

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA 2016 HUMAN RIGHTS REPORT

See endnote.

EXECUTIVE SUMMARY

The Democratic People's Republic of Korea (DPRK or North Korea) is an authoritarian state led by the Kim family for more than 60 years. Shortly after Kim Jong-il's death in late 2011, his son Kim Jong Un was named marshal of the DPRK and supreme commander of the Korean People's Army. Kim Jong Un's grandfather, the late Kim Il-sung, remains "eternal president." The most recent national elections, held in 2014, were neither free nor fair.

Authorities maintained effective control over the security forces.

Citizens did not have the ability to choose their government. The government subjected citizens to rigid controls over many aspects of their lives, including denial of the freedoms of speech, press, assembly, association, religion, movement, and worker rights. The government operated a network of political prison camps in which conditions were often harsh, life threatening, and included forced and compulsory labor.

Defectors continued to report extrajudicial killings, disappearances, arbitrary detention, arrests of political prisoners, and torture. The judiciary was not independent and did not provide fair trials. There were reports of female victims of trafficking among refugees and workers crossing the border into China. Domestic forced labor occurred, through mass mobilizations and as a part of the re-education system. Nongovernmental organizations (NGOs) noted that DPRK foreign contract workers also faced conditions of forced labor.

The government made no known attempts to prosecute officials who committed human rights abuses. Impunity continued to be a widespread problem.

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

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

There were numerous reports that the government committed arbitrary and unlawful killings.

Defector and refugee reports noted instances in which the government executed political prisoners, opponents of the government, repatriated defectors, government officials, and others accused of crimes. The law prescribes the death penalty for the most “serious” or “grave” cases of “antistate” or “antination” crimes, which included: participation in a coup or plotting to overthrow the state; acts of terrorism for an antistate purpose; treason, which includes defection or handing over of state secrets, broadly interpreted to include providing information about economic, social, and political developments routinely published elsewhere; suppressing the people’s movement for national liberation; and “treacherous destruction.” Additionally, the law allows for capital punishment in less serious crimes such as theft, destruction of military facilities and national assets, fraud, kidnapping, distribution of pornography, and trafficking in persons.

NGOs and press reports indicated that border guards had orders to shoot to kill individuals leaving the country without permission, and prison guards were under orders to shoot to kill those attempting to escape from political prison camps.

In August, the Republic of Korea (ROK or South Korea) press announced that DPRK authorities executed Kim Yong Jin, a 63-year-old vice premier for education, in July by firing squad. South Korean media reported that government officials executed Hwang Min, former agricultural minister, and another education ministry official, Ri Yong-jin, by means of an antiaircraft gun in July, on orders by Kim Jong Un. According to press reports, the state carried out 15 executions in the first four months of 2015 as part of a continuing purge of senior government officials. In April 2015 the NGO Committee for Human Rights in North Korea (HRNK) published a report supported by satellite imagery of a public execution in the country using antiaircraft machine guns.

The state also subjected private citizens to public executions. In October, Kyodo News reported that the state held 64 public executions in the first nine months of the year.

b. Disappearance

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

In September 2015 the DPRK announced it had completed its reinvestigation into the whereabouts of 12 Japanese citizens believed to have been abducted by the DPRK and had no new information to report. The DPRK suspended bilateral negotiations on the abductions issue in April 2015, citing Japan's move to raise the issue in a UN Human Rights Council resolution.

ROK government and media reports noted that the DPRK also kidnapped other foreign nationals from locations abroad in the 1970s and 1980s. The DPRK continued to deny its involvement in the kidnappings. The ROK Ministry of Unification reported that an estimated 517 of its civilians, abducted or detained by DPRK authorities since the end of the Korean War, remained in the DPRK. South Korean NGOs estimated that during the Korean War the DPRK abducted 20,000 civilians who remained in the North or who had died.

HRNK's *Hidden Gulag IV: Gender Repression & Prisoner Disappearances* reported that the state demolished Sorimchon/Kumchon-ri zone within Yodok political penal-labor camp (Camp 15) in South Hamkyung Province in late 2014. The whereabouts of the former prisoners of this section of the camp remained unknown.

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

The penal code prohibits torture or inhuman treatment, but many sources reported these practices continued. Numerous defector accounts and NGO reports described the use of torture by authorities in several detention facilities. Methods of torture and other abuse reportedly included severe beatings; electric shock; prolonged periods of exposure to the elements; humiliations such as public nakedness; confinement for up to several weeks in small "punishment cells" in which prisoners were unable to stand upright or lie down; being forced to kneel or sit immobilized for long periods; and being hung by the wrists or forced to stand up and sit down to the point of collapse. Mothers were in some cases reportedly forced to watch the infanticide of their newborn infants. Defectors continued to report many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

The *2016 White Paper on Human Rights in North Korea*, published by the Korea Institute for National Unification (KINU), a South Korean government-affiliated think tank, and the 2014 UN Commission of Inquiry (COI) report stated that officials had in some cases prohibited live births in prison and ordered forced

abortions as recently as 2013. Detainees in re-education through labor camps reported the state forced them to perform difficult physical labor under harsh conditions (see section 7.b.).

The KINU white paper found that, in some cases of live birth, the prison guards killed the infant or left the baby to die, and it reported cases of guards sexually abusing or exploiting female prisoners.

