depositing funds onto 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 as a lump sum. 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 state-planned quota, company management fees, meals, local recruitment fees, management fees, and the contributions to the Workers' Party.

Each North Korean worker sent to Europe was initially compensated with between \$150 and \$300 every two to three months. However, since 2017, wages have been reduced by \$100 to \$150, citing increased taxes in host countries. After various costs and fees, including the state planned-quota, are deducted, only 15% to 25% of the total wage is actually paid to workers. According to testimony, a chief manager of a local North Korean company in Europe allegedly underreported the amount of each worker's wages, which were approximately \$1,500, only disclosing 70% to the authorities in Pyongyang and then embezzled the remainder after making wage payments.

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 state-planned quota was set at an annual amount of \$5,000 per person, which accounted to 80% of their total income. Mid-level personnel, such as managers, translators, and finance-related personnel, 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 state-planned quota 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 was paid as wages. One or two of the 23 workers made \$3,000 a year in my work group, but 5 or 6 were in 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, after deducting the state-planned quota. However, doctors who operated private clinics paid the monthly state-planned quota and retained the remaining income, leading to income volatility. For those employed by local hospitals, of 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 authorities a total of \$650, including \$500 for the state-planned quota, \$50 for the embassy, and \$50 for policy initiatives. IT employees were paid \$100 per month plus performance-based incentives upon their return home at the end of their assignment. The state-planned quota of \$1,500 per person was deducted each month, which was 40% of the 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 state-planned quota of North Korean workers sent to Russia continued to increase. The monthly contributions of construction workers in Russia rose from \$100 per worker around 2005 to \$200, and then to \$800 per worker in 2008. According to a former worker dispatched to the Moscow region, the monthly contribution, which was approximately \$500 in 2019, increased to \$600 in 2020 and \$680 in 2021. A former worker in St. Petersburg reported paying \$600 per month in 2016 and \$700 per month in 2017. Another former 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 payment demands made of construction workers seem to have prompted them to take up separate side jobs (called '*cheongbu*' in Korean, short-term contract work). 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 in exchange for being allowed to engage in 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 side job process, i.e., from finding the work to contracting and receiving the payment. Although the amount of money earned varied depending on the amount of work, there were cases where workers who worked on side jobs had a significant amount of money left over even after paying the set amount to their companies. In the Middle East, workers who were allowed to engage in side jobs were limited to those who had worked for at least three years, and even then, they were allowed to work only as a group of five or less, so they mainly performed small-scale work such as home repairs. In some cases, workers were required to pay \$850 in monthly group payments, but in other places, 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 their annual payments. Since the money I got wasn't enough, I did contract side jobs to make more money. I was told that the company's managers get paid \$200 each month. I did contract side jobs and made an average of ₺80,000 to ₺90,000 a month. I paid ₺45,000 (about \$750) each month for the planned portion. Also, I paid ₺2,000 to the head of the workplace and another ₺2,000~₺3,000 to the officer 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 that the North Korean

company does 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 as subcontractors, which not only meant long daily working hours but also gave workers few holidays. In contrast, workers dispatched to the Middle East and Europe had relatively better working hours because they were not subcontractors.

A former 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 of assigned tasks 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 weekends off. Having two days off in a single month was reportedly considered a lot.

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 were allowed as vacations 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 p.m. Employees reported working 10-hour days from 6:30 a.m. to 6:00 p.m. every day of the week except Friday, only resting 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 their expertise in 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 p.m., resulting in an 11-hour workday. Outside of construction, the situation was little different: manufacturing workers in China reported working more than 15 hours a day, from 7 a.m. to 11 p.m., 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 p.m., 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 5:00 if I didn't fulfill my allotted workload. I fell asleep as soon as I got back to my quarters. 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 engaged in organized 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. This reportedly involved finishing work at 6 p.m.

Safety and workplace accidents

Safety training and supervision, as well as the provision of safety equipment varied by country. On 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 reported to be present at construction sites to ensure that safety rules were followed; otherwise, fines would be levied. Workers were provided with hard hats, harnesses, and safety shoes, but some reported that the cost of 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 management 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 about falling accidents and received on-site training. Construction workers in Europe reported that safety training was provided by the host company which 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 whether the host company covered the accommodation, as North Korean companies would try to minimize such costs. In Russia, construction workers rarely rented their own accommodation and mostly lived in containers on the construction site. In some cases, if a small number of workers were hired, they sometimes lived in the basement of the building under construction. In some parts of the Middle East, similar 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 living conditions more comfortable. In Europe, single-family houses were rented, so their living environment was clean though still cramped.

Surveillance

Surveillance and control of overseas dispatch workers did not vary depending on when, where, or what type of job placement they were sent to. Security officers routinely monitored workers using informants and inspections. Managers, party secretaries, security officers, interpreters, accountants, and doctors were sent abroad as managers of North Korean companies. The security officer monitors and prevents the workers 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 security officers may monitor workers directly, they also have informants and receive detailed status reports about 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. Workers engaged in side jobs also operate in small groups, with informants included 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 for 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.

The personal belongings of overseas workers were reported to be subject to frequent searches and inspections. The main objective of these inspections seems to be to prevent workers from 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 or three times a week during their overseas dispatch period. There were many complaints about inspections of the entire workforce, which was carried out by the security officer alone while all the workers were left outside their accommodation. Even doctors and others who were engaged in individual activities had to undergo inspections, and in one case, a security officer came to their house and made them take out all their letters, computers, etc., to inspect them. It was common for people who were caught by security officers to bribe their way out of trouble, but in exchange, 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 come back 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 are out at work. The security officer would call your boss to start the inspection. Since the security officer has a spy among the workers, the officer often does the inspection with specific targets in mind based on reports received.”

Control

The control over overseas workers encompassed all aspects of their daily lives, and included confiscating their passports, prohibiting them from going out, prohibiting them from coming into contact with outside information, restricting or banning cell phones and smartphones, and forcing them to engage in life review. 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 contract workers who worked independently. It was reported that the passports of workers were kept together by their bosses 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, but workers working at construction sites contracted by their 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 their 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 their host 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 living quarters and workplaces 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, 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 days off they had to travel in groups of three or four and were required to give their residency cards 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 permission.

For those who were sent abroad, contact with outside information was strictly controlled. Pre-departure training for all North Korean workers reportedly included instructions to avoid contacting foreigners or South Koreans, avoid 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, coming into contact with publications and videos, using cell phones, and accessing the internet. Televisions were installed in workers' quarters, but they were not allowed to

watch local broadcasts, only recorded North Korean broadcasts. Workers whose assignments had ended or were returning to North Korea on vacation were subject to inspections in order to confiscate 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 videos was told 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 as a matter of principle, but allowed as an exception for contract workers engaged in side jobs who needed to report their whereabouts and other information to security officers on a daily basis. The permitted cell phones were limited to those 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 usage among ordinary workers does not seem to have been particularly strong, as there were cases of non-North Korean 2G phones being used when necessary and reports of many ordinary workers also having used 2G phones. Moreover, there were a number of workers who possessed smartphones. They purchased the smartphones from the local secondary market or from migrant workers, and they used them to access the internet. Their smartphones were mainly used to access South Korean dramas, movies, news, and North Korean escapees' YouTube channels. Consequently, they were told that if they were caught with a smartphone, they would be assumed

to have accessed South Korean videos. It seems that the use of smartphones by dispatched workers both increased their access to the internet and contact with outside information, which consequently led security officers' to adjust the frequency and types of inspections they do. In the case of interpreters who were allowed to use smartphones for work, their access records were frequently checked, and in some cases, when contract workers came to the company every week to participate in life review sessions, 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 inspection purposes. However, even if they were caught with a smartphone, they usually used bribes to get out of trouble. 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 president and party secretary. However, it was not very common for workers to be repatriated. Most of the time, the worker's manager would bribe the security officer to dismiss the incident."

Life review was conducted on a weekly basis for overseas dispatched workers, with different days and methods depending on the working environment of the work site. Every weekend, the cell secretary of each workplace organized life review, 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 used. Those who were sent abroad during their military service or whose companies were affiliated with the North Korean military were obligated to attend political meetings, including a weekly review and monthly review. Even if most of the dispatched workers were party members, some testimony indicates that study sessions, lectures, etc. were held in addition to the weekly review. In the Middle East, depending on the region's characteristics, these activities were held on Friday, a rest day for workers, and remote residents such as doctors were allowed to participate once a month. However, there were cases in which the worker's employer only required workers to listen to lectures for about 10 minutes, and there were also cases in which the worker's employer said that such sessions were only to be held once a month, even though the regulations required them to be held

weekly. This was because the workers were told that their loyalty to the regime was paid in the state-planned quota so they were made to work at that time too. There was also a reports that the party secretary turned the life review into a mere formality to please the company director. Still, it was not properly carried out because the life review would reduce the number of hours for work. During the COVID-19 outbreak in 2020, life review was reportedly discontinued, and security officers replaced it with study materials provided by the embassy once a month. In one case, a small number of participants said that they had never organized a life review session during their work overseas. In another, testimony indicated that a life review session had never been held at a workplace with hundreds of personnel, even though it was supposed to be held every Sunday during lunch.

“Life review was conducted once a week in our company. Almost all workers, except for three, were the Workers’ Party members. The three non-party members were very busy with work, and the company kept false attendance records just for them. Managers were responsible for their own life review, and workers did their review sessions under their manager’s oversight. However, the review 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 review 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 the return of overseas workers and prohibits the dispatch of new workers. Despite these sanctions, however, North Korea has continued to send workers to Russia and China using various methods of evasion. These include disguising workers as tourists or students when obtaining visas. North Korean workers in China reported that they were able to obtain official passes for travel prior to the sanctions, but not after the sanctions took effect. 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. After October 2019, workers in Russia returned to North Korea to change their visa type to 'study(education) visas' and came back to Russia to work. North Korean workers did not even know the designated Russian colleges they were notionally supposed to attend. There were also reports of mid-level managers actually receiving some education at local colleges. There was also a case of an individual who entered Russia on a 'tourist visa' after the introduction of sanctions, and then went back and forth between North Korea and Russia every three months while doing contract work. Another report indicated that

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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.

in the Middle East, a North Korean company, reportedly operated as a subcontractor, and tried to avoid the sanctions by hiring a local national as its director.

North Korea closed its borders in 2020 in response to COVID-19. The border closure appears to have prevented workers 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. In some cases, workers dispatched before the sanctions were forced to stay in their 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 certificates 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 trouble. 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’s 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

Article 26 of 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 freedoms 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.

the promotion of understanding, tolerance and peace (Article 13, paragraph 1), and shall provide free and compulsory primary education to all, and progressively introduce free and compulsory secondary and higher education so that secondary education is available to all on an equal basis and higher education on the basis of capacity (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." On the basis of this, 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, it 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 realize 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 states parties.³³⁵ For

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³³⁴ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 44.

³³⁵ UN CESCR, General Comment No. 13(1999), The right to education, para. 51.

secondary and higher 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 primary school, three years of junior secondary school, and three years of senior secondary 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 the 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 primary and secondary education.³³⁹

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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; 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.

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

Despite these legal guarantees, in practice, school-age children in North Korea do not have access to free education. Testimonies were collected from children who had previously attended primary schools in North Korea, as well as junior and senior secondary schools. These indicated that they had to pay various fees to attend school, including school management fees and children's assignments (other in-kind or cash fees).³⁴⁰ In the case of textbooks, which are essential for schooling, there were many reports of students paying a certain amount of money to the school in 'textbook fees.' 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 in their studies 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 'use the textbooks 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 reported that they were given full access to the new textbooks.

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supplementary materials required for student education on time before the start of the new academic year. Additionally, these institutions, state-owned enterprises, and organizations must ensure the systematic production and supply of educational materials, experimental equipment, and teaching aids. Article 38 of the "Education Code Enforcement Law (2016)" stipulates that the central educational institution, local People's Committees, institutions, state-owned enterprises, and organizations shall produce and ensure the timely supply of educational books and various teaching materials required for the implementation of educational guidelines, considering the demand and utilization of these materials with the start of each new academic year.

340 The term 'Children's Assignment' refers to a task assigned to members of the Children's Union as part of the 'Good Deeds Campaign': North Korean Social Science Publishing House, Chosun Language Dictionary, Volume 4, 2017, p. 488.

“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 recycled old textbooks every year. However, there were cases where textbooks are 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 prices. According to one defector, students received uniforms at the state price until 2014, however, since 2015, they 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 wore passed-down uniforms of other students they knew. There were also reports 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 reports of schools demanding money for participating in school field trips. In 2018, a school organized a field trip to Mountain Chilbo, and students were required to pay for the trip. The cost of the trip was CN¥150 per person, but out of 50 students in the class, only 30 students paid and attended. In 2019, there was a field trip to Pyongyang, which cost CN¥200 per person, and only 13 of the students in the class went to Pyongyang because they were told they needed to bring their own extra allowances.

