White Paper on Human Rights in North Korea

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2023

Korea Institute for National Unification

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The content of this white paper is based on the opinions of the authors and does not necessarily reflect the official opinion of the Korea Institute for National Unification.

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Summary

Part I

Purpose of Publication and Research Methodology

The *White Paper on Human Rights in North Korea,* which the Korea Institute for National Unification has published annually since 1996, aims to raise awareness of North Korean human rights issues at home and abroad and to provide related basic materials by objectively surveying and analyzing the North Korean human rights situation. The *White Paper on Human Rights in North Korea 2023* incorporates information from in-depth interviews with 71 North Korean defectors who had lived in North Korea most recently before entering South Korea. These interviewees were selected with consideration of their demographic and social backgrounds. This *White Paper 2023* classifies and analyzes the human rights situation in the North under the following parts: The Reality of Civil and Political Rights; The Reality of Economic, Social and Cultural Rights; Vulnerable Groups; and Major Issues.

Part II

The Reality of Civil and Political Rights

The people's right to life is still threatened in North Korea. While the North Korean Criminal Law of 2015 stipulated the death penalty as the most severe statutory punishment for a total of eight crimes, the amended Criminal Law of 2022 extended the use of the death penalty as the most severe statutory punishment to a total of 11 crimes. The Emergency Quarantine Law, Reactionary Ideology and Culture Rejection Act, Pyongyang Standard Language Protection Act, and Narcotics Crimes Prevention Act also have provisions stipulating crimes punishable by death. There have also been reports of public executions of individuals who violated quarantine measures during the 2019 coronavirus (hereinafter COVID-19) pandemic. There have been testimonies that the number of public executions has decreased since around 2010. However, it is not clear whether the number of public executions has actually decreased or whether the number of non-public executions or secret summary executions has increased.

Notwithstanding the provisions of the North Korean Criminal Law and Criminal Procedure Law, torture and inhuman treatment continue to occur in the actual process of handling criminal cases. In addition, forced and excessive labor, violence, and cruel treatment regularly take place in detention facilities such as labor prison camps (*rodongkyohwaso*) (hereinafter prison camps;

kyohwaso), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*) and detention centers (*guryujang*). The nutritional, sanitary, and medical conditions in these detention facilities are also very poor, and the combination of these factors has sometimes led to the deaths of detainees. North Korea enacted the Act on Prevention of Battery on 30 November 2021. A North Korean defector who defected in 2023 testified that, despite its enactment, nothing is done in accordance with the Act. Another North Korean defector who defected in 2023 testified that, while beatings in detention facilities may have initially decreased with the introduction of the Act, he/she believes that the Act will not be strictly adhered to over time.

Moreover, arbitrary or unlawful arrests and detentions are still carried out in North Korea. The North Korean Criminal Procedure Law does not have any provision related to informing the suspect of the reasons for his/her arrest and the alleged charges against him/her in the investigation stage. The pre-trial detention period stipulated in this Law is excessively long, and there is no established system to review the validity of a warrant by a judge.

The freedom of movement and residence of North Korean people is also seriously restricted: the travel permit system, crackdowns by zone, forced deportation and the restriction of access to certain areas are the most typical examples. However, it has been found that, since 2015, a travel permit can be obtained in

exchange for bribes, and the introduction of various means of transportation has further eased the restrictions on movement. Nevertheless, given that only those who can afford to offer bribes are able to circumvent the control of the authorities, the freedom of movement remains discriminatory and restrictive in North Korea. Meanwhile, it seems that the forced deportation of those who are involved in defection is decreasing, but this decline is likely due to the North Korean authorities having limited space to accommodate deportees. This situation is leading the North Korean authorities to reinforce border control to prevent and discourage North Korean people from defecting.

North Korea guarantees judicial independence in its law but denies it in practice. In North Korea, not only are trials conducted in an unfair and perfunctory manner but also the right to a fair trial is not guaranteed due to the operation of quasi-judicial systems such as comrade trials and political criminal trials held by the Ministry of State Security (MSS). In particular, with the recent strengthening of the Administrative Penalty Law, various forms of administrative penalties have been used to tighten social control. The right to defense and the right to appeal, which are essential elements of a fair trial, are also operated in a perfunctory manner.

The violation of privacy continues through routinely monitoring residents via the five household surveillance system (*oho*

damdangjae), People's Unit (*inminban*) and Life Review Sessions (*saenghwalchonghwa*); monitoring and wiretapping residents whose family members are missing, have defected to or reside in South Korea, residents who trade or smuggle goods and family members of individuals dispatched to foreign countries; conducting illegal home investigations and interfering with communication. In particular, the numerous allegations of the random searches of residential spaces conducted under the guise of accommodation inspections demonstrate that the inviolability of residential spaces is seriously infringed upon in everyday life. Moreover, many testifiers perceived that the increase in illegal home searches under the Kim Jong Un regime has degenerated into a means for public security authorities to swindle money and goods and thus distrust authorities.

Violations of the right to freedom of thought, conscience and religion; the right to freedom of expression; and the right to freedom of assembly and association have continued. North Korea, which replaced *Juche* ideology with Kim Il Sung-Kim Jong Il-ism through the 2019 amendment of the Socialist Constitution, enacted and amended relevant laws to reinforce ideological control over the North Korean people with the aim of ensuring the stability and succession of the unitary leadership system. In particular, the enactment of the Law of the Democratic People's Republic of Korea on the Administration of

Revolutionary Relics (hereinafter Revolutionary Relics Administration Law) in 2021, which stipulates that Kim Jong Un's revolutionary history and achievements must be carried on and further refined, confirmed that ideological control to maintain the North Korean regime will continue to be solidified. In addition, it is practically impossible for North Korean people to practice religion because those caught in possession of the Bible or praying in groups are sent to political prison camps (*kwanliso*) or executed. While acts of superstition such as fortune telling and palm reading are prevalent in North Korea, testimonies have been continuously collected reporting that crackdowns on these practices have intensified since around 2017 and 2018 and that the level of punishment received by those engaging in such acts has also increased.

As the distribution rate of computers and mobile phones has increased significantly, external cultural content is also being introduced through digital devices. Censorship and crackdowns by the authorities on video and audio recordings, international calls and text messages are widely carried out in everyday life, and relevant punishments are intensifying. However, many North Korean residents, regardless of their age, gender, or place of residence, watch South Korean dramas and movies, and it has been found that watching these has raised people's awareness of the outside world and their yearning for it. The status of the

implementation of the Reactionary Ideology and Culture Rejection Act adopted in December 2020 was confirmed by the testimony of a North Korean defector who defected in 2021, who reported that the authorities have distributed information on the Reactionary Ideology and Culture Rejection Act to People's Units (*inminban*) to ensure that individuals learn about the punishment provisions and that people are fearful of stronger punishments.[1] North Korean authorities define the inflow of external culture as an attempt to overthrow the regime. Accordingly, punishment for the possession and/or viewing of South Korean video recordings is expected to intensify.

The right to freedom of assembly and association is not guaranteed in North Korea, and testifiers have continuously reported that it never occurred to them that they could hold assemblies or form associations to promote their rights. In addition, the freedom of assembly and association appears to be frequently infringed upon because people are forced to participate in state-mobilized rallies and organizational life.

The right to political participation appears to be extensively violated in terms of the right to stand for election, the right to autonomous participation in elections, and the methods and processes of voting. Many testifiers lacked awareness of the right

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to vote and the right to be elected, and cases have been continuously reported in which the principle of secret and direct elections was violated.

Part III

The Reality of Economic, Social and Cultural Rights

North Korea has been unable to overcome chronic food shortages. North Korean authorities are making policy efforts to increase food production through the introduction of the "paddy unit responsibility" system, but these efforts have not contributed greatly to increasing agricultural production and improving the right to food for farm members due to the unfair operation of the system, the shortage of farming materials, and excessive production plan by the government. Food rations are distributed unevenly between the socially powerful and ordinary people, and cases are increasing in which ordinary residents do not receive food rations. Consequently, North Korean people believe that the food ration system, which is the official North Korean food supply system, has collapsed or become meaningless. Recently, North Korean authorities have sought to centralize the procurement and supply of food through the enactment of the Bluffing Prevention Act and the introduction of a new grain

policy. However, the widespread false reporting of food production poses a significant challenge to the effective implementation of these policy efforts.

Although North Korea claims to adopt a free medical care system, in the actual process of medical service provision, patients bear most of the costs. In addition, a significant disparity in access to medical services exists based on class or economic power. Meanwhile, North Korean residents tend to go to private doctors or purchase medicine from private pharmacies when they are sick because they do not trust public medical facilities, and this practice often leads to misdiagnoses or medical errors. In particular, the misuse and abuse of narcotics have been exacerbated in North Korea by residents who tend to use drugs (*bingdu*) and opium for treatment purposes. In addition, the strict border closure imposed by the North Korean government following the outbreak of COVID-19 has significantly reduced the childhood vaccination rate, which means that unvaccinated children may be exposed to various diseases as they grow older.

It appears that North Korean people's right to work is also not sufficiently guaranteed. While a college diploma has become an important factor in job placement, one's background (*songbun*) still plays a key role. In addition, the bribes that must be paid to be assigned to desirable workplaces have gradually increased, resulting in another form of inequality in job opportunities, with

wealthier people more likely to land a desired job. As clearly evident in group allocations, the freedom to choose an occupation is not guaranteed. In addition, the rights of workers to work in favorable working conditions and to receive fair compensation are also not guaranteed. As the freedom to form, join or withdraw from a labor union is also not given, workers are faced with a situation in which it is difficult to demand improvements to the unreasonable treatment imposed on them.

Despite North Korea's alleged implementation of policies such as investing in educational facilities, enhancing teacher capabilities, and revising educational content, North Korean defectors have testified that the educational environment in North Korea remains substandard, with significant disparities between regions. Although North Korea claims to offer a free education system, this has long since become obsolete, and the situation where the financial burden incurred by various school-run projects and school-related costs is transferred to students and parents continues. The financial burden imposed by schools not only diminishes students' motivation to learn but also leads to students suspending their studies or dropping out of school completely. Moreover, the ideological education that North Korean authorities have continuously emphasized seriously infringes on students' right to autonomous learning and to choose what to learn.

From a legal perspective, North Korea's social security system appears to be well-established. Recently, legal and institutional improvements have been made, including the revision of social insurance and social security laws. In reality, however, the social security system fails to fulfill its functions, with a significant discrepancy between the legislation and the actual level of support provided. Elderly pensions are either not paid at all or are insufficient for elderly people to sustain their livelihood. The lack of an adequate emergency welfare system at the national level means that households experiencing economic hardship depend on their own resources and thus face threats to their livelihood. In addition, support for residents who are unable to engage in economic activities due to illness or disability is highly insufficient, and adequate compensation to those who are unable to work due to industrial accidents and to their families is not issued. Moreover, whether social security for multi-child households and military veterans is effectively implemented at a practical level is unclear.

Part IV
Vulnerable Groups

Fixed gender roles and gender discrimination against women remain serious issues in North Korea. On the other hand, however, it has been observed that an improvement in women's

economic power, a change in the perception of men regarding gender roles, and the younger generation's view of marriage have reduced domestic violence and encouraged the sharing of housework. Various testimonies claim that women hold a variety of occupations in society and that the number of female officials has increased. However, it appears that restrictions on a woman's choice of occupation still remain, with women not allowed to participate in certain work, such as being a high-ranking official and driver, and violence against women has not improved. Testimonies have been collected claiming that domestic violence against women is widespread due to reasons such as economic hardship, adultery, and alcohol, while children are also exposed to domestic violence. In addition, testimonies have reported that sexual harassment routinely occurs in daily life, and severe statutory punishment for human trafficking can be avoided through bribery.

Despite North Korean authorities' emphasis on progress in child policies in its 2019 Universal Periodic Review (hereinafter UPR) report and 2021 Voluntary National Review (hereinafter VNR) on the Implementation of the 2030 Agenda for Sustainable Development, in reality, the rights of children are not adequately guaranteed in North Korea. First, North Korea's stricter border closure measures adopted following the emergence of COVID-19 have led to a halt in support for vulnerable groups from the outside world, preventing infants and young children from being

vaccinated with essential vaccines. It also appears that a significant number of North Korean children still suffer from malnutrition. In addition, North Korean children are exposed to an excessively political/ideological education, which deprives them of a balanced education. They are also forcibly mobilized for political events, regime propaganda, and labor, which has negative physical and psychological impacts upon them.

Ordinary North Korean residents rarely see people with disabilities in their neighborhood, and avoidance and indifference toward those with disabilities have extended to discrimination against them. While North Korean authorities emphasize the need to care for people with disabilities and honored veterans, during the COVID-19 pandemic, people with disabilities were likely to have become more isolated and have experienced difficulty in accessing basic rehabilitation and treatment and engaging in economic and cultural activities. Support for honored veterans is being carried out as a policy, but improvement in awareness and integration measures for people with different types of disability are insufficient. With North Korea adopting the Law on the Protection of the Rights of Persons with Disabilities in September 2023, the authorities should make efforts to ensure that provisions on the protection of people with disabilities and non-discrimination and inclusion measures are effectively implemented and genuinely promote the rights of the disabled.

Part V

Major Issues

In the latest survey, no additional information was gathered on the situation in political prison camps (*kwanliso*). According to the *Reference Book for Citizen Registration Projects* published in 1993 by the Ministry of Social Security Press, there are political prison camps (*kwanliso*) run under the Ministry of Social Security and the Ministry of State Security, which are operated in the form of prison camps (*kyohwaso*), total control zones, and semi-controlled zones (revolutionary zones). The fundamental issue with political prison camps (*kwanliso*) is that they are used by the North Korean regime to detain individuals who may pose a political threat without proper legal procedures in violation of basic human rights and to detain the families of such individuals based on guilt-by-association.

The right of overseas North Korean defectors who are forcibly repatriated not to be tortured or receive inhuman treatment is violated during the investigation, trial, and punishment process in holding centers (*jipkyulso*), detention centers (*guryujang*), labor training camps (*rodongdanryundae*), and prison camps (*kyohwaso*). With the recent reopening of the North Korea–China border, the number of North Korean defectors is anticipated to increase again, and concerns arise about potential human rights abuses due to the North Korean Crowd Reporting Act enacted in 2019 and

the Chinese Land Borders Law enacted in 2021. There is also a concern that human rights violations would occur when those North Korean defectors caught and detained in China are forcibly repatriated to North Korea.

The right to equality is violated in the selection process for overseas dispatched workers because the opportunity to be dispatched overseas is generally reserved for those with a good family background *(todae*) and the ability to offer bribes. Moreover, it has been found that dispatched overseas workers often suffer from excessive labor for a long period of time. It was also found that not only are some of the wages earned by these workers sent to the state but also a substantial proportion is embezzled by middle managers. It has been reported that these issues have been exacerbated during the COVID-19 pandemic and the burden on workers dispatched overseas has become even heavier.

The issues of separated families and "special separated families," which include families of abductees, detainees, and prisoners of the Korean War (hereinafter Korean War POWs), are humanitarian issues to which international humanitarian law applies and human rights issues to which international human rights law applies. Exchanges and reunions of separated families have not been held since 2019 due to North Korea's continued rejection of the inter-Korean dialogue proposed by the South

Korean government for the reunion of separated families. Considering the advanced age of most of the separated families, North Korea's active cooperation is required to allow reunions to take place on humanitarian grounds. Moreover, the fate and whereabouts of six South Koreans currently detained in North Korea remain unconfirmed. North Korea must guarantee the right to consular access stipulated in the Vienna Convention on Consular Relations so that South Korean government can verify the fate of these detainees and ensure that the various rights established by the international community are upheld so that they can receive a fair trial.

Since Kim Jong Un came to power, North Korea has recognized the importance of disaster response and management and has been endeavoring to improve its capabilities in this regard. In particular, following the outbreak of COVID-19, North Korea has established disaster response measures such as the Emergency Quarantine Law and Crisis Response Law. However, North Korea remains unable to effectively cope with disasters due to the lack of disaster response technology, infrastructure, and financing. In addition, the level of disaster response appears to vary depending on the type of disaster or affected region. In particular, for floods, where the affected regions are easily identifiable, North Korea's damage recovery efforts include mobilization of the military or residents and the provision of

supplies. During the disaster response, however, residents are mobilized involuntarily.

The outbreak of COVID-19 has led to the adoption of stricter border closure and regional blockade measures by North Korean authorities that strongly control the freedom of movement of the North Korean people. In addition, the consecutive adoption of the Emergency Quarantine Law and Crisis Response Law has made it possible for North Korean authorities to infringe on the people's right to life. Forest restoration projects promoted by North Korean authorities in preparation for disasters have negatively impacted the right to food of the North Korean people. Unlike in the past, North Korea has recently disclosed to the international community some information about the damage inflicted by disasters. It is believed that this change is aimed at gaining support and cooperation from the international community in the future.

In North Korea, the right to equality is violated through discrimination based on background (*songbun*) and class. The majority of North Korean people continue to be discriminated against based on their background (*songbun*) and class in their appointment as an official, admission to the Korean Workers' Party (hereinafter KWP or the Party), entrance to college, job placements, promotions, and residence assignments. Since Kim Jong Un came to power, discrimination based on one's background

(*songbun*) and family background (*todae*) has been exacerbated by the growing economic disparity, thus intensifying the structure of discrimination and inequality. The concentration of leisure facilities in Pyongyang and urban areas and politically driven cultural content infringe on the North Korean people's right to freely enjoy culture. In addition, limitations on the right to an adequate standard of living, including housing and electricity, act as a factor contributing to inequality.

White Paper on Human Rights
in North Korea 2023

Part Ⅰ

Purpose of Publication and Research Methodology

1. Purpose of Publication
2. Research Methodology
3. Human Rights Policy in North Korea

1

Purpose of Publication

North Korea has one of the worst human rights records in the world. The international community has continuously expressed concerns and urged North Korea to address its serious human rights violations. Furthermore, the United Nations (hereinafter UN) General Assembly has adopted resolutions on North Korean human rights for 19 consecutive years between 2005 and 2023. The international community's discussion on how to improve human rights conditions in North Korea will continue, and an objective investigation and analysis of the human rights situation in North Korea is crucial in supporting such endeavors.

The Korea Institute for National Unification (hereinafter KINU) has been conducting in-depth research and professionally and systematically collecting and managing data on North Korean human rights issues. Since 1996, it has annually published the *White Paper on Human Rights in North Korea* in Korean and English. This white paper aims to raise awareness of North Korean human rights issues in South Korea and abroad and provide relevant basic materials for discussion and action by

objectively conducting investigations and analysis of the North Korean human rights situation while handling those issues comprehensively and systematically.

2

Research Methodology

This white paper examines the human rights situation in North Korea within the framework of international human rights norms. North Korea is a State Party to the International Covenant on Civil and Political Rights (hereinafter ICCPR); the International Covenant on Economic, Social and Cultural Rights (hereinafter ICESCR); the Convention on the Rights of the Child (hereinafter CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (hereinafter CRC-OP2); the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter CEDAW); and the Convention on the Rights of Persons with Disabilities (hereinafter CRPD).

Table I-1 Ratification of or Accession to International Human Rights Treaties by North Korea

Treaty	Status	Date of Accession/ Ratification (based on the date of notification/ deposit)	Effective Date	Remark
ICCPR	Acceded[2]	14 Sep. 1981	14 Dec. 1981	
ICESCR	Acceded	14 Sep. 1981	14 Dec. 1981	
CRC	Ratified	21 Sep. 1990	21 Oct. 1990	
CRC-OP2	Ratified	10 Nov. 2014	10 Dec. 2014	
CEDAW	Acceded	27 Feb. 2001	29 Mar. 2001	Reservation to Article 29, Paragraph 1
CRPD	Ratified	6 Dec. 2016	5 Jan. 2017	

According to the Vienna Convention on the Law of Treaties, State Parties have the obligation to perform a treaty in good faith (Article 26). The Universal Declaration of Human Rights (hereinafter UDHR), which sets out a minimum universal standard for dignity and rights that every human being deserves, is not legally binding as it was adopted by a resolution of the UN General Assembly. However, a substantial part of its contents is assessed to have developed into the customary international law of today.

International human rights treaties stipulate that State Parties

2_ North Korea announced its withdrawal from the ICCPR in 1997 to protest the first adoption of a resolution on North Korean human rights at the UN Sub-Commission on the Promotion and Protection of Human Rights. The UN Secretary-General, however, stated in his aide-mémoire to the North on 23 September 1997, that any withdrawal from the Covenant was impossible unless all the other parties agreed. North Korea later normally resumed its activities in the UN Human Rights Committee, thereby recognizing its status and obligations as a State Party to the ICCPR.

shall take necessary measures to implement the rights listed in those treaties. As public administration and judiciary are grounded in law, legislation is considered to be the most important measure in implementing treaties. Therefore, in order to identify to what extent individual rights recognized by each treaty are respected and guaranteed, we first review the relevant laws and regulations of North Korea and then examine the actual implementation of such laws and regulations. If the laws and regulations of North Korea run counter to the treaties, it would be difficult to conclude that the treaties are being faithfully implemented. If the laws and regulations of North Korea are consistent with the treaties but in reality are not complied with, it would be difficult to view the treaties as being faithfully implemented. Such analysis is meaningful in that it allows identification of not only the extent to which North Korea is fulfilling its international obligations as a State Party but also the degree to which North Korea is observing the laws and regulations it has enacted.

The human rights situation of a particular country needs to be examined through direct visits to that country. The international community has continuously requested that the North Korean authorities allow access in order to observe the human rights conditions in North Korea. However, the North Korean authorities have refused visits by the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic

of Korea (hereinafter DPRK), except for the visit of the UN Special Rapporteur on the rights of persons with disabilities in 2017. As a result, it is impossible to monitor human rights conditions in North Korea independently or to directly access internal information. Against this backdrop, KINU conducts its investigations of the reality of the North Korean human rights situation and publishes the *White Paper on Human Rights in North Korea* based on the following methods.

First, KINU uses in-depth interviews with North Korean defectors who have settled in South Korea as the most important tool for investigation. The *White Paper on Human Rights in North Korea 2023* is based on interviews with 71 North Korean defectors. The interviewees were selected from those who had stayed in North Korea until most recently based on their demographic and social backgrounds (e.g., area of residence, experience in detention facilities, etc.). The in-depth interviews were conducted using a structured questionnaire prepared by KINU by referring to the rights specified in the International Covenants on Human Rights and the list of human rights violations indicated in the UN resolutions on North Korean human rights.

The number of interviewees this year is similar to that of the previous year. This number remains low due to the stricter border closure imposed by the North Korean authorities since the COVID-19 pandemic, which has resulted in a sharply declining

number of North Korean defectors entering South Korea. Due to the decline in the number of interviewees, no new testimony was collected for some of the survey items on human rights violations. For the items for which no new testimony was collected, the results of the 2022 survey are provided. The following is the demographic profile of the 71 defectors with whom we had in-depth interviews in 2023.

Table I-2 Demographic Profile of the In-Depth Interviewees in 2023

Category	Details	Events (persons)	Percentage (%)
Gender	Male	20	28.2
	Female	51	71.8
Total		71	100
Year of Last Defection	Before 2018	30	42.3
	2019	30	42.3
	2020	2	2.8
	2021	2	2.8
	2022	0	0
	2023	6	8.4
	No response	1	1.4
Total		71	100
Year of Arrival in South Korea	2018	1	1.4
	2019	20	28.2
	2020	11	15.5
	2021	1	1.4
	2022	6	8.4
	2023	32	45.0
Total		71	100
Age Group	Teens (2004–)	0	0
	20s (2003–1994)	21	29.6
	30s (1993–1984)	21	29.6
	40s (1983–1974)	17	23.9
	50s (1973–1964)	9	12.7
	60s or older (–1963)	3	4.2
Total		71	100

Category	Details	Events (persons)	Percentage (%)
Number of River Crossings	One	63	88.7
	Two or More	8	11.3
Total		71	100
Place of Last Residence	Pyongyang	10	14.1
	South Pyeongan Province	3	4.2
	North Pyeongan Province	1	1.4
	Jagang Province	1	1.4
	South Hwanghae Province	7	9.9
	North Hwanghae Province	0	0
	Gangwon Province	1	1.4
	South Hamgyeong Province	2	2.8
	North Hamgyeong Province	27	38.0
	Yanggang Province	19	26.8
Total		71	100

KINU systematically manages this data by assigning personal identification numbers (e.g., NKHR2023000000) to all North Korean defectors who were interviewed. When citing their responses in the white paper, the interviewees are referred to by their identification numbers to protect their personal information.[3] When more information was needed on certain rights or topics in addition to the in-depth interviews held in the early stages of entering South Korea, additional interviews were conducted. For these additional interviews, the sources of information were indicated as "North Korean defector ○○○, [Day] [Month],

3_ In addition, in order to prevent the interviewees from being identified, any personal information collected is indicated as "○○."

[Year], interviewed in Seoul." Moreover, memoirs written by North Korean defectors were used as supplementary data.

Second, KINU utilizes official North Korean documents such as North Korean laws and regulations.

Third, KINU also uses UN documents on North Korean human rights, including reports submitted to UN human rights organizations by the North Korean authorities; General Comments and Concluding Observations of the UN Human Rights Committee; the Committee on Economic, Social and Cultural Rights; the Committee on the Elimination of All Forms of Discrimination Against Women; and the Committee on the Rights of the Child; documents related to the UPR on North Korea by the UN Human Rights Council (hereinafter UNHRC); and reports by the Commission of Inquiry (hereinafter COI) on Human Rights in the DPRK.

Fourth, survey results and statistics from various organizations such as the World Health Organization (hereinafter WHO), the UN Children's Fund (hereinafter UNICEF), the World Food Programme (hereinafter WFP), UN High Commissioner for Refugees (hereinafter UNHCR), and Statistics Korea (South Korea) are also used.

Fifth, KINU utilizes major North Korean media when necessary, including the Korean Central News Agency (hereinafter KCNA) and the *Rodong Sinmun.*

Sixth, KINU compares and verifies the information obtained through reports and thesis papers on North Korean human rights published in South Korea and abroad.

Seventh, when necessary, KINU utilizes major media in South Korea and abroad that have reported on North Korean human rights.

The *White Paper on Human Rights in North Korea 2023* is written in accordance with the following principles.

First, the White Paper focuses on describing the information obtained in the 2023 survey. However, when KINU considers that mentioning a previous survey is necessary for suggesting a tendency or changes in trend, the results of surveys prior to 2023 are included. Moreover, the White Paper uses the results of surveys obtained prior to 2023 when dealing with topics that do not have sufficient information.

Second, in order to look into the recent human rights situation in North Korea, KINU uses events that took place within five years of the survey for its research and analysis. In other words, the *White Paper on Human Rights in North Korea 2023*, which is based on the 2023 survey, only examines events that took place between 2019 and 2023. However, if certain events that occurred before 2019 are considered to be particularly meaningful, they are also included as an exception.

Third, in principle, KINU only includes testimonies of North

Korean defectors on events that they directly experienced or witnessed in order to guarantee the objectivity and reliability of the investigation. However, testimonies that are considered to be credible − for example, information the interviewees have heard directly from persons who experienced or witnessed certain events − are also included. In such cases, the White Paper clearly states that the testimony is second-hand information.

Fourth, KINU uses the latest North Korean laws and regulations obtained. The *White Paper on Human Rights in North Korea 2023* refers to the Collection of North Korean Laws and Regulations of October 2023. In addition, when it is necessary to refer to previous laws and regulations, they are cited with a clear statement that they are previous laws and regulations.

Fifth, the White Paper uses the most up-to-date names of North Korean organizations, except when interviewees refer to them by their previous names. As for the names of some organizations, previous and current names may be mixed in use. For example, the term State Security Department (SSD) is also used although the official name of the organization is the Ministry of State Security (MSS).

3

Human Rights Policy in North Korea

A. Characteristics of the North Korean Regime and Human Rights Violations

The dire human rights situation in North Korea is closely related to the unique characteristics of the North Korean regime, for which it is difficult to find parallels in the rest of the world. After the liberation of Korea in 1945, North Korea established a socialist system based on the doctrines of Marxism-Leninism, under which the KWP monopolized state power and nationalized major industrial facilities and land.

North Korea's socialist regime implemented a centrally planned economic system and reorganized North Korean society based on the collectivist principle of "one for all, all for one." In the 1950s, after the Korean War, North Korea transformed itself into a "garrison state," "a world in which the specialists on violence are the most powerful group in society."[4] North Korea

today exhibits all of the characteristics of a totalitarian socialist system, and all sectors of the country, including its economy, society, and culture, are managed from the perspective of national security. Consequently, the basic human rights of the North Korean people are systematically violated by the power of the Party and state.[5] In short, North Korean people are not guaranteed the freedom of press, expression, travel, or residential mobility and are even deprived of the freedom to choose their job because the KWP determines their job placement.

As the ideological rift between China and the Soviet Union deepened in the 1960s, the Kim Il Sung regime introduced an ideology called *Juche*, promoted it as the sole guiding ideology of the Party that would stand equal to Marxism-Leninism, and used it to justify the personality cult of the Supreme Leader (*Suryeong*) and the hereditary succession of power. In 1974, North Korea announced the "Ten Principles for the Establishment of the Party's Unitary Ideology System" (hereinafter the Ten Principles of Unitary Ideology), which stipulated that Kim Il Sung's

4_ Harold Lasswell, "The Garrison State and Specialists on Violence," American Journal of Sociology, Vol. 46 (January 1941).

5_ A totalitarian system refers to a system characterized by the following traits: (i) a carefully designed official ideology, (ii) rule by a single, mass-based political party led by a sole dictator, (iii) a mechanism of physical and psychological terror enforced by secret police, (iv) a complete monopoly over mass media, including radio, newspapers, and movies, (v) an effective weapons monopoly, and (iv) a centrally controlled and directed economy. Carl J. Friedrich and Zbigniew K. Brzezinski, Totalitarian Dictatorship and Autocracy, 2nd ed., (Cambridge: Harvard University Press 1965).

instructions must be adhered to as absolute guidelines, and actively promoted the policy of idolizing Kim Il Sung. Concurrently, it laid the groundwork for Kim Jong Il's succession to power. However, since the 1980s, the North Korean economy gradually stagnated due to its increased isolation from the rest of the world following the collapse of the Cold War system and contradictions inherent in a planned socialist economy. As a result, the quality of life for the North Korean people significantly decreased, with a reduction in food rations for the people and the public medical system failing to function properly.