Prison and Detention Center Conditions

NGO, refugee, and press reports noted there were several types of prisons, detention centers, and camps, including forced labor camps and separate camps for political prisoners. NGO reports documented six types of detention facilities: kwanliso (political penal-labor camps), kyohwaso (correctional or re-education centers), kyoyangso (labor-reform centers), jipkyulso (collection centers for low-level criminals), rodong danryeondae (labor-training centers), and kuryujang or kamok (interrogation facilities or jails). According to the 2015 KINU white paper, the Ministry of State Security administered kwanliso camps and either it or the Ministry of People's Security administered the other detention centers.

There were reportedly between 5,000 and 50,000 prisoners per kwanliso. Defectors claimed the kwanliso camps contained unmarked graves, barracks, worksites, and other prison facilities. NGOs reported the existence of five kwanliso facilities, including Kaecheon (Camp 14), Hwaseong (Camp 16), Pukchang (Camp 18), and Chongjin (Camp 25). During the year reports continued to indicate that areas of Yodok (Camp 15) in South Hamkyung Province were closed or operating at a reduced capacity.

Kwanliso camps are comprised of total control zones, where incarceration is for life, and "rerevolutionizing zones," from which prisoners may be released. Reports indicated the state typically sent those sentenced to prison for nonpolitical crimes to re-education prisons where authorities subjected prisoners to intense forced labor. Those the state considered hostile to the government or who committed political crimes reportedly received indefinite sentencing terms in political prison camps. In many cases the state also detained all family members if one member was accused or arrested. The government continued to deny the existence of political prison camps.

Reports indicated that conditions in the prison camp and detention system were harsh and life threatening and that systematic and severe human rights abuse

occurred. Defectors noted they did not expect many prisoners in political prison camps and the detention system to survive. Detainees and prisoners consistently reported violence and torture. Defectors described witnessing public executions in political prison camps. According to defectors prisoners received little to no food or medical care in some places of detention. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing. The South Korean and international press reported that the kyohwaso held populations of up to thousands of political prisoners, economic criminals, and ordinary criminals.

Both the kyo-hwa-so re-education camps and kwan-li-so prison camps host extremely brutal conditions, according to HRNK's 2016 report *North Korea: Kyo-hwa-so No. 12, Jongno-ri*. The report noted that "the brutality affects both those convicted of actual offenses and those sentenced for essentially political offenses."

According to the *Hidden Gulag IV* report, since late 2008 Jongno-ri (formerly referred to as Camp 12) in North Hamkyung Province was expanded to include a women's annex. Jongno-ri's women's annex held approximately 1,000 women, most of whom the state imprisoned after repatriating them from China. Satellite imagery and defector testimony corroborated the existence of this women's annex. Defector testimony also cited food rations below subsistence levels, forced labor, and high rates of death due to starvation at Jongno-ri.

According to HRNK's 2016 report *North Korea: Flooding at Kyo-hwa-so No. 12, Jongno-ri*, the kyohwaso or re-education center No. 12, Jongno-ri is located approximately 300 miles northeast of Pyongyang and 15 miles south of Hoeryong City. The report estimated the prison population at Kyo-hwa-so No. 12 had ranged from 1,300 in the late 1990s to approximately 5,000 in recent years. The report highlighted the acute vulnerability of prisoners at this facility in northeastern North Korea, ravaged by heavy flooding as a result of Typhoon Lionrock. "This vulnerability has been exacerbated by the historically limited resources expended on civil infrastructure in this area by the central government in Pyongyang," the report stated.

Physical Conditions: Estimates of the total number of prisoners and detainees in the prison and detention system ranged between 80,000 and 120,000. Physical abuse by prison guards was systematic. Anecdotal reports from the NGO Database Center for North Korean Human Rights and the 2014 COI report stated that in some prisons authorities held women in separate units from men and often subjected the women to sexual abuse. The COI report added, "Cases of rape are a

direct consequence of the impunity and unchecked power that prison guards and other officials enjoy.”

There were no statistics available regarding deaths in custody, but defectors reported deaths were commonplace as the result of summary executions, torture, lack of adequate medical care, and starvation. The COI report cited “extremely high rate of deaths in custody,” due to starvation and neglect, arduous forced labor, disease, and executions. The 2016 KINU white paper said that the decrease in the number of inmates from previous years could be the result of numerous deaths from harsh circumstances rather than any change in government policy.

Defectors also report that in Camp 14, prisoners worked 12 hours a day during the summer and 10 hours a day during the winter, with one day off a month. The camps observed New Year’s Day and the birthdays of Kim Il-sung and Kim Jong-il. Children age 12 or older worked, and guards gave light duty to prisoners over 65 years of age. Prisoners provided supervision over other prisoners and worked even when they were sick. Prisoners who failed to meet work quotas reportedly faced reduced meals and violence. Those caught stealing faced arbitrary and serious violence.

NGO and press reports estimated there were between 182 and 490 detention facilities in the country.

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

During the year the Database Center for North Korea Unified Human Rights indicated 953 cases of violations of the right to adequate food, highlighting these violations at various detention facilities. The data showed prisons had the highest level of these violations, with a percentage of 36.7 percent (350 cases), followed by investigation and detention facilities of the Ministry of State Security and the Ministry of Public Security with 26.4 percent (252 cases), police holding camps with 14.7 percent (140 cases), labor training camps with 12.8 percent (122 cases), and political prison camps with 6.6 percent (63 cases).