Students were reportedly asked to pay for the maintenance and upkeep of school facilities under the rubric of ‘school and classroom decoration.’ Each time such projects were undertaken, students were asked to pay in-kind or cash for the ‘decoration’ of the principal’s office, classrooms, labs, and computer labs. In addition, money was collected annually in the winter for heating costs. One defector said that their teacher told them that the school needed to be painted and asked each student to give 500g of limestone powder 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 defector who had previously worked as a bookkeeper at a high school, the North Korean regime’s policy required classrooms to be equipped with televisions, laptops, projectors, and solar panels in order to modernize them, 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, a school required each student to pay \$30 to renovate school facilities, including painting desks and chairs, installing televisions in classrooms, and replacing chalkboards with white boards.

In North Korea, students in all grades, from primary school to senior secondary school, are required to pay fees called ‘children’s assignments’ (*kkoma kwaje*) and to contribute to various programs.

One such program is the submission of rabbit pelts, which requires each student to submit two to three rabbit pelts to the school each year. One parent said that because she lived in the city, she was unable to provide her own rabbit pelts and had to buy them at the market. When schools collect the rabbit pelts, the mother of the class leader would pay the relevant amount to the school first, and later collect the allotted amount per student from parents. There was also a child's assignment for submitting scrap iron, scrap paper, and used plastic, which was more than students could submit by themselves. In addition, there are various economic tasks imposed from time to time to support the military, Shock Brigades, etc. As a result of these various and frequent fees imposed by the school, students now often pay a set 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 CN¥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?' I was at the parents' meeting where the students would also attend, holding their moms' hands, and I heard him saying that."

In North Korea, students were found to be coerced by teachers to pay money or provide goods demanded by the school. In some cases, teachers temporarily relieved students of such 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 money back with them. One defector recalled how her classroom teacher called her name out in front of her classmates every day, asked her when she would pay, and refused to erase her name from the classroom board until she paid the money that the school demanded. There were also reports of teachers keeping students in primary schools late at night to bring their parents to the school because they had not paid their assignments. 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. The only measure taken by the authorities and schools was sending classmates or the classroom teacher to see children who did not attend school to personally encourage them to attend. Some reported 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 or complete assignments that involve giving money, 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 didn’t want to be treated like that, so I would make my mom pay the school fees somehow. In the first year of primary school, I paid the school, but as I went up the grades, there were more and more students who couldn’t pay, and then the teacher scolded them and embarrassed them, so they don’t go to school.”

B. Equality of Educational Opportunity

(1) Discrimination based on social background (*songbun*)

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 family background (*chulsin songbun*) in educational opportunities in North Korea. One former student stated that in 2018, they were recommended by their school and selected to join the children's palace ski team, but that the general director of physical education excluded them from the list because of their social background. There were also testimonies indicating that children of detainees (*ijumin*) in the political prison camp system do not receive a formal education. There are primary schools and secondary schools in the camps, but unlike regular schools, students arrive at school carrying an A-frame instead of school bags and learn about farming.

Discrimination based on social background also exists when it comes to college entrance. One defector 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 with her 'bad' background. This discrimination was allegedly in accordance with the Ministry

³⁴¹ UN CESCR, General Comment No. 13(1999), The right to education, para. 6.

of Education's policies. Another defector said that in 2018 she wanted to go to medical school, but during a meeting with the 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 reported that after graduating from high school, they were unable to enter not only general universities but also technical colleges because their 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 defector said that her son was a student at a primary school in 2018, where 25% of the class was made up of children who could not afford to attend. In secondary schools in rural areas with high levels of poverty, attendance is said to be less than half. Attendance rates decreased as students progressed from primary schools to senior secondary school 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

According to testimonies collected, discrimination by teachers against students for financial reasons is well known. Several reports indicate that students unable to pay were discriminated against in school. One North Korean defector 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 reports of students who paid the school and supported the teacher's living expenses being called 'honor students,' given certificates and other awards, and excluded from mobilization obligations. To become a student leader, such as a class president, one had to pay a significant sum to the class, and there was considerable discrimination between student leaders and other students. There has been no real action by schools or the authorities to address this discriminatory behavior by teachers.

"Teachers discriminate between children who are 'the enthusiastic' such as class leaders, and those who are not. Usually, the school asks for a lot of money for various reasons including decorating school, supporting national projects, and so on, but being a class leader requires extra money. As teachers live on the money, school life itself is centered on those students who pay extra. 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

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342 CRC/C/PRK/Q/5/Add.1 (2017), para. 9.

are also centered around them, so the normal students can't keep up with their progress and just fill the seats. And my teacher bluntly said, 'If you can't afford to pay, you don't need to learn,' and often referred to those students as worthless and inferior. This kind of discrimination didn't just come from my teacher, but from the school as a whole."

(3) Education Inequality between the 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 apply the lessons from pilot schools with excellent educational conditions and environments to other rural schools.³⁴³

In the same report, North Korea stated that competent teachers and teachers' institute instructors are also tasked with improving the teaching skills of rural school teachers.³⁴⁴

However, educational inequality appears to exist between urban and rural areas. Defectors who had 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 modern, with teachers who were not certified but rather trainees from colleges. Because of the poverty in the locality, it was difficult to collect money from students, so teachers were often disengaged and did not

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³⁴³ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 46.

³⁴⁴ *Ibid.*, para. 46.

teach well. A former North Korean schoolteacher said that with no support from the North Korean authorities, it was up to the parents to help schools modernize. In this situation, city schools, which are often attended by children from well-off families, were modernized with the help of parents.

C. Educational Conditions

(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, North Korea 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

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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.

in 2019, North Korea stated that it considered the improvement of educational quality, the 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, spending an average of 8.6 percent of its GDP on education.³⁴⁸ In its report, the North Korea 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 North Korean defector testimony, however, 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 an primary 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 traditional toilet outside the school and had no hand-washing facilities. Another witness said that her secondary school did not have running water in 2019 and continued to use a well outside the school.

There were also many reports saying 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

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³⁴⁸ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 42.

³⁴⁹ *Ibid.*, para. 45.

a school, but it was practically unusable because there was no electricity. Another defector said that the only computer lab was in the senior secondary school, which had only three computers and was never used by students. Another reported that there were computers in the computer lab, but few of them were working.

(2) Treatment of Teachers

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 “People’s Committees at all levels and relevant agencies shall give preferential treatment to teachers and ensure that their work and living conditions are suitable.”³⁵⁰

In reality, however, teachers are 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

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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 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 properly.

to make ends meet by informally charging tuition from parents, conducting illegal extracurricular activities, or mobilizing students to work in their own kitchen gardens. Some testimonies showed that parents realize that teachers would find it difficult to make a living without their support, and that teachers take it for granted that parents will support them. A defector who previously worked as a teacher in a primary school said that most teachers earned their living through informal tuition from the parents of students or by contacting parents who were personally well-off and taking support from them. Some teachers were paid monthly by parents to tutor students. As teachers' salaries and rations are not sufficient, some reported that teachers ask parents to contribute more money when the school asks for children's assignments or to pay school operating costs. In 2019, there were also reports of a secondary school teacher mobilizing students to work in their personal kitchen garden, despite the principal's instructions not to do so for personal gain.

"Teachers' monthly salaries are paid, but the amount is not even enough to buy 500g of rice. Every year, in late September and early October, six months' worth of potatoes were distributed per teacher. The potatoes come from a farm that the students go to for rural mobilizations. The salary and rations provided by the school are not enough to live on. Teachers solve this problem by appealing to the parents of the students, who are class leaders and youth leaders, for money."

D. Alignment with goals

(1) Excessive Ideological Education

Article 13(1) of the ICESCR sets out the objectives of education by stating that all education should be directed to the full development of the human personality and the sense of its dignity, strengthening the respect for human rights and fundamental freedoms, enabling all persons to participate effectively in a free society, promoting understanding, tolerance, and friendship among all nations and all racial, ethnic or 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 beliefs on students 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 Education Code Enforcement Law specify that political ideology education should be prioritized over other general education.³⁵³ From testimonies

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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 strength, and

collected, it appears that the North Korean curriculum focuses on ideological indoctrination. There were reports 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 primary school, their revolutionary activities in junior secondary school, and their revolutionary history in senior secondary school. In addition, political history is given more importance in all curricula than general education, and attendance and testing are more strictly managed. According to a defector 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 primary school and their revolutionary activities in junior secondary school, alternating between Kim Jong Suk and Kim Jong Un each semester. Students were not allowed to miss political classes, and exams were mandatory. Even if you passed all other exams with top marks, you could not be a top student if you don't pass revolutionary history, as it is considered the most important subject. Political ideology is also taught on a daily basis, with students being mobilized for important political events and compulsory

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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 Education Code Enforcement Law (2016), educational institutions must create realistic education programs under the principle of emphasizing political and ideological education and strengthening education in science and technology.

participation in organizations such as the Young Pioneers and the Youth League to learn and practice ideas outside of class. One defector recounted his joining the Young Pioneers in the third grade of primary school, where he wore a red tie and took an oath to serve the supreme leader. One of the principles they remembered well from his time in the Young Pioneers 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 reports that they had to learn songs praising Kim Il Sung, Kim Jong Il, and Kim Jong Un, and sing them frequently during their activities within the Young Pioneers and Youth League.

(2) Military Training

North Korea has a mandatory military training program called the ‘Red Youth Guard,’³⁵⁴ which includes live-fire training in the senior secondary school curriculum. The purpose of the program is to create a combat-ready people. According to testimonies collected, in North Korea, school students as young as 14 and 15 years old actually participate in military training, spending a week in training camps, including disassembling and assembling guns, and shooting with live ammunition. One defector said that in 2019, they entered a Red Youth Guards camp for 10 days of

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³⁵⁴ The ‘Red Youth Guard’ is a student military organization established in 1970 by Kim Il Sung’s orders. It is composed of male and female students aged 14 to 16 from senior secondary schools, and students are 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).

training, which was compulsory for all students, and as part of the curriculum, they were trained to fire three rounds of live ammunition.

“I received my Red Youth Guard training in the second year of senior secondary 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 was a real gun with no ammunition, standing in front of a computer screen and hitting a target with a laser light. We learned how to aim the gun by distance and where on the human body we can hit. On the second day, we practiced hitting a dummy parachuting down, and on the third day, we practiced 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 in stating: “Citizens have the right to free medical treatment, and those who have lost the capacity to work 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 welfare measure that guarantees the life and health of workers who temporarily lose their capacity to work due to illness, injury, pregnancy, or childbirth, funded by the state and society.”

A. Pensions

(1) Old Age Pensions

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 themselves 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 old age 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 old age pension. The pension is mainly paid in cash and in-kind through the local district/county office. In 2019, one woman reported that she had received NK₩700 as an old age pension, while another received 600 grams of rice and NK₩60 in cash at around the same time. Testimonies from 2017 and 2019 indicate that people receive between NK₩700 and NK₩800 per month in old age pensions. However, this amount is not enough to survive on, as NK₩700 could not 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 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 for a total of 25 years. Therefore, many older women don’t receive a pension. The pension amount was NK₩700 in 2019, which was not enough to buy even 1kg of rice.”

(2) Incapacity Pensions (Social Security)

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 Labor Law (2015) states, “The state shall provide a pension for incapacity from

work under the national social security system if the period of incapacity from 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 found to be incapacitated for more than six months. For instance, a man who was discharged from the army in 2011 suffering lingering effects 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 arms in an industrial accident, were registered as social security recipients, but did not receive any financial assistance from the North Korean authorities, forcing them to support themselves by running their own businesses.

Yet, 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. If an individual is absent from work for a prolonged period of time, they are usually punished through labor education penalty

(*rodongkyoyang*). 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 work obligations. Additionally, some people bribed clinic doctors and the director of the hospitals 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 NK₩3,000 per month. Until the age of 60, North Korean men must attend state workplaces. It doesn’t matter whether the company or factory is operational or not. If you don’t go to work, you 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) Pensions for Surviving 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 With regard to this, 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 reports have not specifically mentioned survivor pensions, testimony from the 2010s indicate that the pension payments for survivors was poorly implemented. For instance, in 2012, two workers in a shock brigade died in a tunnel-building accident, but their families received no compensation. Similarly, previous cases demonstrate that when collective farmers or shock brigades 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 a shock brigade, yet the families of the deceased were only given ‘warrior’s death certificates,’ 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 in a shock brigade were killed on-site during a blasting operation in Jagang Province, North Korea, and their families received no compensation. Some families did not receive a survivor’s pension from the authorities, but instead received money from the company or the shock brigade where the deaths occurred.