After the death of Kim Il Sung in July 1994, Kim Jong Il, as the Chairman of the National Defense Commission, assumed power and introduced a new governing principle of "military-first" politics. This military-first approach, which was meant to complement *Juche* ideology, defined the military as the key force behind the revolution and promoted the belief that if the military takes the lead and plays an exemplary role in all sectors – political, economic, ideological, and cultural – the creative capabilities of the North Korean people would be greatly increased.[6] The Kim Jong Il regime, with military-first politics as its ruling ideology, attributed North Korea's regime crisis to the aggressive policies of imperialist powers and prioritized the

6_ Bong-ho Kim, The Great Era of Military-First Politics (Pyongyang: Pyongyang Publishers 2004), p. 83.

diversion of national finances and resources towards empowering the military, including the development of nuclear weapons and missiles. Since the collapse of the Soviet and the Eastern European bloc after the late 1980s, the North Korean economy experienced chronic stagnation. The Kim Jong Il regime hamstrung the struggling economy further by adopting a misguided resource allocation policy that focused solely on military buildup. As a result, North Korea has degenerated into a failed state that is unable to provide even the minimum standard of living for its people.

When Kim Jong Il's health began to fail, North Korea sought to establish a succession plan and, in the process, opted for a hard-line policy both at home and abroad. On the external front, North Korea conducted a series of nuclear tests and missile launches to demonstrate the regime's survival capabilities and carried out military provocations against South Korea, such as the sinking of the South Korean warship *Cheonan* in 2010 and the shelling of Yeonpyeong Island. Internally, North Korea intensified surveillance and control over its people. It elevated and reorganized the People's Security Agency into the People's Security Department,[7] dispatched large numbers of agents from

7_ The People's Security Agency, a state organization whose primary task is to maintain public order, changed its name to the People's Security Department in April 2010. In June 2016, it was placed under the newly established State Affairs Commission and renamed the Ministry of People's Security. In July 2020, it was renamed again as the Ministry of Social Security.

intelligence agencies such as the State Security Department (currently the Ministry of State Security) to China to round up North Korean defectors, and imposed severe punishment on defectors that had been forcibly repatriated to North Korea. It was also reported that families of defectors were evicted from their homes, deported to remote regions, and socially isolated.

Kim Jong Un, who came to power following the death of his father Kim Jong Il in December 2011, launched a reign of terror to solidify his power, purging powerful elites such as Ri Yong-ho, Jang Song-thaek, and Hyon Yong-chol and strengthening surveillance and control over high-ranking officials.

In contrast to the reign of terror directed toward the powerful elite, Kim Jong Un has introduced a "people-first" principle and implemented a people-friendly policy toward North Korean people. Although Kim Jong Un has attempted to establish a people-friendly image by promoting the people-first principle and implementing policies that emphasize the engagement of North Korean people, in reality, the principle has been used to put pressure on people to show unwavering loyalty to Kim Jong Un, who has been portrayed as a leader who tirelessly works for the people. The people-first principle inherits the idea of a "big socialist family," a longstanding principle of social composition maintained since the establishment of the North Korean regime that portrays North Korean society as a holistic union of the Supreme Leader (*Suryeong*), the Party, and the people.

Kim Jong Un recognizes the necessity of the centralization of power as a key factor in maintaining the unique features of the North Korean regime, particularly the one-man-rule system and the hereditary succession of power. Accordingly, since Kim Jong Un came to power, North Korea has tightened internal control to ensure the sustainability of the regime. First, through the enactment of various laws and regulations, including the Reactionary Ideology and Culture Rejection Act of 2020, the Youth Education Security Act of 2021 and the Pyongyang Standard Language Protection Act of 2023, North Korea has implemented rigorous ideological and social control by reinforcing punishments for accessing external information, particularly watching and distributing South Korean media and video recordings. In addition, public executions still occur, and political prison camps (*kwanliso*) are still in operation in North Korea. The North Korean regime uses them as a means to incite fear among the people in order to preserve its own existence.

Furthermore, North Korea exploits national crises as an opportunity to strengthen internal control. Following the outbreak of COVID-19, North Korea adopted stricter border closure, tightly controlling the movement of residents and blocking all human and material exchanges with the outside world, which has resulted in serious human rights violations against the North Korean people, in particular their right to food and health.

B. North Korea's Human Rights Legislation and Perspective on Human Rights

The North Korean Constitution amended on 9 April 2009 includes a provision explicitly stipulating that the state "shall respect and protect human rights" (Article 8). There are other laws in North Korea containing provisions that mention human rights that were enacted before this amendment to the Constitution; these laws include the Lawyer's Law (Article 2) and the Criminal Procedure Law (Article 6). North Korea also enacted human rights-related laws, such as the Law on the Protection of Persons with Disabilities of 2003, the Law on the Protection of Elderly Persons of 2007, the Law on the Protection and Promotion of the Rights of Women of 2010, the Law on the Protection of the Rights of Children of 2010, the Law on the Protection of the Rights of Overseas North Koreans of 2022, and the Law on the Protection of the Rights of Persons with Disabilities of 2023. Human rights education is also provided in North Korea. In its 2014 UPR report, North Korea allotted many pages to its achievements in the protection and promotion of human rights.[8] In particular, North Korea stated in the report that various types of human rights education have been provided, including courses at formal educational institutions and training centers for law enforcement

8_ UN Doc. A/HRC/WG.6/19/PRK/1 (30 January 2014), paras. 30–124.

personnel; talks with renowned human rights scholars broadcasted on television; the publication of books on human rights, including Understanding of International Human Rights Law; and the introduction of major provisions and principles of the international human rights instruments to which North Korea is a party to the public via media outlets on occasions such as the Human Rights Day, International Women's Day, International Children's Day, and the International Day of Persons with Disabilities.[9]

Table I-3 North Korean Laws on Human Rights

	Rights	Relevant Laws
UDHR, ICCPR	Right to life	Criminal Law; Addendum to the Criminal Law (General Crimes); Emergency Quarantine Law; Reactionary Ideology and Culture Rejection Act; Pyongyang Standard Language Protection Act; Narcotics Crimes Prevention Act; Law on Disaster Prevention, Rescue and Recovery
	Right not to be tortured or receive inhuman treatment	Criminal Law; Criminal Procedure Law; Administrative Penalty Law; People's Security Enforcement Law; People's Security Law; Prosecution and Surveillance Law; Judgments and Decisions Enforcement Law; Crowd Reporting Act; Act on Prevention of Battery; Lawyer's Law; Law on the Constitution of the Courts; Law on Complaints and Petitions
	Right to liberty and security of person	
	Right to freedom of movement and residence	Immigration Law; Emergency Quarantine Law; Law on Prevention of Epidemics; Law for the Management of Pyongyang
	Right to privacy	Resident Administration Law

9_ *Ibid.*, paras. 20–22.

	Rights	Relevant Laws
	Right to freedom of thought, conscience and religion	Law on the Kumsusan Palace of the Sun; Reactionary Ideology and Culture Rejection Act; Crowd Reporting Act; Youth Education Security Act; Law of the DPRK on the Administration of Revolutionary Relics
	Rights to freedom of expression and access to information	Pyongyang Standard Language Protection Act; Information Security Law
	Rights to freedom of assembly and association and freedom of press and publication	Publication Law
	Right to political participation	Law on the Delegates Election for All Levels of the People's Assembly
UDHR, ICESCR	Right to food	Agricultural Law; Agricultural Pesticides Law; Farm Law; Crop Seed Management Law; Food Policy Law; Fisheries Law; Fish Farming Law; Bluffing Prevention Act; Grain Purchase Law
	Right to health	Public Health Law; Law on Medical Care; Medical Appraisal Law; Law on Prevention of Epidemics; Emergency Quarantine Law; Medicine Control Law; Law on Border Sanitation Inspection
		Narcotics Control Law; Narcotics Crimes Prevention Act
		Sports Law; Sports Facilities Law
	Right to work	Labor Law; Labor Protection Law; Law on Labor Quantification; People's Economic Planning Law
	Right to education	Education Law; Law on General Education; Higher Education Law; Distance Education Law; Teachers Act; Education Code Enforcement Act
	Right to social security	Social Insurance and Social Security Law; Act on the Guarantee of Living Conditions for Retired Military Officers
		Commerce Law; Social Support Act
		Law on Disaster Prevention, Rescue and Recovery; Crisis Response Law

	Rights	Relevant Laws
CEDAW	Protection of the rights of women	Law on Equal Rights for Men and Women; Law on the Protection and Promotion of the Rights of Women
CRC	Protection of the rights of children	Law on the Nursing and Upbringing of Children; Law on Parenting; Law on the Protection of the Rights of Children
CRPD	Protection of the rights of persons with disabilities	Law on the Protection of Persons with Disabilities; Law on the Protection of the Rights of Persons with Disabilities

However, the concept of human rights recognized in North Korea is very different from the universal concept of human rights. First, while the universal concept of human rights focuses on the rights and freedoms of individuals, North Korea emphasizes human rights of the people as a whole. In other words, the rights and obligations of the citizens of North Korea are based on the collectivist principle, "All for one, one for all" (Article 63 of the Constitution). Despite North Korea's enactment and implementation of various human rights-related laws, human rights issues continue to be raised due to this collectivist view of human rights.

Second, North Korea insists on pursuing its unique view of human rights based on *Juche* ideology.[10] *Juche* ideology has operated as a ruling ideology of the state since North Korea specified it as the leading principle for all state activities in

10_ DPRK Association for Human Rights Studies, *Report of the DPRK Association for Human Rights Studies* (Pyongyang: DPRK Association for Human Rights Studies, 2014), p. 7.

enacting the Socialist Constitution in 1972 (Article 4 of the Socialist Constitution). Following the amendment of the Constitution on 11 April 2019, *Juche* ideology was replaced by Kim Il Sung-Kim Jong Il-ism (Article 3 of the Constitution). *Juche* ideology and Kim Il Sung-Kim Jong Il-ism form the core of the Statutes of the KWP and the Ten Principles, which are the foundation of the North Korean regime. To ensure the regime's stability and succession, North Korean authorities and the KWP have reinforced ideological and information control over the North Korean people through the enactment and amendment of laws such as the Law on the Kumsusan Palace of the Sun of 2013, the Reactionary Ideology and Culture Rejection Act of 2022, the Youth Education Security Act of 2021, the Law of the DPRK on the Administration of Revolutionary Relics of 2021, and the Pyongyang Standard Language Protection Act of 2023. In addition, they strictly control people's freedom of thought, conscience, and religion, press and publication, assembly and association, opinion and expression, access to information, and election through the Ministry of State Security and the Ministry of Social Security, and operate political prison camps (*kwanliso*). The Prosecutors' Offices and courts, which should serve as the last bastions of human rights, have the mission of protecting North Korea's sovereignty and the socialist system (Articles 156 and 162 of the Constitution).

Third, the concept of human rights in North Korea emphasizes

the rights of the state, and North Korea explains human rights in relation to its sovereignty. Therefore, according to North Korea, issues related to human rights are issues related to national sovereignty, which are subject to the principle of non-interference in the internal affairs of the state.[11] North Korea's concept and understanding of human rights serve as the grounds for its resistance to the accountability proposed by the international community.

C. Responses to Human Rights Issues in North Korea

〈North Korean Regime and the Issue of Accountability〉

As international awareness of the severity of human rights violations in North Korea has grown, various activities to improve the human rights situation in North Korea have been introduced since the early 2000s. The former UN Commission on Human Rights (hereinafter UNCHR) adopted resolutions on North Korean human rights between 2003 and 2005, and the UNHRC, the successor to the UNCHR, has adopted resolutions on North Korean human rights between 2008 and 2023. The UN General Assembly has also adopted resolutions on North Korean human rights every year since 2005, expressing grave concerns regarding

11_ *Ibid.*, p. 9.

the human rights situation in North Korea. The UN Special Rapporteur on the situation of human rights in the DPRK was appointed for the first time in 2004 and has been active since then. In March 2013, the COI was established in accordance with the UNHRC resolution. In June 2015, a field office on North Korean Human Rights under the Office of the United Nations High Commissioner for Human Rights (hereinafter OHCHR) was established in Seoul. Additionally, the UN Security Council discussed North Korean human rights issues in open sessions for four consecutive years from 2014 to 2017, in closed sessions from 2020 to 2022, and again in open sessions in 2023. In terms of individual countries, the United States enacted the North Korean Human Rights Act in 2004, and Japan promulgated the Law Concerning Measures to Address the Abductions Issues and Other North Korean Human Rights Violations in 2006. South Korea also enacted the North Korean Human Rights Act in 2016. In addition, the European Union has been a co-sponsor for UN resolutions on North Korean human rights.

After the publication of the COI report in February 2014, North Korea, which had simply ignored or refused to respond to the international community's concerns over human rights issues, changed its behavior to more actively resist the international community's condemnation of its continued human rights violations. In its report, the COI concluded that "systematic, widespread and gross human rights violations have been and are

being committed" by North Korea and its institutions and officials,[12] and institutions that should be held accountable include the State Security Department (currently the Ministry of State Security/MSS), the People's Security Department (currently the Ministry of Social Security, hereinafter MPS), the Prosecutors' Office, the judiciary, the Korean People's Army (hereinafter KPA), the KWP, and the National Defense Commission (currently the State Affairs Commission; hereinafter SAC).[13] In its report, the COI stated that "those most responsible for the crimes against humanity" committed in North Korea should be held accountable, proposing that the Security Council should refer the situation in North Korea to the International Criminal Court (hereinafter ICC) or that a UN ad hoc tribunal should be established to address the situation.[14] In particular, the COI mentioned the possibility of assigning criminal responsibility to Kim Jong Un by stating that the Supreme Leader (*Suryeong*) "acts as an autonomous decision-making institution" in addition to the KWP and SAC.[15]

North Korea harshly criticized and strongly protested the findings of the COI, stating that the possible criminal responsibility of the Supreme Leader (*Suryeong*) was an insult to his dignity and

12_ UN Doc. A/HRC/25/63 (7 February 2014), para. 80.
13_ UN Doc. A/HRC/25/CRP.1 (7 February 2014), paras. 1166–1190.
14_ UN Doc. A/HRC/25/63 (7 February 2014), para. 87.
15_ UN Doc. A/HRC/25/CRP.1 (7 February 2014), para. 1191.

demonstrated intent to overthrow the North Korean regime. Furthermore, North Korea enacted the Countermeasures Act on 20 November 2019, which defines an "act of defaming the dignity of North Korea" as the first type of unfriendly behavior (Article 3) that may be subject to countermeasures such as the abrogation of bilateral treaties, withdrawal from multilateral treaties, suspension or severance of diplomatic relations, and restrictions on or termination of economic relations (Article 4). The North Korean Criminal Law of 2022 stipulates that the crime of defaming the dignity of North Korea may be punishable by death (Article 64).

〈Human Rights of Vulnerable Groups and SDGs〉

North Korea has been relatively active in addressing human rights issues related to vulnerable groups such as women, children, and people with disabilities. First, with respect to the human rights of women, North Korea enacted the Labor Law on 30 June 2015 and partially amended the Law on the Protection and Promotion of the Rights of Women so that women are entitled to prenatal leave of a maximum of 60 days (previously 60 days) and postnatal leave of a maximum of 180 days (previously 90 days). On 23 November 2015, North Korea withdrew two of the three reservations to the CEDAW, and on 11 April 2016, it submitted to the UN Committee on the Elimination of Discrimination against Women a report that combined the second, third and fourth periodic reports.

Second, with respect to the human rights of children, North Korea enacted the Law on the Protection of the Rights of Children in 2010, ratified CRC-OP2 on 10 November 2014, and submitted a combined fifth and sixth periodic report to the UN Committee on the Rights of the Child on 13 May 2016.

Third, with respect to the human rights of people with disabilities, North Korea signed the CRPD on 3 July 2013, amended the Law on the Protection of Persons with Disabilities on 21 November 2013, ratified the CRPD on 23 November 2016 (and deposited the ratified document with the UN Secretariat on 6 December 2016), and submitted an initial report on its implementation of the CRPD to the UN Committee on the Rights of Persons with Disabilities on 19 December 2018. While the North Korean authorities have refused visits by the UN Special Rapporteur on the situation of human rights in the DPRK and the US Special Envoy for North Korean human rights, they accepted a visit from the UN Special Rapporteur on the rights of persons with disabilities in May 2017. Moreover, North Korea participated in the 2012 London Paralympics, 2014 Asian Para Games in Incheon, 2016 Rio Paralympics, and 2018 Winter Paralympics in Pyeongchang.

Fourth, North Korea has shown an interest and willingness to embrace and implement the UN Sustainable Development Goals (hereinafter SDGs). In June 2021, North Korea prepared and submitted its first VNR report to the UN High-Level Political

Forum. Based on the UN SDG framework, North Korea has identified 17 goals, 95 targets and 132 indicators. Of particular note is that the VNR report specifies North Korea's plans to ensure gender equality and the empowerment of women under Goal 5.

〈Responses to UN Human Rights Mechanisms〉

Since Kim Jong Un came to power, North Korea has fulfilled its obligation to submit reports as a party to the CRC, CEDAW, and CRPD. In contrast, North Korea has failed to submit its report on the implementation of the ICCPR since 2000, while a report on the implementation of the ICESCR has not been submitted since 2002. In addition, North Korea has not even ratified the Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Rome Statute of the International Criminal Court, the application of which is necessary to improve the human rights situation in North Korea.

Table Ⅰ-4 Ratification of or Accession to Major International Human Rights Treaties and Submission of Reports by North Korea

Treaty	Date of Accession/Ratification (based on the date of notification/deposit)	Report Submission
ICCPR	Acceded on 14 Sep. 1981	Initial report: 24 Oct. 1983 Second periodic report: 20 Mar. 2000
ICESCR	Acceded on 14 Sep. 1981	Initial report: 18 Dec. 1984 Second periodic report: 12 Apr. 2002
CRC	Ratified on 21 Sep. 1990	Initial report: 13 Feb. 1996 Second periodic report: 16 May 2002 Combined third and fourth periodic reports: 10 Dec. 2007 Combined fifth and sixth periodic reports: 13 May 2016
CEDAW	Acceded on 27 Feb. 2001	Initial report: 11 Sep. 2002. Combined second, third and fourth periodic reports: 11 Apr. 2016
CRPD	Ratified on 6 Dec. 2016	Initial report: 19 Dec. 2018

North Korea's selective acceptance of international treaties and pursuit of selective cooperation with the international community can also be observed in its treatment of UPRs. A total of three UPRs have been conducted for North Korea to date (in 2009, 2014, and 2019) and, although North Korea accepted, partially accepted, and noted some of the recommendations made in these UPRs, they also rejected some of them. Overall, recommendations related to the maintenance of the regime and accountability were rejected, while recommendations associated with issues that were not strongly connected to the regime's maintenance and those associated with issues related to vulnerable groups were accepted.

Table Ⅰ-5 North Korea's Acceptance of UPR Recommendations

UPR	Noted/Rejected	Accepted/Partially Accepted
1st cycle (2009)	15 noted, 65 rejected	81 accepted, 6 partially accepted
2nd cycle (2014)	58 noted, 93 rejected	113 accepted, 4 partially accepted
3rd cycle (2019)	56 noted, 74 rejected	132 accepted

White Paper on Human Rights
in North Korea 2023

Part II

The Reality of Civil and Political Rights

1. Right to Life
2. Right Not to Be Tortured or Receive Inhuman Treatment
3. Right of Liberty and Security of Person
4. Right to Freedom of Movement and Residence
5. Right to a Fair Trial
6. Right to Privacy
7. Right to Freedom of Thought, Conscience and Religion
8. Right to Freedom of Expression and Access to Information
9. Right to Freedom of Assembly and Association
10. Right to Political Participation

1

Right to Life

All human rights are meaningless unless the right to life is effectively guaranteed. Therefore, the right to life is the supreme right and is the foundation of all other human rights. Hence, key international instruments on human rights both at the universal and regional levels, without exception, include provisions to improve and protect the right to life. Article 3 of the UDHR stipulates that everyone has the right to life. Likewise, the ICCPR also stipulates the right to life in Article 6, which is first among its provisions on substantive rights.

Table Ⅱ-1 Article 6 of the ICCPR

Paragraph 1	Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
Paragraph 2	In countries which have not abolished the death penalty, sentence of death may 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 present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.
Paragraph 3	When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
Paragraph 4	Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
Paragraph 5	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.
Paragraph 6	Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

A. Extrajudicial, Summary or Arbitrary Execution

Stipulating the protection of the right to life, Article 6, paragraph 1 of the ICCPR states that “no one shall be arbitrarily deprived of his life.” The UN Human Rights Committee has emphasized that protection against arbitrary deprivation of life is of paramount importance and pointed out that deprivation of life by the state authorities, in particular, is a matter of the utmost gravity and thus must be strictly controlled and limited by law.[16] It can be said that “arbitrary” is a broader concept than

"unlawful." In other words, deprivation of life that is regarded as "lawful" under the domestic laws of a State Party may be regarded as "arbitrary" under Article 6 of the ICCPR. Ultimately, prohibition against "arbitrary" deprivation of life means that life should not be deprived unreasonably. Pursuant to the provisions of Article 6 of the ICCPR, Article 14 of the ICCPR (that stipulates the right to a fair trial), and Article 15 of the ICCPR (that stipulates the principle of non-retroactivity of punishment), extrajudicial, summary or arbitrary execution is prohibited.

In North Korea, extrajudicial, summary or arbitrary executions are often carried out, particularly in detention facilities. Testimony was collected about an inmate of Hamheung *Kyohwaso* who was caught while escaping and publicly executed by shooting (without a trial) in April 2016. The testifier said that inmates who did not want to see the execution were threatened that their release date would be postponed if they did not attend the execution, and, after the escapee had been shot to death, other inmates were forced to throw stones at the dead body, which was then cremated by male inmates.[17] Although in many cases such executions are held in public to incite fear among detainees and impose tighter control, testimonies have confirmed that they are sometimes conducted in secret. There are some cases in which the death penalty is decided

16_ UNHRC, "CCPR General Comment No. 6: Article 6 (Right to Life)," 30 April 1982, para. 3.

17_ NKHR2019000043 2019-07-01.

through an open trial in prison camps (*kyohwaso*).[18] However, such trials may be meaningless if they are only perfunctory in nature.

Sometimes extrajudicial, summary, or arbitrary executions are conducted during the trial. In some cases, trials are not held at all, while in other cases, trials are held in a perfunctory manner with no respect for even the minimum rights of the accused. Since Kim Jong Un came to power, we have confirmed continuous cases of executions of high-ranking personnel such as Jang Song-thaek, Hyon Yong-chol, Ri Yong-ho, Choi Young-gon, and Kim Yong-jin. In most cases, such executions are identified as extrajudicial, summary, or arbitrary executions.

B. Broad Application of the Death Penalty for Offenses

Article 6, paragraph 2 of the ICCPR states that in countries that have not abolished the death penalty, a death sentence may only be imposed for the most serious crimes based on the law in force at the time of the commission of the crime. The UN Human Rights Committee explained in its General Comment on the right to life that the expression "the most serious crime" should be restrictively interpreted to mean that the death penalty should be an exceptional measure.[19] Moreover, in its Concluding Observations

18_ NKHR2015000031 2015-02-10.

19_ UNHRC, "CCPR General Comment No. 6: Article 6 (Right to Life)," 30 April 1982,

on multiple national reports, the Committee pointed out that the declaration of the death penalty for treason, piracy, robbery, trading of toxic or hazardous substances, narcotics-related crimes, draft dodging, property crimes, economic crimes, adultery, corruption and political crimes violates Article 6 of the ICCPR as these offenses do not constitute the "most serious crimes." This conclusion leaves premeditated murder or attempted murder and deliberate infliction of serious injury to be classified as the "most serious crimes."

The North Korean Criminal Law of 2015 stipulated the death penalty as the most severe statutory punishment for a total of eight crimes: conspiracy to overturn the state, terrorism, treason against the fatherland, clandestine destruction, treason against the people, illegal cultivation of opium/manufacturing of narcotics, smuggling/trading of narcotics, and premeditated murder. Subsequently, North Korea amended the Criminal Law to add a provision stipulating that the crime of defaming the dignity of North Korea may be punishable by death and adding the death penalty as one of the statutory punishments for the crime of hostile acts against foreigners. Furthermore, North Korea subdivided the crime of the illegal cultivation of opium/manufacturing of narcotics into the crime of the illegal cultivation of opium flowers, the crime of the illegal harvesting of opium, and the crime of the

para. 7.

illegal manufacturing of narcotics, and amended the Criminal Law to stipulate that the latter two crimes may be punishable by death. In summary, the current North Korean Criminal Law of 2022 stipulates the death penalty as the most severe statutory punishment for a total of 11 crimes. However, because North Korea has amended its Criminal Law nine times since 22 July 2015, it is difficult to clearly determine at exactly which point each of the 11 offenses was officially deemed punishable by death. The following <Table II-2> indicates crimes punishable by death under the Criminal Law, their legal requirements, and related statutory penalties.

Table Ⅱ-2 Crimes Subject to Capital Punishment under Criminal Law and Their Legal Requirements and Statutory Penalties

Conspiracy to overturn the state (Article 61)	Serious cases of acts of state subversion for anti-state purposes	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Terrorism (Article 62)	Serious cases of terrorism against officials and citizens for anti-state purposes	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Treason against the fatherland (Article 63)	Serious cases of betraying the fatherland	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property

Defaming the dignity of North Korea (Article 64)	Serious cases of defaming the dignity of North Korea for anti-state purposes	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Clandestine destruction (Article 65)	Extremely serious cases of clandestine destruction for anti-state purposes	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Hostile acts against foreigners (Article 69)	Serious cases of hostile acts against foreigners staying in North Korea for the purpose of worsening North Korea's relations with foreign countries	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Treason against the people (Article 70)	Extremely serious cases of treason committed under imperialist rule against the people by engaging in the persecution of North Korea's national liberation movement and struggle for unification or by selling the interests of the people to imperialists	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Illegal harvesting of opium (Article 234)	Illegal harvesting of extremely large amounts of opium	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Illegal manufacturing of narcotics (Article 235)	Illegal manufacturing of extremely large amounts of narcotics	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Smuggling/ trading of narcotics (Article 237)	Smuggling/trading of extremely large amounts of narcotics	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Serious murder (Article 305)	Serious cases of murder based on a despicable motivation	Unlimited-term correctional labor punishment or the death penalty

Meanwhile, North Korea has enacted and enforced the Addendum to the Criminal Law (General Crimes). The Addendum to the Criminal Law (General Crimes) of 2010 stipulates that crimes need to be "extremely serious" or "particularly serious" for the offender to be put to death, which is a serious issue because using such abstract terms in describing the legal requirements for the use of the death penalty is contrary to the right to life.

Table Ⅱ-3 Crimes Subject to Capital Punishment under the Addendum to Criminal Law (General Crimes) and Their Statutory Penalties

Extremely serious intentional destruction of weapons, ammunition, combat equipment and military facilities (Article 1)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious plundering of state property (Article 2)	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Extremely serious theft of state property (Article 3)	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Extremely serious intentional destruction or damaging of state property (Article 4)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious counterfeiting of currency (Article 5)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious smuggling/trafficking of precious or colored metals (Article 6)	Unlimited-term correctional labor punishment or the death penalty with confiscation of property
Particularly serious escape by a prisoner (Article 7)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious kidnapping (Article 8)	Unlimited-term correctional labor punishment or the death penalty
Particularly serious rape (Article 9)	Unlimited-term correctional labor punishment or the death penalty
Extremely serious robbery of private property (Article 10)	Unlimited-term correctional labor punishment or the death penalty with the confiscation of property
Other exceptional crimes subject to unlimited-term correctional labor punishment or the death penalty (Article 11)	Unlimited-term correctional labor punishment or the death penalty

C. Enactment of Special Laws with Death Penalty Provisions

North Korea's legal framework has been that provisions stipulating the death penalty were included only in the Criminal Law and the Addendum to the Criminal Law (General Crimes), while individual statutes did not include specific provisions for penalties because penalties were imposed in accordance with the Criminal Law. Recently, however, North Korea has enacted several special laws, such as the Emergency Quarantine Law, the Reactionary Ideology and Culture Rejection Act, the Pyongyang Standard Language Protection Act, and the Narcotics Crimes Prevention Act, that include provisions for penalties that include the death penalty.

Under the North Korean Emergency Quarantine Law, which was enacted in response to COVID-19, the maximum statutory punishment for negligence in executing an order, ordinance, decision, or instruction related to an emergency quarantine measure (Article 69); negligence in imposing border closure and land, sea, and air blockade (Article 72); and interfering with the implementation of an emergency quarantine measure (Article 73) is the death penalty. There were two provisions stipulating the death penalty when this Law was enacted in 2020, but one more provision was added following an amendment in 2021. These excessive provisions contravene the principle of proportionality

and infringe upon the right to life of the North Korean people. In an emergency that threatens the life of its citizens, a state may take measures that derogate from its obligation under the ICCPR "to the extent strictly required by the exigencies of the situation" (Article 4, paragraph 1 of the ICCPR).

Both the Reactionary Ideology and Culture Rejection Act and the Pyongyang Standard Language Protection Act specify two offenses that may be subject to the death penalty. In addition, in the Narcotics Crimes Prevention Act enacted on 1 July 2021, criminal responsibility for narcotics crimes is set forth in 20 provisions, four of which stipulate the possible imposition of the death penalty.

Table Ⅱ-4 Death Penalty Provisions in Individual North Korean Laws

Statute	Requirements	Statutory Penalties
Emergency Quarantine Law (2021)	(Article 69) Extremely serious cases of violation of an order, ordinance, decision, or instruction related to an emergency quarantine measure by high-ranking officials of institutions, enterprises, or organizations at or above the county level	Unlimited-term correctional labor punishment or the death penalty
	(Article 72) Extremely serious cases of negligence in imposing border closure and land, sea, and air blockades	
	(Article 73) Extremely serious cases of interfering with the implementation of an emergency quarantine measure	
Reactionary Ideology and Culture Rejection Act (2022)	(Article 28) Introduction or distribution (or distribution to many people) of large amounts of films, video recordings, edited materials or books from hostile countries, or the organization or incitement of mass viewing or reading of such materials	Unlimited-term correctional labor punishment or the death penalty

Statute	Requirements	Statutory Penalties
	(Article 29) Creation, introduction, or distribution (or distribution to many people) of large amounts of sexually explicit materials or films, video recordings, edited materials, books, photographs, or paintings containing sexual or superstitious content, or organization or incitement of mass viewing or reading of such materials	Death penalty
Pyongyang Standard Language Protection Act (2023)	(Article 58) Serious cases of speaking or writing in the language of a puppet state, sending or receiving notices or emails written in the language of a puppet state, or creating printed materials, video recordings, edited materials, paintings, photographs, scrolls, etc. in the language of a puppet state	Unlimited-term correctional labor punishment or the death penalty
	(Article 59) Serious cases of teaching others the language of a puppet state or distributing to others printed materials, video recordings, edited materials, paintings, photographs, scrolls, etc. created in the language or style of a puppet state	
Narcotics Crimes Prevention Act (2021)	(Article 23) Illegal harvesting of opium	Limited/unlimited -term correctional labor punishment or the death penalty with the confiscation of property
	(Article 24) Illegal manufacturing of narcotics	
	(Article 28) Smuggling/trading of narcotics	
	(Article 39) Illegal disposal of seized or confiscated property related to narcotics crimes	Labor training punishment, limited/unlimited -term correctional labor punishment or the death penalty with the confiscation of property

D. Reality of the Application of Laws and Regulations on Capital Punishment

How the laws and regulations on capital punishment are actually implemented in North Korea has been confirmed by testimonies of North Korean defectors who personally witnessed public executions. Several defectors claimed to have witnessed people being executed for narcotics trading, watching or distributing South Korean video recordings, murder, plundering, stealing or destroying state property, human trafficking, or rape.