Administration: No information on recordkeeping processes was publicly available. There was little evidence to suggest prisoners and detainees had

reasonable access to visitors. In past years defectors reported that authorities subjected Christian inmates to harsher punishment if the prisoners made their faith public, but no information was available regarding religious observance. No information was available on whether prisoners or detainees could submit complaints to judicial authorities without censorship or request investigation of credible allegations of inhuman conditions.

Independent Monitoring: There was no publicly available information on whether the government investigated or monitored prison and detention conditions. The 2015 HRNK Imagery Analysis of Camp 15 noted officials, especially those within the Korean People's Army and the internal security organizations, clearly understand the importance of implementing camouflage, concealment, and deception procedures to mask their operations and intentions. The government did not allow the UN special rapporteur on the human rights situation in the DPRK into the country to assess prison conditions. The government did not permit other human rights monitors to inspect prisons and detention facilities.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but reports pointed out that the government did not observe these prohibitions.

Role of the Police and Security Apparatus

The internal security apparatus includes the Ministries of People's Security, State Security, and the Military Security Command. Impunity was pervasive. The security forces do not investigate possible security force abuses. The government did not take action to reform the security forces. These organizations all played a role in the surveillance of citizens, maintaining arresting power, and conducting special purpose nonmilitary investigations. A systematic and intentional overlap of powers and responsibilities existed between these organizations. Kim Jong Un continued to enforce this overlap to prevent any potential subordinate consolidation of power and assure that each unit provides a check and balance on the other.

Arrest Procedures and Treatment of Detainees

Revisions to the criminal code and the criminal procedure code in 2004, 2005, and 2009 added shortened periods of detention during prosecution and trial, arrest by

warrant, and prohibition of collecting evidence by forced confessions. Confirmation that the state applied these changes has not been verified.

Members of the security forces arrested and reportedly transported citizens suspected of committing political crimes to prison camps without trial. According to a South Korean NGO, beginning in 2008 the People's Safety Agency received authorization to handle criminal cases directly without the approval of prosecutors. Prosecutorial corruption reportedly necessitated the change. An NGO reported that investigators could detain an individual for the purpose of investigation for up to two months. No functioning bail system or other alternatives for considering release pending trial exists.

There were no restrictions on the government's ability to detain and imprison persons at will or to hold them incommunicado. Family members and other concerned persons reportedly found it virtually impossible to obtain information on charges against detained persons or the lengths of their sentences. Judicial review or appeals of detentions did not exist in law or practice. According to an opinion adopted in 2014 by the UN Working Group on Arbitrary Detention, family members have no recourse for petitioning for the release of detainees accused of political crimes, as the state may deem any such advocacy for political prisoners an act of treason against the state. No known information on a bail system and no information on detainees receiving a lawyer were available.

Arbitrary Arrest: Arbitrary arrests reportedly occurred.

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

e. Denial of Fair Public Trial

The constitution states that courts are independent and that courts will carry out judicial proceedings in strict accordance with the law; however, an independent judiciary did not exist.

Trial Procedures

The MPS dispensed with trials in political cases and referred prisoners to the MSS for punishment. Little information was available on formal criminal justice

procedures and practices, and outside access to the legal system was limited to trials for traffic violations and other minor offenses.

The constitution contains elaborate procedural protections, providing that cases should be public, except under circumstances stipulated by law. The constitution also states that the accused has the right to a defense, and when the government held trials, they reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed that the government offered trials and lawyers only to the latter. The MSS conducted “pretrials” or preliminary examinations in all political cases but the court system conducted the trial. Some defectors testified that the MSS also conducted trials. There was no indication that independent, nongovernmental defense lawyers existed. According to the 2013 *Hidden Gulag* report, the state sent most inmates to prison camps without trial, without knowing the charges against them, and without having legal counsel. The 2010 *Witness to Transformation* study reported that only 13 percent of the 102 respondents surveyed whom the state had incarcerated in the country received a trial. There were no indications authorities respected the presumption of innocence. According to the UN COI report, “the vast majority of inmates are victims of arbitrary detention, since they are imprisoned without trial or on the basis of a trial that fails to respect the due process and fair trial guarantees set out in international law.”

Political Prisoners and Detainees

While the total number of political prisoners and detainees remained unknown, the current year’s KINU white paper reported that the state detained between 80,000 and 120,000 in the kwanliso. Guards held political prisoners separately from other detainees. NGOs and the media reported that political prisoners were subject to harsher punishments and fewer protections than other prisoners and detainees. The government considered critics of the regime to be political criminals. The government did not permit access to persons by international humanitarian organizations or religious organizations resident in China. Reports from past years described political offenses as including attempting to defect to South Korea, sitting on newspapers bearing Kim Il-sung’s or Kim Jong-il’s picture, mentioning Kim Il-sung’s limited formal education, or defacing photographs of the Kims. The UN COI report noted that many “ordinary” prisoners are, in fact, political prisoners, “detained without a substantive reason compatible with international law.”