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³⁵⁶ UN CESCR, General Comment No. 19, The right to social security, paras.1–3; para.17.

B. Other forms of welfare

(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 capacity to work due to labor accidents, illnesses, or injuries, and pensions for loss of the capacity to work 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, a former worker at a forestry workshop who suffered frostbite during winter logging operations, reported receiving no medical treatment or subsidies. In 2011, a worker injured her foot while working at a forestry workshop, but there was no support or subsidies from the authorities for medical treatment and living expenses. In 2019, a female worker injured her back while working at an

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³⁵⁷ CESCR, General Comment No. 19, The right to social security, para. 14.

urban construction center and was treated at a People's Hospital, but despite the fact that it was an industrial accident, she received no financial support. 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 and underwent surgery, but received no financial support for medical treatment or incapacity benefits from the authorities. In 2007, a male worker suffered a finger amputation in an accident at work, but was not paid any wages or incapacity benefits 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) Support for Multiple Children

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 NK₩5,000 per child per month, from the birth of the third child until the child graduated from senior secondary 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 indicating that the subsidy, which was originally NK₩500 per child, was increased to NK₩5,000 in 2017.

"If you have three or more children, you can receive a monthly subsidy of NK₩5,000 for each child until they finish senior secondary school. Therefore, for a family with three children, the total subsidy

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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 triplets are born, they will be provided with clothes, blankets, and dairy products for free for a certain period of time, provided childcare subsidies until they reach the age at which they go to school, and the state will take special care of the health of children and mother.

would be NK₩15,000. However, the subsidy was not paid every month by the county office director, but only once every three months, which meant a total of NK₩45,000. You can't even buy 4kg of rice for the family with NK₩15,000. The subsidy is too small to help raise three kids."

C. Other

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 extraordinary 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 is supposed to serve as a model example for all provincial nursing homes.³⁵⁹

Recently, testimonies about elderly care facilities have been collected about certain parts of North Korea. According to testimonies collected, the North Korean authorities promoted the

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³⁵⁹ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 77–81.

construction of a nursing home in Pyongyang in 2017 through the media. 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, there were testimonies of some people witnessing the nursing home around the same period 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 children 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 guardian. In this regard, testimonies were collected indicating that many people want to enter nursing homes because they offer a place to eat and sleep. There were also cases where children felt burdened by supporting 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,

Ryanggung Province, and had only one son. For him, she was too much of a bother 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 (UDHR) emphasizes the inherent dignity and equality of all members of the human race, and Article 2 of the UDHR 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 ICESCR also affirm that men and women have equal rights, and stipulate that States Parties to the Covenant shall 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 Women (CEDAW)³⁶¹ was adopted by the 34th session of the United Nations General Assembly and entered into force in September 1981. The CEDAW

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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.

outlines provisions that prohibit all forms of 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 CEDAW in 2001 and, as a State Party to the CEDAW, submitted its initial report on the implementation of the CEDAW in 2002 and its combined second to fourth periodic report in 2016. In addition, in its three UPR reports (2009, 2014, and 2019), North Korea identified women's rights as a one of the rights of special groups and reported on its efforts and effects in promoting and protecting women's rights. In its Voluntary National Review (VNR) report on the implementation of the Sustainable Development Goals (SDGs), submitted in June 2021, North Korea stated the plan to prioritize the empowerment of women and promote multi-dimensional education to unleash 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 on the Protection and Promotion of the Rights of Women (2015) stipulates that “the state maintains the consistent policy of ensuring full equality of women with men and that the state shall prohibit all forms of discrimination against women.” In its 2021 VNR report, North Korea stated its plan to “properly enforce national laws related to gender equality and

appoint more women to leadership positions in government agencies and other organizations.”

Despite the legal prohibition of discrimination against women, there appears to be discrimination in North Korean households, society, and education. Until recently, in North Korea, there has been a tendency within families to favor or prioritize sons over daughters, leading to discrimination based on traditional gender roles. There have been instances where daughters were not given equal educational opportunities compared to sons. Discrimination based on gender was also found in North Korean society. According to testimonies, it was harder for women to enter the Workers’ Party or receive promotions 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 party admission, promotion, and job placement. Furthermore, discrimination against women was found in North Korean schools. Testimonies reveal that women were excluded from the selection process for the authorities-sponsored foreign students, with only men being chosen. Despite their academic achievements, women were not given the opportunity to enroll in advanced classes designed for graduate studies, such as master’s or doctoral programs. This discrimination was attributed to the belief that marriage would negatively impact women’s academic performance.

“Every year, Russian universities accept a certain number of students recommended as the authorities-sponsored scholars from North

Korea. If selected as government-sponsored international students from North Korea, they could be admitted to Russian universities without the need to take separate exams. However, children whose parents divorced or remarried were not eligible for selection as government-sponsored scholars. Additionally, those with parents who had a criminal record were also excluded. Moreover, only male students were selected. The reason given for not selecting females was that they were deemed susceptible to temptation and prone to defection.”

B. Violence against Women

(1) Domestic Violence

Article 37 of the Law on the Protection and Promotion of the Rights of Women (2015) states that women have the inviolable right to life, and Article 46 of the same law stipulates that violence against women at home is prohibited. Despite this, violence against women at home is not uncommon in North Korea, where domestic violence is often perceived as a matter to be resolved personally rather than an issue for the authorities to intervene in. Moreover, the officers receiving reports of violence are mostly men with patriarchal thinking, which leads to a tendency to be unwilling to intervene. There is also a common practice of shifting the blame onto the victim, thereby psychologically disempowering them and discouraging them from reporting the incidents. Even if reports are made, the authorities have shown

little proactive involvement, and women who have suffered from domestic violence have struggled to receive appropriate protection. Due to the passive intervention of the North Korean authorities, victims of domestic violence often do not even feel the need to report the incidents and find it challenging to seek external solutions for addressing domestic violence. A testimony from a girl revealed that her stepfather had severely assaulted her mother, and neighbors reported the domestic violence incident. Subsequently, a social security officer visited the scene, but no action was taken. In another testimony, when a woman reported her husband's habitual assaults on her, social security officers blamed her and told her that her husband's attacks on her were not a crime but a form of discipline. They told the woman, who sought legal help, that there were no legal grounds to punish her husband for domestic violence. Thus, she received no assistance from the social security office, and was left with no choice but to return to the home where the perpetrator of the violence resided. She stated that the domestic violence continued even after that.

"My husband would beat me whenever he was drunk. Once, in the spring of 2014, I went to the social security office in Taehongdan County, Ryanggang Province to file a report. I asked for legal intervention, telling the officers that my husband would hit me when he was drunk, but they said, 'That is not a crime. There are no regulations to punish such acts, 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 back home. In North Korea, there were many households where men would exercise violence against women. It seemed to be around 70

to 80%. However, since there was no legal recourse, women were subjected to daily beatings. It was disheartening to think that I had to continue living like this because the security officers did not address the reported cases. I felt helpless because I had no way to prevent it on my own.”

(2) Sexual Violence

Sexual violence against women is punishable by up to nine years of reformation through labor (*rodongkyohwa* punishment) under Articles 319 and 320 of the North Korean Criminal Law (2022). If the rape is particularly severe, Article 9 of the Addendum to the Criminal Law (General Crimes) (2010) allows for the imposition of reformation through labor for an indefinite period (life imprisonment) or even the death penalty.

Many cases have been collected indicating that sexual violence occurs frequently in North Korea, including within households, schools, military, shock brigades (*dolgyeokdae*), and detention facilities. In most cases, victims do not report these incidents, and even if they do, the authorities do not actively address the cases. It is mentioned that many female victims feel ashamed that others were to become aware of the situation and fear facing repercussions, which discourages them from reporting the incidents. Even when reported, the authorities often perceive sexual violence as a personal matter and do not intervene, shifting the responsibility onto the victim. This atmosphere has resulted in a reluctance to report incidents. In one case, a victim

who was sexually assaulted by her cousin had an abortion due to the pregnancy. Although the rest of her family became aware of the situation, they didn't even consider reporting it because they regarded it as 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 cases within schools, a student reported sexual assault by her secondary school homeroom teacher to the educational authorities, but the perpetrator was not punished because he had a good family background (known as '*todae*'). In another case, an orphans' secondary school homeroom teacher was caught attempting to sexually assault a female student by a lower-level Workers' Party secretary. However, the teacher was only sent for revolutionary re-education (one of administrative penalties) and returned to the school less than a month later.

Within the military, it has been found that sexual assaults committed by superiors or fellow soldiers occur frequently. Superiors often exploit their power by promising various privileges, such as admission to the Workers' Party, while also threatening potential disadvantages, to engage in repeated cases of sexual harassment and assault against female soldiers. Many female victims, fearing repercussions, have chosen to remain silent even after experiencing sexual harassment or assault. When sexual assaults occur in the military, proper investigations and punishment for the perpetrators are not carried out. Instead, there were cases where the victims themselves faced dishon-

orable discharge.

“It’s commonplace for male superiors to sexually assault female soldiers. Around 20 officials repeatedly sexually assaulted their female soldiers, luring them with offers to help them join the Workers’ Party. Female soldiers can’t reject the sexual demands of their superiors because if they refuse or resist, they face difficulties and are subjected to arduous tasks, resulting in personal disadvantages. It seems like female soldiers don’t bring up such issues for fear of further harm to themselves if the incidents become known. No punishment has been imposed on the officials involved.”

Cases of sexual violence within *dolgyeokdae* were also collected. The division commander in Pyongyang recognized that a female member had become pregnant as a result of sexual assault 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. In one case, the head of the *jipkyulso* (holding center) persistently sexually harassed female detainees despite their strong resistance. In another case, female detainees in a *jipkyulso* run by the social security department in Sinuiju City experienced sexual assaults from both the *jipkyulso*’s head and the guards. Testimonies of sexual harassment by guards were also collected at a *kuryujang* (pre-trial detention center) within the social security department in Pochon County, Ryanggang Province, and another in Hyesan. One woman testified that during her preliminary examination after being arrested for smuggling, the head of the preliminary

examination division demanded sexual intercourse in exchange for clearing her case.

C. Maternity Protection

Article 25(2) of the UDHR states that “Motherhood and Childhood are entitled to special care and assistance.” Article 11 of the CEDAW requires States Parties to prohibit discrimination, including dismissal on the grounds of marriage, pregnancy, or maternity leave, to introduce maternity leave, and to provide special protection to pregnant women.³⁶²

Article 77 of the North Korean Socialist Constitution (2019) lists the measures that the authorities should take to protect mothers and their children, including maternity and paternity leave, reducing 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 forced to work at night.

(1) Support for Pregnant Women

Article 51 of the North Korean Law on the Protection and Promotion of the Rights of Women (2015) states that medical institutions must provide safe and effective medicines and treatment

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³⁶² Convention on the Elimination of All Forms of Discrimination against Women, Article 11(2).

techniques for women giving birth and that health institutions, state-owned enterprises, and organizations are obligated to take care of the health of mothers and children. Article 10 of the Public Health Law (2012) stipulates that childbirth is free of charge in accordance with the principle of free treatment. In its third UPR report submitted 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, there was a case where a pregnant woman received basic medical treatment from a household doctor at a clinic during her pregnancy for free, but ultrasound examination was conducted at an additional cost. In another case in 2018, there were no regular checkups for pregnant women conducted by the authorities, and thus a pregnant woman was able to privately undergo prenatal ultrasound examination through personal connections and identify the position of the fetus. Recently, there has been an increase in childbirths taking place in hospitals, but it is also found that some women 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

Taehongdan County, Ryanggang Province, a midwife from a clinic was called to a pregnant woman's home and helped her during childbirth, and she was given NK₩30,000 as compensation for her services. Responding immediately to emergency situations during childbirth is essential to protecting mothers and newborns. However, testimonies have been collected stating that in cases where giving birth at home without medical professionals, they were unable to prepare for emergency situations. In 2018, there was a case in which a mother giving birth at home had an emergency during childbirth. Due to the lack of appropriate measures, she passed away from excessive bleeding.

"I underwent two ultrasound examinations at Taehongdan County Hospital, but there was no government support provided. In my case, I was able to arrange the examinations privately through my husband's connections. For the childbirth, I called upon a midwife from a clinic in Nongsa village (ri), Taehongdan County to assist me at home. I gave her NK₩30,000 as compensation for her services."

(2) Prenatal and Postnatal Leave and Subsidies

Article 10 of the ICESCR states that special protection should be accorded to mothers during a reasonable period before and after childbirth, and working mothers should be granted paid leave or leave with adequate social security benefits. Article 11 of the CEDAW recognizes women's right to social security, in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave.