Over the last few years, the number of executions for acts of superstition, narcotics trading, or watching or distributing South Korean video recordings has risen. A North Korean defector testified that he/she heard that public executions were held while policy-based control over acts of superstition was carried out between 2018 and 2019.[20] A North Korean defector who had lived in Yanggang Province and defected in 2018 testified that there were many recent cases in which people were shot to death due to drugs (*bingdu*), and there were more non-public executions than public.[21] A North Korean defector testified that one person was publicly shot to death at a plaza in Chongjin, North Hamgyeong Province, in 2014, for the crimes of distributing South Korean dramas and trafficking narcotics and that he/she did not personally

20_ NKHR2020000011 2020-06-15.

21_ NKHR2019000022 2019-05-07.

witness the event but watched video footage of it when people passed around the footage at school.[22] Moreover, another North Korean defector testified that he/she witnessed two men being shot to death for distributing South Korean movies and providing a venue for prostitution, respectively, in Yeonbong-dong, Hyesan, Yanggang Province in 2014.[23] It appears that the North Korean authorities have reinforced crackdowns and punishments in such cases as narcotics are spreading across North Korea, and the number of cases in which North Koreans watch/distribute South Korean video recordings is also increasing.

Table Ⅱ-5 Cases of Death Penalty Executions Related to Narcotics and South Korean Video Recordings

Testimonies	Testifier ID
In 2014, one person was shot to death at a plaza in Chongjin, North Hamgyeong Province for the crimes of distributing South Korean dramas and trafficking narcotics.	NKHR2019000084 2019-10-05
In 2014, two men were shot to death for distributing South Korean movies and providing a venue for prostitution, respectively, in Yeonbong-dong, Hyesan, Yanggang Province.	NKHR2019000103 2019-11-09
In October 2014, three men were shot to death at an airfield in Yeonbong-dong, Hyesan, Yanggang Province for distributing South Korean video recordings.	NKHR2018000098 2018-10-01
In March 2015, five men in their 30s to 40s were shot to death in Pyeongseong, South Pyeongan Province after an open trial for watching South Korean video recordings and trading narcotics.	NKHR2017000083 2017-09-25
In 2017, a man was shot to death at an airfield in Yeonbong-dong, Hyesan, Yanggang Province for distributing South Korean video recordings.	NKHR2018000114 2018-10-13
In February 2017, around 20 people were shot to death in Byeoksong County, South Hwanghae Province, for watching and distributing South Korean video recordings and trading narcotics.	NKHR2017000073 2017-08-28

22_ NKHR2019000084 2019-10-05.

23_ NKHR2019000103 2019-11-09.

Cases of public executions for committing acts that contravene the Supreme Leader's (*Suryeong*) guidelines (i.e., Kim Il Sung's instructions, Kim Jong Il's messages, and Kim Jong Un's orders) or Party policies or for being involved in religious activities have also been documented. A North Korean defector testified that in 2015, he/she witnessed the manager and the Party secretary of the Daedonggang Terrapin Farm being publicly shot to death, which was attended by approximately 1,000 residents, for committing acts against the Party, disobeying the teachings and instructions of the Supreme Leader (*Suryeong*), and corruption.[24] Another North Korean defector testified that two women were executed for spreading Christianity and another woman was executed for distributing anti-regime leaflets after a public trial in Gilseongpo Port, North Hwanghae Province, in 2015.[25] According to the testifier, there were crowds of around 1,000–2,000 people, and the military, Ministry of People's Security (MPS) officers and MSS agents around North Hwanghae Province came, while People's Unit (*inminban*) chiefs or secretary-level representatives and members of factory enterprises and People's Units (*inminban*) had to be present. Moreover, while it was not confirmed whether there were representatives from the court, the testifier explained that the overall trial and execution were carried out by the Ministry of

24_ NKHR2020000018 2020-07-04.

25_ NKHR2019000054 2019-07-29.

State Security. This case may constitute an extrajudicial, summary or arbitrary execution. In addition, testimony was collected where the testifier heard about a 70-year-old woman who was shot to death under a bridge of the Suseong Stream (Suseongcheon) for acts and dissemination of superstition in Chongjin, North Hamgyeong Province in 2018.[26] Another testimony was collected where the testifier witnessed two people shot to death for carrying the Bible in Pyeongseong, South Pyeongan Province, in 2018.[27]

Testimonies of executions carried out for social deviance and violent crimes such as murder have been continuously collected. A testifier heard about a criminal involved in a case of child abduction who was publicly shot to death in Hyesan, Yanggang Province in 2014;[28] a testifier heard about a woman who ran a prostitution operation and worked as a madam and was executed sometime in 2014–2015;[29] and a testifier heard about a public execution for murder in Musan County, North Hamgyeong Province sometime in 2017–2018.[30] In January 2018, there was an incident where a driver's lover murdered the six-year-old son of the Party chief secretary of Onsong County. An order was issued to shoot the female perpetrator in front of a crowd of

26_ NKHR2019000071 2019-08-26.
27_ NKHR2019000024 2019-05-18.
28_ NKHR2019000047 2019-07-01.
29_ NKHR2019000054 2019-07-29.
30_ NKHR2019000038 2019-06-15.

100,000, and the woman was shot to death in front of a significant number of people.[31] A North Korean defector testified that he/she witnessed a man being shot to death for murder in the military town of Jangsaeng in Jongseong-gu, Onsong County, North Hamgyeong Province sometime in February–March 2018.[32] It is said that there are cases in which Party officials who are caught while defecting are publicly executed based on the consideration of various factors, such as their rank at the time of defection, reasons for defection, and their possessions.[33]

Cases of public executions for the violation of quarantine measures have also been reported. A North Korean defector who defected in 2023 testified that he/she witnessed public executions of people who violated quarantine measures during the COVID-19 period.[34]

There were testimonies from North Korean defectors that public executions have not been conducted recently. However, the date of the last public execution differed among the interviewees. Two separate North Korean defectors who both defected in 2019 testified that public executions have no longer been performed since 2008.[35],[36] Another North Korean defector who defected in

31_ NKHR2019000111 2019-11-18.
32_ NKHR2019000118 2019-11-30.
33_ NKHR2022000001 2022-05-13.
34_ NKHR2023000055 2023-07-22.
35_ NKHR2022000020 2022-06-18.

2019 reported that the last public execution was held in 2011.[37] A defector who defected in 2019 testified that he/she witnessed a public execution by shooting sometime in 2012–2013 and that there has been no public execution since then.[38] In addition, a North Korean defector who defected in 2019 testified that public execution by shooting has not been carried out nationwide since 2013. He/she further testified that he/she heard that a no public execution policy was ordered by Kim Jong Un.[39] A North Korean defector who defected in 2019 testified that he/she had last seen a public execution sometime in 2015–2016 and had not seen one since 2018.[40]

Contrary to these testimonies, there are also accounts of public executions being carried out in 2015 and 2018. Testimony also reported that a public execution was conducted in 2019 for acts of superstition.[41] Based on these testimonies, it could be concluded that the frequency of public executions has decreased since around 2010, but they have not disappeared altogether. Moreover, it has been reported that some public executions have been replaced with non-public executions. A North Korean defector

36_ NKHR2022000003 2022-05-19.
37_ NKHR2023000017 2023-07-31.
38_ NKHR2020000005 2020-05-15.
39_ NKHR2020000032 2019-08-04.
40_ NKHR2021000017-2 2022-05-26.
41_ NKHR2022000012 2022-06-10.

who defected in 2019 testified that a woman from his/her neighborhood who had been involved in the brokerage of defectors was secretly executed by shooting sometime in 2014.[42] It is difficult to verify whether the actual number of public executions has decreased or whether public executions have been replaced with non-public executions.

E. Death Sentence for Juvenile Offenders and Execution of Pregnant Women

Article 6, paragraph 5 of the ICCPR prohibits the death penalty for crimes committed by persons under 18 years of age and executing the death penalty for pregnant women. It is noteworthy that the prohibition of sentencing juveniles to the death penalty is based on their age at the time they committed the crime, not at the time of sentencing.

Article 37 of the current North Korean Criminal Law stipulates that "any person below the age of 18 at the time of commission of a crime shall not be sentenced to death, and sentence of death shall not be carried out on pregnant women." In terms of legislation, North Korea appears to be appropriately implementing Article 6, paragraph 5 of the ICCPR. Nevertheless, in KINU's previous surveys, some non-compliant cases were identified. A

42_ NKHR2022000003 2022-05-19.

survey by the Ministry of Unification also reported cases of death penalty sentences for juveniles and the death penalty being carried out on pregnant women.[43]

F. Other Infringements of the Right to Life

Article 6, paragraph 1, of the ICCPR states that the "inherent right to life [...] shall be protected by law." The UN Human Rights Committee expressed in the General Comment its concern over the tendency to interpret the right to life extremely narrowly and stressed that the expression "inherent right to life" cannot be fully understood in such a restrictive manner and that the protection of this right requires each state to actively take measures.[44] From this perspective, there are many violations related to the right to life in North Korea. As will be examined in later sections, cases of death continue to occur in detention facilities due to violence and cruel treatment, poor nutrition, poor sanitation and poor health care. This issue is examined in more detail in II. The Reality of Civil and Political Rights, 2. Right Not to Be Tortured or Receive Inhuman Treatment. 1. Right to Food, 2. Right to Health, and 5. Right to Social Security under Ⅲ. Reality of Economic, Social and Cultural Rights and 5. Crises and Disasters under V. Major

43_ Ministry of Unification, *2023 Unification White Paper* (Seoul: Ministry of Unification 2023), pp. 64–65.

44_ UNHRC, "CCPR General Comment No. 6: Article 6 (Right to Life)," 30 April 1982, para. 5.

Issues are also directly or indirectly related to the right to life of the North Korean people.

G. Evaluation

The right to life is still not properly guaranteed in North Korea. Broadly defining the scope of crimes to be punishable by death by applying the Addendum to the Criminal Law (General Crimes) and frequently carrying out the death penalty based on such a unique form of law is contrary to Article 6, paragraph 2 of the ICCPR, which stipulates that in a country where the death penalty still exists, a death sentence may only be imposed for the "the most serious crimes." The enactment of special laws such as the Emergency Quarantine Law, the Reactionary Ideology and Culture Rejection Act, the Pyongyang Standard Language Protection Act, and the Narcotics Crimes Prevention Act that include death penalty provisions is also a cause for concern. Cases of executions for narcotics trading, watching or distributing South Korean video recordings, and violent crimes such as murder have been continuously documented. Cases of executions for committing acts that contravene the Party or the Supreme Leader's (*Suryeong*) guidelines, possessing the Bible, distributing propaganda leaflets, or engaging in acts of superstition have also been reported. Moreover, cases of public executions for the violation of quarantine measures have also been reported. On the other hand,

testimonies have claimed that the number of public executions has decreased. If the number of executions has actually decreased, this would reflect positively in terms of evaluating North Korea's actions. However, if public executions are merely being replaced by non-public executions, it should be assumed that the violation of the right to life continues to be a problem in North Korea.

2

Right Not to Be Tortured or Receive Inhuman Treatment

Article 5 of the UDHR states that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,” in order to protect the dignity and the physical and mental integrity of every human being. As in the UDHR, Article 7 of the ICCPR also prohibits torture and inhuman treatment and even goes a step further by explicitly prohibiting non-consensual medical or scientific experimentation. Article 7 of the ICCPR is complemented by Article 10, paragraph 1, of the ICCPR, which stipulates that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

Table Ⅱ-6 Article 7 of the ICCPR

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 universal value of human rights prohibits torture and inhuman treatment in order to protect the dignity and the physical and mental integrity of every human being. This chapter will examine the major issues related to the situation in North Korea in this regard.

A. Torture and Inhuman Treatment in the Handling of Criminal Cases

According to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter CAT), torture is defined as an act of intentionally inflicting severe physical and/or mental pain on an individual by a public official for specific purposes such as obtaining information or a confession or imposing punishment. Other various actions that inflict harsh pain that cannot be recognized as torture due to the lack of key elements, such as specific purpose, intention or severe pain, constitute cruel, inhuman or degrading treatment or punishment.

North Korea has established regulations on torture and inhuman treatment in its Criminal Law (2022) and Criminal Procedure Law (2021). Article 280 of the Criminal Law stipulates that those who conduct interrogations in an unlawful manner or exaggerate or fabricate a case shall be subject to labor training punishment, and those who exaggerate or fabricate a case to cause someone to be

unjustly subject to criminal responsibility or conduct interrogations in an unlawful manner to cause someone to sustain serious injury or die shall be subject to up to five years of correctional labor punishment. The provision further stipulates that, when the case is serious, they shall be subject to five years or more and up to ten years of correctional labor punishment. Article 6 of the Criminal Procedure Law stipulates that "the state shall strictly guarantee human rights in the handling of criminal cases," and Article 37 of the same law states that "testimony obtained through force and inducement cannot be used as evidence." Article 163 provides that "preliminary examination officers shall not forcibly make the preliminary examinee admit their guilt or induce statements." In addition, in its national report submitted for the third cycle of the UPR in 2019, North Korea stated that it protects human rights in the process of handling criminal cases while consistently upholding the principle that scientific accuracy, objectivity and impartiality must be ensured.[45]

Despite these regulations in the North Korean Criminal Law and Criminal Procedure Law, torture and inhuman treatment frequently occur in the actual process of handling criminal cases, and the use of torture is prevalent as it is established as one of the investigation methods for obtaining confessions from suspects during interrogation.[46] Testimonies claiming that cruel treatment

45_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 27.

takes place in detention facilities under the Ministry of State Security have been collected (<Table II-7>). Testimonies about beatings and cruel treatment in prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*), and detention centers (*guryujang*) under the Ministry of Social Security have also been collected.[47] Taking these testimonies into consideration, it appears that beatings and cruel treatment have not yet been eradicated from all of the detention facilities under the Ministry of State Security and the Ministry of Social Security.

Table II-7 Cases of Torture and Inhuman Treatment in the Process of Handling Criminal Cases

Testimonies	Testifier ID
A North Korean defector was investigated by the MSS county branch in Onsong County, North Hamgyeong Province, for human trafficking in February 2015 and was frequently beaten in the investigation process. The defector testified that there were also people whose bodies were bruised and flesh was decayed when they left since they were beaten with a club.	NKHR2018000074 2018-07-30
A North Korean defector was investigated by the MSS city branch in Hyesan, Yanggang Province for 15 days for the illegal use of a mobile phone in October 2015. Four MSS agents beat him/her frequently with their fists and feet.	NKHR2018000127 2018-11-19
A North Korean defector was investigated for eight days in May 2016 at an MSS holding center *(jipkyulso)* in Samjiyeon, Yanggang Province. The defector was bruised all over his/her body after being beaten up for not admitting the fact that he/she attempted to go to South Korea. The beating was even worse for his/her father as he lost all his teeth, and the blood vessels in his eyes burst.	NKHR2018000129 2018-11-19

46_ Dong-ho Han *et al.*, *Torture and Inhuman Treatment in North Korea* (Seoul: KINU 2016), p. 8.

47_ NKHR2020000020 2020-07-04.

Testimonies	Testifier ID
A North Korean defector was investigated by the MSS county branch in Onsong County, North Hamgyeong Province for 15 days in September 2016 and was beaten by the MSS agents until he/she made a full confession and acknowledged his/her deeds. The defector was investigated while he/she was shackled to a chair and when he/she refused to testify, the MSS agents kicked the chair so that he/she fell while tied to the chair.	NKHR2018000109 2018-10-06
A North Korean defector was caught while attempting to defect in 2018 and was detained in a holding center (*jipkyulso*) and a detention center (*guryujang*) for about four and a half months in early 2019. He/she was beaten during the investigation process for not making a confession and was forced to remain in a fixed posture.	NKHR2020000020 2020-07-04
A North Korean defector who had worked at a detention facility from April 2019 said that a person confined in a detention facility before trial is considered "a person whose sentence is pending" and thus treated as a prisoner, to whom cruel treatment, such as forcing of fixed posture, is given.	NKHR2020000035 2020-09-05

B. Torture and Inhuman Treatment in Detention Facilities

Article 10, paragraph 1 of the ICCPR stipulates that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." This provision applies to those who are deprived of liberty by the laws and authority of the State Parties and held in prisons, hospitals (particularly psychiatric hospitals), detention camps, correctional institutions or other facilities.[48] Article 10, paragraph

48_ UNHRC, "CCPR General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)," 10 April 1992, para. 2.

1 of the ICCPR supplements the ban on torture or other cruel, inhuman or degrading treatment or punishment specified in Article 7 of the ICCPR, by imposing on the State Parties an active obligation towards persons who are vulnerable as their liberty is deprived.[49] Therefore, persons deprived of their liberty shall not be treated in any way contrary to Article 7 of the ICCPR or be subject to any hardships or pressure other than that which results from the deprivation of liberty. Persons deprived of their liberty must have their dignity respected under the same conditions as those of free persons and must enjoy all the rights set forth in the ICCPR, subject to the restrictions that are unavoidable in a closed environment.[50]

(1) Types of Detention Facilities

(A) Prison Camps (*Kyohwaso*)

Prison camps (*kyohwaso*) are correctional facilities of the Ministry of Social Security Corrections Bureau, which is directly under the SAC, and are a place for detaining those who have been sentenced to correctional labor punishment by courts. Correctional labor punishment is divided into unlimited-term and limited-term correctional labor punishment, with the duration of the latter being from 1 to 15 years. During the execution period

49_ *Ibid.*, para. 3.
50_ *Ibid.*

for correctional labor punishment, some of the detainee's rights are suspended (Article 38 of the Criminal Law).

North Korean defectors who are forcibly repatriated to North Korea are detained in either Jeongeori *Kyohwaso* or Gaecheon *Kyohwaso* after being sentenced to correctional labor punishment.

Figure Ⅱ-1 Satellite View of Jeongeori *Kyohwaso*[51]



51_ Image capture from Google Earth, 10 October 2023.

Figure Ⅱ-2 Satellite View of Gaecheon *Kyohwaso*[52]



(B) Labor Training Camps (*Rodongdanryundae*)

Labor training camps (*rodongdanryundae*) are where those sentenced to labor training punishment (from six months to one year) by courts are detained. During the execution period for labor training punishment, the detainee's rights are guaranteed (Article 39 of the Criminal Law). It has been found that those sentenced to labor training punishment are detained in labor training camps (*rodongdanryundae*) under the jurisdiction of the Ministry of Social Security. There are testimonies about labor training camps (*rodongdanryundae*) in Wonsan, Gangwon Province, and Jeungsan

52_ Image capture from Google Earth, 10 October 2023.

County, South Pyeongan Province, being under the jurisdiction of the MPS.[53] Testifiers claimed that they were sentenced to labor training punishment and sent to the labor training camp (*rodongdanryundae*) located in Gaecheon *Kyohwaso*.[54] Therefore, it can be assumed that there is a labor training camp (*rodongdanryundae*) under the control of the Ministry of Social Security inside Gaecheon *Kyohwaso*. It has also been reported that the military operates its own internal labor training camps (*rodongdanryundae*).[55]

(C) Disciplinary Labor Centers (*Rodonggyoyangdae*)

The North Korean Administrative Penalty Law of 2021 stipulates re-educational labor discipline as a type of administrative penalty. According to Article 18, North Korean people who commit a serious illegal act shall be sent to a disciplinary labor center (*rodonggyoyangdae*) where they shall be subject to re-educational labor discipline (from five days to six months). Re-educational labor discipline can be imposed by various institutions including the Socialist Law-Abiding Life Guidance Committee, prosecutorial institutions, judicial institutions, and people's security institutions (Articles 345 to 349).

53_ NKHR2014000065 2014-06-03; NKHR2015000121 2015-09-08.

54_ NKHR2016000026 2016-03-08; NKHR2017000005 2017-04-10; NKHR2018000049 2018-06-04; NKHR2018000080 2018-07-30.

55_ NKHR2015000119 2015-09-08.

The People's Security Enforcement Law of 2007 also stipulates that people's security institutions and the Responsible Workers' Association have the authority to impose re-educational labor discipline on those who commit acts violating the legal order (Article 57).

One North Korean defector distinguished a disciplinary labor center (*rodonggyoyangdae*) from a labor training camp (*rodongdanryundae*) in his/her testimony. A North Korean defector who had been detained in a disciplinary labor center (*rodonggyoyangdae*) in Bocheon-eup, Bocheon County, Yanggang Province from August to September 2016 testified that he/she was sentenced to six months of re-educational labor discipline without a trial and was forced to commute between home and the disciplinary labor center (*rodonggyoyangdae*) to do logging and cooking at the center.[56] Conversely, many North Korean defectors reported that they had been sent to a labor training camp (*rodongdanryundae*) rather than a disciplinary labor center (*rodonggyoyangdae*) after being sentenced to re-educational labor discipline. For example, a North Korean defector testified that, in November 2016, he/she was sentenced to six months of re-educational labor discipline by the MPS branch officers and political committee members for absence from work without notice and detained in a labor training camp (*rodongdanryundae*) in Hyesan, Yanggang Province, where

56_ NKHR2018000120 2018-10-22.

he/she was forced to work in the construction of a secondary academy in Hyesan from 7 am to 9 pm.[57] Considering this, it is evident that North Korean people do not clearly distinguish between re-educational labor discipline and labor training punishment, with the names disciplinary labor center (*rodonggyoyangdae*) and labor training camp (*rodongdanryundae*) used interchangeably.

(D) Holding Centers (*Jipkyulso*)

A holding center (*jipkyulso*) investigates and detains travelers who have left their designated travel area or traveled beyond the authorized duration of travel, homeless children, those whose cases are pending, and forcibly repatriated defectors. When a holding center (*jipkyulso*) sends a notification to the MPS city/county branch in charge of the area of residence of a detainee, the MPS branch officers in charge come to the holding center (*jipkyulso*) and transfer the detainee to his/her area of residence. Holding centers (*jipkyulso*) under the control of the Ministry of Social Security are located across North Korea and there are holding centers (*jipkyulso*) operated by the Ministry of State Security in border regions. It has been found that holding centers (*jipkyulso*) operated by the Ministry of State Security in border regions are for detaining those who attempt to cross the border

57_ NKHR2017000095 2017-10-23.

illegally to defect to China or South Korea. Moreover, it has been identified that a large number of detainees are confined in small spaces. According to a North Korean defector who defected in 2019, when he/she was detained in a Ministry of State Security-run Chongjin *Jipkyulso* in 2017, 30 people were detained in a space slightly larger than two *pyeong* (approximately 6.6 square meters).[58]

(E) Detention Centers (*Guryujang*)

Detention centers (*guryujang*) are where criminal suspects are detained for investigation before trial. According to the North Korean Criminal Procedure Law of 2021, investigators and preliminary examination officers of state security institutions are in charge of conducting the investigation and preliminary examination of cases related to crimes against the state and the people. The investigation and preliminary examination of general crimes related to administrative and economic projects, and of general cases arising in the process of legal institutions' monitoring on the observance and enforcement of laws, are conducted by investigators and preliminary examination officers of prosecutorial institutions, and the investigation and preliminary examination of other general crimes are conducted by investigators and preliminary examination officers of social

58_ NKHR2019000075 2019-08-26.

security institutions (Article 50). Detention centers (*guryujang*) are divided into MSS detention centers (*guryujang*) and MPS detention centers (*guryujang*). The organization of the Ministry of State Security is divided into central-, provincial- and city- or county-level units, and there are detention centers (*guryujang*) at each level. The MPS is divided into central-, provincial-, city- or county and neighborhood (dong)- or village (ri)-level units, and there are detention centers (*guryujang*) for each level.

(2) Treatment in Detention Facilities

According to the testimonies of North Korean defectors, forced labor, violence, and cruel treatment continue to occur in prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*), and detention centers (*guryujang*) in North Korea, and many detainees suffer from poor nutrition, sanitation, and health care. It is found that many detainees die from such inhuman treatment.

(A) Forced Labor

According to defector testimonies, it appears that some holding centers (*jipkyulso*) force their detainees into labor. Depending on the time of notification from the holding center (*jipkyulso*) to the MPS branch in charge of the detainees' area of residence, detainees stay in holding centers (*jipkyulso*) for three to six

months, and it was testified that some holding centers (*jipkyulso*) intentionally delay their notification to exploit detainees for labor.

A North Korean defector who had been detained in a holding center (*jipkyulso*) in Chongjin, North Hamgyeong Province for 20 days in 2017 testified that he/she was used to build factory fences and harvest the fields. The testifier was able to return home earlier thanks to his/her family; without this effort, the holding center (*jipkyulso*) does not let its detainees go unless they provide approximately three months of labor. The testifier said that the length of a stay in a holding center (*jipkyulso*) changes depending on how well inmates' family members bribe the MPS officers in charge and fulfill any requests.[59]

A North Korean defector who had been detained in a holding center (*jipkyulso*) in Chongjin, North Hamgyeong Province from July to August 2018 testified that he/she was not investigated and instead did farm work, construction work, and livestock work from 5 am to 8 pm. The testifier carried blocks on his/her back at a construction site and was beaten by a guard when he/she tried to drink water on a hot day reaching 40°C.[60] A North Korean defector who said he/she had been detained in Nongpo *Jipkyulso* in Ranam District in Chongjin, North Hamgyeong Province from August to December 2017 testified that he/she woke up at 3 am

59_ NKHR2018000098 2018-10-01.
60_ NKHR2019000010 2019-04-08.

every morning to put cement into burlap bags at a cement factory located in the holding center (*jipkyulso*) and also did farming including planting cabbage and red peppers.[61]

As described above, testimonies that forced labor is carried out in holding centers (*jipkyulso*), which are simply places of detention, have been continuously collected. In contrast, some testimonies have claimed that detainees whose sentences have not been confirmed are not forced into labor. A North Korean defector who had worked at a detention facility since April 2019 testified that a person confined in a detention facility before trial is considered "a person whose sentence is pending" and that the detention facility does not impose forced labor.[62] A defector who had been detained and investigated in a detention facility of the Ministry of State Security between late 2017 to early April 2018 said that there was no exploitation of labor.[63]

Many testimonies have been collected indicating that prisoners of prison camps (*kyohwaso*) are distressed because the labor intensity is very high, and that they face verbal abuse and violence when they fail to meet their labor allotment or are slow in their productivity. A North Korean defector who had been detained in Gaecheon *Kyohwaso* from 2014 to 2015 testified that he/she

61_ NKHR2019000075 2019-08-26.
62_ NKHR2020000035 2020-09-05.
63_ NKHR2020000004 2020-05-15.

worked in the eyelash unit and knitting unit for five months, respectively, and when he/she failed to complete the assigned work, the team leaders were punished, and so, the team leaders kept the inmates from going to bed until the work was completed.[64] A North Korean defector who had been detained in Gaecheon *Kyohwaso* in 2015 testified that he/she had to work in a coal mine from 8 am to 5 pm with only a 30-minute lunch break and that the tasks were very labor intensive.[65] A North Korean defector who had been detained in Hamheung *Kyohwaso* in South Hamgyeong Province in 2016 said that he/she worked making artificial eyelashes in a work unit from 6 am to 10 pm and was beaten by correctional officers (*gyehowon*) when the work was not completed as planned.[66] A North Korean defector who had been imprisoned in Gaecheon *Kyohwaso* from 2014 to 2017 testified that he/she was assigned to work at the cookhouse where the labor intensity was very high and thus had to work from 3 am to 10 pm. The testifier also reported that he/she was injured when he/she dropped a rice pot that weighed 150kg on his/her feet and his/her hands bumped into a handcart but did not receive treatment; as a result, he/she now walks with a limp and cannot clench his/her hands.[67]

64_ NKHR2018000081 2018-07-30.
65_ NKHR2018000034 2018-05-07.
66_ NKHR2019000043 2019-07-01.
67_ NKHR2022000017 2022-06-13.

Table Ⅱ-8 Extreme Labor in Prison Camps (*Kyohwaso*)

Testimonies	Testifier ID
While imprisoned in Gaecheon *Kyohwaso* from August 2014 to July 2015, the testifier was forced to work 14 hours a day because too much work was assigned. The testifier was severely beaten and not allowed to sleep when he/she did not complete the assigned work properly.	NKHR2016000114 2016-07-12
While imprisoned in Gaecheon *Kyohwaso* from May to August in 2015, the testifier worked for approximately seven hours a day in the vegetable unit.	NKHR2018000080 2018-07-30
While imprisoned in Jeongeori *Kyohwaso* from 2015 to August 2016, the testifier worked to drag three-meter long trees when he/she was very weak. It took two and a half hours to climb up the mountain and six hours to come down. He/she was beaten with an oak cane when he/she failed to complete assigned daily tasks. Some inmates died immediately after being crushed by a tree while dragging it to the ground.	NKHR2017000047 2017-07-03
While held in Gaecheon *Kyohwaso* in 2016, the testifier was mobilized for various works including mining coal, farming, carrying stones, painting limestone, and putting up steel bars.	NKHR2017000122 2017-11-20
While imprisoned in Gaecheon *Kyohwaso* from December 2014 to July 2017, the testifier was assigned to work at the cookhouse and worked from 3 am to 10 pm.	NKHR2022000017 2022-06-13

Cases of the imposition of forced labor in labor training camps (*rodongdanryundae*) have also been reported. A North Korean defector who defected in 2019 testified that he/she had been detained in a labor training camp (*rodongdanryundae*) located in Gilju County, where he/she woke up at 5-6 am to gather firewood in the mountains until 10-11 pm or worked all day in the labor training camp (*rodongdanryundae*).[68]

68_ NKHR2023000018 2023-08-01.