Civil Judicial Procedures and Remedies

According to the constitution, "...citizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." Under the Law on Complaint and Petition, citizens are entitled to submit complaints to stop encroachment upon their rights and interests or seek compensation for the encroached rights and interests. Reports noted that government officials did not respect these rights. Individuals and organizations do not have the ability to appeal adverse domestic decisions to regional human rights bodies.

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

The constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the government did not respect these provisions. The regime subjected its citizens to rigid controls. The government reportedly relied upon a massive, multilevel system of informants to identify critics and potential troublemakers. Authorities sometimes subjected entire communities to security checks, entering homes without judicial authorization.

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

The 2016 KINU white paper, citing South Korean press, estimated there were 3.8 million cell phone users at the end of 2015. Authorities strictly monitored mobile phone use. Press reports indicated that DPRK authorities attempted to jam cellular phone signals along the China-DPRK border to block the use of the Chinese cell network to make international phone calls. Authorities arrested those caught using such cell phones with Chinese SIM cards and required violators to pay a fine or face charges of espionage or other crimes with harsh punishments, including lengthy prison terms. Testimonies recorded by NGOs indicated that prisoners could avoid punishment through bribery of DPRK officials.

The Worker's Party of Korea (WPK) is the key governing body in the country; with party membership dictated by social and family background and remaining the key determinant of social mobility. The government divided citizens into strict loyalty-based classes known as "songbun," which determined access to

employment, higher education, place of residence, medical facilities, certain stores, marriage prospects, and food rations.

Authorities placed citizens into one of 51 songbun categories based on the perceived loyalty of their family to the government.

Numerous reports noted that authorities practiced collective punishment. The state imprisoned entire families, including children, when one member of the family was accused of a crime. Collective punishment reportedly can extend to three generations.

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech and Expression: There were numerous instances of persons interrogated or arrested for saying something construed as negative towards the government.

The constitution provides for the right to petition, but the government did not respect this right. For example, when individuals submitted anonymous petitions or complaints about state administration, the Ministries of People's Security and State Security sought to identify the authors and subject them to investigation and punishment.

Press and Media Freedoms: The government sought to control virtually all information. The government tightly controlled print media, broadcast media, book publishing, and online media. Independent media did not exist. The Propaganda and Agitation Department controls all media in the country. Within the department the Publication and Broadcasting Department controls all media content, including content used on television, in newspapers, and on the radio. The government carefully managed visits by foreigners, especially journalists. The Associated Press (AP) operated an all-format news bureau in Pyongyang, but international AP reporters were not resident in country. Numerous media sources

reported that Agence France-Presse inaugurated its Pyongyang bureau on Sept 6. Government officials deported a foreign British Broadcasting Corporation journalist and his team, who received an invitation to cover the Workers Party Congress in May, after the government reportedly took offense at their reports highlighting aspects of life in Pyongyang.

Violence and Harassment: Domestic journalists had little freedom to investigate stories or report freely. During visits by foreign leaders, authorities permitted groups of foreign journalists to accompany official delegations and file reports. In all cases the state strictly monitored journalists. Government officials generally prevented journalists from talking to officials or to persons on the street.

Censorship or Content Restrictions: Strict enforcement of domestic media censorship continued, with no toleration for deviation from the official government line. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subjected to severe punishment. Radios and television sets, unless altered, are set to receive only domestic programming; officials similarly altered radios obtained from abroad. Elite citizens and facilities for foreigners, such as hotels, had access to international television broadcasts via satellite. The government continued to attempt to jam all foreign radio broadcasts. Officials imprisoned and punished citizens for listening to foreign radio or watching foreign television broadcasts, and, in some cases, for simply owning radio or television sets able to receive nongovernment broadcasts.

Internet Freedom

Internet access for citizens was limited to high-ranking officials and other designated elites, including selected university students. A tightly controlled and regulated “intranet” was reportedly available to a slightly larger group of users, including an elite grade school; selected research institutions, universities, and factories; and a few individuals. The Korea Computer Center, which acts as the gatekeeper to the intranet, granted access only to information it deemed acceptable. The NGO Reporters Without Borders reported that some e-mail access existed through this internal network. Government employees sometimes had closely monitored access to the internet and had limited, closely monitored access to e-mail accounts.

In June 2015 press reported that foreign visitors in Pyongyang began receiving mobile alerts when they attempted to access Instagram, a social media app. Some experts speculated the state blocked the app in response to leaked photos of a fire

in a luxury hotel in Pyongyang shared online through the app. In April North Korea formally announced it would block foreigners from visiting Facebook, YouTube, Twitter, and South Korean websites. Foreign visitors reported Facebook and Twitter had been blocked for months prior to the announcement.

South Korean media reports indicated an increase in cyber hacking by North Korea during the year. Specifically, a South Korean website that focuses on North Korean issues, said, “To date, more than 50 defectors residing in South Korea have had their personal computers attacked by North Korean hackers.”

Academic Freedom and Cultural Events

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

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

The government continued its attempt to limit foreign influence on its citizens. Listening to foreign radio and watching foreign films are illegal. Individuals accused of viewing or possessing foreign films were reportedly subjected to imprisonment and possibly execution. According to the 2016 KINU white paper, a 2015 survey revealed that defectors witnessed proclamations posted indicating that those caught watching South Korean movies or listening to South Korean music would be sentenced to death, in accordance with instructions announced by the regime in 2013.