In North Korea, women are entitled to regular and additional leave, as well as maternity leave, under Article 40 of the Law on Labour Protection, adopted in 2010.³⁶³ In 2015, North Korea amended the Socialist Labour Law and the Law on the Protection and Promotion of the Rights of Women 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, prepartum and postpartum leave was not observed as prescribed. In one case, 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 continued to work with a full-term pregnancy. During her shift, she collapsed and was taken to the hospital, where she experienced a miscarriage. In another case, at a collective farm in Onsong County, North Hamgyong Province, a pregnant woman was unwell in her fifth month of pregnancy, but she continued to work due to the policy allowing maternity leave only in the month just before childbirth. Eventually, she collapsed and experienced a miscarriage.

According to Article 19 of the Law on Social Insurance and Social Security (2021), a prenatal and postnatal subsidy equal to 100% of living expenses should be provided during prenatal

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363 In its combined second to fourth periodic report submitted in 2016 as a Party to the CEDAW, North Korea stated that the adoption of the Law on Labour Protection contributed to further perfecting the legal system for the protection of working women. (UN Doc. CEDAW/C/PRK/2-4 (2016), para. 30)

and postnatal leave. However, it appears that these subsidies are not being paid. In fact, there were no testimonies from women who had received prenatal and postnatal subsidies. According to testimonies collected, prenatal and postnatal leave were available in 2018, but there were no separate subsidies or additional rations for pregnant women. On the other hand, there was a case of a pregnant woman receiving food assistance. In 2019, a special food supply was provided for pregnant women, with 0.65kg per day and 20.15kg per month in rations.³⁶⁴

“I worked at a food supply center in a coal mine in Pukchang 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 the standard amount. 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

It has been revealed that many women experience human trafficking during the process of defection from North Korea. Among the defected women who have experienced human trafficking, it is reported that many were unaware of being trafficked when they

³⁶⁴ During the same period, regular office workers were provided with a daily ration of 0.45kg and a monthly ration of 13.95kg.

defected. Numerous testimonies have been collected indicating that assistance from brokers was required for defection, and some of these brokers were found to be involved in sending North Korean women to Chinese men for marriage or engaging in their sale to sex entertainment establishments and other venues. In many cases, these women were deceived by brokers' promises of being able to earn money in China and defected. After being trafficked, they came to realize that they had become 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 was deceived by promises of earning a substantial amount of money by working at a restaurant run by a Korean-Chinese in China and being able to return to North Korea after two months. However, she ended up being trafficked and forced to marry a Chinese man. In 2017, there was also a case of a woman who had crossed the border to head to South Korea but was trafficked and forced to marry a Chinese man. Another woman, who did not realize she had been trafficked until she arrived in China in 2015, stated that she was forced to work in a video chat room.

"I needed to go to China in order to survive. There were no rations provided by the government at all. I heard that it was possible to make a living in China, so I defected to China. There were many young North Korean women and girls who were being sold to China, believing the words of women in their 40s who approached them at Chongjin Station in North Hamgyong Province, saying, 'You can earn

money and have a better life in China.’ I was one of them. When I arrived in China, there was a North Korean-Chinese broker involved in the trafficking, and that person threatened me, saying, ‘There are no other jobs. The only option is to marry a Chinese man and live with him. If you try to escape, you will be forcibly repatriated and executed.’ That’s when I realized that I had been trafficked. I didn’t want to be sold, but I believed that I would be executed if I were repatriated, so I had no way to refuse.”

On the other hand, there were testimonies from women who were aware of being trafficked during the defection process but were forced to resort to human trafficking as their only available option. In one case in 2015, a woman was told by a defector broker that if she defected to China, she would be sold and forced to marry a Chinese man. Despite this, she chose to defect from North Korea through a trafficking route and eventually married a Chinese man. There was another case of a woman who was forcibly repatriated to North Korea after her initial defection in 2015, but later voluntarily engaged in trafficking to make a second defection in 2018 and married a Chinese man.

Women who experienced human trafficking during the defection process were also exposed to sexual crimes by brokers and others. They faced difficulties because they could be forcibly repatriated and punished if arrested. In 2018, there was a case of a woman who experienced sexual assault by a broker while in transit to enter South Korea after defection. In another case, a woman was subjected to repeated sexual assaults by members of a video chatting site organization until 2018. However, she was

unable to report the incidents out of fear of being arrested by the Chinese police and forcibly repatriated to North Korea.

When North Korean women are arrested by the Chinese authorities and forcibly repatriated to North Korea, it has been revealed that they are subjected to various human rights violations during this process. After being arrested by the Chinese authorities, they are held in detention, undergo interrogation, and are subsequently transferred to the border for repatriation to North Korea. Within North Korea, they undergo investigations conducted by various institutions. Typically, they are sent to a provincial or municipal state security agency then to *jipgyeolso* (holding centers), and finally transferred to the social security department in their registered places of residence, where they may face trial or administrative punishment. It has also been discovered that forcibly repatriated North Korean women endure human rights violations such as strip searches, body cavity searches, sexual violence, and forced abortions during the transfer process.

In one case in 2017, when North Korean women were forcibly repatriated and transferred to an Illegal Border Crosser *Jipgyeolso* (holding center) in North Hamgyong Province, it was reported that two male guards conducted strip searches and body cavity searches on the women after forcing them to undress. Additionally, many testimonies have been gathered, indicating that women who became pregnant as a result of relationships with Chinese men were subjected to forced abortions. Forced abortions appear to be primarily carried out at facilities

operated by the state security department, where women are initially detained after repatriation, or at *jipgyeolso* (holding centers) where they are subsequently transferred. In 2017, a woman who was in her third month of pregnancy at a detention center under the state security department in Sinuiju, North Pyongan Province, was taken to an external hospital and subjected to an abortion against her will. In 2016, a woman who was in her eighth month of pregnancy underwent a forced abortion at a *jipgyeolso* (holding center) in Ryanggang Province.

During the investigations conducted by North Korean institutions including the state security agency, even if it was discovered that women who were forcibly repatriated did not know they would be trafficked and had to defect from North Korea due to economic difficulties and they were victims who had been trafficked in China, they did not receive protective measures or avoid punishment as victims. Instead, they were found to be disadvantaged during the investigation process due to their actions in China. A woman who was arrested while she escaped from home and was on the run, three months after being trafficked and married off, believed that she would not be punished if she was forcibly repatriated to North Korea as a victim of human trafficking. However, she stated that she was sentenced to reformation through labor (*rodongkyohwa* punishment) at the end of 2015. Moreover, multiple testimonies were collected indicating that guards and officers at the pre-trial detention center (*kuryujang*) punished or sexually harassed only those women who had been forcibly repatriated.

“The reason for my defection was for economic purposes, to earn money, and I only found out that I would be sold after arriving in China. So, I believed that even if I were forcibly repatriated, I would not be punished. My defection was not due to bad intentions. In fact, I felt relieved to be arrested and repatriated after enduring a lot of suffering while being sold in China. It meant going back home. However, I was deeply disappointed by the inhumane treatment I received during my time in the pre-trial detention center (*kuryujang*) in Sinuiju.”

Forcibly repatriated women, regardless of whether they were victims of human trafficking, have been found to be punished for illegal border crossing under the Criminal Law or the Administrative Penalty Law. There was a case where a woman, who defected and stayed in China for four years, was sentenced to one year and eight months of reformation through labor (*rodongkyohwa* punishment) for the crime of illegal border crossing after being forcibly repatriated and transferred to her registered place of residence in 2016. In another case, a woman was forcibly repatriated after staying in China for four and a half years and then was sentenced to one year and six months of reformation through labor (*rodongkyohwa* punishment) for the same crime in 2017.

“(After being forcibly repatriated), I was admitted to the No. 1 Hospital in Hyesan due to digestive disorders and gallbladder problems. However, when I was discharged, the diagnosis was changed to malnutrition. After being granted medical bail, I was sent home. In April 2018, I stood trial at the People’s Court in Hyesan, and I was

sentenced to one year and six months of reformation through labor (*rodongkyohwa* punishment) for the crime of illegal border crossing.”

On the other hand, in the case of minors at the time of defection, it appears that they may be subject to social educational measures and released without punishment. There was a case where a girl, who was trafficked at the age of 14 and stayed in China for about two years before being forcibly repatriated, was granted a social educational measure due to her status as a minor at the time of defection. A similar case was documented where another girl was trafficked at the age of 13, forcibly repatriated, and received a social educational measure.

Some of the women who were forcibly repatriated and punished testified that they lived under the surveillance of the authorities. Even after receiving punishment, they were subjected to constant surveillance and discrimination. Their families were also under surveillance. The common statement was that the reason for the authorities’ excessive surveillance was the concern that they would attempt to defect again. One North Korean defector recounted that when she returned to her registered place of residence after serving her sentence in prison (*kyohwaso*), the surveillance around her was so intense that she decided to defect again. Another defector testified that every time she went out, even for a short period of time, she had to inform the head of the People’s Watch Unit (*inminban*) because the authorities conducted intense surveillance, including efforts to locate her. She also mentioned that her family members were

monitored so intensely that her younger sibling complained about the difficulties they faced. There was a case where, due to her defection and forcible repatriation, a woman's father was dismissed from his job. In another case, despite her desire to find employment after being forcibly repatriated, she couldn't find any, making it challenging for her to sustain her livelihood.

"I was sentenced to one year of reformation through labor (*rodong-kyohwa* punishment) for the crime of illegal border crossing. I was well aware that my family and I had been under constant surveillance for some time. The surveillance was conducted by watchmen, including the state security officer in charge of my place of residence, the officer's informants, and the head of the People's Watch Unit (*inminban*). Whenever my younger sibling visited a relative in Pochon County and returned home, the watchmen would go to the relative's house and inquire about the purpose of my sibling's visit. My sibling often complained to me about the difficulties of being monitored after my release."

2. Children

Children have often not been recognized as independent actors with rights due to their physical and mental immaturity. Based on this historical experience, the need for special protection and consideration of 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 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. The Committee on the Rights of the Child, through

its Concluding Observations on North Korea's periodic reports, has consistently raised concerns, made recommendations, and called for the faithful implementation of the Convention by the North Korean authorities.

North Korea reported in its fifth periodic report that it had taken several measures to implement some of the recommendations made by the Committee, including the adoption of the Law on the Protection of the Rights of the Children in 2010, the establishment of the North Korea Association for Supporting the Children 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 Additionally, 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 child illness, had been successfully implemented, resulting in a reduction in infant mortality and chronic and acute malnutrition rates.³⁶⁶ On the other hand, 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 has a different definition. In Article 2 of the Law on the Protection of the Rights of the Children (2014) and Article 10 of the Law on the Nursing and Upbringing of Children (2013), North Korea defines a child as 'a person from birth to the age of 16.' As a result, individuals who are 17 years old in North Korea

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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.

are excluded from the protection and rights that are specifically granted to children.

A. Administration of Juvenile Justice

Articles 37 and 40 of the Convention on the Rights of the Child address the rights of children who are alleged as, accused of, or recognized as having infringed the penal law, commonly referred to as ‘children in conflict with the law.’ Under these provisions, States Parties to the Convention have an obligation to establish and implement a specialized juvenile justice system to ensure the rights of children in conflict with the law. North Korea stipulates in Article 7 of the Law on the Protection of the Rights of the Children (2014) that children are entitled to special judicial protection, and Article 47 of the same law requires that the rights of children be provided and guaranteed at all stages of handling and processing criminal cases. According to testimonies collected, it has been found that children’s rights are not adequately guaranteed in the field of juvenile justice 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 shall not 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 Children (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.

Testimonies collected indicate that children are sometimes sentenced to death in public trials and executed in public in North Korea. One North Korean defector provided testimony stating that in the winter of 2018, two individuals were publicly executed for engaging in superstition and religious activities, one of whom was a child. Additionally, another case involved six children between the ages of 16 and 17, who had graduated from senior secondary school, being sentenced to death and executed by firing squad in a stadium in Wonsan, Kangwon Province in 2015. The reasons for their execution were watching South Korean videos and using 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 measure of last resort, and for the shortest period of time. In its fifth periodic report to the Convention on the Rights of the Child, North Korea claimed that as interrogations of children take place at their homes or at

the relevant judicial institution in the presence of their parents, no instances of child detention or confinement were reported during the reporting period (2008-2015).³⁶⁷

There were a number of cases collected where children under the age of 17 were arrested without a warrant and subjected to interrogation in detention. There were also cases where children were detained in detention centers for being homeless children (*kkotjebi*). Furthermore, a North Korean defector gave testimony that they were arrested and interrogated at the age of 15 in 2018.