(B) Violence and Cruel Treatment

Violent and cruel treatment in prison camps (*kyohwaso*) continues to occur. A North Korean defector who had been detained in a prison camp (*kyohwaso*) in Hamheung, South Hamgyeong Province in 2016 said that he/she was beaten for three days, which made his/her calves turn black, and the swollen calves were chapped on the third day.[69] A North Korean defector who had been imprisoned in Gaecheon *Kyohwaso* from 2014 to 2017 testified that he/she was allowed to defecate only once a day in the morning.[70] According to the interviewee, when he/she asked the guard to let him/her use the toilet to defecate, he/she was told to wait until the following morning, and when he/she eventually defecated in his/her pants, the guards beat him/her for that.

Table Ⅱ-9 Testimonies on Violence and Cruel Treatment in Prison Camps (*Kyohwaso*)

Testimonies	Testifier ID
The testifier, who had been imprisoned in Jeongeori *Kyohwaso* in 2014, witnessed frequent beatings. Prisoners were kicked by those wearing shoes, and soup bowls were thrown into the faces of prisoners.	NKHR2017000044 2017-07-03
The testifier, who had been imprisoned in Jeongeori *Kyohwaso* from April 2014 to March 2015, experienced frequent violence whenever he/she could not work well or comply with the rules. The testifier is still suffering from the aftereffects of violence.	NKHR2016000184 2016-12-13

69_ NKHR2019000043 2019-07-01.

70_ NKHR2022000017 2022-06-13.

Testimonies	Testifier ID
The testifier, who had been imprisoned in Gaecheon *Kyohwaso* from August 2014 to July 2015, witnessed inmates beating another inmate after the guard in charge told them to "educate that one" because he/she did not meet the labor quota.	NKHR2016000114 2016-07-12
When detained in Gaecheon *Kyohwaso* in 2016, it was a routine for the inmates to be trampled on by those wearing shoes and hit with hands or fists. The inmates were punished with starvation or sleep deprivation when they did not follow orders or made mistakes.	NKHR2017000122 2017-11-20
When the testifier was detained in a prison camp (*kyohwaso*) in Hamheung, South Hamgyeong Province in 2016, correctional officers (*gyehowon*) beat him/her. The testifier's calves were beaten for three days, and as a result, the flesh turned black, and the swollen flesh became chapped on the third day.	NKHR2019000043 2019-07-01
When detained in Gaecheon *Kyohwaso* from December 2014 to July 2017, the testifier was allowed to defecate only once a day in the morning, and when he/she eventually defecated in his/her pants, the guards beat him/her for that.	NKHR2022000017 2022-06-13

Violence and cruel treatment also occur in labor training camps (*rodongdanryundae*). A North Korean defector who defected in 2019 testified that he/she witnessed officers beating other inmates with clubs in a labor training camp (*rodongdanryundae*) in Ongjin County, South Hwanghae Province in October 2014.[71] A North Korean defector who defected in 2018 testified that, when his/her spouse's family members were detained in a labor training camp (*rodongdanryundae*) in Hyesan for six months in 2017, they were severely beaten and told that beating is common in these camps and inmates cannot protest even if they are beaten.[72] A North

71_ NKHR2019000011 2019-04-20.

72_ NKHR2022000002 2022-05-18.

Korean defector who defected in 2019 testified that he/she was punched, kicked, and beaten with a club when detained in a labor training camp (*rodongdanryundae*) located in Gilju County.[73]

Table Ⅱ-10 Testimonies on Violence and Cruel Treatment in Labor Training Camps (*Rodongdanryundae*)

Testimonies	Testifier ID
In 2014, when the testifier had been detained in a labor training camp (*rodongdanryundae*) in Hoeryong, North Hamgyeong Province, the inmates were not beaten when they made a mistake; rather, they were instructed to run laps around the track.	NKHR2017000093 2017-10-23
The testifier, who had been imprisoned in a labor training camp (*rodongdanryundae*) in Hyesan, Yanggang Province in March 2014, said that he/she was slapped hard in the face for not doing a good job in monitoring work and his/her eardrum was damaged.	NKHR2016000108 2016-07-12
In March 2014, the testifier had been detained at a labor training camp (*rodongdanryundae*) in Samjiyeon, Yanggang Province. Since a labor training camp (*rodongdanryundae*) is operated for the purpose of training people with labor, those who did not work well were punished and beaten every day. The elderly were not exempt from such treatment.	NKHR2016000114 2016-07-12
In October 2014, officers beat prisoners with clubs in a labor training camp (*rodongdanryundae*) in Ongjin County, South Hwanghae Province.	NKHR2019000011 2019-04-20
While detained in a labor training camp (*rodongdanryundae*) located in Gilju County in 2019, the testifier was punched, kicked, and beaten with a club and witnessed the cruel treatment of other inmates.	NKHR2023000018 2023-08-01

Violence and cruel treatment occur in holding centers (*jipkyulso*). A North Korean defector who had been detained in a holding center (*jipkyulso*) in Hyesan, Yanggang Province in November 2014 testified that he/she was beaten for being an unsatisfactory

73_ NKHR2023000018 2023-08-01.

worker.[74] A North Korean defector, who had been detained in a holding center (*jipkyulso*) in Sinuiju, North Pyeongan Province in July 2013, also testified that most of the detainees in the holding center (*jipkyulso*) were beaten for being unsatisfactory workers.[75]

Table II-11 Testimonies on Violence and Cruel Treatment in Holding Centers (*Jipkyulso*)

Testimonies	Testifier ID
From March to June 2014, the testifier had been detained in a holding center *(jipkyulso)* in Chongjin, North Hamgyeong Province. The testifier was kicked in the ribs and beaten on the back of the hand with a metal wire for guns. Sounds of another detainee being beaten with a wooden stick were heard from the room next door. The testifier was threatened "Do you also want to be beaten up like that?"	NKHR2017000093 2017-10-23
The testifier had been detained in a holding center *(jipkyulso)* in Hyesan, Yanggang Province for 15 days in May 2014, and he/she was beaten with a club or shovel or was kicked when he/she did not work well or his/her eyes met the eyes of the correctional officers (*gyehowon*).	NKHR2018000077 2018-07-30
In November 2014, the testifier had been detained in a holding center (*jipkyulso*) in Hyesan, Yanggang Province for 40 days and was forced to remain in a fixed posture. When one of the detainees did something wrong, all of the detainees in the room were punished. A detainee who had been detained in the same room was not able to walk properly when he/she was discharged due to serious injuries to his/her head and legs caused by continuous beatings.	NKHR2016000094 2016-06-14
From 28 February to 20 March 2015, the testifier had been detained in the MSS city holding center (*jipkyulso*) in Hyesan, Yanggang Province. The testifier was severely beaten by officers during a simple investigation.	NKHR2017000001 2017-04-10
The testifier had been detained for 20 days in the Ungsan *Jipkyulso* in Rajin, North Hamgyeong Province in September 2015. He/she was beaten for not doing work properly or being disobedient.	NKHR2018000001 2018-03-12

74_ NKHR2018000080 2018-07-30.

75_ NKHR2018000023 2018-04-09.

Cruel treatment such as beatings and being forced to remain in a fixed posture for long periods continues to occur in detention centers (*guryujang*). A North Korean defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in 2015 testified that he/she routinely had to maintain a fixed posture from dawn to night. He/she said that if he/she moved even a little, he/she was punished by being forced to stand facing a wall for three hours.[76] A North Korean defector who defected in 2018, who had been arrested for attempting to defect and detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province for one month in 2017, testified that when he/she was interrogated, detainees who broke rules, such as not remaining in a fixed posture, were beaten with a ruler. According to the testifier, a detainee who had been detained in the same room was kicked by someone wearing shoes resulting in a swollen head covered with bruises from the top to the lower part of his/her eyes.[77] A testifier who had been severely beaten every day while detained in the MSS county detention center (*guryujang*) in Onsong County in 2017 said that he/she was seriously scarred on his/her waist and back, and since no proper treatment was provided, he/she was infected with tetanus and had a high fever and pus draining from the wounds.[78] A North Korean defector who had been detained in

76_ NKHR2018000074 2018-07-30.
77_ NKHR2018000089 2018-08-27.
78_ NKHR2019000075 2019-08-26.

a detention center (*guryujang*) in Hyesan, Yanggang Province in 2016 said that maintaining a fixed posture is so hard that he/she would rather be beaten instead.[79] Another North Korean defector who had been detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in 2016 testified that he/she was forced to remain in a fixed posture from morning to night. According to the testifier, correctional officers (*gyehowon*) installed cameras to monitor the detainees and beat them whenever they moved slightly.[80]

A North Korean defector described his/her family member's experience in the MPS county branch detention center (*guryujang*) in Kimjongsuk-eup that he/she heard. According to the defector, his/her family member had been detained in the detention center (*guryujang*) for 15 days between 2017 and 2018 for being involved in smuggling and, while detained, the family member was forced to remain in a fixed posture (e.g., kneeling down on the floor) for the entire day, and was beaten on the head with a chair or firewood when he/she moved even very slightly as well as during interrogation. The family member was ordered to cut firewood, which he/she perceived as merciful because being assigned to work was better than being subject to cruel treatment.[81]

79_ NKHR2018000058 2018-07-02.
80_ NKHR2018000109 2018-10-06.
81_ NKHR2022000019 2022-06-16.

Table Ⅱ-12 Testimonies on Violence and Cruel Treatment at Detention Centers (*Guryujang*)

Testimonies	Testifier ID
In 2015, the testifier had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province, and he/she was repeatedly beaten by a correctional officer (*gyehowon)* with a club, which caused a severe bump on his/her head that made it difficult for him/her to lie down properly. The reason for the beating was his/her poor pronunciation of the North Korean language, which was a result of the testifier's long-term imprisonment in a Chinese prison.	NKHR2019000089 2019-10-19
From March to June 2015, the testifier had been detained and investigated in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province and was forced to maintain a fixed posture. When the testifier moved just a little, he/she was forced to do 5,000 pumps (*pompu*, i.e., being forced to repeatedly sit down and stand up). Many weak people passed out during such physical punishment. Moreover, he/she was frequently beaten, and beatings were so severe that pus came out of his/her ear.	NKHR2016000051 2016-04-19
While detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in 2016, the testifier was forced to maintain a fixed posture. There was a surveillance camera that ran 24 hours, and if the testifier moved just a little, correctional officers (*gyehowon*) imposed physical punishment such as handstands. Sometimes, they hit the palms 100 to 200 times with a stick. Due to such hardship in the detention center (*guryujang*), the testifier lost 10kg and suffered for six months.	NKHR2017000001 2017-04-10
While detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in October 2016, the testifier was forced to pose in a fixed position from morning to night. The testifier was monitored through surveillance cameras and was beaten whenever he/she even slightly changed his/her posture.	NKHR2018000109 2018-10-06
While detained in the MSS city detention center (*guryujang*) in Hoeryong, North Hamgyeong Province in December 2016, the testifier was forced to stay in a fixed posture. The testifier was beaten and forced to do 1,000 pumps (*pompu*) whenever there was a slight change in his/her posture.	NKHR2017000054 2017-07-31

(C) Poor Nutrition, Sanitation and Health Care and Resultant Deaths

The nutrition, sanitation and health care inside prison camps (*kyohwaso*) still appear dire. The North Korean defector who had been detained in Gaecheon *Kyohwaso* two times in 2008 and 2015 said that although violence and cruel treatment have decreased significantly, there was no improvement in nutrition, sanitation and health care. According to the testifier, meals consisted only of lumps of corn and beans, and thus, inmates were only able to subsist by relying on food brought by their families during visitation.[82] However, not many inmates had families visiting them while the testifier was there. A North Korean defector who defected in 2018 testified that he/she witnessed two prisoners die from illness while serving their sentences in Hamheung *Kyohwaso* in 2016. The two prisoners had uterine cancer and spinal tuberculosis and died without receiving treatment as the prison camp (*kyohwaso*) did not provide medical treatment.[83] Due to poor nutrition and intensive labor, there are prisoners who suffer from malnutrition or end up dying.[84] There have been many cases reported of inmates found dead, and the prison camps (*kyohwaso*) handled the disposal of the bodies without notifying

82_ *Ibid.*

83_ NKHR2019000043 2019-07-01.

84_ "North, serious violations of human rights of detainees in prison camps," *Radio Free Asia*, 18 June 2019.

their family of the death. For example, one testifier said that his/her mother, who was detained in Gaecheon *Kyohwaso*, died from illness in December 2014, and yet, the deceased's body was not handed over to the family but rather independently disposed of by the prison camp (*kyohwaso*).[85]

Table Ⅱ-13 Testimonies on Poor Nutrition, Sanitation and Health Care in Prison Camps (*Kyohwaso*)

Testimonies	Testifier ID
The testifier, who had been detained in Gaecheon *Kyohwaso* from 2013 to 2014, was given a very small meal portion (*migyeolbap*) when he/she did not complete the daily assigned work. He/she often had stomach pains after eating a meal made of boiled rotten corn and was so hungry that he/she had to eat mice or insects. Inmates often died of weak health. The prison camp (*kyohwaso*) incinerated the bodies and did not inform the families of their deaths.	NKHR2017000047 2017-07-03
The testifier, who had been imprisoned in Gaecheon *Kyohwaso* from August 2014 to July 2015, said that he/she was given just 450g of corn, a jar of rice and 30g of beans per day to eat. Approximately 80% of the prisoners were weak. Only those who suffered pneumonia, weakness or hepatitis and were close to death were allowed to be hospitalized.	NKHR2016000114 2016-07-12
In December 2014, the testifier's mother died of illness while being detained in Gaecheon *Kyohwaso*. The prison camp (*kyohwaso*) did not hand over the body to the family and disposed of it by itself.	NKHR2018000073 2018-07-30
The testifier was detained in Jeongeori *Kyohwaso* from 2015 to August 2016 and saw many cases in which inmates died of weak health. The dead bodies were incinerated at Mount Bulmang (Bulmangsan). The incineration facility was so small that the bodies had to be folded up and crammed in.	NKHR2017000047 2017-07-03
In 2016, two prisoners died from illness while serving their sentences in Hamheung *Kyohwaso*. The two prisoners had uterine cancer and spinal tuberculosis but did not receive treatment because the prison camp (*kyohwaso*) did not provide medical care.	NKHR2019000043 2019-07-01

85_ NKHR2018000073 2018-07-30.

Furthermore, the nutrition, sanitation, and health care in labor training camps (*rodongdanryundae*) still seem dire. A North Korean defector who had been detained in a labor training camp (*rodongdanryundae*) in Samjiyeon, Yanggang Province in August 2016 testified that the camp provided three meals a day, but it was very difficult to endure the hunger as the detainees were only served boiled corn and dried radish soup. According to the testifier, however, when inmates became sick, the camp provided medicine or took them to the hospital.[86] Another North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Onsong County, North Hamgyeong Province for two months from March 2015, testified that corn rice, clear soybean soup and salted dried radish soup were provided as meals. According to the testifier, those who had been forcibly repatriated from China were not forced into working outside the camp as they might escape and thus were given very little food.[87] Those incarcerated after committing a crime around the local area near the camp had more food to eat as they received food from their family during visitation and also worked outside the camp.

86_ NKHR2018000129 2018-11-19.

87_ NKHR2018000074 2018-07-30.

Table Ⅱ-14 Testimonies on Poor Nutrition, Sanitation and Health Care in Labor Training Camps (*Rodongdanryundae*)

Testimonies	Testifier ID
In 2014, the testifier was detained in a labor training camp (*rodongdanryundae*) in Hoeryong, North Hamgyeong Province, where about 50 people stayed in one room, having corn rice and salty soup as their meals.	NKHR2017000093 2017-10-23
In 2016, when the testifier was detained in the labor training camp (*rodongdanryundae*) in Gaecheon *Kyohwaso* in Gaecheon, South Pyeongan Province, he/she was provided corn rice and lettuce soybean soup as meals.	NKHR2018000049 2018-06-04
In August 2016, the testifier was detained in a labor training camp (*rodongdanryundae*) in Hoeryong, North Hamgyeong Province for a month. About 50-60 people stayed in one room having 130g of corn rice and salty soup for meals. Some ran away because they were too hungry. The situation was better for those whose families gave corn flour (*sokdojeon garu*, i.e., flour made with heated corn) or those who had brought food for themselves.	NKHR2017000086 2017-09-25
From November 2016 to May 2017, when the testifier was detained at a labor training camp (*rodongdanryundae*) in Hyesan, Yanggang Province, corn was provided for meals. The meals were better when the inmates' families brought food to the camp. Not much heating was provided, but it was not too cold as there were many people gathered in a small space. When a military doctor diagnosed sick inmates, their families brought medicine.	NKHR2017000095 2017-10-23

The nutrition, sanitation, and health care in holding centers (*jipkyulso*) were also found to be poor. A North Korean defector, who had been detained in a holding center (*jipkyulso*) in Chongjin, North Hamgyeong Province from May to July 2015, testified that he/she worked for 12 hours a day but all he/she had as a meal was corn rice, salty soup and salted dried radish greens.[88] A North Korean defector who had been detained in a holding center

88_ *Ibid.*

(*jipkyulso*) in Hyesan, Yanggang Province for a month in April 2014 testified that corn was provided as a meal and he/she was required to work even when he/she had a high fever.[89] Another North Korean defector who had been detained in a holding center (*jipkyulso*) in Hyesan in 2014 testified that corn and dried radish soup were served as meals and, as the portions were small, all detainees felt hungry.[90] This defector testified that the sanitation in the holding center (*jipkyulso*) in Hyesan was fine, with disinfectant being sprayed.

Table II-15 Testimonies on Poor Nutrition, Sanitation and Health Care in Holding Centers (*Jipkyulso*)

Testimonies	Testifier ID
When the testifier had been detained in a holding center (*jipkyulso*) in Hyesan in 2014, corn and dried radish soup were served as meals, and as the portions were small, all prisoners felt hungry. The sanitation in the holding center (*jipkyulso*) in Hyesan was fine, as disinfectant was sprayed.	NKHR2019000047 2019-07-01
From October 2014 to March 2015, the testifier had been detained at a holding center (*jipkyulso*) in Hyesan, Yanggang Province. Corn and cabbage soup were provided as meals, and heating was provided only when detainees' families sent firewood.	NKHR2015000170 2015-12-01
From 28 February to 20 March 2015, the testifier had been detained in the MSS city holding center (*jipkyulso*) in Hyesan, Yanggang Province. Corn and cabbage soup were provided as meals, and families visiting the center were allowed to bring food.	NKHR2017000001 2017-04-10
The testifier received noodles for meals when he/she had been detained in the Ungsan *Jipkyulso* in Rajin, North Hamgyeong Province in September 2015 but had to eat with his/her hands, not chopsticks. He/she picked twigs on his/her way to work and used them as chopsticks.	NKHR2018000001 2018-03-12

89_ NKHR2018000010 2018-03-12.

90_ NKHR2019000047 2019-07-01.

Testimonies	Testifier ID
From December 2016 to March 2017, the testifier had been detained in Songpyeong *Jipkyulso* in Chongjin, North Hamgyeong Province. Each day, 200g of corn rice, dried radish soup and kimchi were provided as meals. Sometimes, pureed soybean was served. When the testifier was mobilized to gather firewood, he/she was injured when his/her ankle/foot struck a tree, but no treatment was provided.	NKHR2017000099 2017-10-23

Testimonies on the poor state of nutrition, sanitation and health care in detention centers (*guryujang*) have been continuously collected. It has been reported that the meals served at detention centers (*guryujang*) are poor, and the heating does not properly work during wintertime. A North Korean defector who had been detained in the MPS provincial bureau detention center (*guryujang*) in Hyesan in 2015 testified that corn flour mixed with beans were provided as meals; the testifier also said that while he/she had been detained in the MSS provincial detention center (*guryujang*) in Yanggang Province between 2017 and 2018, corn and soybeans were provided as meals.[91] A North Korean defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in February 2015 testified that crusty overcooked rice, kimchi and bean sprouts were provided as meals and as spoons were not provided, he/she had to make a spoon using a piece of plastic.[92] A North Korean defector who had been detained in the MSS city

91_ NKHR2020000004 2020-05-15.

92_ NKHR2018000074 2018-07-30.

detention center (*guryujang*) in Hyesan, Yanggang Province for a year in 2015 testified that he/she received corn powder mixed with rice pods as meals.[93] Another North Korean defector who had been detained and investigated in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in 2017 testified that about 50 kernels of corn that smelled like mold were provided as a meal.[94]

A North Korean defector who had been in a detention center (*guryujang*) between 2018 and 2019 testified that a handful of corn and salt water were provided as meals, and the quality of meals was so bad that even dogs would not eat them. The testifier said that he/she lost 10kg because he/she was not provided with any food with fat and only ate things like corn, and there were people who had died of poor blood circulation caused by weakness. According to the testifier, the detainees were weighed once a month to check their health but were not informed of their weight status. The testifier also stated that drinking water provided in a large bucket was to be shared among three to four people and there was not enough water because that water had to also be used for toilet flushing, washing, and cleaning. Furthermore, the room he/she was in was very cold during winter and the detainees had to wear the clothes they had been wearing at

93_ NKHR2022000013 2022-06-10.
94_ NKHR2018000091 2018-08-27.

the time they were detained because no extra clothing was provided. The testifier recalled that he/she talked to the person in charge and received some clothes from home. The testifier said that there was a military doctor to treat the detainees, but the medicine provided in such centers is not good and not given to detainees unless they are seriously ill. The defector testified that life in the detention center (*guryujang*) was like that of an animal.[95]

A testifier who had been severely beaten on a daily basis in the MSS county detention center (*guryujang*) in Onsong County in 2017 said that he/she was seriously scarred on his/her waist and back, and since no proper treatment was provided, he/she was infected with tetanus and had a high fever and pus draining from his/her wounds.[96] A testifier who had been detained in an MSS detention center (*guryujang*) in 2017 testified that it was too cold to sleep at night and he/she trembled all over.[97] A defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in February 2015 said that there was no heating even in the winter and the cold was so severe it froze people's feet, and there was no leniency for patients.[98]

95_ NKHR2020000020 2020-07-04.
96_ NKHR2019000075 2019-08-26.
97_ NKHR2020000027 2020-07-06.
98_ NKHR2018000074 2018-07-30.

Table Ⅱ-16 Testimonies on Poor Nutrition, Sanitation and Health Care at Detention Centers (*Guryujang*)

Testimonies	Testifier ID
While held in the MPS city branch detention center (*guryujang*) in Samjiyeon, Yanggang Province from 8 May to 30 October 2015, the testifier was given about 100g of lightly salted corn as meals. People became sick as they were given unwashed, germinated and insect-infested corn to eat. A meal on Sunday could have been substituted with a powdered meal delivered by families; however, one had to bribe the correctional officers (*gyehowon*) with a pack of cigarettes in order to be allowed to receive food from one's family.	NKHR2017000005 2017-04-10
When held in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in December 2015, the testifier was provided with moldy, rotten corn and dried radish soup as meals. It was very cold during winter because heating was not provided, and the inmates were not able to stretch their body properly while sleeping as 10 to 15 people slept together in a small room.	NKHR2016000078 2016-05-31
While held in the MPS city branch detention center (*guryujang*) in Hyesan, Yanggang Province in 2016, the testifier was provided with corn and dried radish soup as meals. People were struggling because the portions were too small.	NKHR2017000125 2017-11-20
While detained in the MSS city detention center (*guryujang*) in Hyesan, Yanggang Province in June 2016, the testifier was provided with just a handful of boiled corn and watery soup per meal. There was a toilet inside the detention center (*guryujang*) but no water supply. Every morning, people had to carry water in a 30-liter bucket and used the water to flush the toilet and wash dishes. The detainees consistently suffered from lack of water, and if they used too much water, they were criticized and punished.	NKHR2017000108 2017-11-20
While detained in the MSS city detention center (*guryujang*) in Hoeryong, North Hamgyeong Province from November to December 2016, the testifier was given corn rice, which smelled like mold, together with salt water or soybean paste water as meals.	NKHR2017000054 2017-07-31
While detained in the MSS county detention center (*guryujang*) in Onsong County in 2017, the testifier was seriously scarred on his/her waist and back, and since no proper treatment was provided, he/she was infected with tetanus and had a high fever and pus draining from the wounds.	NKHR2019000075 2019-08-26

Testimonies	Testifier ID
While detained in the MSS county detention center (*guryujang*) in Gyeongwon County, North Hamgyeong Province in October 2017, the testifier was given corn rice, salted red pepper and a cucumber per meal.	NKHR2018000098 2018-10-01

(D) Testimonies on the Decrease in Human Rights Violations and Prohibition of Beatings

As discussed above, while torture and inhuman treatment continue to occur in the process of investigating criminal cases and in confinement in detention facilities, testimonies have been collected reporting that they have decreased since Kim Jong Un came to power. It appears that, to a certain degree, this decrease was due to North Korea's consciousness of the international community's increased concerns about human rights issues in North Korea since the establishment of the COI in 2013.

First, there were testimonies stating that violence and cruel treatment in prison camps (*kyohwaso*) have substantially decreased compared to the past. A North Korean defector who had been detained in Gaecheon *Kyohwaso* two times in 2008 and 2015 testified that compared to what he/she experienced in 2008, there was much less violence and cruel treatment in 2015. The testifier said that the MPS officers tried not to use violence since they were punished and forced to write self-criticism reports if they used violence against the inmates.[99] He/she said that this treatment was

99_ NKHR2018000034 2018-05-07.

due to the policy of not infringing upon the human rights of prison camp (*kyohwaso*) inmates.

There were also testimonies claiming that acts of violence and cruel treatment are decreasing in labor training camps (*rodongdanryundae*). A North Korean defector who had been detained in a labor training camp (*rodongdanryundae*) in Samjiyeon, Yanggang Province in August 2016 said that the rules in the camp included "one should not violate human rights," "one should not fight with other inmates" and "one should not steal from or rob others." According to the testifier, in the labor training camp (*rodongdanryundae*), harsh verbal exchanges or beating others may constitute a "human rights violation," and during his/her stay in the camp, he/she experienced no beating nor did he/she hear any profanity.[100] Another North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Onsong County, North Hamgyeong Province for two months from March 2015, also testified that the MPS officers in the camp did not beat the inmates as Kim Jong Un had set a ban on violence and corporal punishment.[101]

In the 2019 survey, testimonies indicating that violence and cruel treatment in holding centers (*jipkyulso*) have decreased were collected. A North Korean defector who had been detained in the

100_ NKHR2018000129 2018-11-19.
101_ NKHR2018000074 2018-07-30.

MSS provincial holding center (*jipkyulso*) in Yanggang Province in 2018 testified that he/she was forced to remain in a fixed posture and even a slight movement, such as scratching an itch, was not allowed. However, the testifier said that beatings have substantially decreased compared to the past[102]

Several testimonies have been collected that reported violence and cruel treatment have decreased after a policy banning corporal punishment was enforced in detention centers (*guryujang*).[103] A North Korean defector who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in 2014 testified that beatings were not severe as they were considered a violation of human rights, and he/she was punished by being forced to remain in a fixed posture for one to two hours.[104] A North Korean defector who had been detained in an MSS detention center (*guryujang*) in Hyesan, Yanggang Province, in May 2017, testified that he/she did not experience cruel treatment because North Korea was hit hard by accusations of human rights violations at the time.[105] A North Korean defector who had been detained in an MPS branch detention center (*guryujang*) in

102_ NKHR2019000069 2019-08-26.

103_ NKHR2019000033 2019-06-03; NKHR2019000069 2019-08-26; NKHR2019000079 2019-09-25.

104_ NKHR2019000026 2019-05-18.

105_ NKHR2020000027 2020-07-06.

January 2019 testified that security institutions or prosecutorial institutions are, in principle, prohibited from using torture or beatings.[106]

Table Ⅱ-17 Testimonies on the Decrease in Torture and Cruel Treatment during Investigations and in Detention Facilities

Testimonies	Testifier ID
In 2016, the testifier was sentenced to labor training punishment and sent to the labor training camp (*rodongdanryundae*) within Gaecheon *Kyohwaso*. There was no violence or cruel treatment.	NKHR2018000049 2018-06-04
The testifier had been detained in a labor training camp (*rodongdanryundae*) in Hyesan, Yanggang Province, from November 2016 to May 2017. Officers swore at him/her when he/she did not do the work well, but there was no beating.	NKHR2017000095 2017-10-23
The testifier had been detained in the MSS provincial holding center (*jipkyulso*) in Yanggang Province in 2018 and was forced to remain in a fixed posture. Even a slight movement such as scratching was not allowed. However, beatings have decreased compared to the past.	NKHR2019000069 2019-08-26
The testifier had been detained in an MPS branch detention center (*guryujang*) in January 2019. Security institutions or prosecutorial institutions are in principle prohibited from using torture or beatings.	NKHR2019000106 2019-11-09

On 30 November 2021, North Korea enacted the Act on Prevention of Battery. This Act consists of provisions addressing the prevention and reporting of acts of battery (Article 11), the registration of acts of battery (Article 12), the investigation and processing of acts of battery (Article 13), and compensation and punishment for acts of battery (Articles 16–22).

106_ NKHR2019000106 2019-11-09.

With respect to the prohibition of beatings in detention facilities, the Act on Prevention of Battery stipulates that employees of legal institutions, including social security institutions, may be subject to punishment such as unpaid labor, demotion, or dismissal if they fail to prevent or promptly investigate and process (reported) acts of battery or commit acts of battery during the execution of duties (Article 22). A North Korean defector who defected in 2023 testified that, despite the enactment of the Act on Prevention of Battery, nothing is done in accordance with the Act.[107] Another North Korean defector who defected in 2023 testified that, while beatings in detention facilities may have initially decreased with the introduction of the Act on Prevention of Battery, he/she believes that the Act will not be strictly adhered to over time.[108] Further observations are required to understand the reality of the application of the Act on Prevention of Battery. Since around 2020, North Korea has strengthened social control through the enactment of the Crowd Reporting Act, the Reactionary Ideology and Culture Rejection Act, the Youth Education Security Act, the Pyongyang Standard Language Protection Act, the Law of the DPRK on the Administration of Revolutionary Relics, and the Narcotics Crimes Prevention Act. Due to this stronger social control, there is a

107_ NKHR2023000055 2023-07-22.
108_ NKHR2023000058 2023-07-29.

possibility that torture and cruel treatment may be employed by the authorities during crackdowns and investigations as well as in detention facilities. Details about the strengthening of social control are examined in II. Reality of Civil and Political Rights, 3. Right to Liberty and Security of Person.