Based on defector interviews conducted in 2015, the independent consulting firm InterMedia estimated that as many as 29 percent of defectors listened to foreign radio broadcasts while inside North Korea and that approximately 92 percent of defectors who were interviewed had seen foreign DVDs in North Korea.

The government intensified its focus on preventing the import of South Korean popular culture, especially television dramas. According to media and NGO reports, in enforcing restrictions on foreign films, authorities authorized police to

search homes for contraband DVDs. *Daily NK* reported that Kim Jong Un created a special police unit to restrict and control the flow of outside information into the country.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

Freedom of Association

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

c. Freedom of Religion

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

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

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

In-country Movement: The government continued to restrict freedom of movement for those lawfully within the state. Only members of a very small elite class and those with access to remittances from overseas reportedly had access to personal vehicles. A lack of infrastructure hampered movement, as did security checkpoints on main roads at entry and exit points from every town.

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

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

Exile: The government reportedly forced the internal exile of some citizens. In the past it forcibly resettled tens of thousands of persons from Pyongyang to the countryside. Sometimes this occurred as punishment for offenses and included those judged to be politically unreliable based on the social status of their family members.

Emigration and Repatriation: The government did not allow emigration, and reports stated that it continued severe, tight security on the border, dramatically limiting the flow of persons crossing into China without required permits. NGOs reported strict patrols and surveillance of residents of border areas and a crackdown on border guards who may have been aiding border crossers in return for bribes.

In September international press reported that China constructed a new facility to detain North Koreans without proper documentation. News reports in May 2015 stated that the DPRK had erected additional barbed-wire fencing on the North Korean side of the Tumen River.

The South Korean press reported that the government issued orders for guards to shoot to kill those attempting to leave without official sanction. NGOs reported that Kim Jong Un called for stricter punishments for those suspected of illegal border crossing. The law criminalizes defection and attempted defection, including the attempt to gain entry to a foreign diplomatic facility for the purpose of seeking political asylum. Individuals who cross the border with the purpose of defecting or seeking asylum in a third country are subject to a minimum of five years of “labor correction.” In “serious” cases the state subjects defectors or asylum seekers to indefinite terms of imprisonment and forced labor, confiscation of property, or death. Many would-be refugees returned involuntarily for foreign states received imprisonment under harsh conditions. Some sources indicated that

authorities reserved particularly harsh treatment for those who had extensive contact with foreigners, including those with family members resettled in South Korea.

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

The government subjected repatriated refugees to harsh punishments, including imprisonment. The government reportedly continued to enforce the policy that all border crossers be sent to prison or re-education centers.

On December 7, the ROK Unification Ministry said that the number of North Korean defectors coming to the ROK had increased 16.7 percent year-on-year, as more elites and overseas workers chose to flee their home country. According to the Unification Ministry, the total number of North Korean defectors resettled in the ROK exceeded 30,000. As of November, the number of North Koreans admitted during the year was expected to reach 1,400 by year’s end--the highest number since 2011. Observers attributed this increase to North Korean leader Kim Jong Un’s reign of terror and toughened sanctions on the North. According to South Korean media reports, the National Intelligence Service disclosed in October 2015 to the Intelligence Committee of the National Assembly that 46 members of the North Korean elite fled from North Korea in the past three years.

According to Seoul’s Ministry of Unification, North Korea’s second-highest diplomat at their embassy in London, Thae Yong Ho, defected to South Korea with his family in August. Media also widely reported that 13 North Korean restaurant workers defected from China to South Korea in April, one of the largest group defections in the past few years.

Protection of Refugees

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection for refugees. The government did not grant refugee status or asylum. The

government had no known policy or provision for refugees or asylees and did not participate in international refugee fora.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The most recent national elections to select representatives to the Supreme People's Assembly (SPA) occurred in 2014. These elections were neither free nor fair. The government openly monitored voting, resulting in a reported 100 percent participation rate and 100 percent approval of the preselected government candidates. Local elections on July 2015 were likewise neither free nor fair. The government reported a 99.97 percent turnout, with 100 percent approval for the government candidates.

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

Participation of Women and Minorities: Women constituted approximately 4.5 percent of the membership of the Central Committee of the WPK but held few key WPK leadership positions.

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

Section 4. Corruption and Lack of Transparency in Government

We cannot verify whether the law provides criminal penalties for official corruption. While international organizations widely report that senior officials engage in corrupt practices with impunity, this year Kim Jong Un presided over a rare high-level government meeting to address rampant corruption by authorities.

Corruption: Foreign press outlets reported that Kim Jong Un's high-level corruption meetings marked perhaps the first public recognition of systemic abuse of power believed to run rampant within the ruling party. While corruption was

reportedly widespread in all parts of the economy and society and endemic in the security forces, this meeting was rare in publically acknowledging and criticizing these practices. Specifically it addressed the practice of senior officials who sought privileges, misused authority, abused power, and manifested bureaucratism in the party. Additionally, reports of diversion of food to the military and government officials and bribery were indicative of corruption in the government and security forces. Multiple ministries and party offices were responsible for handling issues of corruption.

Financial Disclosure: We do not know whether the state subjects public officials to financial disclosure laws and whether a government agency is responsible for combating corruption.