"I was taken to the social security department and detained for 12 days in the *daekisil*. This was because I was arrested by the *109 group* during an outside information crackdown for possessing and watching South Korean movies. During the crackdown, the *109 group* found South Korean movies on my computer and used profanity and insults, saying things like, 'If you watch this kind of thing, you must be mentally corrupt.' I was immediately taken to the *109 group's* office and detained for three days while being investigated. Afterward, I was held in the *daekisil* within the social security department 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 maintain contact with their

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³⁶⁷ UN Doc. CRC/C/PRK/5 (2016), para. 235.

families through correspondence and visits, save in exceptional circumstances. No such provision was found in publicly available North Korean legislation.

Testimonies collected reveal that children over the age of 15 are being detained alongside adults in North Korea and are subjected to the same treatment as adults. There have been numerous accounts of children being detained alongside adults and subjected to the same treatment as adults, including being forced to maintain a fixed position. There were also testimonies stating that although visitors were permitted to deliver food to the detainees, face-to-face visitation was not allowed. One North Korean defector recounted her experience of being forcibly repatriated in 2017 and detained in a state security department at the age of 15. During her detention, she was confined in the same cell as adults and subjected to the same treatment as them.

“I was detained in the state security bureau for a month. I was held in the same cell as adults and subjected to the same treatment. Usually, I would be interrogated for about 20 minutes, but apart from that time, I had to maintain a fixed position at all times. This was extremely difficult and painful for me. I was not allowed to move or communicate with others. I had to seek permission from the guards to use the restroom. Additionally, when I was taken outside the cell for questioning or other purposes, I had to extend my hands for the guards to handcuff me and crawl out of the detention area with my head down. Any violation of the rules inside the pretrial detention center (*kuryujang*) would result in physical abuse from the guards. There was no consideration or special treatment provided to me as a minor.”

Meanwhile, there was a case in which children under the age of 14 were placed in custody and separated from adults. According to the testimony, a 14-year-old and a 12-year-old who were forcibly repatriated together with her from China in 2017 were separated from the adult detainees due to their young age. They were held in a kitchen storage room in the pretrial detention center (*kuryujang*), where the children were allowed to move around freely without being required to maintain a fixed position.

(4) Prohibition of Punishment for Repatriated Children

Article 49 of North Korea's Law on the Protection of the Rights of the Children (2014) stipulates that, in principle, 'Social Education Disposition' is applied to children over the age of 14 who commit crimes. According to Article 117 of the Criminal Law (2022), the responsibility for providing 'Social Education' to those subjected to such measures lies with 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 submitted in 2016, North Korea stated that in most cases, 'Social Education Dispositions' are imposed on individuals aged 14 to 17 at the time of the offense, in accordance with the Criminal Law, the Criminal Procedure Law, and the Law on the Protection of the Rights of Children. North Korea further claimed that children who have been forcibly repatriated are also subject to Social Education

Disposition after being investigated on their motives and purposes for defecting.³⁶⁸

Children under the age of 17 who were forcibly repatriated to North Korea were often processed in the same investigation institutions and detention centers as adults and subsequently received ‘Social Education Disposition.’ In some cases, these children underwent investigations in a similar manner to adults, while others were subjected to simplified interrogations due to their young age. Forcibly repatriated children were sometimes separated from adult detainees and detained in separate spaces, and then released without punishment. On the other hand, there were also cases where forcibly repatriated children received criminal penalties.

“In 2016, at the time of the forcible repatriation, my younger sister was 15 years old. After the repatriation, my sister received a sentence of 1 year and 4 months of reformation through labor (*rodongkyohwa* punishment) for the crime of illegal border crossing. Only those under 14 years old are not subject to criminal punishment due to their status as children, while those older than that can also receive reformation through labor. In North Korea, individuals over the age of 14 are treated as adults. The law enforcement officers, including investigation officers, informed me of this fact.”

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³⁶⁸ UN Doc. CRC/C/PRK/5 (2016), paras. 232, 239.

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 caregivers, including their parents, and from cruel treatment in detention centers. States Parties to the Convention have an obligation to take measures to prevent violence and abuse against children, and to provide necessary support for them. 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 sexual 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 Children (2014). It also penalizes abusive behaviors from individuals taking care of children, as outlined in Article 294 of the Criminal Law (2022) concerning neglecting child protection and care, as well as Article 296 addressing the offense of abuse by guardians. Previously, North Korea's Criminal Law stated that the offence unpunishable over victim's objection did not apply to crimes against one's own family members and relatives, such as negligence in child care and protection.³⁶⁹ However, this provision underwent an

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.

amendment, and under the Criminal Law of 2022, the concept of ‘offence unpunishable over objection’ is now applied to ‘petty crimes,’ leaving it unclear whether perpetrators of child abuse can be punished even when the victim forgives them.³⁷⁰ In its fifth periodic report to the Convention on the Rights of the Child submitted 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 involvement and support from the authorities in North Korea regarding the prevention of domestic violence. Testimonies were collected from individuals who experienced domestic violence as children in North Korea, where such incidents were seldom reported or treated as criminal offenses, due to the perception that they were a form of parental discipline. One North Korean defector recounted an incident from 2013 when her intoxicated father grabbed her hair, slammed her head against a wall, and beat her body with a wooden stick until it broke. Similar assaults occurred several times. Although the head of the *inminban* (People’s Watch Unit) and the villagers were aware of these incidents, they did not report her father for domestic violence, and the social security officer responsible for her village did not take any action. Eventually, she decided to run away from home as she could no longer tolerate the violence. Eventually, while living on the streets, she

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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.

was sexually assaulted.

“The officers at the social security office considered it normal for parents to beat their children, so they showed no concern. They perceived domestic violence as a private matter, and therefore did not intervene. Domestic violence was prevalent not only in my own house, but also in other families in my village. However, the social security officers showed no interest or concern.”

(2) Violence in Schools and Care Facilities

Article 26 of North Korea’s Law on the Protection of the Rights of the Children (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 Committee on the Rights of the Child in 2016, North Korea acknowledged that some secondary school teachers excessively scolded students, but also elaborated that it has taken subsequent measures 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

Testimonies collected revealed many instances of teachers physically assaulting and verbally abusing in educational institu-

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³⁷² UN Doc. CRC/C/PRK/5 (2016), para. 207.

³⁷³ *Ibid.*, para. 88.

tions and child nurturing institutions. One North Korean defector testified that there were numerous cases of corporal punishment in an orphans' secondary school. Teachers would punish students for various reasons, including failing to meet work quotas during labor mobilization, violating institutional discipline, or stealing. Additionally, there were testimonies of teachers physically punishing students in school for not completing their Kkoma Kwajae (children's assignments) or refusing to participate in labor mobilization.

"During primary school, I saw my classmates get hit by our homeroom teachers for various reasons such as being absent, not finishing assignments, and not doing well in school. Most of the time, the homeroom teacher would hit the calves of the students with a wooden ruler measuring 7cm × 1m × 1cm. Sometimes, the ruler would break while the students were being hit. Parents of children who received corporal punishment would often come to school to complain to the homeroom teacher about it, but the teacher was never disciplined for administering such punishment."

On the other hand, there was a testimony indicating that the number of parents filing complaints or visiting homeroom teachers to complain about corporal punishment in schools has increased since 2016, while the incidence of corporal punishment in schools has decreased. One North Korean defector recounted that in early 2018, while attending junior secondary school, a teacher hit his calf with a blackboard holder, causing severe bruising, but after his father complained to the teacher, the teacher stopped the beatings. Another defector testified that in 2017,

a child nurturing institution disciplined a teacher for engaging in violence against a student.

“A teacher hit a third-grade student on the back and waist with a leather belt. The principal of the orphan’s primary school publicly exposed the teacher at a condemnation gathering, leading people to chastise him severely. As the incident occurred during a period when orphans were regarded as Kim Jong Un’s children, with their conditions being reported daily to the supreme leader, it had a significant impact. The teacher received a three-month suspension following the incident.”

(3) Violence in Detention Centers

Article 51 of the Law on the Protection of the Rights of the Children (2014) provides that judicial institutions shall respect the dignity of children when dealing with juvenile offenses, and that forcing children to admit to crimes or pushing them to make specific statements shall be prohibited. In its fifth periodic report to the Committee on the Rights of the Child in 2016, North Korea asserted that there were no cases of children subjected to torture or ill-treatment during the judicial process.³⁷⁴

According to testimonies collected, children in North Korean detention centers are frequently subjected to verbal abuse, assault, and other ill-treatment by officers and guards during investigations and detention. One North Korean defector described being subjected to painful body cavity searches that adults

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³⁷⁴ UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), para. 77.

would receive when she was detained as child. Another defector testified that in 2019, while being held in a *daekisil* in the social security department, a social security officer beat her with a wooden stick, coercing her into making a confession. When the stick broke, the officer beat her all over her body with his bare hands. There have also been cases of assaults and harsh treatment of child detainees in the *kuryujang* within the social security department.

“In the *kuryujang*, the guards beat me a lot. Sometimes they hit me for not maintaining a fixed position, 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 the Protection of the Rights of the Children (2014) prohibits kidnapping and trafficking of children, and North Korea ratified the Optional Protocol on the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography in 2014. In its fifth periodic report to the Committee on the Rights of the Child in 2016, North Korea claimed that in North Korea, sale of children is defined as a very serious crime deserving severe punishment,

and such an act is inconceivable in North Korea.³⁷⁵

Testimonies have been collected from individuals who witnessed or heard about the sex trafficking of children under the age of 18 in North Korea. According to these testimonies, the North Korean authorities not only punished the buyers of sexual services but also the children who provided such services. Additionally, there have been numerous collected cases of minors being trafficked during their journey to defect. Many of these cases involved children who initially intended to go to China to earn money but were deceived and subsequently sold and forced into marriage 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 *inminban* 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 and 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 being 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 turned out to be mentally ill."

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³⁷⁵ UN Doc. CRC/C/PRK/5 (2016), paras. 114, 116.

C. Child Labor

The Convention on the Rights of the Child establishes in Article 32 the right of children to be protected from performing any work that is likely to interfere with the child's education, or to be harmful to the child's health. Article 31 of North Korea's Socialist Constitution (2019), Article 15 of the Socialist Labour Law (2015), and Article 19 of the Law on the Protection of the Rights of the Children (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 labor). Article 42 of North Korea's Law on General Education (2015) stipulates that "students should not be mobilized for labor unrelated to the teaching program," and Articles 52 and 53 of the same law state that those responsible for mobilizing students for work unrelated to their study be subject to administrative or criminal punishment.

North Korea reported in its replies to the list of issues, submitted to the Committee on the Rights of the Child in 2017, that student labor, other than those specified in the teaching program, is prohibited under Article 33(3) of its Law on the Implementation of Teaching Programmes.³⁷⁷ However, in its concluding obser-

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³⁷⁶ The Law on General Education (2015) and the Law on the Protection of the Rights of the Children (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.

vations on North Korea's fifth periodic report in 2017, the Committee expressed concern that the North Korean authorities were interfering with children's education, physical and mental development and well-being, by requiring them to perform extensive labor.³⁷⁸

(1) Student Labor Mobilization

In its replies to the list of issues, submitted to the Committee in 2017, North Korea stated that child labor is prohibited beyond the curriculum, and as part of the curriculum, senior secondary school students are required to engage in field practice, including visiting farms, factories, and other relevant places, for a duration of three weeks each school year.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.

Productive labor in North Korea's senior secondary school curriculum is referred to as 'agricultural support activities' and involves the entire grade or a few classes traveling to farms over long distances, staying in farmers' homes, and working for more than eight hours a day on agricultural tasks such as planting rice and harvesting potatoes. The duration and frequency of mobilization varied depending on the school. One North Korean

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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.

defector who attended senior secondary school in 2019 testified that the school's rural support activities started in the first year of senior secondary school and was held once a year, with a three-week mobilization from late May to early June. The students stayed collectively in the homes of cooperative farm workers and were mobilized to work, including tasks like transplanting rice or weeding, from 9:00 to 18:00, from Monday to Saturday. In cases of heavy workload, they worked from 7:00 to 19:00, with only a one-hour break for lunch. It was reported that they had very little rest time and found it challenging.

Another defector recounted that rural mobilization began in 2018 when she was in her first year of senior secondary 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. She mentioned 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 demanding every single day. With the higher grades, some students ran away from the rural areas where they were mobilized to avoid the demanding work during the period of labor mobilization. In response to this, there was a testimony indicating that schools sent student to even more remote rural areas in order to prevent them from escaping as they advanced to higher grades. There was also testimony indicating that some students were able to avoid rural mobilization by taking advantage of exemptions provided to children in physical education, music, and art

groups. In one specific case, a student managed to evade rural mobilization by having his name registered with the physical education group, and his mother resorted to bribing the physical education teacher for this purpose. On the other hand, one North Korean defector shared the account of mobilization for rural support activities during the junior secondary school years. According to his testimony, he would stay at a collective farm for 15 days each year, mobilized for the work of transplanting rice.