(E) Sexual Violence and Forced Abortions Facing Forcibly Repatriated Female Defectors

Cases of sexual violence and forced abortions experienced by female North Korean defectors forcibly repatriated from China have been continuously reported. These human rights violations primarily occur in holding centers (*jipkyulso*). Details on the issue are discussed in V. Major Issues, 2. Overseas Defectors.

C. Public Execution of the Death Penalty

Countries that allow the death penalty can violate Article 7 of the ICCPR depending on the method of execution. The UN Human Rights Committee stated in its General Comment on the prohibition of torture and inhuman treatment that countries must execute the death penalty in such a way as to cause the least possible amount of physical and mental suffering.[109]

109_ UNHRC, "CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment)," 10 March 1992, para. 6.

Against this backdrop, it must be considered that being executed publicly constitutes a cruel, inhuman or degrading punishment for the person subject to the execution, which thereby violates Article 7.[110] The phrase "public execution of the death penalty" refers to cases where the death penalty is conducted in public, provided that it is imposed only for crimes stipulated in the Criminal Law and carried out in accordance with certain procedures. If an extrajudicial, summary or arbitrary execution is carried out in public, it would violate both Article 6 and Article 7 of the ICCPR. Meanwhile, regardless of whether an execution is carried out as a result of imposing a death sentence or as an extrajudicial, summary or arbitrary execution, it is bound to be seen by the general population if it is carried out in public. From the perspective of those who witness the execution, the act may constitute cruel, inhuman or degrading treatment, which violates Article 7.[111]

110_ The UN Human Rights Committee expressed concern over public execution of the death penalty in some national reports including the one by North Korea. UNHRC, Concluding Observations: Islamic Republic of Iran, UN Doc. CCPR/C/IRN/CO/3 (2011); Democratic People's Republic of Korea, UN Doc. CCPR/CO/72/PRK (2001); Nigeria, UN Doc. CCPR/C/79/ Add.65 (1996). The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment also pointed out the issue of public execution of the death penalty. Note by Secretary-General, Interim Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. A/67/279 (2012).

111_ The COI also stated the following in its report of the detailed findings: "Especially for young children and relatives of the victim, the experience of [watching such killings] is often so horrifying, that the witnesses must themselves also be considered victims of inhuman and cruel treatment in contravention of Article 7 of the ICCPR." OHCHR, "Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic

Although provisions on the procedures and methods of carrying out the death penalty are included in the Criminal Procedure Law and the Judgments and Decisions Enforcement Law of North Korea of 2005,[112] there is no provision in North Korean laws that explicitly provides for the carrying out of the death penalty in public. According to the testimonies of North Korean defectors, it appears that public executions are still carried out by the North Korean authorities. Testimonies have been collected indicating that People's Units (*inminban*) announce the time and place of public execution in advance but do not make attendance mandatory,[113] people are mobilized in schools or at work to attend public executions,[114] and university students who are considered rebellious (so-called "*aerosaeng*") are separately mobilized and forced to attend public executions.[115] A North Korean defector who defected in 2023 testified that there was a public execution for human trafficking in 2016, but he/she did not go because he/she had to walk 2 to 3 hours to the public execution

People's Republic of Korea," UN Doc. A/HRC/25/CRP.1 (2014), para. 830.

112_ Article 418 of the North Korean Criminal Procedure Law stipulates that the death penalty shall be carried out by the punishment enforcement institution that has received the order to execute the death penalty and a certified copy of the written judgment issued by the Central Court. Article 32 of the Judgments and Decisions Enforcement Law provides the same as the Criminal Procedure Law and further stipulates that the death penalty "shall be carried out in ways such as shooting."

113_ NKHR2018000060 2018-07-02.

114_ NKHR2018000098 2018-10-01.

115_ NKHR2018000114 2018-10-13.

site.[116] It has been found that an order for public execution is issued by Kim Jong Un for cases of importance that are brought to his attention. A North Korean defector testified that the wife of the County Party chief secretary's driver, who was engaged in narcotics trading with a woman in her mid-30s, was murdered by that woman due to a conflict between the two, and an order was issued by Kim Jong Un to shoot the female perpetrator in front of a crowd.[117]

Table Ⅱ-18 Cases of Public Executions by Shooting

Testimonies	Testifier ID
In February 2017, approximately 20 people were publicly executed by shooting in Byeoksong County, South Hwanghae Province.	NKHR2017000073 2017-08-28
In December 2017, one woman was publicly shot dead in Onsong County, North Hamgyeong Province.	NKHR2018000107 2018-10-01
In 2018, two people were publicly executed by shooting in Pyeongseong, South Pyeongan Province.	NKHR2019000024 2019-05-18
In 2018, a woman was publicly executed by shooting in Chongjin, North Hamgyeong Province.	NKHR2019000071 2019-08-26
In January 2018, a woman was publicly executed by shooting in Sinuiju, North Pyeongan Province.	NKHR2019000111 2019-11-18
In January 2018, a woman in her 30s was publicly executed by shooting at the Suseong Stream (Suseongcheon) in Chongjin for murdering the wife of the County Party chief secretary's driver due to a conflict over narcotics trading in which the two were involved.	NKHR2022000014 2022-06-10
Sometime in February–March 2018, a man was publicly executed by shooting in Onsong County, North Hamgyeong Province.	NKHR2019000118 2019-11-30

116_ NKHR2023000059 2023-07-29.

117_ NKHR2022000014 2022-06-10.

According to KINU's survey results thus far, when categorized by region, public executions are most often witnessed in Hyesan, Yanggang Province. This finding can largely be attributed to the fact that more than half of the interviewees had lived in Yanggang Province. However, in general, public execution of the death penalty seems to be carried out more frequently in border areas than in inland areas, and in cities than in rural areas. It is analyzed that this tendency may be because there are relatively more illegal activities in border regions and cities, and the North Korean authorities are trying to warn and incite fear among residents in those regions.

D. Enforced Disappearances

The UN Human Rights Committee has found that enforced disappearances may constitute torture and/or inhuman treatment of the person who is made to disappear and his/her family.[118] Victims of enforced disappearances would be detained and separated from their families for a long time, and their families would live in worry and concern without knowing their whereabouts and whether they are alive or dead. Therefore, both the people who are subject to enforced disappearances and their

118_ UN Doc. CCPR/C/78/D/950/2000 (2003), para. 9.5; UN Doc. CCPR/C/99/D/1295/2004 (2007), paras. 6.5-6.6; UN Doc. CCPR/C/90/D/1327/2004 (2007), paras. 7.6-7.7.

families are victims of torture and/or inhuman treatment. This topic is examined in more detail in II. The Reality of Civil and Political Rights, 3. Right to Liberty and Security of Person; V. Major Issues, 1. Political Prison Camps (*Kwanliso*); 5. Separated Families and Special Separated Families.

E. Evaluation

Contrary to the provisions of the North Korean Criminal Law and Criminal Procedure Law, torture and inhuman treatment seem to still be occurring in the process of handling cases. Furthermore, in North Korea, forced and/or excessive labor, violence, and cruel treatment routinely occur in detention facilities such as prison camps (*kyohwaso*), labor training camps (*rodongdanryundae*), holding centers (*jipkyulso*), and detention centers (*guryujang*). The nutritional, sanitary, and medical conditions in these detention facilities are also very poor, and the combination of these factors sometimes leads to the deaths of detainees. Since the establishment of the COI in 2013, testimonies have been collected reporting that violence and cruel treatment in the criminal investigation process and in detention facilities have decreased. In addition, North Korea enacted the Act on Prevention of Battery in 2021. Further observations are required to understand the reality of the reduction in beatings.

It has been found that the frequency of public executions and

forced witnessing of public executions has decreased. However, it appears that public executions are still being carried out for the commission of acts against the Party and the Supreme Leader's (*Suryeong*) guidelines, which are considered important by the North Korean authorities. In addition, it has been found that public executions are being conducted for acts of superstition, narcotics trading, and murder.

3

Right to Liberty and Security of Person

The UDHR stipulates the right to liberty and security of person along with the right to life in Article 3, which is the first provision on substantive rights. “Liberty” refers to freedom from physical restrictions, not general freedom of action, and “security” refers to freedom from mental and physical injury, or the maintenance of physical and mental integrity. Article 9 of the ICCPR stipulates the right to liberty and security of person in five paragraphs. Paragraph 1 states that arrest or detention should not be arbitrary or unlawful. Paragraphs 2 to 5 stipulate procedural protections to secure liberty and security; parts of paragraph 2 and paragraph 3 only apply to criminal procedures, while the remaining provisions in the paragraphs apply to all those whose liberty is deprived.

Table II-19 Article 9 of the ICCPR

Paragraph 1	Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.
Paragraph 2	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.
Paragraph 3	Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.
Paragraph 4	Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
Paragraph 5	Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

A. Arbitrary or Unlawful Arrest or Detention

Article 9, paragraph 1 of the ICCPR prohibits arbitrary or unlawful arrest or detention, which refers to the arrest or detention imposed without legal grounds or lawful procedures.[119] The term "arbitrary" is broader in scope compared to the term "unlawful," and encompasses elements such as inappropriateness, injustice, and lack of predictability, legal procedures, reasonableness, necessity and proportionality.[120] Therefore, prohibition against

119_ UNHRC, "General comment No. 35, Article 9 (Liberty and security of person)," 16 December 2014, para. 11.

arbitrary arrest or detention can overlap with the prohibition against unlawful arrest or detention. According to the General Comment of the UN Human Rights Committee, even though the issue of detainee treatment is dealt primarily with by Articles 7 and 10 of the ICCPR, the question of arbitrary detention can be raised if those who are detained are treated in a manner that is not related to the purpose of their detention.[121] Moreover, arrest or detention as a punishment for the legitimate exercise of freedom of opinion and expression, freedom of assembly and association, freedom of religion and the right to privacy—all of which are protected by the ICCPR—is considered to be arbitrary, as are arrest or detention on discriminatory grounds and detention in violation of the principle of non-retroactivity of punishment; in particular, enforced disappearances constitute a serious form of arbitrary detention, as they violate numerous substantive and procedural provisions of the ICCPR.[122]

The North Korean Constitution of 2019 stipulates that its citizens are protected in terms of their inviolability as persons and that citizens shall not be detained or arrested without legal grounds (Article 79). The North Korean Criminal Procedure Law distinguishes the investigation procedure for identifying criminals

120_ *Ibid.*, para. 12.
121_ *Ibid.*, para. 14.
122_ *Ibid.*, para. 17.

and criminal facts from the preliminary examination to confirm criminals and criminal facts. According to this Law, compulsory measures, such as arrest and detention, are in principle taken during the preliminary examination, and the arrest of criminal suspects or criminals during the investigation process is allowed only in exceptional cases (Article 139). Regarding arrest or detention during the preliminary examination, the North Korean Criminal Procedure Law stipulates that citizens shall not be arrested or detained for reasons not prescribed in the law or without following the procedures prescribed in the law (Article 173). In the event that the preliminary examination officer decides to request the arrest of the preliminary examinee, an arrest warrant must be sent to the investigative agency (Article 162). However, a North Korean defector who had been detained at an MPS city branch detention center (*guryujang*) in March 2014 testified that warrants are not presented during arrests and interrogations are conducted randomly and frequently.[123]

The North Korean Criminal Procedure Law underlines the time, reasons, procedures, duration, etc. of arrest and detention (Articles 174 to 187). Arrest or detention conducted without complying with the relevant provisions of the North Korean Criminal Procedure Law would constitute unlawful arrest or detention. As will be examined in detail below, detaining people

123_ NKHR2000000006 2022-05-25.

in political prison camps (*kwanliso*) without going through legal procedures for those who criticize the regime or insult the Supreme Leader (*Suryeong*), attempt to enter South Korea or engage in religious activities is both arbitrary and unlawful (see Ⅴ. Major Issues, 1. Political Prison Camps (*Kwanliso*)). Moreover, arresting and detaining people who "illegally cross the border", while not recognizing the freedom to leave the country; requiring people to hold travel permits when leaving the city or county in which they reside; and arresting and detaining them in holding centers (*jipkyulso*) when they leave the authorized travel area, or travel beyond the permitted duration of travel, are also considered to be examples of arbitrary arrest and detention (see II. The Reality of Civil and Political Rights, 4. Right to Freedom of Movement and Residence). Arresting and detaining people for watching/distributing South Korean video recordings constitute arbitrary arrest and detention as well (see II. The Reality of Civil and Political Rights, 8. Freedom of Expression). This is because, although there are provisions for crackdowns and punishments in North Korean laws, these arrests and detentions punish the legitimate exercise of rights that are protected by the ICCPR.

Even when lifting the detention status, it appears that relevant authorities emphasize that Kim Jong Un was being merciful rather than presenting relevant legal grounds. A North Korean defector from Hyesan, Yanggang Province who defected in August 2016 testified that he/she had been investigated for five months at the

MSS provincial bureau after being caught by the Border Security Command while attempting to defect in February 2015. According to his/her testimony, he/she was released because of Kim Jong Un's policy to "spare one's life if the person has 1% conscience despite the 99% guilt," and his/her detention was not recorded anywhere.[124]

B. Insufficient Notification of Reasons for Arrest and Alleged Charges

Article 9, paragraph 2 of the ICCPR stipulates that one should be notified upon arrest of the reasons for his/her arrest and the alleged charges. The North Korean Criminal Procedure Law stipulates that notification of arrest and detention shall be provided in the preliminary examination stage (Article 179), although not in the investigation stage. Therefore, it appears that the right of arrested persons to be informed specified in Article 9, paragraph 2 of the ICCPR is not properly protected. A North Korean defector testified that his/her son was dragged away by an unidentified man in January 2016 and released after being investigated for several days.[125] Another North Korean defector testified that his/her spouse was arrested by an MSS agent and investigated for about 15 days without being notified of the reason

124_ NKHR2017000001 2017-04-10.
125_ NKHR2018000089 2018-08-27.

for the spouse's arrest.[126]

C. Excessive Length of Pre-Trial Detention

Article 9, paragraph 3 of the ICCPR states that criminal suspects arrested or detained on a criminal charge shall be brought promptly before a judge or an officer authorized by law to exercise judicial power and shall have the right to receive a trial or be released within a reasonable time frame. The provision also states that detention before trial is, at all times, exceptionally allowed. North Korea has not established a warrant review system under which the validity of warrants is reviewed by a judge. According to the North Korean Criminal Procedure Law, when suspects are arrested during the investigation stage, they should be immediately released if there is no approval by a prosecutor within 48 hours or if there is no confirmation of the suspects' involvement in the alleged crime within 10 days (Article 140). Moreover, if they are arrested in the process of the preliminary examination, approval by a prosecutor is required to determine whether or not to execute the decision to imprison them (Article 182). According to the UN Human Rights Committee, in order to be recognized as an officer with the power to exercise judicial power, independence, objectivity and fairness requirements must be satisfied; however, it

126_ NKHR2018000099 2018-10-01.

is noteworthy that prosecutors are not considered such authority.[127] In addition, the North Korean Criminal Procedure Law stipulates the period of time during which suspects may be imprisoned in each stage of the investigation, preliminary examination and prosecution. Still, the period of detention for a preliminary examination may last up to five months, which is excessively long for detention before trial (Articles 183 and 184). According to a North Korean defector who had worked at the Prosecutor's Office as a prosecutor until 2013, only those who have been sentenced to imprisonment are detained in the detainment room within the Prosecutor's Office, and investigation of a suspect may be conducted for a maximum of 10 days, after which the suspect must be released.[128] Based on this testimony, it appears that there are internal regulations regarding detention.

In addition, cases in which the period prescribed by law is not complied with and detainees are detained for an excessively long period have been reported. A North Korean defector testified that he/she was sentenced to correctional labor punishment in 2015 after being detained in a detention center (*guryujang*) for nine months, and the period he/she was detained in the detention center (*guryujang*) was excluded from the duration of the punishment.[129]

127_ UNHRC, "General comment No. 35, Article 9 (Liberty and security of person)," 16 December 2014, para. 32.

128_ NKHR2020000032 2020-08-04.

129_ NKHR2018000034 2018-05-07.

Table Ⅱ-20 Period of Investigation, Preliminary Examination and Prosecution and Detention Period for Suspects

Investigation Stage	Criminal Procedure Law (Article 140)	When a criminal suspect arrested pursuant to Article 139 of this Law is detained, the investigator shall prepare a detention decision within 48 hours from the time of detention and obtain approval of a prosecutor, conduct an investigation for a maximum of 10 days from the date of detention, and send the said criminal suspect to a preliminary examination. If there is no approval by a prosecutor or confirmation within 10 days from the date of detention of the said criminal suspect's involvement in the alleged crime, the said criminal suspect shall be released. The rest is omitted)
Preliminary Examination Stage	Criminal Procedure Law (Article 147)	Preliminary examination of a criminal case shall be completed within two months from the date when the preliminary examination of the case begins. Preliminary examination of a criminal case to which labor training punishment may apply shall be completed within 10 days. (The rest is omitted)
	Criminal Procedure Law (Article 148)	Preliminary examination of a particularly complex criminal case for which preliminary examination cannot be completed within the period stipulated in Article 147, paragraph 1 of this Law may be conducted for up to five months from the date when the preliminary examination begins in accordance with the procedures stipulated in Article 184, paragraphs 1 and 2, provided that this provision applies to cases to which the articles, paragraphs or provisos in the Criminal Law stipulating a minimum of 10 years of limited-term correctional labor punishment, unlimited-term correctional labor punishment, or the death penalty may apply. As for criminal cases to which the articles, paragraphs, or provisos in the Criminal Law stipulating correctional labor punishment of a shorter duration may apply, a preliminary examination may be conducted for up to four months from the date when the preliminary examination begins. If, for an unavoidable reason, a preliminary examination of a criminal case to which articles or paragraphs in the Criminal Law stipulating labor training punishment may apply cannot be completed within the period stipulated in Article 147, paragraph 2 of this Law, the period for the preliminary examination may be extended by five days upon approval by a prosecutor.

	Criminal Procedure Law (Article 183)	A preliminary examinee shall not be detained for preliminary examination for more than two months. (The rest is omitted)
	Criminal Procedure Law (Article 184)	For a complex criminal case for which preliminary examination cannot be completed within the period stipulated in Article 147, paragraph 1 of this Law, the detention period of the preliminary examinee may be extended by one month upon approval by the head of a provincial (direct-controlled municipal) Public Prosecutors' Office for cases examined by city (district)/county/province (direct-controlled municipality) preliminary examination officers or by the Central Public Prosecutors' Office for cases examined by central preliminary examination officers. In particularly complex criminal cases that require longer detention period, the detention period for the preliminary examinee may be extended by two months upon approval by the head of the Central Public Prosecutors' Office, provided that this provision applies to cases to which the articles, paragraphs, or provisos in the Criminal Law stipulating a minimum of 10 years of limited-term correctional labor punishment, unlimited-term correctional labor punishment, or the death penalty may apply. For criminal cases to which the articles, paragraphs, or provisos in the Criminal Law stipulating correctional labor punishment of a shorter duration may apply, the detention period for the preliminary examinee may be extended by one month. For complex criminal cases to which the articles, paragraphs, or provisos in the Criminal Law stipulating correctional labor punishment may apply and for which preliminary examination cannot be completed within the period stipulated in Article 147, paragraph 2 of this Law, the detention period for the preliminary examinee may be extended by five days upon approval by a prosecutor.
Prosecution Stage	Criminal Procedure Law (Article 258)	The prosecutor who receives a case from a preliminary examination officer shall make a decision to review the case on the same day and review and process the case within 15 days. However, the period of review and processing of a particularly complex or serious case may be extended by five days. A criminal case to which the articles or paragraphs in the Criminal Law stipulating labor training punishment may apply shall be reviewed and processed within five days.

	Criminal Procedure Law (Article 259)	The detention period of a preliminary examinee for prosecution shall be 15 days. However, for a particularly complex or serious case, the detention period may be extended by five days. The detention period of a preliminary examinee to whom the articles or paragraphs in the Criminal Law stipulating labor training punishment may apply shall be five days.

D. Insufficient Procedural Guarantee and Compensation

Article 9, paragraph 4 of the ICCPR stipulates that anyone has the right to request the lawfulness of his/her arrest or detention be reviewed, and paragraph 5 states that "anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation." However, the right to request a review of the lawfulness of an arrest or detention does not seem to be recognized in North Korea. As for claiming criminal compensation, it is hard to find relevant regulations in publicly disclosed laws and regulations. Relatedly, the North Korean Law on Compensation for Damages of 2020 stipulates compensation for damages caused by the illegal infringement of one's person (Article 8). In particular, it stipulates the responsibility for damage compensation when a person's liberty has been restricted (Article 40). However, the Law on Compensation for Damages is applied only to relationships among agencies, enterprises, organizations, and citizens (Article 8), and human rights violations by a judicial agency are not specified as falling within

the scope of its application. North Korea mentioned the "Regulation on Criminal Compensation" in its Second Periodic Report on the implementation of the ICCPR submitted to the UN Human Rights Committee in 2000.[130] North Korea stated in the report that Article 2 of the said Regulation stipulates that "the state shall compensate for the mental and physical suffering and the property loss of the person who has been arrested and detained or punished innocently by investigative, preliminary examination or judicial institutions." In the Common Core Documents submitted to the UN in 2016, North Korea also mentioned a compensation system for those whose rights are infringed upon. It indicated that there is a criminal compensation system as well as a civil compensation system.[131] However, general North Korean residents are not aware of the existence of the criminal compensation system, and the system is not used.[132]

E. Enactment and Amendment of Laws to Strengthen Social Control

North Korea has further strengthened its social control through the enactment of various laws around 2020. In chronological

130_ UN Doc. CCPR/C/PRK/2000/2 (2000), para. 17 (d).

131_ UN Doc. HRI/CORE/PRK/2016 (2016), para. 52.

132_ Korean Bar Association, *2018 White Paper on North Korean Human Rights* (Seoul: Korean Bar Association, 2018), p. 85.

order, it enacted the Crowd Reporting Act in 2019. The Act requires the reporting of 24 types of act, including acts against the state or people, detection or leakage of Party, state, or military secrets, acts of corruption, the introduction or distribution of external information or culture, violent crimes, and narcotics crimes (Article 15). Violations of the reporting obligation are subject to administrative penalties and/or criminal punishment (Articles 34 and 35). North Korea legislated the Reactionary Ideology and Culture Rejection Act in 2020. Amended in 2022, the Act includes 14 punishment provisions in Chapter 4 "Legal Responsibility for Violations of the Reactionary Ideology and Culture Rejection Order" (Articles 27–40). In 2021, the Youth Education Security Act was enacted, which stipulates 16 specific acts prohibited for young people (Article 41) and nine practices prohibited for institutions, enterprises, organizations, and North Korean citizens (Article 42). Violations of these provisions are subject to administrative penalties and/or criminal responsibility (Article 45). The Narcotics Crimes Prevention Act was also enacted in 2021. This Act incorporates 20 provisions stipulating criminal responsibility for narcotics crimes (Articles 20–39), four of which stipulate the death penalty as the maximum statutory punishment for the corresponding crimes (Articles 23, 24, 28, and 29). North Korea enacted the Pyongyang Standard Language Protection Act in 2023, which defines South Korean-style language as the language of a puppet state and imposes criminal

responsibility (Articles 58 and 59) and administrative responsibility (Articles 60–64) for its use. North Korea's legal framework is generally structured so that individual statutes include provisions describing acts that constitute crimes and stating that anyone who violates the statute and causes serious consequences shall be held administratively or criminally responsible based on the severity of his/her actions, while punishment provisions are included in the Administrative Penalty Law for acts subject to administrative responsibility and in the Criminal Law for acts subject to criminal responsibility. In this respect, it is noteworthy that the recently enacted laws on social control, such as the Crowd Reporting Act, the Reactionary Ideology and Culture Rejection Act, the Narcotics Crimes Prevention Act, and the Pyongyang Standard Language Protection Act, contain specific provisions stipulating administrative and/or criminal punishment. In particular, the Reactionary Ideology and Culture Rejection Act, the Narcotics Crimes Prevention Act, and the Pyongyang Standard Language Protection Act even provide for the death penalty (<Table Ⅱ-4>).

Social control has also been strengthened through the amendment of existing laws. North Korea maintains social control through the implementation of relevant statutes such as the Criminal Law, Criminal Procedure Law, Judgments and Decisions Enforcement Law, Prosecution and Surveillance Law, Administrative Penalty Law, People's Security Enforcement Law, and People's Security Law. Of these, the Criminal Law and

Administrative Penalty Law have a significant impact on the human rights of North Korean people. Whereas the Criminal Law of 2015 had 241 punishment provisions, the Criminal Law of 2022 has 269 punishment provisions. Similarly, the number of punishment provisions in the Administrative Penalty Law significantly increased from 174 in 2008 to 195 in 2011, 296 in 2016, and 307 in 2020.

F. Evaluation

It appears that arbitrary or unlawful arrest or detention continues to occur in North Korea. Cases of non-compliance with the obligation to present an arrest warrant prescribed by law have been reported. It has also been found that the procedural guarantee of the liberty and security of person is insufficient. The North Korean Criminal Procedure Law does not have a provision for informing the suspect of the reasons for his/her arrest and the alleged charges against him/her during the investigation stage. Moreover, the detention period before trial is excessively long. For example, the detention for preliminary examination may last up to five months, and even this process is not properly complied with. In addition, it has been found that North Korea does not have a system for the review of the lawfulness of arrest and detention.

North Korea has further tightened its social control through the

enactment of the Crowd Reporting Act, the Reactionary Ideology and Culture Rejection Act, the Youth Education Security Act, the Narcotics Crimes Prevention Act, and the Pyongyang Standard Language Protection, and the amendment of the Criminal Law and the Administrative Penalty Law. Consequently, there is a heightened risk of violations of the right to liberty and security of individuals in the process of cracking down on and verifying alleged violations of these laws and during the consequent investigation and preliminary examination stages, through arbitrary or unlawful arrests and detentions, insufficient notification of the reasons for an arrest and alleged charges, excessively long pre-trial detention, and insufficient procedural guarantees and compensation for arrests or detentions.

4

Right to Freedom of Movement and Residence

The right to freedom of movement and residence is one of the fundamental rights of people. Exercising one's freedom of movement, including choosing where to live and move, can further ensure other aspects of human rights. In this context, major international human rights standards also underline the legitimacy of protecting freedom of movement. Article 13 of the UDHR stipulates that "everyone has the right to freedom of movement and residence within the borders of each state," and Article 12 of the ICCPR provides for the right to freedom of residence and movement, as detailed in the following table.

Table Ⅱ-21 Article 12 of the ICCPR

Paragraph 1	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.
Paragraph 2	Everyone shall be free to leave any country, including his own.
Paragraph 3	The above-mentioned rights shall not be subject to any restrictions, except those which are provided by law, that are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
Paragraph 4	No one shall be arbitrarily deprived of the right to enter his own country.

A. Restriction of Movement through Travel Permits and Travel Roster Registration

Article 12, paragraph 1 of the ICCPR stipulates that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence." "Everyone" includes not only nationals but also foreigners who are temporarily staying within the territory of a country. With regard to the freedom of movement and residence, North Korea amended its Constitution in September 1998, adding that "citizens shall have the right to freedom of residence and travel" (Article 75). However, regardless of such change in the legal system, the North Korean authorities continue to restrict people's movement through the travel permit system. North Korean people can move to other areas only after obtaining a travel permit. The North Korean authorities manage and control

people's movement to Pyongyang and border regions more strictly. Article 30 of the People's Security Enforcement Law, which is a representative law that regulates the daily lives of North Korean people, stipulates that "the people's security institutions shall exercise control over violations of travel regulations and disorderly wandering on the streets." In addition, regarding violations of social and communal living order, Article 299 of the Administrative Penalty Law stipulates that people who violate travel regulations shall be subject to a fine or re-educational labor discipline of three months or less. This provision reflects the amendment that took place in 2021. Certain administrative penalties that were applicable until February 2021, namely admonitions and stern warnings, unpaid labor, and re-educational labor discipline of no less than three months (the last two of which were to be imposed if the case was serious), were removed from the provision.

Underage persons without a People's Registration Card cannot receive travel permits for themselves and must be accompanied by an adult acting in the capacity of a guardian who has a permit. Those traveling for official business can obtain a business travel permit and travel within North Korea. Soldiers, government officials and enterprise workers can travel for business trips or be dispatched across North Korea if they have a business travel permit issued by the organization they are affiliated with. Patients who have a medical certificate can obtain a permit to travel to a

provincial capital for treatment or to the place of residence of their immediate family members who can take care of them.

The colors of the lines on travel permits differ by region, and the authorities frequently change the colors to prevent counterfeiting. Travelers who obtain a travel permit must report to the local People's Unit (*inminban*) chief at their destination upon arrival, register with the travel roster, and get their travel permit stamped by the MPS. If a traveler is caught without a travel permit, the local People's Unit (*inminban*) chief reports it to the MPS officer in charge of the matter. Article 10 of the Crowd Reporting Act stipulates that people newly moving in from another region, non-residents, and illegal lodgers must be reported to report-processing agencies including social security institutions. According to the People's Security Enforcement Law (Article 33), people's security institutions conduct crackdowns on those who violate the obligation to register with the travel roster, and the Administrative Penalty Law (Article 248) stipulates that these people would be subject to a fine or re-educational labor discipline of three months or less.

Travel permits for those traveling within a province are issued by the relevant MPS city/country branch. However, recent testimonies have claimed that people who travel within a province do not need to carry a travel permit and are allowed to simply carry their People's Registration Card,[133] and some interviewees have reported that people can easily travel if they give a few packs

of cigarettes to the authorities.[134] For example, a North Korean defector who defected in 2019 testified that even if one is required to carry a daily permit to travel within a province, he/she was able to travel only with his/her People's Registration Card and that daily permits are replaced by People's Registration Cards as there is no one who would apply for a daily permit. However, the testifier said that one must obtain a permit in order to travel outside a province. According to the testifier, to avoid crackdowns, people pass through guard posts after loading their bicycles on service cars; they ride their bicycles again after passing the guard posts.[135] When caught, people pay bribes to avoid punishment.[136]

In summary, people must still carry travel permits issued by the Section 2 Office of the People's Committee to travel between provinces.[137] Because the legal issuance of a travel permit, which is free of charge, takes at least a week, many North Koreans offer cigarettes or other bribes to obtain one immediately.[138] There was

133_ NKHR2021000026 2022-05-18.

134_ NKHR2022000014-2 2022-07-29.