Public Access to Information: There are no known laws that provide for public access to government information.

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

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

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

The United Nations or Other International Bodies: The government emphasized that it had ratified a number of UN human rights instruments, but it continued to refuse to cooperate with UN representatives. The government prevented the UN special rapporteur on the situation of human rights in the DPRK from visiting the country to carry out his mandate, which it continued to refuse to recognize.

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

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

Women

Rape and Domestic Violence: The government appeared to criminalize rape, but no information was available on details of the law or how effectively it was enforced. According to the 2016 KINU white paper, the North Korean Law for the Protection of Women's Rights includes a provision prohibiting domestic violence, but no legal provisions stipulating penalties for domestic violence. Defectors report that violence against women is a significant problem both inside and outside the home. According to the 2015 KINU survey of defectors conducted from 2011-15, 81 percent of respondents believed domestic violence was "common." The UN COI report found the subjugation of inmates and a general climate of impunity created an environment in which guards and other prisoners in privileged positions raped female inmates. When cases of rape came to light, the perpetrator often escaped with mere dismissal or no punishment.

Female Genital Mutilation/Cutting (FGM/C): FGM/C was not practiced in DPRK.

Sexual Harassment: Women who left the country reported that while citizens understood "sexual violation," they did not define the term "sexual harassment" in the country. Despite the 1946 Law on Equality of the Sexes, defectors reported that the populace generally accepted sexual harassment of women due to patriarchal traditions. Defectors reported that there was little recourse for women who had been harassed.

Reproductive Rights: Obtaining accurate information regarding reproductive rights was difficult. The country's initial report to the Convention on the Elimination of All Forms of Discrimination Against Women, submitted in 2002, claimed "family planning is mapped out by individual families in view of their actual circumstances and in compliance with laws, regulations, morality, and customs...women have the decision of the spacing of children in view of their own wish, health condition, and the like. But usually the spacing of children is determined by the discussion between the wife and the husband." Independent sources were not able to substantiate this claim.

According to the United Nations Population Fund (UNFPA), a sociodemographic health survey conducted in 2014 estimated the contraceptive prevalence rate among married women was approximately 77 percent, up from 65 in 2010. The intrauterine device dominated almost all available methods of contraception. While 92 percent of demand for family planning was reportedly satisfied, contraceptive choice and access to counseling services were limited. Defector interviews indicate that those in prison camps or not in the privileged class do not share the same access as UNFPA respondents.

In 2014 more than 90 percent of pregnant women attended at least four antenatal clinic visits. While more than 90 percent of women delivered in health facilities, health infrastructure and the quality of services remain a concern. A needs assessment of emergency obstetric and neonatal care jointly undertaken by UNFPA and the UN Children's Fund (UNICEF) in 2013 indicated that lower-level hospitals lacked sufficient medical instruments, equipment, and supplies. Surveyors identified a lack of knowledge and skills of health workers, as were gaps in the commodity logistics management system. The World Food Program found that 31 percent of women surveyed suffered from anemia, which increases the likelihood of maternal mortality and morbidity. A 2015 KINU survey of defectors found that 86 percent of respondents stated the family doctor system was "useless."

The 2015 KINU white paper also cited very high levels of maternal and infant mortality. The state reportedly subjected pregnant women sentenced to detention centers following their repatriation to forced abortions.

Discrimination: The constitution states that "women hold equal social status and rights with men"; however, few women reached high levels of the party or the government. KINU reported that discrimination against women emerged in the form of differentiated pay scales, promotions, and types of work assigned to women.

The foreign press and think tanks reported that, while women were less likely than men to be assigned full-time jobs, they had more opportunity to work outside the socialist economy.

According to the KINU 2015 white paper, officials did not approve divorces without bribes.

Children

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

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

Foreign visitors and academic sources reported that from the fifth grade, schools subjected children to several hours a week of mandatory military training and that all children received political indoctrination.

Medical Care: We cannot confirm whether boys and girls had equal access to state-provided medical care. Access to health care largely depended on loyalty to the government.

Child Abuse: Information about societal or familial abuse of children remained unavailable. The law states that a man who has sexual intercourse with a girl under age 15 shall be "punished gravely." There was no reporting on whether the government upheld this law.

Early and Forced Marriage: The law provides that the minimum age for marriage is 18 years old for men and 17 years old for women.

Sexual Exploitation of Children: As many girls and young women attempt to flee repressive and malnourished conditions for their own survival or the betterment of their family, the 2014 Commission of Inquiry noted they often become subjected to sexual exploitation by traffickers. Traffickers promised these young girls jobs in other parts of North Korea or in neighboring countries, but then sold them into forced marriages, domestic servitude, or made to work as prostitutes after being smuggled out of the country. Other traffickers waited across the North Korean border for women and girls to cross, abducting them and forcing them into exploitative situations. Girls trapped in these relationships are routinely subjected to sexual and physical violence and rape. One trafficking survivor stated that after being sold to a man in China, she spent the first six months locked in his house and

was forced to have sex with him. Despite having begged every time not to have sex, he beat her when she tried to resist.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Infanticide or Infanticide of Children with Disabilities: The 2016 KINU report said there were forced abortions of pregnant migrant persons, as well as testimonies of a "program of sterilization of migrant persons."