“For rural support activities first year students of high school are mobilized by the state, which happens 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 student was given a plot of land, and every day, girls were assigned around 165m², and boys were assigned 230m², and they had to harvest all the potatoes on the given plot. If anybody did not meet that target amount, we were not allowed to come down from the field until everybody had finished.”

In North Korea, it has been found that student labor mobilization after school is frequent. Many cases of after-school labor mobilization were reported from primary schools to senior secondary schools. For schools in rural areas, students were mobilized to collective farms near their schools in the spring and fall, which are the busiest seasons for farming. As students progressed through grades, the frequency of mobilizations and working hours increased, along with the intensity of the labor. One North Korean defector testified that starting from the

second year of primary school, she was regularly mobilized to a collective farm located near her school. This mobilization took place after school hours, and it occurred for one week, three times a year. During these periods, she was required to work in the hot weather, specifically engaging in tasks such as planting corn during the spring season and harvesting it in the fall. The homeroom teacher of each class led the students to the farm, encouraging them to participate in the authorities-supported project. Another defector stated that during junior secondary 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 13:00 to dusk, with only morning classes in the school. They were also mobilized to dig potatoes in the fall and compost in the winter. There were times when they didn't have classes at school for about a month during the fall, specifically when they were harvesting potatoes. Students have also been found to be mobilized for after-school labor at construction sites near their schools. One defector testified that during his second year of senior secondary school, his entire class was mobilized to a construction site for the northern railway. They were assigned the task of carrying gravel from 8 am to 10 am, which caused them to skip their morning classes. Each student had to carry a sack weighing about 10kg, which was very hard.

"In 2019, I was in the third grade at a junior secondary school. Our school routine on weekdays included labor mobilization starting from 3 pm. Sometimes, we were even mobilized to work on Sundays. Our tasks involved collecting gravel and sand from the nearby river, which was then sent to the Samjiyon construction site. In the past, we used to go to nearby collective farms to uproot corn plants, remove weeds, and dig potatoes. The mobilized labor was challenging, especially during the hot summer when we had to pull out grass, or in the frosty and cold September when we dug potatoes in North Korea."

North Korea considers the act of mobilizing students to work on the sidework field (*bueopji*) of principals or teachers for personal gain to be illegal. However, testimonies collected indicate that student labor mobilization by individual teachers was openly practiced in North Korea, without any proactive measures taken by schools or the authorities to prevent it. One North Korean defector testified that he was mobilized to his homeroom teacher's sidework field (*bueopji*) starting from primary school. The homeroom teacher divided the students into groups of three and personally requested their participation in these labor mobilizations.

"From 2013 to 2019, students from primary school first grade to senior secondary school graduation were mobilized to their homeroom teachers' sidework field (*bueopji*). Although the method of mobilization varied among different homeroom teachers, they would personally request assistance from the students by saying, 'I have my own small field, can you help me?' There were very few students who didn't attend. They would depart from home at 7:00 and engage in agricultural work for about three hours from 9:00 to 12:00 at

the sidework field. There was a directive that issued saying ‘Do not mobilize students for the personal gain of teachers’ Additionally, some parents who objected to students working at the teachers’ sidework fields prompted the principals to instruct the teachers not to mobilize students for such personal favors.”

(2) Other Forms of Child Labor

It has been revealed that there is child labor in North Korea enforced by institutions or organizations other than schools. According to testimonies collected, there have been cases where children under the age of 16 were mobilized to work in shock brigades (*dolgyeokdae*). One North Korean defector testified that she was forcibly mobilized to a shock brigade at the age of 14 in 2017, and the power plant where she was mobilized knew she was a child but did not take issue with it. Furthermore, the Youth League used to mobilize children under the age of 16 for construction and repair work, among other activities, without enforcement or protective measures against child labor. Additionally, there were testimonies that children from economically disadvantaged families often replaced their parents in mobilization because they would face fines if they missed the labor mobilization by *inminban* (people’s watch unit). Among the 28 individuals mobilized, approximately three were children between the ages of 12 and 14, and they received the same workload and worked under the same conditions as adults.

“The head 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 primary school students were forced to weed the fields. I think most people do not know. At least one person from each household had to participate in the labor mobilization organized by the *inminban*, as it was considered one of the residents’ duties. If someone failed to join the mobilization, they were required to pay a fine to the *inminban*. The financial burden of paying fines for every mobilization was significant for ordinary households. Consequently, even when the adults in the household were unable to go, the children would take their place. There was no easy task. We had to fulfill the same workload as adults. Carrying gravel was heavy and strenuous work, and when I was weeding, I had to walk for an hour to the field, where I had to work under the scorching sun for almost all day long.”

D. Treatment of Children Deprived of Family Environment

According to Article 20 of the 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 States Parties shall provide special protection and assistance to the child. Article 31 of North Korea’s Law on the Protection of the Rights of the Children (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, kindergartens, and schools.” In its fifth periodic report to the Committee on the Rights of the Child

submitted in 2016, North Korea claimed that children who were deprived of family environment due to natural disasters, the death or divorce of parents are placed in foster care centers to provide them with good living and learning conditions.³⁸⁰ North Korea also reported that it had reinforced guidelines for the operation of all child-care institutions 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 Voluntary National Review (VNR) report, North Korea stated that a total of 67 facilities such as nurseries, kindergartens, primary schools, secondary schools, and elderly welfare centers were newly built or improved between 2015 and 2020.³⁸²

According to testimonies collected, some conditions in child-care institutions improved in North Korea. One North Korean defector testified that in 2017, a dilapidated orphanage near her home was renovated. Additionally, both the orphans' primary school and secondary school were modernized and equipped with flush toilets. Another defector, who worked as a cook at the orphans' primary and secondary school from 2017 to 2019, recounted that the North Korean authorities provided food supplies to the orphans' primary schools, resulting in an improvement in the quality of meals.

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³⁸⁰ UN Doc. CRC/C/PRK/5 (2016), para.109.

³⁸¹ *Ibid.*, paras. 31, 179.

³⁸² Democratic People's Republic of Korea, Voluntary National Review On the Implementation of the 2030 Agenda, pp. 13–14.

“The orphans’ primary school is where the state takes care of orphans, and children aged 8 to 12 come in and live there while learning a primary school curriculum. In 2017, orphanage facilities were set up in new buildings in every province under Kim Jong Un’s directive. The orphans were guaranteed to be served with sailfin sandfish at all three meals a day, with 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 sneak out, steal, and run away.”

North Korea claims that students released from institutions such as orphans’ secondary school proceed to universities or colleges or get jobs according to their wishes.³⁸³ However, testimonies indicate that the majority of orphans’ secondary school graduates are forced to serve in *dolgyeokdae*. One North Korean defector testified that upon graduation from orphans’ 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 the discharge age is reached, regardless of students’ intentions, those who are taller than 158 cm are sent to the military, while the rest are assigned to shock brigades (*dolgyeokdae*) collectively. My older brother was forcibly assigned to the youth shock brigades (*dolgyeokdae*). Occasionally, some are assigned to places like textile factories, and I fell into that category.”

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³⁸³ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 65.

In its fifth periodic report to the Committee on the Rights of the Child in 2016, as well as in its third UPR report in 2019, North Korea made no mention of the homeless children (also known as '*kkotjebi*') and claimed that such children do not exist in North Korea.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 reuniting them with their families or placing them 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 holding centers (*jipkyulso*). 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 subjected to forced labor. 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 defected, I lived as a *kkotjebi* (homeless minor) near a *jangmadang* (marketplace). Approximately once a week, two members of the 312 *sangmu*, accompanied by four or five compliant *kkotjebis* who were detained in the office, conducted crackdowns on us. If *kkotjebi* were caught, they would be taken to the 312 *sangmu*

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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.

office without exception. If they resisted, the *sangmu* members would beat them on the spot with their hands, feet, or stones until they were bleeding.”

3. People with Disabilities

The Universal Declaration of Human Rights declares that “All human beings 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 for all 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 CRPD in 2013, and ratified the CRPD in 2016. As a State Party to the CRPD, North Korea allowed the visit of the UN Special Rapporteur on the Rights of Persons with Disabilities in 2017 and submitted its initial report

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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.

on the implementation of the CRPD in 2018.³⁸⁹

A. Perception and Discrimination against Persons with Disabilities

Article 4 of the CRPD stipulates, “States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.” Article 8 of the CRPD requires the States Parties to take appropriate measures to promote positive perceptions and social awareness towards 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 States 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 equality.³⁹⁰ As a State Party to the CRPD, North Korea is therefore obliged to enhance efforts in combating discrimination and challenging negative perceptions towards persons with disabilities.

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) Perception of Persons with Disabilities

North Korea designates June 18th, the day when the Law on the Protection of Persons with Disabilities was enacted, as the ‘Day of Persons with Disabilities’ and has held nationwide celebrations since 2011.³⁹¹ In its initial report on the implementation of the CRPD submitted in 2018, North Korea 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 raise social 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. One North Korean defector who lived in Pyongyang until 2015 stated that the very existence of people with disabilities in North Korea was viewed negatively. Furthermore, there were also testimonies indicating that persons with disabilities were regarded as people to be avoided due to the perception that they were different from those without disabilities.

“In 2017, I saw two 30-year-old men in Pukchong County, South Hamgyong Province. They were brothers, and both were verbally challenged. A couple in their 40s in my village were also mute. Additionally, the owner of a storage house in the *jangmadang* in Pukchong had two sons, and both were verbally challenged and they didn’t attend school. I think we avoid people with disabilities because they are different from us.”

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) establishes the obligation to prevent discrimination against disabled persons, stipulating, “The state shall cultivate the people to instill a noble sense of humanity, treat disabled persons kindly without discrimination, and actively assist them.” In its initial report on the implementation of the CRPD submitted in 2018, North Korea reported that “Persons with disabilities are enjoying equal legal protection and benefits with other citizens in political, economic, social, cultural and other fields.” In its 2021 VNR report, North Korea stated that it was intensifying institutional measures to eradicate causes of inequality towards people with disabilities in accordance with the Law on the Protection of Persons with Disabilities (2013). North Korea further emphasized that it legally guaranteed social protection and welfare for vulnerable individuals and took all possible measures to protect the rights of persons with disabilities.

It appears that the North Korean authorities have restricted the freedom of residence and the right to liberty of people with disabilities. According to testimonies collected, there is a ‘*dwarf village*’ in Goeup District, Kimhyongjik County, Ryanggang Province, which was formed in the 1990's to isolate individuals with dwarfism in a remote mountain village and prevent the birth of more individuals with disabilities. Many testimonies indicate that the *dwarf village* has continued to exist and operate over the years, including the most recent report from 2019. Furthermore, in

2017, there was a directive to relocate disabled persons residing in Pyongyang to rural areas. In 2019, there was also a directive from the authorities to relocate disabled individuals, resulting in cases where disabled individuals with mobility difficulties were forcibly relocated to restricted areas in Samsu County, Ryanggang Province.

“I am aware of the existence of the ‘*dwarf village*’ in Kimhyongjik County. It seems that these individuals have been relocated from somewhere else. I don’t know for sure, but it seems to have been there for a long time. I understand that it was not made for the dwarfs in order to help them, but rather it was made to restrict their residence, in fear of the possibility of more dwarfs being born. I believe this village was established to prevent an increase in the number of 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 this restriction was reportedly lifted around 2020.

Cases of discrimination against persons with disabilities have been collected, including not only restrictions on residence but also instances of forced sterilization. Specifically, multiple testimonies of forced sterilization of people with dwarfism were collected. Doctors at a county-level hospital instructed nurses to create a ‘*dwarf list*’ with the aim of preventing people with dwarfism from reproduction. In 2017, a woman with congenital

dwarfism was forcibly subjected to a hysterectomy at a hospital to prevent her from becoming pregnant and giving birth. In addition, there were testimonies indicating that individuals with intellectual disabilities could be sent to a place for biomedical experiments, as long as their families consented.

“In around 2013, a dwarf man married a regular woman, but he was warned by the social security department, saying, “Since you are a dwarf, you should not have children.” However, in around 2014, he had a baby girl. Three social security officers intervened and forcibly took the dwarf husband to the people’s hospital, where they performed a compulsory sterilization surgery on him.”