135_ NKHR2020000016 2020-07-04.

136_ NKHR2016000017 2016-01-26; NKHR2016000033 2016-03-22; NKHR2016000049 2016-04-19; NKHR2016000137 2016-08-23; NKHR2016000098 2016-06-14; NKHR2017000052 2017-07-03; NKHR2018000004 2018-03-12; NKHR2018000064 2018-07-11; NKHR2018000092 2018-08-27; NKHR2019000012 2019-04-20; NKHR2019000062 2019-07-29.

137_ NKHR2017000069 2017-08-28; NKHR2017000092 2017-09-25; NKHR2018000041 2018-06-04; NKHR2018000058 2018-07-02; NKHR2018000096 2018-08-27; NKHR2018000110 2018-10-06; NKHR2018000114 2018-10-13.

138_ NKHR2017000127 2017-12-18; NKHR2018000050 2018-07-02; NKHR2018000096

testimony stating that the size of the bribes required for the issuance of travel permits has been fixed since 2015. For example, a North Korean defector who defected in 2019 testified that the amount of cash that must be paid to obtain a travel permit to travel from Sinuiju to Pyongyang is 200 yuan, from Sinuiju to Chongjin is 100 yuan, and from Chongjin to Sinuiju is 200 yuan, which indicates that, while the amount required to obtain a travel permit to travel from a special area such as Pyongyang to a general area is relatively low, that required to travel from a general area to a special area is twice as high. [139] In other words, it can be said that control over the movement of people has been relaxed to the extent that obtaining a travel permit to travel to a special area is possible as long as bribes are paid, but the freedom of movement is guaranteed only for those who are able to afford bribes. A North Korean defector who defected in 2019 testified that he/she was able to travel around even though he/she could not obtain a People's Registration Card or a travel permit as he/she was subject to monitoring due to his/her family's defection. The testifier said that, when he/she was caught in crackdowns, he/she escaped punishment by paying with a pack of cigarettes or around 5,000 North Korean won. According to the testifier, it is faster to

2018-08-27; NKHR2019000003 2019-04-08; NKHR2019000009 2019-04-08; NKHR2019000079 2019-09-25; NKHR2022000005-2 2022-08-03; NKHR2022000014-2 2022-07-29 and many other testimonies.

139_ NKHR2022000014-2 2022-07-29.

pay a bribe than to spend time and effort to obtain a travel permit.[140] Another North Korean defector who defected in 2019 stated that when he/she traveled from Yanggang Province to Pyongyang to file a complaint/petition, he/she had to borrow someone else's People's Registration Card because he/she was labeled as a troublemaker who tends to file complaints/petitions and thus was not able to obtain a permit.[141] There was also testimony reporting that more people pay bribes to travel rather than go through official procedures to obtain a travel permit, and the testifier spent approximately 10,000 North Korean won as a bribe to travel to Chongjin. The testifier also said that one would be escorted to his/her seat if he/she approached a train attendant, flight attendant, MSS agent, or MPS officer and said, "I could not get a permit, but please let me travel."[142]

As discussed above, the North Korean authorities restrict people's movement through the travel permit system, but the mobility of residents has increased compared to the past as bribery has become widespread in the process of moving between regions. When traveling to other regions, North Korean residents prove their identity with their People's Registration Card, not with a travel permit, and offer bribes to train attendants, flight

140_ NKHR2020000021 2020-07-06.
141_ NKHR2023000017 2023-07-31.
142_ NKHR2020000021 2020-07-06.

attendants, MSS agents or MPS officers when caught in a crackdown.

Officials of the KWP, unlike the general public, can travel preferentially if they possess party-stamped credentials.[143] Moreover, given that the North Korean authorities only turn a blind eye to those who have the financial capacity to offer bribes, it has been found that in North Korea, the freedom of movement is still granted on a discriminatory basis.

On the other hand, recent progress in marketization and the introduction of various means of transportation have also contributed to the relaxation of the restrictions on movement in North Korea. While trains were the only means of transportation for long-distance travel in the past, testimonies have been collected stating that the recent introduction of alternative means of transportation, such as taxis, city buses, intercity buses and trucks, has expanded the travel range of residents, which has contributed to relaxing the travel permit system to a certain extent. For example, a North Korean defector who defected in 2019 testified that he/she took a long-distance bus that travels between cities without requiring its passengers to have a permit to travel from Sinuiju to Wonsan.[144] This is possible because a system has been established under which bribes are paid so that these newly

143_ NKHR2016000013 2016-01-26.

144_ NKHR2022000014-2 2022-07-29.

introduced means of transportation can easily pass through guard posts.

Testimony has been collected stating that the newly introduced means of transportation and the associated logistics system continued to operate during COVID-19. The testifier stated that the price of domestic products, including rice, has been relatively stable, while the price of imported goods has soared, and there have been no large price differences among regions. According to the testifier, this was a result of the relaxation of restrictions on logistics during COVID-19, although the same did not apply to the movement of residents.[145]

Table Ⅱ-22 Cases Related to Travel Permits

Testimonies	Testifier ID
In March 2015, the testifier obtained a travel permit from Hyesan, Yanggang Province to Chongjin, North Hamgyeong Province after stating the purpose of issuance was to visit his/her younger sibling. The testifier applied for it at the Section 2 Office of the MPS city branch in Hyesan, and there was no commission fee as it was obtained legally, and it took a month to receive the permit.	NKHR2016000171 2016-11-01
In the spring of 2017, the testifier's father received a travel permit so that he could receive a health examination at a hospital located in Pyongyang. Approximately 30,000–50,000 North Korean won was offered as a bribe. There were two red diagonal lines drawn on the travel permit. The travel permit specified the name of the applicant, address in Pyongyang, reasons for travel and duration of travel.	NKHR2019000071 2019-08-26

145_ NKHR2022000030 2022-07-22.

Testimonies	Testifier ID
The testifier obtained a travel permit to attend a wedding of his/her acquaintance living in Pyongyang in April 2017. He/she gave 100 yuan to the person in charge at the Section 2 Office of the People's Committee and received the permit in two days. The travel permit to Pyongyang had a red line drawn diagonally while travel permits to other provinces had a blue line.	NKHR2018000058 2018-07-02
In 2018, the testifier obtained a travel permit in Yanggang Province for his/her bog bilberry business. It cost 100 yuan to obtain a permit to Pyongyang and 50 yuan to obtain a permit to Hamheung.	NKHR2019000026 2019-05-18
The testifier obtained a travel permit to Pyongyang to attend the 70th anniversary of the Day of the Foundation of the Republic in 2018. The testifier gave bribes to six people and received the permit on the day of application. The testifier would not have had the permit processed on the same day had he/she not paid the bribes.	NKHR2019000021 2019-05-07
In November 2018, the testifier obtained a travel permit to go to Pyeongseong from Yanggang Province to do business there. Although the testifier was not requested to provide a specific amount, the testifier gave a pack of cigarettes for expedited processing and received the permit within 24 hours.	NKHR2019000024 2019-05-18
The size of the bribes required for the issuance of travel permits is fixed. A travel permit to Pyongyang costs 200 yuan and one from Chongjin to Sinuiju costs 200 yuan. A travel permit from Sinuiju to Chongjin costs 100 yuan. The amount required to obtain a travel permit to travel from a special area/border region to a general area is relatively low.	NKHR2022000014-2 2022-07-29
The testifier obtained a travel permit to travel from Sinuiju to Pyongyang for sightseeing by paying 200 yuan. When arrived in Pyongyang, he/she met many people from Sinuiju and Nampo with whom he/she exchanged names. While restrictions on clothing are strictly exercised in Sinuiju because the city is near the border, clothing restrictions seemed to be less strict in Pyongyang as women were allowed to wear shorter skirts. The entrance fee was 20,000 North Korean won for a water park, 60,000 won for a racecourse, and 30,000 North Korean won for Pyongyang Kaeson Youth Park.	NKHR2022000015-3 2022-08-31
One must obtain a travel permit to travel to border regions such as Hyesan. In about 70-80% of cases, those caught during inspections of travel permits can escape punishment by paying money.	NKHR2023000012 2023-05-30

Testimonies	Testifier ID
People traveling to Pyongyang and border regions must have a travel permit. In principle, a travel permit is required when traveling between provinces, but traveling by land requires only a People's Registration Card. Traveling within a province does not require any documentation. People traveling to a special area must pay money; for example, one should pay approximately 70,000–100,000 North Korean won to travel from a rural area to Hyesan.	NKHR2023000004 2023-04-12
The testifier had traveled from Gapsan County, Yanggang Province to Pyongyang without a travel permit to file a complaint/petition. Even those who have been forcibly deported can obtain a travel permit, but the testifier was not able to obtain one because he/she had been labeled as a troublemaker who tended to file complaints/petitions. Instead of a travel permit, the testifier borrowed someone else's People's Registration Card to travel to Pyongyang. While living in North Korea, the testifier had traveled back and forth from North Korea to China illegally because it took too much time to get a border pass. The testifier was able to cross the border by doing "business" (*saeop*) with the Border Security Command; issues on the Chinese side were resolved by the trading partner. The testifier paid 100 dollars to cross the border in 2007.	NKHR2023000017 2023-07-31

B. Residence Restrictions: Restrictions of Access to Certain Areas and Forced Deportation

The right to freedom of residence as specified in Article 12 of the ICCPR includes both the right to choose one's residence and the right to reside in the place of one's choice.[146] Article 14 of the North Korean Citizen Registration Law of 2015 stipulates that those moving their residence must report their move to the people's security institution overseeing their previous residence.

146_ UNHRC, "CCPR General Comment No. 27: Article 27 (Freedom of Movement)," 2 November 1999, paras. 4-7.

The registration process for those moving to live in Pyongyang is strictly enforced, and people seeking to move to and live in Pyongyang or change their residence from a surrounding district to central Pyongyang must obtain approval from the relevant authorities (Article 31 of the Law for the Management of Pyongyang of 2014). North Korean people must obtain approval from the People's Committee in charge of residential matters or the relevant authorities to obtain or dispose of a residence use permit (Article 29 of the Resident Administration Law). Individuals engaged in trading of state-owned housing or illegal trading of real estate are subject to labor training punishment in accordance with Articles 129 and 130 of the Criminal Law (up to two years; up to five years if the case is serious). With respect to the right to freedom of movement and residence, Article 12, paragraph 3 of the ICCPR stipulates that "the above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant." The UN Human Rights Committee stated in its General Comment that the right to freedom of movement and residence may be restricted only when the conditions for restriction are clearly indicated in domestic laws, and facts such as an individual being a holder of state secrets or the individual not having a specific permit should not constitute grounds to restrict

such individual's right to freedom of movement and residence.[147] In effect, Article 12, paragraph 3 of the ICCPR implies that the right to freedom of movement and residence can be restricted only when there are legitimate and valid reasons in terms of national policy.

In North Korea, however, the problem is that such provisions are interpreted arbitrarily by the authorities. North Korea has designated certain areas, such as Pyongyang, border areas, areas near the Military Demarcation Line (*jeonyeonjidae*) and free trade zones, including Rajin and Sonbong, as approval number areas and prohibits access to the general public. In order to travel to these regions, one needs to be in possession of a travel permit issued by the county of one's residence, marked with the approval number of the Section 2 Office of the local People's Committee of such regions (e.g., North Hamgyeong Province, Jagang Province, Yanggang Province, North Pyeongan Province, Pyongyang. A travel permit for an approval number area is clearly differentiated from other certificates since it has many lines drawn with different colors and the MSS codes written on it.[148]

Obtaining a travel permit to Pyongyang is more difficult and requires a higher bribe amount; it is impossible to have this permit issued without paying bribes.[149] This permit is not issued at all

147_ *Ibid.*, para. 12, para. 16.

148_ Dong-ho Han *et al.*, *Freedom of Movement in North Korea* (Seoul: KINU, 2017), pp. 21–22; NKHR2018000058 2018-07-02; NKHR2019000071 2019-08-26.

when important events are scheduled in Pyongyang or when the political situation is unstable, but exceptions may be made when the purpose of travel is to receive medical treatment.[150] It is impossible for one to travel to Pyongyang carrying only their People's Registration Card even if they pay bribes to MPS officers; one must carry one's travel permit.[151]

However, recent testimonies have claimed that, because the size of the bribe required for the issuance of travel permits has been fixed since 2015, obtaining a travel permit to travel to Pyongyang is possible as long as the bribes are paid. In particular, various entertainment facilities have been established since Kim Jong Un came to power under the policy to promote tourism, which resulted in the development of the concept of tourism among ordinary citizens. Relatedly, testimony stating that North Koreans have obtained a travel permit to visit Pyongyang for sightseeing has been received. A North Korean defector who defected in 2019 testified that, in 2018, he/she spent 200 yuan to obtain a travel permit for Pyongyang and, while traveling in Pyongyang, he/she met many tourists from across North Korea, particularly those from Sinuiju and Nampo, with whom he/she exchanged names. The testifier said that, although he/she had to

149_ NKHR2018000058 2018-07-02; NKHR2018000110 2018-10-06.
150_ NKHR2018000016 2018-04-09.
151_ NKHR2018000092 2018-08-27.

spend money, Pyongyang was worth visiting, and he/she enjoyed talking about the visit to his/her friends and wanted to revisit Pyongyang.[152] On the other hand, the control is stricter in border areas than in Pyongyang,[153] and obtaining a travel permit is more difficult when moving from inland areas to border regions than moving from border regions to inland areas.[154]

Such broad restrictions on public access to various special districts constitute a violation of the right to freedom of movement and residence. Although the North Korean authorities argue that access to certain districts is controlled for national security reasons, this restriction is an unreasonable claim. For example, there is no other country that controls and regulates its own people's visit to the capital city.

Restricting access to certain areas through a strict and complicated travel permit issuing process and carrying out forced deportation are acts infringing upon the right to freedom of movement and residence. The UN Human Rights Committee interpreted in its General Comment that the right to freedom of residence includes protection from "all forms of forced internal displacement" and "precludes preventing the entry or stay of persons in a defined part of the territory."[155] Forced deportation

152_ NKHR2022000015-3 2022-08-31.

153_ NKHR2018000041 2018-06-04.

154_ NKHR2014000127 2014-08-26; NKHR2018000003 2018-03-12.

155_ UNHRC, "CCPR General Comment No. 27: Article 12 (Freedom of Movement),"

carried out by the North Korean authorities constitutes a representative example of forced displacement by a state.

The North Korean authorities have used forced deportation as a political tool against political reactionaries and anti-government dissidents and their families. In particular, they have expelled people with disreputable backgrounds (*songbun*) from Pyongyang to remote provinces. To begin with, it has been claimed that the Kim Jong Un regime has reduced the population in Pyongyang to expand benefits such as food rations to its residents and has forcibly deported ex-convicts and unemployed persons from Pyongyang in order to strengthen its control by effectively identifying and expelling anti-government individuals.[156] Moreover, forced deportation for similar reasons was also witnessed in Samjiyeon, Yanggang Province. Samjiyeon is the birthplace of Kim Jong Un and is also referred to as the "Holy Land of Revolution" and the "Second Pyongyang." As such, former prisoners (ex-convicts) and their families are in principle forcibly moved out of Samjiyeon. Testimony was collected stating that because Samjiyeon is located in the border region, most of the former prisoners residing there are people who have attempted to defect from North Korea, and thus, those former prisoners are forcibly deported out of Samjiyeon in order to prevent them from

2 November 1999, para. 7.

156_ Dong-ho Han *et al.*, *Freedom of Movement in North Korea,* p. 34.

committing further border-crossing attempts.[157]

Since Kim Jong Un came to power, there have been reports that residents of border areas were forcibly moved in the process of tightening control over defection. Among the border regions, it is relatively easier to cross the river in Samjiyeon, Yanggang Province compared to Hyesan or Bocheon County because of the thick woods growing behind the houses near the river. In 2015, in order to effectively control defection, around 200 households in the border areas near Samjiyeon were forced to move and the existing houses were demolished.[158] While the forced movement policy that has been used as a tool for political retaliation is a traditional form of forced deportation, the forced movement policy that is carried out to control border regions can be understood as a new form of forced deportation.

On the other hand, it seems that cases of forced deportation of families of people who were caught in the process of defection from North Korea or forcibly repatriated from China have decreased.[159] This finding does not necessarily mean punishment for defection has weakened; rather, it appears that the decrease is a result of the practical difficulty in deporting all of those who have attempted to defect from North Korea and their families. In

157_ NKHR2017000122 2017-11-20.

158_ NKHR2016000025 2016-03-08.

159_ NKHR2017000011 2017-04-10; NKHR2017000060 2017-07-31; NKHR2018000040 2018-05-08.

particular, with respect to Yanggang Province, where many defection attempts occur as it is close to the border, a problem arises where there are too many deportees to be housed in a limited space as non-border regions within the province need to be designated as relocation areas.[160] In addition, it appears that while families of defectors are not forcibly deported, surveillance over them has been intensified to prevent further defection attempts.

There were testimonies about cases in which those who committed "anti-socialist" crimes that disturb the socialist order, such as prostitution, use of narcotics and fraud, were punished for their offense while their family members were deported. A North Korean defector who defected in 2017 testified that he/she witnessed a case in which a mother was deported to Goksan, North Hwanghae Province due to her son committing fraud in 2014–2015. The testifier also said that he/she heard of a case in which a woman who was running a prostitution business during the same period was executed and her son was deported.[161] A North Korean defector who defected in 2016 testified that he/she witnessed a case in 2014–2015 in which the whole family was deported for helping a kidnapper.[162]

160_ Dong-ho Han *et al.*, *Freedom of Movement in North Korea*, p. 36.
161_ NKHR2019000054 2019-07-29.
162_ NKHR2019000063 2019-07-29.

Table Ⅱ-23 Cases Related to Forced Deportation

Testimonies	Testifier ID
The testifier was deported to Gapsan County in December 2011. The testifier wrote complaint/petition letters starting from three to four months after the deportation and tried to regain his/her confiscated house but failed.	NKHR2023000017 2023-07-31
Around 2014, the testifier witnessed a family being forcibly deported to a farming village with poor economic conditions for an unknown reason.	NKHR2023000009 2023-05-10
Around 2014–2015, the testifier witnessed a case in which a mother was deported to Goksan, North Hwanghae Province since her son committed fraud, and the son was imprisoned in a prison camp (*kyohwaso*).	NKHR2019000054 2019-07-29
Around 2014–2015, the testifier heard that a woman running a prostitution business was executed, and her son who helped her business was forcibly deported.	NKHR2019000054 2019-07-29
A Party worker, who was ordered to be deported in 2015 for divorcing his/her spouse, defected from North Korea.	NKHR2017000033 2017-06-05
In 2015, the testifier witnessed two members from Unhasu Orchestra being forcibly deported to Kwibong-ri, Pungso County, Yanggang Province, from Pyongyang.	NKHR2017000097 2017-10-23
In October 2016, a Provincial Party official of Yanggang Province was forcibly deported to Unheung County, Yanggang Province for commenting that the performance by an artist, whom Kim Jong Un complimented, was not very good.	NKHR2017000126 2017-12-18
In 2018, a truck driver who was living in Sinuiju was deported for selling the national flag to China. The driver's family members were also deported to rural areas with poor living conditions such as Pihyeon County.	NKHR2022000014-3 2022-08-31
In 2019, the testifier witnessed people being forcibly deported from Bocheon. People who have two or more family members who defected to South Korea are subject to forced deportation.	NKHR2023000015 2023-07-27

C. Restrictions on Entry to Border Areas and Prohibition against the Freedom to Leave

Article 12, paragraph 2 of the ICCPR stipulates "everyone shall be free to leave any country, including his own." Here, "his own"

(country) can be interpreted more broadly than just one's own country, and "free to leave" means that procedural legitimacy and freedom to leave the country should be guaranteed. The UN Human Rights Committee interprets Article 12, paragraph 2 of the ICCPR that a country has an obligation to properly provide required documents, including a passport, for individuals who wish to leave their country.[163]

However, the North Korean authorities do not allow the freedom to leave North Korea and move to another country by strictly controlling the issuance of documents required for leaving the country. According to the North Korean Immigration Law of 2013, North Korean residents and foreigners staying or residing in North Korea must possess a designated immigration certificate (passport or a substitute document) and a visa (Article 2, paragraph 3) to enter or exit North Korea (Article 4). There are three types of passports: diplomatic passports, government official passports and traveler passports. Diplomats are issued diplomatic passports, government officials working at Party organizations or espionage divisions are issued government official passports and residents traveling abroad, for example, to visit relatives, are issued traveler passports.

In reality, however, passports are issued to people of special

163_ UNHRC, "CCPR General Comment No. 27: Article 12 (Freedom of Movement)," 2 November 1999, para. 9.

ranks, such as diplomats, public officials, people working overseas and students studying overseas, and it is not common for ordinary residents to obtain passports. A North Korean defector who had lived near the North Korea-China border and defected in 2019 testified that he/she had been unaware of the concept or existence of a passport.[164]

In North Korea, there is a document called a "border area immigration certificate" in addition to passports. North Korean residents living in border regions can obtain this document when they want to go abroad (China) for a short period of time to visit their relatives or carry out small-scale trading. According to Article 13 of the Immigration Law, North Korean residents can be issued a border area immigration certificate for official or private affairs. If the purpose of travel is to visit relatives in China, a letter of invitation is required as is the case with traveler passports. It seems that it is easy for ethnic Chinese and their families to obtain a border area immigration certificate to visit China. Article 22 of the Immigration Law stipulates that foreigners residing in North Korea may enter and exit North Korea for private affairs with a border area immigration certificate issued by the relevant immigration agency. A North Korean defector who defected in 2017 testified that his/her spouse was an ethnic Chinese and he/she had his/her immigration certificate issued as many as four

164_ NKHR2022000015-3 2022-08-31.

times because it was relatively easy for families of ethnic Chinese to obtain the certificate; the testifier claimed that while the official permitted period of stay in China is two months, ethnic Chinese are allowed to stay in China for up to two years.[165] A North Korean defector who defected in 2019 said that he/she had applied for a border pass in 2015 and received it four years later, and in the process, he/she paid 15,000 yuan or more as a bribe.[166] A North Korean defector who defected in 2019 testified that, in 2018 and 2019, his/her younger sibling's mother-in-law was required by the authorities to pay 1,500 dollars when she traveled to China.[167] According to the testifier, due to the high cost of obtaining a border pass, more and more people are unable to repay the debt after their return from China. Furthermore, the testifier responded that since 2017, the authorities have been limiting the issuance of river-crossing passes (*dogangjeung*) even with a letter of invitation from China. In border regions such as Yanggang Province, it is said that the Ministry of State Security restricts the issuance of border passes as there are only a few people returning after going to China with a legally issued border pass.[168]

People engaged in border trade can obtain a river-crossing pass

165_ NKHR2019000054 2019-07-29.
166_ NKHR2019000035 2019-06-03.
167_ NKHR2022000014-3 2022-08-31.
168_ NKHR2019000035 2019-06-03.

(*dogangjeung*), which is issued without a letter of invitation from China. A river-crossing pass (*dogangjeung*) is known as a short-term pass that allows crossing of the border for 24 to 48 hours.

One aspect that differentiates border area immigration certificates from passports is that the former are issued by a city/province-level Ministry of State Security branch, not by the central organization of the Ministry of State Security. In this respect, it appears that obtaining a border area immigration certificate is somewhat easier than obtaining a passport.

Those who cross the border illegally without obtaining legitimate immigration documents will be subject to a fine or forbidden to leave the country (Article 55 of the Immigration Law) and punished according to the Criminal Law. Article 260 of the North Korean Criminal Law (Crime of Illegal Border-Crossing) states that those who commit the crime of illegal border-crossing are subject to "labor training punishment." If the offense is serious, they will be subject to "correctional labor punishment of five years or less." Despite these provisions on the prohibition of and punishment for illegal border-crossings, defection continues as there is no other legal way to cross the border. This practice ultimately leads to an increase in the price of border-crossing, resulting in a situation in which North Korean people who went to China end up staying in China longer than originally scheduled in order to earn more money to make up for the costs. In the process,

many of these people end up staying in China as illegal aliens. The border control implemented by the North Korean authorities, which is inconsistent with its obligation as a state to provide required documents for individuals who wish to leave their country, can be regarded as a serious violation of the freedom of movement.

D. Evaluation

North Korean authorities seriously infringe upon the right to freedom of movement and residence of North Korean people. The people's right to movement is restricted by the travel permit system and the imposition of zone-based crackdowns. However, the size of the bribes required for the issuance of travel permits has been fixed since 2015, enabling North Korean people to overcome these institutional barriers with money, and the introduction of various means of transportation has further eased the restrictions on movement. This introduction of a variety of transportation options seems to have contributed to preventing the price of domestic products from rising sharply in North Korea during COVID-19 to a certain extent.

In North Korea, the freedom of movement is still granted in a discriminatory and restrictive manner given that only those who can afford to offer bribes are able to circumvent the control of the North Korean authorities. In addition, measures such as forced

deportation of reactionaries designated by the authorities and restriction of access to certain areas continue to occur. It seems that the forced deportation of defectors and their families, which has been imposed as a punishment for defection, has decreased. However, this does not mean that the human rights situation in North Korea has been improving; rather, it is assessed that the decrease is a result of the insufficient capacity of the North Korean authorities to relocate the deported residents. In fact, the decrease in forced deportation as a punishment for defectors has led to the tightening of border control, the purpose of which is to prevent defection in advance. In this respect, the freedom of movement for North Korean people is still seriously violated.

The North Korean authorities rigorously restrict the crossing of the border. Except in special cases, people rarely obtain passports or border area immigration certificates in a legitimate manner, and the procedure for obtaining a passport is so complicated and involves so many restrictions that the applicant must pay bribes to complete the process. The international community should make efforts to improve the freedom of movement and residence in North Korea not only because it is a basic human right, but also because it would provide opportunities for North Korean people to change their way of thinking through contact with the outside world.

5

Right to a Fair Trial

Article 10 of the UDHR stipulates that "everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." Article 14 of the ICCPR also stipulates that States Parties shall guarantee the right to a fair trial through each state's judicial system. The right to a fair trial is a key element in protecting human rights and plays a role as a procedural tool to advocate the rule of law.[169] Article 14, paragraph 1 guarantees the right to equality in trials, the right to a fair trial in all kinds of lawsuits, and the right to public trials. Articles 14, paragraphs 2 to 7 stipulate the minimum rights that should be granted to suspects and defendants in the procedure of criminal trials.

169_ UNHRC, "General comment No. 32: Article 14 (Right to Equality before Courts and Tribunals and to Fair Trial)," 23 August 2007, para. 2.

Table Ⅱ-24 Article 14 of the ICCPR

Paragraph 1	All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. (The rest is omitted)
Paragraph 2	Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
Paragraph 3	In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (c) To be tried without undue delay; (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; (The rest is omitted) (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court; (g) Not to be compelled to testify against himself or to confess guilt.
Paragraph 4	In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
Paragraph 5	Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
Paragraph 6	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. (The rest is omitted)
Paragraph 7	No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

In North Korea, courts are established in accordance with the Constitution and the Law on the Constitution of the Courts of

2011. North Korea proclaims that the proper court composition is a prerequisite for ensuring the scientificity, objectivity, prudence, and fairness of trials (Article 2 of the Law on the Constitution of the Courts). Furthermore, North Korea legally guarantees the right to a fair trial, including the right to defense for preliminary examinees and the accused, as stipulated in Article 54 of the Criminal Procedure Law. However, in reality, trials in North Korea are not fair. This chapter examines the major issues related to the right to a fair trial in North Korea.

A. Denial of Judicial Independence

Article 14, paragraph 1 of the ICCPR stipulates that all persons have the right to be tried by an "independent and impartial tribunal." North Korea establishes its courts based on its Constitution and the Law on the Constitution of the Courts. The judicial system in North Korea consists of the Central Court, provincial (direct-controlled municipal) courts, city (district) and county people's courts and special courts (Article 159 of the Constitution). Special courts consist of military courts, railroad courts and military logistics courts (Article 3 of the Law on the Constitution of the Courts, Article 48 of the Criminal Procedure Law). North Korea has a three-level court and two-level trial system. Under North Korean law, judges are elected through elections. In other words, the head of the Central Court is elected

by the SPA (Article 91, subparagraph 12 of the Constitution), other Central Court judges by the Presidium of the SPA, and provincial (direct-controlled municipal) court judges, city (district) court judges, and county people's court judges by their respective local People's Committees (Article 4 of the Law on the Constitution of the Courts). Moreover, the Central Court is accountable to the SPA and the Presidium of the SPA when the SPA is in recess (Article 168 of the Constitution).

However, based on the principle of Party supremacy and centralism, the KWP exercises de facto control over all institutions and organizations including the SPA, which is nominally the highest sovereign body in North Korea. Thus, North Korea's judicial institutions seem to function as delegated bodies with limited power that are managed and supervised by higher authorities, the SPA and the KWP.[170] While there are provisions stating that "courts shall be independent in the process of trials and conduct trials in accordance with law" (Article 166 of the Constitution, Article 268 of the Criminal Procedure Law), they only declare the independence of individual courts in their organizational system, rather than guaranteeing the independence of individual judges; the provisions cannot be regarded as providing the independence of the judiciary in its true sense.[171]

170_ Kyu Chang Lee and Gwang-jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice* (Seoul: KINU, 2011), p. 49.

171_ *Ibid.*, pp. 49–53.

The role of judges in trials is not significant, and prosecutors of Prosecutors' Offices always supervise trials.[172]

North Korea has adopted the people's jury system. Under the system, laymen, who are not legal experts, form an *en banc* court together with a professional judge to conduct a trial, fully participate in trial proceedings as full members of the court, exercise equal rights to judges and decide a case through majority vote. People's jurors participate in first instance trials (Article 9 of the Law on the Constitution of the Courts). Judgments and decisions are adopted by the majority vote of the judges and people's jurors participating in a trial (Article 17 of the Law on the Constitution of the Courts). Like judges, people's jurors are also elected through elections. People's jurors of the Central Court are elected by the Presidium of the SPA, while people's jurors at provincial (direct-controlled municipal) courts and people's courts are elected by the respective People's Assemblies (Article 4 of the Law on the Constitution of the Courts). In practice, only those who are loyal to the KWP are elected as people's jurors, and the elected people's jurors inevitably follow the direction of the KWP; against this backdrop, the people's jury system can be viewed as a means for the KWP to systematically control the courts.[173]

172_ NKHR2020000032 2020-08-04.

173_ Kyu Chang Lee and Gwang-jin Chung, *The North Korean Criminal Trial System: Characteristics and Actual Practice*, p. 54.