Displaced Children: According to NGO reports, there were numerous street children, many of them orphans, who had inconsistent access to education.

Institutionalized Children: There were reports of children born into kwanliso political prison camps as a result of "reward marriages" between inmates. Guards subjected children living in prison camps to torture if they or a family member violated the prison rules. Reports noted that authorities subjected children to forced labor for up to 12 hours per day and did not allow them to leave the camps. Prisons offered them limited access to education.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

In 2013 the country announced that it modified its Person with Disability Protection Law in order to meet the international standards of rights for persons with disabilities. In the national report it presented during the May 2015 Universal

Periodic Review, the government estimated persons with disabilities constituted 5.8 percent of the population.

While a 2003 law mandates equal access to public services for persons with disabilities, the state has not enacted the implementing legislation. Traditional social norms condone discrimination against persons with disabilities, including in the workplace (also see section 7.d.). While the state treated veterans with disabilities well, they reportedly sent other persons with physical and mental disabilities from Pyongyang to internal exile, quarantined within camps, and forcibly sterilized. Persons with disabilities experienced discrimination in accessing public life.

The Korean Federation for the Protection of the Disabled coordinated work with persons with disabilities countrywide. State media reported in July that the government launched a website for the protection of persons with disabilities, and they improved educational content in schools for children with disabilities to provide professional skills training. Independent observers were unable to verify the report.

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

The Citizens' Alliance for North Korean Human Rights 2013 report on the *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK* found that the birth of a baby with disabilities--regardless of circumstances--was considered a "curse," and doctors lacked training to diagnose and treat such persons. The report stated there were no welfare centers with specialized protection systems for those born with disabilities. Citizens' Alliance also cited reports that the country maintained a center (Hospital 8.3) for abandoned individuals with disabilities, where officials subjected residents to chemical and biological testing.

UNICEF noted that very high levels of malnutrition indicated serious problems for both the physical growth and psychosocial development of young children. Final results from the 2012 *National Nutrition Survey* estimated 475,868 children (28 percent) were stunted and 68,225 children (4 percent) acutely malnourished. The report concluded that the acute nutritional status of children had improved

moderately since they last carried out a nationwide survey including nutrition indicators in 2009.

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

There are no laws against consensual same-sex activity, but little information was available on discrimination based on sexual orientation or gender identity. In April 2014 the Korean Central News Agency, the state news agency, denied the existence of consensual same-sex activity in the country and reported, “The practice can never be found in the DPRK boasting of sound mentality and good morals.” In February defector Jang Yeong-jin published a memoir entitled “A Mark of Red Honor” in which he provided a first-person account of a homosexual person living in the DPRK. He noted there is no concept of homosexuality and no awareness of the issue among the populace. He could not enjoy an ordinary, regular life.

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution provides for freedom of association, but workers do not have the right to form or join independent unions, strike, or bargain collectively. Unlawful assembly may result in five years of correctional labor. While the law stipulates that employees working for foreign companies may form trade unions and that foreign enterprises must provide conditions for union activities, the law does not protect workers who might attempt to engage in union activities from employer retaliation, nor does it provide penalties for employers who interfere in union activities.

There were no known labor organizations other than those created and controlled by the government. The WPK purportedly represents the interests of all labor. The central committee of the WPK directly controls several labor organizations in the country, including the General Federation of Trade Unions of Korea and the Union of Agricultural Workers of Korea. Operating under this umbrella, unions

functioned according to a classic Stalinist model, with responsibility for mobilizing workers to support production goals and for providing health, education, cultural, and welfare facilities.

The government controlled all aspects of employment, including assigning jobs and determining wages. Joint ventures and foreign-owned companies were required to hire their employees from government-vetted lists. The government organized factory and farm workers into councils, which had an effect on management decisions. They established the first special economic zone (SEZ) in the Rajin-Sonbong area in 1991. The same labor laws that apply in the rest of the country apply in the Rajin-Sonbong SEZ. The government selected the workers permitted to work in the SEZ. The government announced the establishment of 13 new SEZs in 2013, six additional SEZs in 2014, and two more SEZs in 2015.

In February the ROK government closed the Kaesong Industrial Complex (KIC), citing North Korea's "extremely provocative act" of launching a satellite using ballistic missile technology. Under a special law the KIC, located close to the demilitarized zone between the ROK and the DPRK, operated under special regulations covering labor issues that did not contain provisions that stipulate freedom of association or the right to bargain collectively. The government reportedly selected worker representatives in KIC workplaces, subject to the approval of South Korean company management (also see sections 7.b. and 7.e.).

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor. Nonetheless, the government mobilized the population for construction and other labor projects. "Reformatory labor" and "re-education through labor," sometimes of entire families, have traditionally been common punishments for political offenses. Forced and compulsory labor in such activities as logging, mining, tending crops, and manufacturing continued to be the common fate of political prisoners. Re-education involved memorizing speeches by Kim Il-sung and Kim Jong-il.

The law requires all citizens of working age to work and "strictly observe labor discipline and working hours." There were numerous reports that farms and factories did not pay wages or provide food to their workers. Forced labor continued to take place in brick making, cement manufacturing, coal mining, gold mining, logging, iron production, agriculture, and textile industries. NGOs reported authorities ordered some university students to abandon their studies to work on campus beautification projects early in 2015.