B. Situation of the Rights of People with Disabilities

(1) Mobility and Convenient Facilities

Articles 9 and 20 of the CRPD 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 on the implementation of the CRPD submitted in 2018, North Korea described its efforts to ensure mobility for persons with disabilities, including providing guidelines for the design of facilities for persons with disabilities and implementing a pilot

operation of free taxis for persons with severe disabilities.³⁹² In its third UPR report submitted in 2019, North Korea highlighted that architectural design standards for persons with disabilities had been revised and that 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 witness accounts regarding the accessibility of accommodation for disabled individuals in North Korea have been collected. According to the experiences shared by family members of visually impaired individuals, there were no facilities available for people with disabilities, requiring them to always rely on the assistance of their families for mobility. There were no customized equipment or facilities for the passage of visually impaired individuals in the vicinity of blind apartments where visually impaired people lived together, nor within the complexes. Instead, it was reported that the facilities were not well-maintained compared to other apartments, resulting in uneven ground surfaces.

(2) Treatment and Rehabilitation

The Committee on Economic, Social, and Cultural Rights has emphasized that persons with disabilities should have access

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³⁹² UN Doc. CRPD/C/PRK/1 (2018), para. 120.

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 CRPD 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, 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, “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 same law states, “Health guidance organizations, relevant institutions, and state-owned enterprises shall systematically produce and supply assistive devices for people with disabilities, such as corrective devices, tricycles, glasses, hearing aids, and bicycles, to ensure timely and smooth provision of assistive devices needed by persons with disabilities. Assistive devices should be designed for convenient use and made to a high quality.” In its initial report on the implementation of the CRPD submitted in 2018, North Korea stated that it had conducted

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³⁹³ UN CESCR, General Comment No. 5, Persons with Disabilities, para. 34.

practical capacity building training for professionals and staffs to assist in the rehabilitation of persons with disabilities.³⁹⁴

It has been found that the North Korean authorities produce corrective devices and operate specialized facilities for them. There was testimony about a factory in Hamhung City that produces corrective devices for people with disabilities, including wheelchairs, prosthetic limbs, and prosthetic hands. However, it appears that these devices were not provided free of charge. Instead, people with disabilities could purchase corrective devices by obtaining medical records from clinics or hospitals and submitting them. As per the testimony of a family member of a hearing impaired person, the authorities never provided free rehabilitation, medical devices, or treatment support for individuals with hearing impairments.

Meanwhile, there was testimony from someone who had seen a sanatorium for people with disabilities in Rason that supports the health recovery of people with disabilities. The sanatorium was operated by the city and was not a hospital but a facility that assisted the recovery and care of people with disabilities. It was located in an area with a high concentration of hospitals, and only people with disabilities were allowed to be admitted to the facility.

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³⁹⁴ UN Doc. CRPD/C/PRK/1 (2018), paras. 164, 167.

(3) Education

Article 24 of the CRPD recognizes the right of persons with disabilities to education. In General Comment No. 5, the Committee on Economic, Social and Cultural Rights explained that States Parties should train teachers to educate children with disabilities within 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 stipulates provisions related to education for 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 report on the implementation of the CRPD submitted in 2018, North Korea explained that efforts were 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 report submitted in 2019, North Korea claimed that in 2015 it revised the curriculum of schools for people with visual impairments and schools for people with hearing impairments, introduced a 12-year compulsory curriculum with appropriate

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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.

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 was found that there are special schools in North Korea that provide special education for people with disabilities. Testimonies have been gathered that there are ‘schools for people with hearing impairments’ and ‘schools for people with visual impairments’ as specialized schools for the education of people with disabilities. There are schools for people with hearing impairments in Pyongyang, Kumya County in South Hamgyong Province, Onsong County in North Hamgyong Province, Chongjin in North Hamgyong Province, Pongsan County in North Hwanghae Province, and Wonsan in Kangwon Province, and schools for people with visual impairments in four or five locations, including Kangdong County in Pyongyang and Kyongsong County in North Hamgyong Province. The school for people with hearing impairments has a 10-year curriculum from primary to secondary school, and classes are taught in sign language. These specialized schools have dormitories so that people with disabilities from other areas can enroll and study as well. There were no testimonies of the existence of regular school which provides specialized classes or specialized education for people with disabilities.

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³⁹⁷ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 76.

"I have seen the Sambong School for people with hearing impairments in Onsong County, North Hamgyong Province, since 2005, and the school is still there. The school for people with hearing impairments is for people who can not speak, are deaf or partially deaf. The school has classes from kindergarten to secondary school. The teaching is done in sign language. A student from Chongjin 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 CRPD recognizes that persons with disabilities have the right to work, on an equal basis with others. 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 disabilities 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 of the same law stipulates that "persons with disabilities who participate in labor shall be guaranteed sufficient rest." In its initial report on the implementation of the CRPD submitted in 2018, North Korea claimed that "Various

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³⁹⁸ UN CESCR, General Comment No. 5, Persons with Disabilities, para. 20.

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.

It appears that 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 people with visual impairments. ‘Light-labor workplaces’ were reported in Sadong District in Pyongyang, Onsong and Yonsa County in North Hamgyong Province, and Hyesan in Ryanggang Province. Once assigned to a light-labor workplace, people with disabilities were given different tasks depending on their level of disability. They worked six hours a day and primarily engaged in the production of tofu, noodles, rice cakes, or nails. Just like regular workers, they received little to no compensation, so the majority of them did not show up for work by paying the fees based on the income they earned from other activities.

In addition, according to other testimonies, factories for people with visual impairments were observed in Nammun-dong and Songchon-dong in Hoeryong, North Hamgyong Province, Tanchon City, South Hamgyong Province, and Pakchon County, North Pyongan Province. Individuals with visual impairments working at

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³⁹⁹ UN Doc. CRPD/C/PRK/1 (2018), para. 169.

the factory for the visually impaired resided in the apartments for the visually impaired near the factory and commuted to work. At the factory, they performed tasks such as dismantling rice bags to make thread and nail production. At the same time, there were also cases of people with disabilities working in regular state-owned enterprises. A person with mobility impairments 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, involved in inspecting materials and goods arriving at the mill.

(5) Support for Living and Social Protection

Article 28 of the CRPD 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 Committee 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

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⁴⁰⁰ UN CESCR, General Comment No. 5, Persons with Disabilities, paras. 28, 33.

of people with disabilities. In its initial report on the implementation of the CRPD 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, and that it incorporates the welfare of persons with disabilities into all of its plans to improve people's livelihoods. Furthermore, North Korea asserted that it provides financial support to their spouses or family members where individuals with disabilities require support from others.⁴⁰¹

Cases in which the North Korean authorities provided people with disabilities with daily necessities were collected. In 2017, it was reported that a family with a disabled member received fish every month, and students at a school for people with hearing impairments received UN-supported uniforms, food, and school supplies.

It appears that the distribution of international aid items by the Association for People with Disabilities was not adequately provided. There were testimonies stating that international aid items were mainly limited to disabled individuals residing in Pyongyang. There were also instances where the association officials misappropriated and sold high-quality aid items.

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⁴⁰¹ UN Doc. CRPD/C/PRK/1(2018), paras. 173, 179.

(6) Cultural Life, Leisure and Sport

The CRPD 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 support is provided by the state to enable individuals with disabilities to demonstrate their abilities in various fields. In its second UPR report, submitted in 2014, North Korea stated that it supports persons with disabilities to showcase their talents in the field of arts and sports. It also highlighted that persons with disabilities have performed at international events on the International Day of Persons with Disabilities and participated in the Paralympic Games held in 2012.

In North Korea, the Association of People with Disabilities has been found to organize events for people with disabilities, support their participation in the events, and enable them to attend international events. There were eyewitness accounts of disabled athletes training at Changkwangwon, the first swimming pool in Pyongyang, around 2011 in preparation for their participation in the Paralympic Games.

(7) Support for Honorably Discharged Soldiers

Article 7 of North Korea's Law on the Protection of Persons

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⁴⁰² Convention on the Rights of Persons with Disabilities, Article 30.

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 the Socialist Commerce Law,⁴⁰⁵ the Law on Welfare Service,⁴⁰⁶ the Education Law,⁴⁰⁷ the Law on the Nursing and Upbringing of Children,⁴⁰⁸ the Public Health Law,⁴⁰⁹ the Law on the Protection of the Elderly,⁴¹⁰ and the Law on Social Insurance

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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, families of servicemen, and honorably discharged 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-owned enterprises 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 honorably discharged soldiers.

406 Article 37 of the Law on Welfare Service (2019) stipulates that Convenience service institutions, state-owned enterprises, and organizations shall give priority to providing services to those who should be given preferential social treatment, such as heroes, war veterans, honorably discharged 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 honorably discharged 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, families of servicemen, and honorably discharged 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, honorably discharged soldiers, and families of servicemen.

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,

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 depending on their class. 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 disabilities. Special class honorably discharged soldiers can work in any job of their choice, receive regular rations, medicines, basic necessities, and heating support, and can ask local Workers' Party offices for support whenever they need it. Testimonies were collected from family members of honorably discharged soldiers, stating that they received support with food, medicine, necessities, and heating from the authorities or sponsoring organizations.

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honorably discharged 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, honorably discharged soldiers, honored disabled veterans, honored workers, and social security recipients, 3. Subsidies provided to families of revolutionary martyrs, patriotic martyrs, and socialist patriotic martyrs

“Honorably discharged soldiers of Special class and Class 1 are provided with housing and regular rations. The Pharmacy Management Office supplies medication during holidays, and the Commercial Management Office provides soap, toothbrushes, 1kg of bean sprouts, a bag of snacks, a bottle of liquor, socks, and face towels during holidays. 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 can receive 40 days of medical treatment and care at the provincial hospital in Chongjin, North Hamgyong Province, each year. During their hospitalization, they are provided with rabbit stew (a dish made with rabbit meat), receive plasma shots, and undergo comprehensive examinations and treatments.”

The pension provided to honorably discharged soldiers varied depending on their class, but it appears to be insufficient for living. In 2020, honorably discharged soldiers received a monthly pension of NK₩1,700, and an additional NK₩5,000 was given on the Day of the Sun (Kim Il Sung’s birthday) under the pretext of a health supplement. However, these amounts were not enough for their survival. On the other hand, there was a testimony of a person who became disabled due to severe injuries during military service, resulting in the amputation of both hands and feet, stating that the person received no support other than prosthetic limbs.

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 held accountable for major political wrongs in North Korea are either executed, or forcibly disappeared to political prison camps.⁴¹³ To this accusation, North Korea responded that there are no terms such as ‘political prisoners’ or ‘political prison camps’ in its Criminal Law and the Criminal Procedure Law, and that under these laws, there are only reform institutions where individuals who have committed offenses against the state or other general crimes are held.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 UN Doc. A/HRC/42/10 (2019), para. 74.

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 thought 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 agents working in political prison camps.

A. Status of Political Prison Camps

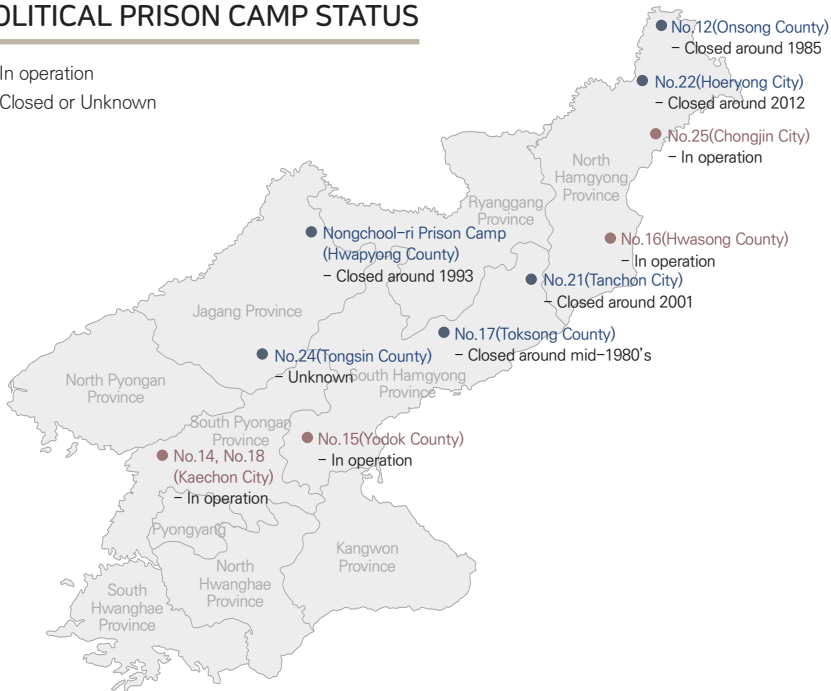
(1) Operation of the Camps

Based on the testimonies collected since 2017, the Center for North Korean Human Rights Records has identified a total of 11 political prison camps: four in North Hamgyong Province, three in South Hamgyong Province, two in South Pyongan Province and two in Jagang Province. 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,

POLITICAL PRISON CAMP STATUS

- In operation
- Closed or Unknown



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 Pukchang County, North Pyongan Province, and was bordered by a tributary of the Taedong 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 the extent of its expansion is unclear, whereas Camp 18 appears to have shrunk. Certain areas of Camp 15 in Yodok County, South Hamgyong Province, appears to have reduced their capacity and eventually closed down in the early 2000s.