B. Unfair and Perfunctory Trials

Article 14, paragraph 1 of the ICCPR stipulates that all persons are equal before the courts and have the right to a fair trial. However, trials in North Korea are not fair. This is well demonstrated in the perfunctory nature of the trials. Moreover, the corruption that exists within the trial process also serves as one of the major factors that undermine the fairness of trials.

North Korea has a unique system of a preliminary examination held between the investigation and prosecution phases. The purpose of a preliminary examination is to determine the preliminary examinee and reveal the entire story of the crime completely and accurately (Article 144 of the Criminal Procedure Law). However, contrary to the relevant provisions of the law, testimonies indicate that sentences are decided prior to trials by preliminary examination officers, without the participation of judges and people's jurors. A North Korean defector who underwent the preliminary examination and trial process in Onsong County, North Hamgyeong Province from March to July 2010 testified that the MPS county branch's preliminary examination officers normally decide what the sentence will be. According to the testifier, when the preliminary examination was almost finished, a prosecutor came from the courthouse and asked whether he/she experienced any violence and whether a sanitary environment was provided during the preliminary examination as

well as if there was any other issue that he/she wanted to raise. The defector testified that he/she was unable to raise objections because the correctional officers (*gyehowon*) had already intimidated him/her prior to the prosecutor's arrival.[174]

The first instance trial proceeds in five phases: the commencement of the hearing, factual inquiry, prosecutor's presentation of arguments and defense counsel's defense, defendant's final testimony, and pronouncement of judgment (Article 298 of the Criminal Procedure Law). However, in North Korea, criminal trials in general are conducted as a mere formality. A representative case is one in which the trial only took 15 minutes in total for the defendant to be sentenced to five years of correctional labor punishment. The North Korean defector who was the defendant in this case testified that although he/she tried to protest, the correctional officers (*gyehowon*) interrupted.[175] Sentences are also decided during the preliminary examination stage. A North Korean defector who defected in 2018 testified that his/her mother received a criminal trial while carrying out business, and her sentence was decided during the preliminary examination stage. She was also not allowed to read the relevant records.[176] A North Korean defector who received a criminal trial

174_ NKHR2016000102 2016-06-28.

175_ *Ibid.*

176_ NKHR2022000006 2022-05-25.

in 2019 stated that, in North Korea, once the presiding judge makes a decision, the sentence is executed immediately, and there is a preliminary examination phase before trial during which virtually everything is decided about a case. The testifier added that he/she was given a brief moment to see the case records after the preliminary examination because he/she had to sign them, but he/she was forced to sign the records without being given sufficient time to properly read them.[177]

In the interviews, most of the North Korean defectors who have experienced trials said that judges, prosecutors, defense counsels and people's jurors attended the trials, but their role was very passive.[178] A North Korean defector who received a criminal trial in 2019 testified that a defense counsel was present during the trial although he/she did not appoint one. According to the testifier, he/she met the defense counsel in person for the first time at the trial, and although there were jurors, they were present as a mere formality.[179] A North Korean defector who was tried for economic offenses in Kimjongsuk County, Yanggang Province in December 2011 commented that the judge was the most active and that the defense counsel and people's jurors were somewhat active, and the prosecutors were average in their participation

177_ NKHR2023000015 2023-07-27.
178_ NKHR2017000005 2017-04-10; NKHR2017000103 2017-10-23.
179_ NKHR2023000015 2023-07-27.

during the trial. The testifier said that he/she was sentenced to five years of correctional labor punishment in the preliminary examination but was sentenced to one year of labor training punishment after the trial.[180] A North Korean defector who went through a trial for illegal border-crossing in Hyesan, Yanggang Province in August 2012 replied that the role of the judge was average, but that of the prosecutor, defense counsel and people's jurors was very active; the testifier explained that there was a witness testimony, and the testifier was sentenced to one and a half years of correctional labor punishment.[181] Considering that the maximum statutory sentence for a person convicted of illegal border-crossing is five years of correctional labor punishment (Article 260 of the Criminal Law), one can presume that the discussions during the trial process might have affected the final sentence.

Meanwhile, North Korea operates a public trial system, under which trials are locally organized to raise public awareness and prevent crimes. Heads of agencies, enterprises and organizations may expose and condemn the wrongdoing of criminals (Article 282 of the Criminal Procedure Law). As such, public trials are used as a tool for political propaganda or education for residents.[182]

180_ NKHR2016000113 2016-07-12.
181_ NKHR2016000189 2016-12-27.

The said public trial system can be positively evaluated in that a trial can be conveniently carried out at the local level. However, the on-site public trial system in North Korea is not a genuine trial system but is used as a means of controlling North Korean people by instilling awareness and inducing fear by exposing and condemning crimes. In this respect, public trials are sometimes called "public disclosure gatherings" among North Korean residents.[183]

It is not clear which crimes are subject to public trial. Recently, public trials on narcotics trading, such as those involving drugs (*bingdu*) and opium, have increased.[184] Public trials on possessing or watching impure video recordings, including watching South Korean movies or dramas, have also been witnessed many times.[185] In addition, public trials are conducted on charges of illegal border-crossing,[186] murder,[187] human trafficking,[188] calling China or South Korea,[189] and being

182_ NKHR2018000099 2018-10-01; NKHR2018000102 2018-10-01; NKHR2019000050 2019-07-20.

183_ NKHR2019000013 2019-06-07.

184_ NKHR2019000021 2019-05-07; NKHR2019000045 2019-07-01; NKHR2019000062 2019-07-29; NKHR2019000097 2019-10-21; NKHR2020000035 2020-09-05; NKHR2022000010 2022-06-09; NKHR2022000024 2022-06-23.

185_ NKHR2019000063 2019-07-29; NKHR2019000021 2019-05-07; NKHR2019000064 2019-08-17; NKHR2019000104 2019-11-09; NKHR2019000116 2019-11-30; NKHR2020000005 2020-05-15.

186_ NKHR2019000064 2019-08-17; NKHR2019000096 2019-10-21; NKHR2019000110 2019-11-18; NKHR2020000005 2020-05-15.

187_ NKHR2019000024 2019-05-18; NKHR2012000021 2012-06-21.

188_ NKHR2019000082 2019-09-25.

involved in acts of superstition.[190] A North Korean defector who defected in 2018 testified that, in 2017, he/she witnessed several women being publicly tried at Hyesan Square for the charge of listening to South Korean songs. The testifier recalled that, at the public trial, those whose offense was not serious were sentenced to either several months of labor training punishment, and one woman whose offense was serious was sentenced to three years in prison.[191] A North Korean defector who defected in 2019 testified that he/she witnessed a person being publicly tried for dancing naked and sentenced to be deported from a city to a rural area; according to the testifier, the person paid a bribe and returned to the city after three to four years.[192] Another North Korean defector who defected in 2019 testified that he/she had his/her mother's fortune told by a shaman because she was very sick, and the shaman got caught and disclosed the names of all the people who sought her service, which caused him/her to be sentenced to two months of labor training punishment in Gilju without trial.[193] A North Korean defector who defected in 2018 said that he/she personally witnessed a public trial for murder around 2017.[194]

189_ NKHR2020000005 2020-05-15.
190_ NKHR2022000012 2022-06-10.
191_ NKHR2023000010 2023-05-15.
192_ NKHR2023000014 2023-07-26.
193_ NKHR2023000018 2023-08-01.
194_ NKHR2023000009 2023-05-10.

Testimony has claimed that public trials are carried out mainly on policy-related cases (i.e., major cases for which Kim Jong Un issued a policy).[195] A North Korean defector who defected in 2019 testified that he/she witnessed a public trial for anti-socialist activities held at the playground of a school in Hyesan sometime in 2018–2019, where about 11 people were standing in a row and the adjudicator announced each person's crime and the punishment to be imposed.[196] A North Korean defector who defected in 2019 reported that he/she witnessed a public trial for those who committed crimes such as murder, theft, and narcotics trading held in Gilju in 2019, which was attended by a judge, prosecutors, and the defense counsel.[197]

In addition, a North Korean defector who defected in 2019 said that public trials were held about once or twice a month on market days at a nearby school. The testifier stated that the charges presented at a public trial ranged from minor offenses to serious crimes and that people can avoid public trials by paying bribes in advance and expressing remorse. According to the testifier, a public trial generally serves as a procedure through which a predetermined sentence is announced, thus reducing one's sentence is difficult once a public trial is initiated.[198]

195_ NKHR2022000009 2022-06-05.
196_ NKHR2023000011 2023-05-23.
197_ NKHR2023000018 2023-08-01.
198_ NKHR2023000012 2023-05-30.

It has been reported that public trials are also held in the military. A North Korean defector who defected in 2020 testified that, in 2012, he/she witnessed a platoon leader of the OO Brigade undergoing a public trial for beating a soldier who eventually died. The testifier said that a military judge and prosecutors attended the trial, which was held as a public trial on the grounds of the brigade where people had gathered.[199]

The public trial system goes against the fair trial principle. There have been inconsistent testimonies from North Korean defectors as to whether judges, prosecutors, defense counsels and people's jurors attended the trials. However, testimonies indicated that even if they are present, they do not play a significant role.[200] A North Korean defector who defected in 2019 testified that prosecutors and defense counsels attend public trials only for perfunctory reasons, and defense counsels do not properly defend the accused; the testifier also said that the accused cannot defend him/herself against the offenses he/she is charged with.[201] Another North Korean defector testified that in many cases, judges and prosecutors do not attend public trials.[202] A North Korean defector who defected in 2019 testified that when the case is serious, officers from the relevant Prosecutor's Office, MSS

199_ NKHR2021000023-2 2022-05-31.

200_ NKHR2018000014 2018-04-09; NKHR2018000095 2018-08-27.

201_ NKHR2020000035 2020-09-05.

202_ NKHR2020000022 2020-07-06.

provincial bureau, or MSS city branch attend the trial.[203] Another North Korean defector who defected in 2018 stated that there were no judges or prosecutors present during a public trial held at Hyesan Square in 2017, and the Secretary of the Youth League read out the verdict.[204]

Moreover, the right to life and the right to liberty and security of person are violated in the process of public trials. During public trials, those who are found to have committed the most serious crimes are sometimes executed by shooting.[205] A North Korean defector who underwent a public trial in front of a culture center in Potae District, Samjiyeon, Yanggang Province in 2014 for illegal border-crossing testified that he/she was severely beaten in an MSS detention center (*guryujang*) for 20 days and was tried at a public trial without preliminary examination with no judges, prosecutors, defense counsels or people's jurors in attendance.[206] Violation of the right to life occurs in public trials as those who are found to have committed the most serious crimes are publicly executed. For example, a North Korean defector testified that in January 2018, a criminal who had murdered the son of the Party chief secretary of Onsong County, North Hamgyeong Province

203_ NKHR2020000005 2020-05-15.

204_ NKHR2023000010 2023-05-15.

205_ NKHR2018000009 2018-03-12; NKHR2018000095 2018-08-27; NKHR2018000124 2018-10-27.

206_ NKHR2018000081 2018-07-30.

was publicly executed immediately after a public trial.[207] Details about public executions are examined in the section on public executions in II. The Reality of Civil and Political Rights, 2. Right Not to Be Tortured or Receive Inhuman Treatment. It should be noted that a North Korean defector who had lived in Kimjongsuk County, Yanggang Province and defected in 2019 testified that public trials, which were conducted in the past, are no longer carried out.[208] Because it is not clear whether this is a phenomenon confined to certain regions or a common trend across North Korea, additional surveys and defector testimonies are needed.

C. Operation of Quasi-Judicial Systems

Article 14, paragraph 1 of the ICCPR stipulates that all persons have the right to be tried by a "tribunal established by law." However, North Korea operates quasi-trial systems, which are not the official court-based trial system. Comrade trials and the Ministry of State Security's political criminal trials fall into this category, and many organizations other than judicial institutions impose administrative penalties. North Korea's operation of quasi-judicial systems constitutes a violation of the ICCPR.

207_ NKHR2019000111 2019-11-18.
208_ NKHR2012000019 2012-06-16.

(1) Comrade Trial System

North Korea has an independent and unique form of a trial system called the comrade trial system, which is a social institution designed to control the population without having to go through formal trial organizations and proceedings. North Korea has abolished the crowd trial system, which was temporarily enforced during the Korean War, and began to operate the regional-level comrade trial system around 1972. The legal grounds for the system can be found in the Prosecution and Surveillance Law of 2012. Article 40, subparagraph 3 of the Law stipulates that a prosecutor may declare a comrade trial to rectify violations of law or inquire into legal accountability when he/she intends to refer lawbreakers to the Socialist Law-Abiding Life Guidance Committee or the Comrade Trial Board.

Economic crimes, cases in which loss has occurred as a result of negligence, minor incidents involving acts that hinder Kim Il Sung's unitary ideology and other relevant crimes are subject to a comrade trial. At a comrade trial, people who have committed the said crimes may be subject to unpaid labor discipline of six months or less, while those who have committed economic improprieties may be subject to an administrative fine equal to 10 to 20 times the undue gain in the form of a deduction from their salaries, suspension of the exercise of administrative rights, demotion, self-criticism, stern warning or admonition; however, there seems to be no appellate procedure in place.[209]

The relationship between comrade trials and criminal trials is not clear. Defector testimony claims that a comrade trial ultimately leads to a criminal trial. A North Korean defector said that comrade trials were held on every regular market day (once every 10 days) in Yeonsa County, North Hamgyeong Province, and as a result, most of the accused (90%) were sent to labor training camps (*rodongdanryundae*), and some (10%) were sent to prison camps (*kyohwaso*).[210]

It is recognized that the comrade trial system is primarily implemented in the military.[211] A North Korean defector testified that a soldier who was caught deserting from a military unit in Cheonnae County, Gangwon Province for three years was brought to a comrade trial in February 2019.[212] With respect to comrade trials, another North Korean defector responded that their purpose is "to criticize those who fail to do military service well."[213]

Comrade trials in the military are conducted starting from the battalion level and always with the presence of an immediate superior. Trial results are predetermined by a higher department,

209_ Court Administration Agency, *An Overview of North Korea's Juridical System* (Seoul: Court Administration Agency, 1996), pp. 630–637.

210_ NKHR2016000188 2016-12-27.

211_ NKHR2016000029 2016-03-08; NKHR2017000073 2017-08-28; NKHR2018000107 2018-10-01; NKHR2019000012 2019-04-20.

212_ NKHR2019000115 2019-11-30.

213_ NKHR2016000001 2016-01-12.

and a comrade trial is carried out to set an example. Most comrade trials end with education or criticism, but in serious cases can lead to the dishonorable discharge of the accused.[214] North Korean people regard dishonorable discharge as a disgrace and perceive it as a heavy punishment.[215] Those who are dishonorably discharged from the military are relocated to mines or farming villages with their families.[216] Punishment is not imposed on-site at comrade trials. Preliminary examination procedures take place after comrade trials, and punishment is imposed thereafter based on the Criminal Law.[217] For instance, those causing a social disturbance are forcibly expelled from the military and sent to a prison camp (*kyohwaso*).[218]

(2) Political Criminal Trials by the Ministry of State Security

North Korea implements a policy that strictly differentiates political crimes from general crimes and imposes punishments according to this distinction. The North Korean Criminal Procedure Law stipulates that cases involving crimes against the state and the people shall be subject to investigation and preliminary examination conducted by state security institutions,

214_ NKHR2018000107 2018-10-01; NKHR2019000115 2019-11-30.

215_ NKHR2019000012 2019-04-20.

216_ NKHR2015000069 2015-04-07.

217_ NKHR2015000119 2015-09-08; NKHR2015000131 2015-09-22; NKHR2015000172 2015-12-01.

218_ NKHR2016000001 2016-01-12.

and the first instance trial for such crimes shall be held in a provincial (direct-controlled municipal) court. As such, cases involving crimes against the state and the people are handled differently than cases of general crime (Articles 45, 47, and 50).

However, testimonies have been collected indicating that contrary to the applicable provisions of the Criminal Procedure Law, trials are conducted by state security institutions. A North Korean defector who is a former MSS agent testified that if the facts of a crime are determined to be accurate in a preliminary examination, which includes interrogation of a suspect by an MSS provincial bureau, such finding is reported to the MSS prosecution bureau. According to the testifier, if the prosecution bureau determines that the suspect has in fact committed the criminal act, he/she is tried at the location where the preliminary examination was carried out, and in that trial held behind closed doors, a prosecutor from the MSS prosecution bureau renders a judgment in the name of the Central Court. According to the testifier, the Ministry of State Security also determines whether it would be appropriate to imprison all of the family members of the convicted as well as whether the convicted should be imprisoned for life, and there is no literature that provides a basis for such determination; relevant officials of the ministry hold a case council meeting to decide how to handle a case, including the scope and duration of imprisonment.[219] Likewise, a North Korean defector who had carried out relevant work at the Ministry

of State Security said that after a preliminary examination, a prosecutor from the MSS prosecution bureau comes to render the final judgment. The testifier said that in sum, political prisoners do not undergo formal trial procedures.[220]

(3) Imposition of Administrative Penalties by Various Institutions

In North Korea, administrative penalties are imposed for illegal acts that are not serious enough to be punished under the Criminal Law. Here, illegal acts refer to acts violating domestic legal order that are dangerous enough to be subjected to administrative penalties (Article 8 of the Administrative Penalty Law). Administrative penalties include admonitions/stern warnings, unpaid labor or re-educational labor discipline, demotion/ dismissal/removal from jobs, fines, demand for compensation, confiscation, suspensions, and suspension/degradation/deprivation of qualifications (Article 15 of the Administrative Penalty Law).

Administrative penalties may be imposed not only by judicial institutions, but also by other institutions, such as the Socialist Law-Abiding Life Guidance Committees of various levels, the Cabinet, prosecutorial institutions, social security institutions, arbitral institutions, censorship and supervision institutions, and

219_ North Korean defector ○○○, 19 April 2005, interviewed in Seoul.
220_ North Korean defector ○○○, 10 October 2005, interviewed in Seoul.

qualification-granting institutions. Agencies, enterprises and organizations can also impose administrative penalties within the scope prescribed by laws (Article 344 of the Administrative Penalty Law). Administrative penalties are also stipulated in the People's Security Enforcement Law and the Prosecution and Surveillance Law. People's security institutions and the Responsible Workers' Association can impose re-educational labor, suspension/degradation/deprivation of qualifications, suspensions, and confiscations for acts violating the legal order (Article 57 of the People's Security Enforcement Law). Prosecutors can also impose labor training (Article 40, subparagraph 3 of the Prosecution and Surveillance Law).

In North Korea, a variety of administrative penalties under the Administrative Penalty Law, the People's Security Enforcement Law and the Prosecution and Surveillance Law are used as a means of exercising strict social control over the North Korean people. The trend of strengthening social control through the implementation of the Administrative Penalty Law can be inferred by the number of punishment provisions. The Administrative Law, amended in May 2008, included 174 punishment provisions, which increased to 195 in 2011, 296 in 2016, and 307 in December 2020.

Among administrative penalties, unpaid labor, re-educational labor and labor training disciplines in particular cannot be simply regarded as a form of administrative restriction. Rather, they must

be understood to exhibit characteristics of punitive action.

D. Infringement of the Right to Defense

Article 164 of the North Korean Constitution stipulates that "a trial shall be open and public, and the right to defense of a person accused of a crime shall be guaranteed." Moreover, the Criminal Procedure Law stipulates that "in handling a criminal case, the right to defense of a preliminary examinee or a person accused of a crime shall be guaranteed" (Article 54). In addition, the Criminal Procedure Law stipulates, "a preliminary examinee or a person accused of a crime shall be entitled to legal assistance from a defense counsel of his/her choice" (Article 56), and "in the event a preliminary examinee waives the right to appoint a defense counsel, a preliminary examination officer shall request the Lawyers' Association to appoint an attorney for the preliminary examinee" (Article 61). The Law on the Protection of the Rights of Children also stipulates that children aged 14 or older who have committed a crime shall be entitled to assistance from an attorney (Article 50). While these laws appear on the surface to guarantee the right to defense for preliminary examinees and the accused, in reality, this right is not adequately protected.

North Korean defectors have testified that trials are attended by defense attorneys. A North Korean defector who had worked at a provincial Prosecutors' Office as a prosecutor until 2013 testified

that according to the law, a trial cannot proceed without an attorney present.[221] There are two types of attorneys who participate in trials: private attorneys and public attorneys. Attorneys affiliated with the Central Bar Association are public attorneys, and private attorneys refer to those who have studied law and practice law without being employed. It has been reported that private defense is not accepted in cases of murder or crimes punishable by life imprisonment. If the occurrence of murder is confirmed during trial, the defense counsel is required to stop defending the defendant and resign.[222]

Testimonies have been collected stating that defense attorneys spoke in favor of the accused. In particular, it appears that defense attorneys tend to play a more active role when the accused is from a good family background (*todae*) or pays a bribe. A North Korean defector who was on trial in 2015 after being forcibly repatriated to North Korea from China testified that he/she was defended by a private attorney in the trial process. According to the testifier, the attorney actively defended him/her and sought forgiveness, emphasizing that the testifier went to China because he/she was deceived, and the testifier received a lesser sentence than what the prosecutor had proposed.[223] A North Korean

221_ NKHR2020000032 2020-08-04.

222_ *Ibid.*

223_ NKHR2019000043 2019-07-01.

defector who was caught illegally crossing the border in July 2016 said that he/she was able to avoid correctional labor punishment because he/she came from a good family background (*todae*) and did some "business" (*saeop*). According to the testifier, his/her counsel made an argument that the testifier had been devoted to society and community and presented a certificate of state assistance to the judge as evidence, all of which worked in favor of the testifier.[224] Some attorneys have a high success rate, and there are cases in which the defense contributes to a defendant's acquittal.[225]

However, other testimonies have stated that, in general, even when defense counsels are present during the trial process, they do not provide assistance or actually defend the accused. A North Korean defector who underwent a criminal trial in 2019 testified that, although he/she was assigned a defense counsel, he/she met the defense counsel in person for the first time at the trial.[226] A North Korean defector who went through a trial in Samjiyeon, Yanggang Province in 2015 testified that the counsel and prosecutor together had hired a false witness. The testifier said that in North Korea, defense counsels work in favor of the state, not defendants.[227] In March 2018, two brothers were accused of

224_ NKHR2017000125 2017-11-20.
225_ NKHR2020000032 2020-08-04.
226_ NKHR2023000015 2023-07-27.
227_ NKHR2017000005 2017-04-10.

murder and the younger brother was caught and sentenced to five years of correctional labor punishment while the older brother ran away to China; it was testified that during the younger brother's trial, the lawyer did not do much to reduce the sentence the defendant was to receive.[228]

The perfunctory operation of the right to be assisted by an attorney is also apparent in the case of public trials. That is, even if a defense counsel attends a public trial, in most cases, he/she would not actively plead for the accused.[229] According to the North Korean Criminal Procedure Law, the duty of a defense counsel is to "ensure that criminal cases are handled accurately and the rights of a preliminary examinee or a person accused of a crime are guaranteed according to law" (Article 55). In addition, the Lawyer's Law of 1993 stipulates the rights and duties of defense counsels, stating that "when a lawyer serves as a defense counsel in a criminal case at the request of a preliminary examinee or a person accused of a crime or as commissioned by a court, he/she shall disclose the facts of the case accurately, help judges conduct an accurate analysis and render a fair judgment, and guarantee the rights and interests of the preliminary examinee or the person accused of a crime" (Article 12). However, North Korean lawyers are mandated to uphold and carry out the policy

228_ NKHR2018000107 2018-10-01.

229_ NKHR2018000014 2018-04-09; NKHR2018000095 2018-08-27; NKHR2019000020 2019-05-07; NKHR2019000097 2019-10-21.

of the state or the KWP, rather than protect the rights and interests of individuals. In other words, the role of a lawyer has more to do with persuading or inducing the accused to admit their crimes, rather than defending them.

To receive assistance from a defense counsel, the right of access to a defense counsel must be guaranteed. The North Korean Criminal Procedure Law stipulates that "the selected defense counsel may meet and speak with a preliminary examinee or a person accused of a crime" and "a preliminary examination officer, judge or court shall allow the defense counsel and the preliminary examinee or the person accused of a crime to meet each other upon request" (Article 66). Moreover, the North Korean Lawyer's Law states that a defense counsel is entitled to converse or correspond with a preliminary examinee or a person accused of a crime (Article 9, paragraph 1). It has been found that the right to access a defense counsel is implemented in some cases, but only in a perfunctory manner. A North Korean defector who had been detained in an MPS branch detention center (*guryujang*) in South Pyeongan Province from September 2016 to February 2017 testified that an MPS officer told him/her to meet the defense counsel during the preliminary examination, but threatened "I will kill you if you do anything foolish." The testifier met with the defense counsel 10 days before the trial, and the counsel confirmed with the testifier that the testifier had been beaten and had not been fed well while detained in the center.

According to the testifier, upon hearing what had happened, the defense counsel asked the testifier to pay bribes through his/her family, saying that he would reduce the sentence by presenting such facts to the court. The testifier said that when he/she told the defense counsel that he/she could not afford to offer bribes, the counsel sided with the prosecutor during the trial.[230]

E. Insufficient Guarantee of the Right to Appeal and Perfunctory Operation of the Appellate System

Article 14, paragraph 5 of the ICCPR stipulates that anyone who is convicted of a crime shall have the right to appeal his/her conviction or sentence. In North Korea, judgments in criminal cases can be appealed. The North Korean Criminal Procedure Law stipulates that a person accused of a crime, a lawyer or a claimant for compensation who has an objection to a judgment or decision by the court of first instance may file an appeal with a higher court (Article 354). However, the Central Court may, if necessary, directly preside over cases of first instance that are under the jurisdiction of any court (Article 49), and judgments and decisions adopted by the Central Court in trials of first instance cannot be appealed (Article 356). These provisions are in

230_ NKHR2017000096 2017-10-23.

violation of the ICCPR, which stipulates the right to appeal.

It has been found that North Korean residents are aware of the appellate system but do not use it out of concern for possible disadvantages. A North Korean defector who had been tried in Samjiyeon, Yanggang Province in May 2012 testified that he/she had been aware of the appeal procedure but gave up appealing because appealing often leads to harming the appellant.[231] Some testifiers said that they did not appeal their convictions, thinking that they would not be able to stand staying in the detention center (*guryujang*) during the process of appeal. A North Korean defector who had been tried in Samjiyeon, Yanggang Province in August 2014 did not appeal his/her conviction because he/she thought that the appeal process might take another one or two years and that staying for a long time in the detention center (*guryujang*) where proper meals are not provided would cause him/her to suffer from malnutrition.[232] A North Korean defector who underwent a trial in Kimjongsuk County, Yanggang Province in April 2014 testified that he/she gave up an appeal because the process would require three to four months of detention, and he/she was not sure if he/she would be able to stand it.[233] It has been identified that appeals are rarely filed for these

231_ NKHR2016000014 2016-01-26.
232_ NKHR2016000114 2016-07-12.
233_ NKHR2016000104 2016-06-28.

reasons. North Koreans perceive that appeals are meaningless.[234]

It is understood that appeals are generally not filed in the case of defection from North Korea. However, it is not clear whether this is because an appeal itself is impossible or because the appeal would lead to no practical benefit. There was testimony indicating that those convicted of illegal border-crossing are not allowed to file an appeal,[235] while another testimony stated that those convicted of illegal border-crossing do not appeal their convictions in order to complete their prison term as quickly as possible since there is no ambiguity in admitting a charge of illegal border-crossing and therefore no room for dispute.[236]

According to Article 2 of the Law on Complaints and Petitions of 2010, the filing of a complaint/petition is an act of demanding the authorities to prevent the infringement of one's rights and interests in advance or to restore one's rights and interests that have already been infringed upon. In the latest survey, testimonies related to these complaints/petitions have been documented. A North Korean defector who defected in 2019 testified that he/she wrote many complaint/petition letters to get his/her confiscated house back after being forcibly deported in 2011. According to the testifier, a complaint/petition letter is a letter addressed to Kim

234_ NKHR2015000031 2015-02-10; NKHR2016000055 2016-05-03.
235_ NKHR2012000184 2012-09-11.
236_ NKHR2014000151 2014-09-23.

Jong Un that is sent to the Complaint and Petition Department of the Central Party in Pyongyang via the postal service (in a #1 envelope). The testifier said that he/she sent many of these letters through people traveling to Pyongyang on business, but ultimately visited the Central Party in person because the letters were ignored. According to the testifier, only in very few cases was the problem resolved by filing a complaint/petition.[237]

F. Evaluation

North Korea guarantees judicial independence in its law but denies it in practice. Judicial institutions in North Korea are merely delegated bodies with limited power that are managed and supervised by higher authorities (i.e., the SPA and the KWP). This could constitute a violation of the right to be tried by an "independent" tribunal. Considering that trials are held in a perfunctory manner and that the roles of judges, prosecutors, lawyers and people's jurors are merely passive, it is difficult to say that trials are conducted fairly in North Korea.

The current on-site public trial system is also assessed to be contrary to the principle of a fair trial. It is particularly problematic because the right to life and the right to liberty and security for North Korean people are seriously infringed upon

237_ NKHR2023000017 2023-07-31.

during the process.

Moreover, the operation of quasi-judicial systems, including the comrade trial system, the Ministry of State Security's political criminal trials and the Socialist Law-Abiding Life Guidance Committee, causes a violation of the right to be tried fairly by a "tribunal established by law." In North Korea, illegal acts that are not subject to punishment under the Criminal Law are penalized by administrative penalties that can be imposed not only by judicial institutions but also by various authorities. With the recent amendment, the number of punishment provisions in the Administrative Penalty Law has significantly increased. The North Korean authorities effectively employ various administrative penalties, such as labor training and re-educational labor discipline as a means of social control.

While the right to defense for preliminary examinees and the accused is guaranteed in the Criminal Procedure Law and the Lawyer's Law, this right is protected as a mere formality because North Korean lawyers often prioritize advocating and carrying out the policies of the state or the KWP rather than protecting the rights and interests of individuals.

The ICCPR stipulates that anyone who is convicted of a crime shall have the right to appeal his/her conviction or sentence, and in North Korea, judgments in criminal cases can be appealed. However, despite the fact that they are aware of the appellate system, North Korean people rarely use it because they are

concerned about possible disadvantages that could arise in the process. Consequently, the appellate system also operates more as a formality.

6

Right to Privacy

Every human being has the right to privacy. This right encompasses the right not to be subjected to interference with or attacks on one's personal life, space and information. Article 12 of the UDHR stipulates the right to privacy as follows: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attacks." Article 17 of the ICCPR also stipulates the right to privacy.