According to reports from an NGO, during the implementation of short-term economic plans, factories and farms increased workers' hours and asked workers for contributions of grain and money to purchase supplies for renovations and repairs. By law failure to meet economic plan goals may result in two years of "labor correction." There were reports that workers were required to work at enterprises to which the government assigned them and then failed to compensate or undercompensated them for their work. Additionally, in the Kaesong Industrial Complex, South Korean employers paid wages for North Korean workers directly to DPRK authorities. Workers were reportedly aware of their monthly earnings as companies required them to sign time records acknowledging salaries paid to North Korean managers on their behalf, yet it remained unclear how much of these earnings were transferred to individual workers (also see section 7.e.).

The NGO Human Rights Watch reported that the government operated regional, local, or subdistrict level "labor training centers" and forced detainees to work for short periods doing hard labor, receiving little food, and subject to abuse, including regular beatings. Authorities reportedly sent individuals to such centers if suspected of engaging in simple trading schemes or unemployed.

There were an estimated 50,000 to 80,000 North Korean citizens working as overseas laborers, primarily in Russia and China. The UN special rapporteur on the DPRK noted that while the state sent most to Russia and China to work, they were also reportedly found in Algeria, Angola, Bangladesh, Burma, Cambodia, Equatorial Guinea, Ethiopia, Ghana, Indonesia, Kyrgyzstan, Kuwait, Libya, Malta, Malaysia, Mongolia, Mozambique, Nepal, Nigeria, Oman, Poland, Qatar, Singapore, South Sudan, Tanzania, and the United Arab Emirates. Numerous NGOs noted that these citizens were in conditions of forced labor. NGO reports indicated the government managed these laborers as a matter of state policy and were under constant and close surveillance by DPRK security agents. Laborers worked between 12 and 16 hours per day, and sometimes up to 20 hours per day, with only one or two rest days per month. Employers stated the average wage as 270,000 to 900,000 won per month (\$300 to \$1,000), but in most cases employing firms paid salaries directly to the DPRK government, which took between 70 percent and 90 percent of the total earnings, leaving approximately 90,000 won (\$100) per month for worker take home pay. The government reportedly received in the \$100s of millions (more than a trillion won) from this system per year. The state reportedly withheld some wages in certain instances until the laborers returned home after the completion of their three-year contracts, making them vulnerable to deception and exploitation by authorities. On June 8, the DPRK

forced laborers in Kuwait went on strike after failing to receive their salaries in a rare display of defiance against the government. The workers took this action after a state construction company operating in Kuwait informed them they would be paid with checks rather than in cash for their monthly salary. In the aftermath of the protest, DPRK officials summoned the workers back to the DPRK. A similar strike took place in Qatar in March when employers forced workers to increase their hours without additional pay.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

By law the state prohibits work by children under age 16. Neither the general labor law nor Kaesong Industrial Complex labor law prohibits hazardous child labor. The law criminalizes forced child labor, but there were reports that such practices occurred.

Officials occasionally sent schoolchildren to work in factories or fields for short periods to assist in completing special projects, such as snow removal on major roads or meeting production goals. The NGO Human Rights Watch reported in 2015 that the government required students to work without pay on farms twice a year, for one month at a time, during ploughing and seeding and again at harvest time. The effects of such forced labor on students included physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies. NGOs reported government officials held thousands of children and forced them to work in labor camps with their parents.

d. Discrimination with Respect to Employment and Occupation

While the law provides that all citizens “may enjoy equal rights in all spheres of state and public activities” and all “able-bodied persons may choose occupations in accordance with their wishes and skills,” the law does not prohibit discrimination with respect to employment or occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social status, disability, sexual orientation, gender identity, age, language, HIV-positive status, or other communicable diseases. There is no direct reference to employment discrimination in the law, yet classification based on the songbun system has a bearing on equal employment opportunities and equal pay.

Despite the law according women equal social status and rights, societal and legal discrimination against women continued. The 2014 UN COI report noted that, despite the economic advancement of women, the state continued to discriminate against them and imposed many restrictions on the female-dominated market. Persons with disabilities also faced employment discrimination.

e. Acceptable Conditions of Work

No reliable data were available on the minimum wage in state-owned industries. Monthly wages in some enterprises in the heavy industrial sectors as well as in the textile and garment sector reportedly increased from 3,000 to 4,000 won (\$0.30 to \$0.40) to 30,000 won (\$30) in 2013, with approximately one-third of the wage paid in cash and the remainder in kind.

The law stipulates an eight-hour workday; however, some sources reported that laborers worked longer hours, perhaps including additional time for mandatory study of the writings of Kim Il-sung and Kim Jong-il. The law provides all citizens with a “right to rest,” including one day’s rest per week (Sunday), paid leave, holidays, and access to sanitariums and rest homes funded at public expense; however, the state’s willingness and ability to provide these services were unknown. Foreign diplomats reported that workers had 15 days of paid leave plus paid national holidays.

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

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

Many worksites were hazardous, and the industrial accident rate was high. Citizens labored under harsh conditions while working abroad for state-owned firms and under arrangements between the government and foreign firms (see section 7.b.).

Endnote: Note on Sourcing

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