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 lived near the camp and those who worked in the camp were relocated to

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⁴¹⁵ Jang Song-thaek, the uncle of North Korean leader Kim Jong Un, was executed on December 13, 2013 after a military trial. He held a significant position in North Korea and was accused of anti-party and anti-revolutionary activities that obstructed the party's unified leadership. His execution was viewed as a display of power by Kim Jong Un.

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 inmates were transferred to Camp 16, according to testimonies. Camp 21 is believed to have been occupied by pardoned prisoners 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, prisoners in camp), whereas those who were pardoned were referred to as the *haejemins* (released). The latter were allowed to leave the camps, were issued citizen identification 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 citizen identification cards was written as *kwanliso*. Officers working in the camps are sometimes referred to as ‘management staff,’ who are the ‘general population’ in the camps. In some camps, officers and their families referred to themselves as ‘*Daenae*’ (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 *ijumins* reside, and only officers are allowed to enter. 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 imprisoned only political prisoners and was a fully controlled zone. Camp 15 is likely to remain a fully controlled camp and appears that family members were also held, but no specific testimony on this has been gathered. There were no specific testimonies about Camp 16, but one testimony indicated 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 detaining families and the latter detaining only those subject to punishment. Finally, Camp 25 appears to imprison 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 closure of Camp 12, there was a case of a person

who visited the camp when he was mobilized for the work of harvesting crops in the rural villages. He stated 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 2003, after Camp 21 had ceased operations. He testified that it was difficult for ordinary people to gain 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 Pukchang 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 being village-type camps. In these 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 detain family members. (Old) Camp 18 in Pukchang County, South Pyongan Province, was built after the mid-1960s to detain 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 detained 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 detained altogether in the former. It appears the latter detained 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 reported that a number of camps are operated by the Ministry of Social Security. When the currently operating Camp 18 was located in Pukchang County, South Pyongan Province, according to testimonies, the address was stated to be the base of Military Unit 2918 of the social security department in Bongchang-ri, Pukchang County, and it was the area under the jurisdiction of the Ministry of Social Security and equivalent 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) Size of 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 units) or '*gu* (labor districts)' combined. Camp 15's revolutionization zone encompassed the entirety of 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 if 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. Around 1995, it was stated that the Tukjang Labor District was opened to the general public, while Bongchang-ri continued to operate as a political prison 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. Regarding Camp 25, there was a testimony stating that the camp had a relatively smaller scale compared to other camps due to its different operational format. Inside Camp 25, which was enclosed by high walls, there were a few buildings and a playground. There was a village near the camp that was said to be the home of the officers working in the camp. No testimonies were collected about the size of Camp 14.

Regarding the scale of the closed camps, there was testimony on Camp 17 stating that it encompassed seven or more “ris” in Toksong County, South Hamgyong Province, and was comparable in size to one “gu” in a metropolitan 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 Bukdaechon, and southeast to Daesin-dong. Camp 22 had two different schools,

one for the children of officers and the other for the children of *ijumins*, and the two schools were about 20 minutes away by car. There was also testimony stating that the camp appeared to be as large as at least 4 *ri* 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 Camp 21 was affiliated with the corrections bureau under the Ministry of Social Security.”

There were not many cases from which the size of the political prisoners’ camps could be determined. Only 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

⁴¹⁶ According to the testimonies, there were about 2,500–3,000 households of *ijumins*, 1,000 households of *haejemins*, and 2,000 households of ordinary residents including officers.

with only 200 *ijumin* households and 600 households of ordinary people, including *haejemins*, 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 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 officer and eight senior secondary schools, one of which was attended by the children of 240 households of the officer.

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 Detention

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, such as *mal bandong* (verbal treason), issues related to *songbun* (background), espionage, religious activities, issues related to officers' offenses, such as power struggles within North Korea, or embezzlement, issues

related to South Korea, such as attempting to escape to South Korea or family members escaping and living in South Korea, human trafficking, or communicating on the phone with South Korean residents.

The reasons for internment due to *songbun* included being a member of the bourgeois classes during the Japanese occupation (from August 29, 1910 to August 15, 1945) and assisting the South Korean army during the Korean War (from June 25, 1950 to July 27, 1953). According to a testimony from an individual who resided in a camp as a family member of agency staff until the early 1980s, it was revealed that people were subjected to internment based on the *songbun* classification of their parents or grandparents. 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 *mal bandong* (verbal treason) 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, or making critical

remarks about the regime (as was the case with some Korean-Japanese returnees). The cases of being interned in the political prison camps as punishment for *mal bandong* (verbal treason) occurred mainly around the 1980s, but similar cases were also collected after 2010.

In some cases, people were punished for espionage and interned 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 the North Korea-China border area, 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 defecting 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 defection or related reasons. In some cases, people were arrested and detained in North Korea while attempting to escape to South Korea, while in

other cases, people who received financial assistance from family members living in South Korea were treated as attempting to escape to South Korea and were detained. Others were arrested and detained for working as defection and money transfer brokers, and others were arrested and detained for helping prisoners of the Korean War and their families defect.

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, also known as '*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 former 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 their father-in-law served as a police officer during the Japanese occupation, and in another case, because their 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 propertied 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 *mal bandong* (verbal treason) 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 ‘guilt-by-association’ 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 *songbun*, is known to not adhere to legal procedures. After a suspected political prisoner is arrested or disappeared by the state security agencies, their family members often assume that they are being held in a political prison camp and confirm the fact through an officer of the relevant institution.

In some cases, such as espionage, defection, or crimes related to human trafficking, the detention was reported to take place after a trial. The family members of political prisoners were not tried and detained, which appears to have remained the case until recently.

According to those who witnessed such events, 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. In cases where individuals were interned for treason, it has been described that they were placed in freight cars along with their personal belongings. Additionally, young children were sometimes included in the transportation process. Numerous similar testimonies have emerged regarding the circumstances surrounding internment. Following the arrest and disappearance of a political prisoner, accounts mention the arrival of “black cars” and agents who would subsequently take away the remaining family members, along with their basic household possessions.

“My mother was arrested at home by an officer of a state security department 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 state security department she had been taken. Only later did my grandmother on my mother’s side 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 *haejemins*; 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 political prison camps. At (old) Camp 18, one to two public executions were carried out every year, and most of those executed were captured while escaping from the camp. According to testimonies collected, after being arrested, those who were to be executed were pre-examined by the social security department in Bongchang and then tried in public by a man from the Ministry of Social Security in Pyongyang. There was also testimony indicating that in Camp 21, an *ijumin* man and woman were executed in the early 1980s for dating, which was prohibited in the camp. The executioners appeared to have been from outside the camp, but it was not known whether there was a trial. Only speculative

testimonies existed with regard to secret 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 stating 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 crimes were mostly attempted escape from the camp. The public executions were carried out by 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 (detainees) consisted of an average of 2,000 to 3,000 people and were mobilized in units such as state-owned enterprises, farms, and schools. I heard that they would bury the bodies in the mountains."

The residents of political prison camps, both *ijumins* and *haejemins*, were reportedly assigned to mines, where they were required to perform demanding 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 *haejemins* are known to be placed in coal mines after graduating from senior secondary school. Testimonies said that among those assigned to the mines, *ijumins*

were assigned to be ‘diggers,’ who worked in the shafts, and that only *haejemins* 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 ordinary farmers, while *haejemins* 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 shaft of a coal mine. 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 was a three-shift job, and we got together at 8 a.m. to go into the shaft, and we were in the shaft for 10 hours or more. We ate 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 30m² 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. When someone wanted to move to a better living area or newly constructed housing within the camp, they had to engage in ‘business,’ which meant using connections or offering 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, working 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 *haejemins* should only marry other *haejemins*. If an *ijumin* married a *haejemin*, the marriage can be registered, but the *haejemin* who marries an *ijumin* would become an *ijumin*. Childbirth also appears to be possible, as there were testimonies indicating 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 rations.

“During the Arduous March, the rations were so bad that we got five days' worth of food a month, but there was never a case when they didn't come at all. In 2000, the food situation was a little better, with about fifteen 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 other things 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 *haejemin* shared the hospital together, and there was no discrimination.

“Every day, after finishing their lunch, the guards would bring sick revolutionization detainees from each group and outpatient clinic to the hospital. Most of them were malnourished, especially those with diarrhea. A medicine called ‘terramycin’ (antibiotics) worked well, but only a 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 senior secondary school years.

In the meantime, there were testimonies that the children of agency staff and *haejemins* 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 *ijumins*, those of *haejemins* 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 South Korean Act on the Repatriation, Treatment of the Republic of Korea Armed Forces Prisoners of War, 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 state-owned enterprises. Their workplaces were in areas known for their coal and other mines, including the Kogonwon District Coal Mine in Saebyol County, the Musan

⁴¹⁹ Ministry of Unification, National Institute for Unification Education, "Understanding North Korea 2022," p. 94.

Coal Mine in 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 not only the individuals themselves but also their immediate family members. 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 the state security officer in charge of their place of residence. 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 the North Korean authorities to classify and manage them separately.

“My grandfather on my mother’s side 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, Saebyol 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 officers 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' denotes a person who was abducted by North Korea and held or residing 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 timing of the survey and the subjects involved, but it is estimated to be around 100,000. The Committee to Find Truth of Damage from North Korea's Abduction during the 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 abductees 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. 116-117.

those who witnessed 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, or 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 was 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 Union. When the husband was still alive, he told other people that he wanted to return to his 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 known 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 Republic of Korea's Act on Confirmation of the Life or Death of Inter-Korean Separated Families and Promotion of Exchange. "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 Inter-Korean Family Reunion Information System operated by the government of the Republic of Korea. 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 North 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 to categorize and manage the families of these defectors as a

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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>)

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 Workers' Party but were not allowed to become 'Party-affiliated workers' or 'law enforcement 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 member of the People's Army and was believed to have been killed in action was found to be living abroad. As a result, his cousin was discharged from the military academy and was unable to become a 'Party-affiliated workers.'

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 law enforcement 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 reunion events, 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 military base, 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-affiliated workers,' and find military-related jobs. There were testimonies that some of them faced discrimination after participating in inter-Korean family reunion events as a family member of a South Korean defector. South Korean defectors

denote those who had lived in South Korea and went to the North Korea 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-affiliated 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 was a case where 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 where 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 the subject of an 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, their assigned placements were in locations that presented difficulties and challenges.

- **109 Unified Command / Grouppa / Sangmu**

‘Special task force teams,’ which have been organized to censor and crack down on unsocialist activities of North Korean residents. The number signifies the date on which the directive to establish the unified command/*grouppa/sangmu* was issued.

- **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**

‘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.

- ***Herdsmen Doctor***

‘Unlicensed doctor or quack doctor,’ individuals who practice medicine without a medical license.

- ***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 North Korean authorities 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.

- ***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.

- ***Ijumin***

Individuals who have not been granted amnesty and continue to live in the completely controlled zones within political prison camps.

- ***Inminban***

'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.

- ***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***

‘Secret informants’ 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* (people’s watch unit) 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 Union as part of the “good work movement”. Participation in extracurricular activities, such as collecting rabbit pelts, 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***

‘Pretrial detention center,’ where preliminary examinees 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 crimes against the state and the nation 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 ‘revolutionization zones.’

- ***Mal Bandong***

‘Verbal treason’ or ‘reactionary words.’

- ***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*.’

- ***Profit Unit***

‘Units’ 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.

- ***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.

- ***Revolutionization 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 labor’, 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 ‘reformation through labor,’ which is one of the criminal punishment. *Kyohwaso* is administered by the Ministry of Social Security.

- ***Rodong Kyoyangdae***

‘Labor education camp’ 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 labor’ 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 labor’ 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: reformation through labor for a definite period ranging from over one year to a maximum of 15 years, and reformation through labor 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.

- ***Saenghwal Chonghwa***

‘Life review session’ or ‘Life Review Ideological Summing-up Political Meeting’ (a weekly, monthly, quarterly, and 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 and labor groups)

- ***Social Education Disposition***

‘Leniency measure’ 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.

- ***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.

- ***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***

‘Reporters’ 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.’

The Ministry of Unification

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