Table II-25 Article 17 of the ICCPR

Paragraph 1	No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
Paragraph 2	Everyone has the right to the protection of the law against such interference or attacks.

As such, international norms on human rights state the right to prevent others from interfering with one's own space, the right not to be forced to disclose information that one does not wish to

disclose, and the right to prevent one's personal information from being leaked and distributed without permission. The concept of the right to privacy can be understood passively as a legal guarantee to protect one's private affairs from being arbitrarily disclosed and to demand the tranquility and confidentiality of one's private life. It can be understood actively as the legal ability to manage and control information about oneself.

However, in North Korea, the privacy of people is routinely infringed upon in a systematic and overlapping manner. Laws related to the protection of privacy exist in North Korea, but they are easily ignored in practice. In this chapter, the invasion of privacy in North Korea is examined, focusing on the resident monitoring system, illegal home searches and communication interference.

A. Infringement of Privacy through the Resident Monitoring System

As stipulated in Article 17 of the ICCPR, the most important factor in ensuring the overall protection of the right to privacy is the existence and operation of a resident monitoring system through state organizations and institutions. Infringement of privacy through state organizations and institutions can be viewed as a serious human rights violation comparable to physical violence by the state, if not worse. Organizational and institutional surveillance by a state of people's privacy, which is the

fundamental basis of human life, constitutes a serious threat to the independence, autonomy and unique personality of individuals and constitutes a form of psychological violence that leads to self-censorship.

North Korea prohibits the invasion of privacy in Article 79 of its Constitution, which stipulates that "the inviolability of person and home and the secrecy of correspondence of citizens shall be guaranteed. Citizens shall not be detained or arrested, and their homes shall not be searched except in accordance with law." To this end, an illegal search of one's house by law enforcement personnel is defined as a criminal offense (Article 279 of the Criminal Law), and search and seizure are required to be subjected to the approval of a prosecutor (Article 213 of the Criminal Procedure Law). In addition, with respect to the freedom of communication, mail correspondence and electronic communications are guaranteed by law (Articles 5 and 11 of the Communications Law of 2021), the violations of which shall be subjected to administrative penalties and/or criminal punishment (Article 281 of the Administrative Penalty Law, Article 180 of the Criminal Law). However, contrary to these legal guarantees, in reality, the state has been extensively monitoring and controlling the daily lives of people in an organized and systematic manner. Representative examples of such monitoring and control are the five-household surveillance system (*oho damdangje*), the People's Unit (*inminban*) system and the Life Review Sessions

(*saenghwalchonghwa*) system.

The first and most representative example of resident monitoring is the five-household surveillance system (*oho damdangje*). Under this system, which was introduced in July 1958, five households are grouped into one unit, and the head of one household that is most loyal to the Party is designated as the propagandist in charge of the five households, having the authority to intervene and control all aspects of the family life of the rest of the households, including affection between husband and wife and problems between parents and their children. This system was implemented throughout North Korea under the name "Red Family Creation Campaign" in the 1960s. Since early 1974, the number of households within a unit subject to joint responsibility increased to 10, and the system was expanded to the "People's Unit (*inminban*) sub-work group system."

The second example is the People's Unit (*inminban*) system. The Resident Administration Law enacted in 2010 specifies in Article 9 that "a People's Unit (*inminban*) is the basic unit of the state and society and the base of residents' life in North Korea." The People's Unit (*inminban*) system first started as a nationwide social cooperation unit of the People's Committee in the early stages of land reform in 1946.[238] In North Korea, everyone

238_ National Institute for Unification Education ed., *Dictionary of Knowledge on North Korea* (Seoul: Ministry of Unification, 2021), p. 617.

registered as a resident is automatically registered to a local People's Unit (*inminban*). According to Article 9 of the Resident Administration Law, the number of households to be grouped in a People's Unit (*inminban*) shall be determined by the Cabinet. In general, a People's Unit (*inminban*) consists of 20 to 40 households; in the case of apartments in large cities where 70 to 80 households live in one building, all households in one building are often grouped into one People's Unit (*inminban*). A People's Unit (*inminban*) provides life guidance for its member residents, identifies ideological trends among such residents, and engages in the surveillance of external visitors.[239]

Article 30 of the Resident Administration Law stipulates that "people shall voluntarily participate in the activities of their People's Unit (*inminban*) and make their family life sound and humble and consistent with the socialist lifestyle." North Korean people's life as People's Unit (*inminban*) members is closely

239_ According to Article 10 of the Resident Administration Law, the chief and the vice chief of a People's Unit (*inminban*) are elected through elections at a People's Unit (*inminban*) meeting. The People's Unit (*inminban*) chief is responsible for the surveillance of the movements of all residents of his/her People's Unit (*inminban*). The chief of the heads of households is appointed directly by the Party and is in charge of monitoring husbands separately. The chief of the heads of households holds meetings and lectures for husbands, mobilizes husbands for events, controls the affiliated People's Unit (*inminban*) during elections, and monitors the movements of husbands after work. The sanitation chief is in charge of the People's Unit (*inminban*) environment, while instigation agents are in charge of ideology education for member residents and take responsibility for managing the Party sub-work group, which is composed of Party members of the affiliated People's Unit (*inminban*). The security officers (an MPS officer and an MSS agent) are surveillance agents dispatched by the Ministry of Social Security and the Ministry of State Security.

linked with their family life. The People's Unit (*inminban*) chief usually visits each household without warning to carry out sanitary inspections, portrait inspections, and inspections of books related to Kim Il Sung's family. This technically constitutes an illegal home search. Moreover, the People's Unit (*inminban*) system forces people to publicly criticize the misdeeds of each household through Life Review Sessions (*saenghwalchonghwa*) and numerous meetings, monitors and controls ideological trends and the intimate privacy of families, and imposes tasks on people, such as road cleaning, labor mobilization in farming villages and military support.

The third example is the Life Review Sessions (*saenghwalchonghwa*) system. Life Review Sessions (*saenghwalchonghwa*) are used as a means of thoroughly dominating and controlling people's privacy. Life Review Sessions (*saenghwalchonghwa*) are weekly, monthly, quarterly or annual meetings that are held within the organizations people are affiliated with, such as the Party or a labor group, where they conduct self and mutual criticism regarding their work and public and private life.[240] The system of "New Party Life Review Sessions" re-established by Kim Jong Il in 1967 was devised as a means of strictly dominating and controlling people's privacy. In the Ten Principles of Unitary

240_ National Institute for Unification Education ed., *Dictionary of Knowledge on North Korea*, p. 492.

Ideology declared in 1974, North Korea further strengthened its control over the people by specifying that people should actively participate in these sessions. All North Korean people in the second year of elementary school or older must unconditionally participate in Life Review Sessions (*saenghwalchonghwa*), regardless of their age and gender.[241] Right after a Life Review Session (*saenghwalchonghwa*), people are instructed to write what was criticized on that day based on the "message of Kim Il Sung and Kim Jong Il" in a Life Review Sessions (*saenghwalchonghwa*) notebook.[242] If someone is absent, sometimes that person has to have a one-on-one "individual session (*gaebyulchonghwa*)" with the Party cell secretary.[243]

Although Life Review Sessions (*saenghwalchonghwa*) have become somewhat of a formality or irregular in operation after the 1990s food crisis, they still work as a strong mechanism to control people's lives. In particular, Life Review Sessions (*saenghwalchonghwa*) for those working in military logistics are intense compared to those for general workers.[244] The right to privacy of the North Korean people is seriously infringed upon as each Life Review Session (*saenghwalchonghwa*) forces them to self-inspect, disclose and receive criticism on their private life throughout their lives.

241_ *Ibid.*, p. 493.
242_ NKHR2015000102 2015-05-19.
243_ NKHR2015000053 2015-03-10.
244_ NKHR2019000070 2019-08-26.

In addition, invasions of privacy also occur by "safety agents" who secretly monitor North Korean people. In North Korea, these so-called "safety agents" operate in secret in all organizations and routinely monitor colleagues and people of the organization with which they are affiliated. People mostly call them "spies" or "informers."[245] Safety agents are secretly selected from among people belonging to state agencies, factories and enterprises, farms or People's Units (*inminban*). In every organization, one out of every 20 to 30 people is a safety agent. People who are secretly selected as safety agents take a written or verbal oath that they will report each and every irregularity in the organization to which they belong. Approximately every 15 days, secret agents submit policy and trend reports of approximately half of an A4 piece of paper to their superiors through secret contact. They secretly report all the trends found in the words and actions of people, such as who said what during the labor mobilization period in farming villages, who made excessive profit by doing business or which section head or committee chairman embezzled subsidies. These safety agents serve as a powerful means of maintaining the regime.

It has been found that the surveillance of residents and invasion of privacy through People's Units (*inminban*) and Life Review

245_ Safety agents are said to be divided into informers who take a written oath and those who take a verbal oath. NKHR2015000040 2015-02-24.

Sessions (*saenghwalchonghwa*) have intensified since Kim Jong Un came to power. Similar testimonies have continuously been reported in recent surveys. In particular, the monitoring and wiretapping of residents whose family members are missing or have defected to or reside in South Korea, residents who smuggle goods, and individuals dispatched to foreign countries are more intensively carried out.

Testifiers whose family members were defectors when they lived in North Korea commonly said that monitoring by neighbors such as the chief and members of their People's Unit (*inminban*) was routinely carried out and that direct surveillance by MPS officers and MSS agents was also overtly conducted.[246] A North Korean defector who defected in 2019 said that his/her home was frequently visited by the chief of his/her People's Unit (*inminban*) because his/her aunt was in South Korea, while MSS spies also frequently visited the testifier's home to monitor him/her.[247] People who travel frequently to China are also subject to surveillance. A North Korean defector who defected from Bocheon County, Yanggang Province in 2019 who had been engaged in smuggling goods from China said that he/she had always been monitored by MSS agents. According to the testifier,

246_ NKHR2020000006 2020-05-15; NKHR2020000014 2020-06-15; NKHR2020000028 2020-07-06; NKHR2020000024 2020-07-06; NKHR2022000006 2022-05-25; NKHR2022000042-2 2023-07-31; NKHR2023000009 2023-05-10; NKHR2023000018 2023-08-01.

247_ NKHR2023000008 2023-04-28.

things like what he/she ate for meals and what he/she bought from a market were monitored, and some of the smugglers were selected as monitors so that the smugglers could watch each other.[248] Overseas dispatched workers are also not free from surveillance. A testifier who had been dispatched to Russia from 2013 to 2019 said that he/she did not make any phone calls nor write specific details in letters since it was 100% certain that all letters exchanged with his/her family would be censored by the Ministry of State Security.[249]

Table Ⅱ-26 Cases of Resident Monitoring and Social Control

Testimonies	Testifier ID
The testifier lived under constant surveillance after his/her mother was sent to a prison camp (*kyohwaso*). A neighbor living next door constantly asked the testifier how he/she was doing. After the testifier's sister defected a year earlier than the testifier, monitoring intensified, with the testifier followed by someone (who appeared to be the same person) wherever he/she went.	NKHR2021000008-2 2022-05-26
Families of defectors are forcibly deported to outskirt areas and constantly monitored. The Ministry of State Security registers the family living next door to defector families as surveillance agents who report to MSS agents on an hourly basis.	NKHR2022000006 2022-05-25
The system of monitoring each other is well-established in North Korea. The chief of the People's Unit (*inminban*) with which people are affiliated monitor People's Unit (*inminban*) members, and the chief entices People's Unit (*inminban*) members to monitor each other; as a result, people spy on each other and report any irregularities. Because North Korean authorities do not respect human rights, they march into people's homes and ransack everything whenever something suspicious is reported. There is no expectation that the authorities will present the reasons for these home searches.	NKHR2022000010 2022-06-09

248_ NKHR2020000006 2020-05-15.

249_ NKHR2020000050 2020-11-28.

Testimonies	Testifier ID
There are MSS informers within People's Units (*inminban*) who monitor all People's Unit (*inminban*) members. Accordingly, people should not show others that they are well-off or well-fed.	NKHR2022000014 2022-06-10
In every village, there is a person who acts as a guard, sitting in the center of the village, wearing an armband and monitoring the entire village. There also are people who secretly monitor others called "*nukal-yi*." The MSS agents asked the testifier whether he/she would like to do monitoring work.	NKHR2022000015 2022-06-10
MSS agents and MPS officers frequently visited the testifier's home and asked questions after his/her sister went missing. The testifier suspected that people he/she knew and his/her next-door neighbor were MSS informers. MSS agents snuck in and out of the testifier's house and monitored him/her intensely.	NKHR2022000020 2022-06-18
At first, the testifier did not know he/she was being monitored. However, the testifier's mother who had defected to South Korea continued to send the testifier and his/her grandmother living expenses, and consequently, the grandmother's spending increased. MSS agents noticed the situation and began to monitor the testifier, visiting the testifier to ask about how he/she was doing.	NKHR2022000018-2 2023-08-01
The testifier was not subject to special surveillance when living in Jagang Province because there were not many defectors there. Those under surveillance were mainly people engaged in lucrative businesses, such as trading and smuggling.	NKHR2022000042-2 2023-07-31
The testifier lived under constant surveillance because the MSS agents knew that the testifier's mother had worked as a broker in the past. Nevertheless, the MSS agents often turned a blind eye when the testifier gave them money. The testifier's mother went in and out of the Ministry of State Security three to four times a year, and although she should have been punished, she managed to avoid punishment by paying bribes. The MSS agents in charge frequently visited the testifier's home out of concern that the entire family would attempt to escape North Korea.	NKHR2023000003 2023-04-11
Households with a family member who defected to South Korea or China are subject to surveillance. There is one informer in each People's Unit (*inminban*) who is in charge of monitoring others.	NKHR2023000010 2023-05-15

Testimonies	Testifier ID
People's Unit (*inminban*) chiefs conduct monitoring on a daily basis. They are considered to be spies from the Ministry of State Security because they know a lot about people's daily lives and observe people's spending habits. Households with a family member who defected from North Korea are subject to constant surveillance by the Ministry of State Security.	NKHR2023000015 2023-07-27
The testifier's spouse defected to South Korea in the early 2000s, and about 10 years after the spouse's defection, the authorities became aware of his/her absence and wiretapped the testifier's phone.	NKHR2023000019 2023-08-02

B. Invasion of Privacy through Illegal Home Searches and Communications Interference

Article 17, paragraph 1 of the ICCPR stipulates that no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence. The right to prevent others from entering into one's private space without permission is the most fundamental element in guaranteeing and protecting the confidentiality of one's private life. In particular, illegal home searches conducted by the state in an organized manner constitute a serious infringement of the inviolability of personal residential space. Article 79 of the North Korean Constitution guarantees the inviolability of residential space by stipulating that home searches that are not based on the law shall not be conducted.

There is a wide gap between legal provisions and reality, as has been confirmed by multiple testimonies. In North Korea, illegal home searches by judicial and police agents of the Ministry of Social Security, the Ministry of State Security, the Prosecutors'

Office and permanent and non-permanent investigation organizations (*geuruppa*) have long been common practice.

Many North Korean defectors have testified that illegal home searches are common. In North Korea, home searches are supposedly only possible when a search warrant is issued by the Director of the Prosecutors' Office and approved by the local Safety Committee. However, in most cases, MPS officers, MSS agents or Group 109 (109 Permanent Committee) members enter and search homes without a warrant and prior notice for the purpose of censoring "impure" video recordings or finding smuggled items.[250] Cases of home searches conducted under the guise of accommodation inspections have also been reported.[251] A North Korean defector who defected from Sinuiju in 2019 testified that Group 109 members randomly stopped by his/her house while passing by or came inside his/her house if he/she left the front door open during a hot summer's day. According to the testifier, the Group 109 members opened all the drawers and took cash in foreign currency if they found any, or checked to see if the television was warm and if it was, demanded the testifier to hand

250_ NKHR2019000013 2019-05-07; NKHR2019000044 2019-07-01; NKHR2019000045 2019-07-01; NKHR2019000046 2019-07-01; NKHR2019000052 2019-07-20; NKHR2020000011 2020-06-15; NKHR2020000023 2020-07-06; NKHR2020000030 2020-08-03; NKHR2020000048 2020-11-28; NKHR2022000006 2022-05-25; NKHR2022000012 2022-06-10; NKHR2022000015 2022-06-10; NKHR2022000024 2022-06-23 and many other testimonies.

251_ NKHR2022000001 2022-05-13; NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10.

over the electronic chips.[252]

Under the Kim Jong Un regime, there are frequent cases where crackdowns are covered up by providing bribes or meals after home searches. A North Korean defector who defected from South Hamgyeong Province in 2019 testified that his/her house was searched by a search squad in October 2018 to inspect whether the testifier possessed stolen crops; after impure video recordings (Indian and Chinese films) were found, the testifier covered up the case by giving the search squad 30,000 North Korean won.[253] A testifier whose house was searched in May 2018 also said that Korean music on his/her computer was discovered, but he/she sent the Group 109 members away by giving them meals, two cartons of cigarettes and some cash.[254]

A North Korean defector who defected from North Hamgyeong Province in 2019 explained that, because search squads earn a living from bribes and must meet their quota assigned by their affiliated agencies, any problems arising during a home search can be solved by "doing business (*saeop*)" (i.e., providing bribes).[255] In addition, a North Korean defector who defected from Gangwon Province in 2019 testified that he/she had been regularly inspected by MSS agents, whose aim was to earn money through crackdowns,

252_ NKHR2022000015 2022-06-10.
253_ NKHR2019000045 2019-07-01.
254_ NKHR2019000071 2019-08-26.
255_ NKHR2020000030 2020-08-03.

not to arrest people.[256] A North Korean defector who defected from Jagang Province in 2019 testified that people who have Chinese mobile phones prepare themselves for crackdowns and inspections in advance because they usually know people working in legal institutions who give them advance information.[257]

Beginning in approximately 2015, cases have been reported where people raised objections or protested against illegal home searches. It has been found that, in some cases, when strongly protested against for not showing a warrant or searching for items not on the search item list, the search squad gives up the search and returns to its station.

A North Korean defector who defected in 2019 testified that his/her house had been searched by Group 109 members in 2017 and 2018 and that he/she protested because the search squad did not show a search warrant and recklessly searched the house; according to the testifier, he/she knew that there is a regulation stipulating that in a home search, a search squad may look at items that are only shown to them by the homeowner.[258] Another North Korean defector who defected in 2019 testified that he/she underwent a sudden home search by six MSS agents in November 2018, and the agents demanded the testifier give them his/her

256_ NKHR2021000026-2 2022-05-18.
257_ NKHR2022000042-2 2023-07-31.
258_ NKHR2019000085 2019-10-05.

mobile phone, saying that the testifier was engaged in smuggling; the testifier said that he/she strongly protested and told the agents that he/she did not have a mobile phone because he/she knew that it was illegal to conduct a home search without an inspection ticket of the MSS agents in charge, the attendance of the People's Unit (*inminban*) chief and a search warrant.[259]

Table Ⅱ-27 Cases of Being Subject to Illegal Home Searches

Testimonies	Testifier ID
Home searches were common, and the testifier had been regularly inspected by MSS agents, whose aim was to earn money through crackdowns, not to arrest people. MSS agents turn a blind eye in exchange for bribes if they believe it is acceptable to disregard the case.	NKHR2021000026-2 2022-05-18.
One evening, the authorities entered the testifier's house under the guise of accommodation inspection but searched the house including the bookshelves, asking where the testifier obtained certain books from, which was beyond the extent of a typical accommodation inspection.	NKHR2022000001 2022-05-13
Accommodation inspections were common in Sinuiju because it is located near the border. However, accommodation inspections often turned into home searches during which everything in the house is searched.	NKHR2022000014 2022-06-10
Group 109 members enter houses at random to conduct searches. Group 109 members randomly stopped by the testifier's house while passing by or came inside his/her house if he/she left the front door open during a hot summer's day; then, the Group 109 members opened all the drawers and took cash in foreign currency if they found any. The testifier heard that a warrant is presented for a search of the house of a person accused of a crime; however, home searches conducted by Group 109 members under the guise of accommodation inspections are often carried out without the presentation of a warrant.	NKHR2022000015 2022-06-10

259_ NKHR2019000095 2019-10-21.

Testimonies	Testifier ID
In 2017, Group 109 members suddenly came into the testifier's house to conduct a search when the testifier was doing laundry, listening to a song stored on his/her daughter's USB drive. The testifier gave two cartons of cigarettes to the Group 109 members to cover up the case. However, the Group 109 member in charge came to his/her house again three months later and informed the testifier that he/she has been sentenced to one-month imprisonment in a labor training camp (*rodongdanryundae*) and should first go to a detention center (*guryujang*). The testifier gave the Group 109 member 500 yuan and gave cash to a doctor at a hospital so that he/she could be processed as a patient. The testifier was ultimately sentenced to re-educational labor.	NKHR2022000019 2022-06-16
Crackdowns on drugs (*bingdu*) and South Korean dramas became so severe that Group 109 members would conduct random home searches to check for USB drives.	NKHR2022000024 2022-06-23
Home searches occurred frequently without presenting a warrant. The authorities identified themselves, marched into the testifier's home, and primarily searched for USB drives. They also cracked down on cash in foreign currency if they found any. The authorities also conduct accommodation inspections for unregistered travelers and occasionally carry out portrait inspections.	NKHR2022000018-2 2023-08-01
The testifier's home had been routinely searched by five to six MSS agents up until 2019, right before the testifier defected from North Korea.	NKHR2023000003 2023-04-11
In 2015, Group 109 members searched the testifier's home on the day the testifier was out after watching a South Korean girl group's music video that he/she did not successfully hide. The testifier's mother was home by herself. Suspecting she was hiding something on her person, the Group 109 members performed a body search on her, and luckily did not find anything and released her.	NKHR2023000005 2023-04-13
One day, when the testifier was at home talking with a distant relative who had visited the testifier from China, the MSS agents and the People's Unit (*inminban*) chief suddenly marched into the testifier's home and took the relative away. Even home phones are wiretapped by the authorities.	NKHR2023000015 2023-07-27

C. Evaluation

Although the right to privacy is stipulated in the Constitution, in reality, the privacy of North Korean people is not properly protected. Since Kim Jong Un came to power, not only has surveillance along the border regions been intensified but also daily social control has been tightly maintained. Illegal home searches and arbitrary communication interference are carried out to track down fugitives, uncover illegal recordings and crack down on illegal economic activities.

Moreover, the extensive and organized surveillance and control over the people's private lives by the state have been in place for a long time, demonstrating the seriousness of the invasion of privacy in North Korea. Privacy surveillance systems still exist at an institutional level as seen in the five-household surveillance system (*oho damdangje*), the People's Unit (*inminban*) system, and the Life Review Sessions (*saenghwalchonghwa*) system. In particular, numerous testimonies regarding illegal home searches of people's residential spaces show that the inviolability of residential space is seriously infringed upon in everyday life. Moreover, with regard to the increase in the number of illegal home searches under the Kim Jong Un regime, many testifiers perceived that home searches have been degenerating into a means of stealing money and valuables by public safety agency workers. This shows increasing distrust in public power.

North Korea has enacted and amended the Reactionary Ideology and Culture Rejection Act and the Youth Education Security Act and emphasized the strengthening of the roles of law enforcement authorities, social security institutions, and state security institutions under the pretext of establishing a law-abiding ethos and a socialist lifestyle. Taking this into consideration, invasions of privacy by public authorities are expected to intensify.

7

Right to Freedom of Thought, Conscience and Religion

The right to freedom of thought, conscience and religion, which is a right related to the liberty of one's inner world, is one of the most basic human rights. The basic rights of citizens in a democracy, including the right to freely express their beliefs and the freedom to make decisions based on their conscience, are closely related to the right to freedom of thought, conscience and religion. Article 18 of the UDHR stipulates that "everyone has the right to freedom of thought, conscience and religion," and Article 18 of the ICCPR refers to the right to freedom of thought, conscience and religion.

Table Ⅱ-28 Article 18 of the ICCPR

Paragraph 1	Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
Paragraph 2	No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
Paragraph 3	Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
Paragraph 4	The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

In this chapter, the situation in North Korea related to the right to freedom of thought, conscience and religion is examined.

A. Maintaining the Unitary *Suryeong* Ruling System and the Ten Principles

Article 18, paragraph 2 of the ICCPR stipulates that "no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." The UN Human Rights Committee has stated that if a set of beliefs is treated as official ideology in a state, this shall not result in any disadvantage or any discrimination against persons who do not accept the official ideology.[260] In a state-individual relationship,

260_ UNHRC, "CCPR General Comment No. 22: Article 18 (Freedom of Thought,

individuals' inherent right to freedom of thought must be guaranteed. Whereas a state may establish an official ideology, the very existence of such ideology should not be used as grounds to infringe upon the freedom of thought and conscience of individuals guaranteed by Article 18 of the ICCPR. Currently, North Korea does not allow any ideology other than Kim Il Sung–Kim Jong Il-ism, which is the official ideology of the state. In addition, North Korea further infringes upon individuals' freedom of ideology and conscience by not tolerating any exception to the official ideology of the state ever since the Ten Principles of Unitary Ideology was declared in 1974.[261]

Freedom of thought and conscience does not exist in North Korea. Instead, Article 3 of the North Korean Constitution stipulates that Kim Il Sung–Kim Jong Il-ism serves as the sole leading principle for all state activities. The key reason North Korea does not guarantee freedom of thought and conscience is because of the cult of personality that originated from the Unitary *Suryeong* Ruling System. Any ideology other than Kim Il Sung–Kim Jong Il-ism is regarded as a serious threat to the Unitary *Suryeong* Ruling System. The Kim Jong Un regime enacted the Law on the Kumsusan Palace of the Sun on 1 April 2013 in an

Conscience or Religion)," 30 July 1993, para. 10.

261_ The KWP amended and renamed the Ten Principles of Unitary Ideology enacted in 1974 to the Ten Principles for the Establishment of the Party's Unitary Leadership System (hereinafter the Ten Principles) on 19 June 2013. The KWP further revised and supplemented the Ten Principles in September 2021.

effort to strengthen its control over the North Korean people through the idolization of Kim Il Sung and Kim Jong Il. Subsequently, it replaced *Juche* ideology with Kim Il Sung–Kim Jong Il-ism through an amendment to the Constitution in 2019, and enacted and amended the Crowd Reporting Act, the Reactionary Ideology and Culture Rejection Act, the Law of the DPRK on the Administration of Revolutionary Relics, and the Youth Education Security Act to reinforce the control over people's ideology for the maintenance and succession of the unitary leadership system. In particular, the Law of the DPRK on the Administration of Revolutionary Relics enacted on 30 April 2021 stipulates that revolutionary history and the revolutionary achievements of Kim Jong Un, along with those of Kim Il Sung and Kim Jong Il, must be upheld and perpetuated (Article 2) and affirms the establishment of the unitary leadership system as the basic principle for the state's revolutionary historic site projects (Article 3), clarifying that ideological control to maintain the North Korean regime, symbolized by Kim Jong Un, will continue to be solidified.

The reinforcement and idolization of the Unitary *Suryeong* Ruling System are embodied through the Ten Principles. In North Korea, the Ten Principles have superiority over the Constitution or the Statutes of the KWP and govern the rules that systematically safeguard Kim Jong Un's unitary dictatorship. The Ten Principles can be considered guidelines that ideologically

govern the North Korean system.[262] The revised Ten Principles focuses on the unitary leadership of Kim Jong Un.[263] It demands that the entire Party strengthen its "unified ideological resolve and revolutionary unity around the leader" (Principle No. 6) in order to safeguard the unitary leadership system. The revised Ten Principles that set forth the norms of behavior for North Korean people are particularly noteworthy because they have been devised to tighten ideological control over the people.

Table II-29 Ten Principles for the Establishment of the Party's Unitary Leadership System (Ten Principles)

Principle No. 1	All must struggle whole-heartedly to remake the entire society into "Kim Il Sung-Kim Jong Il-ism."
Principle No. 2	All must greatly revere Great Leader Kim Il Sung and Dear Leader Kim Jong Il as the eternal Supreme Leader (*Suryeong*) of our Party and people and as the sun.
Principle No. 3	All must safeguard with their lives and accept as absolute the authority of Great Leader Kim Il Sung and Dear Leader Kim Jong Il and the authority of the Party.
Principle No. 4	All must absolutely arm themselves with the revolutionary ideology of Great Leader Kim Il Sung and Dear Leader Kim Jong Il and with the Party's lines and policies, which are specific manifestations of that ideology.
Principle No. 5	All must absolutely observe the principle of unconditional obedience in pursuing the teachings of Great Leader Kim Il Sung and Dear Leader Kim Jong Il and the Party's lines and policies.

262_ Lee Ki-woo, *North Korea's Propaganda and Rodong Sinmun* (Seoul: Paradigm, 2015), p. 80.

263_ In a booklet titled *On Absolutely Safeguarding the Unitary Leadership System Befitting the Needs for Revolutionary Development*, Kim Jong Un emphasizes that the Ten Principles for the Establishment of the Party's Unitary Leadership System is newly "enacted," succeeding and further developing the Ten Principles for the Establishment of the Party's Unitary Ideology System. See Kim Jong Un, *On Absolutely Safeguarding the Party's Unitary Leadership System Befitting the Needs for Party Development* (Pyongyang: KWP Publisher, 2013), pp. 5-6.

Principle No. 6	All must strengthen in every possible way the Party's ideological unity and revolutionary cohesion centered on the Leader.
Principle No. 7	All must learn after Great Leader Kim Il Sung and Dear Leader Kim Jong Il and maintain refined mental and moral postures, revolutionary working methods and people-oriented working styles.
Principle No. 8	All must cherish the political life handed down by the Party and Supreme Leader (*Suryeong*) and must repay the Party's trust and consideration with enhanced political awareness and productive output.
Principle No. 9	All must build strong organizational rules so that the entire Party, the nation and the military can move together as one under the unitary leadership of the Party.
Principle No. 10	To the end, all must succeed in and complete the great achievement of the *Juche* revolution and the great achievement of military-first revolution that Great Leader Kim Il Sung launched and Great Leader Kim Il Sung and Dear Leader Kim Jong Il implemented.

Since the Ten Principles are open to arbitrary interpretation, North Korean authorities actively use them to penalize those who are politically dissatisfied by labeling them as political or ideological criminals. The Ten Principles made it possible for an entire family to disappear because a young student scribbled on the faces of Kim Il Sung and Kim Jong Il in his/her textbook or because an elderly woman used pages of the *Rodong Sinmun*, which contained pictures of Kim Il Sung and Kim Jong Il, as wallpaper.

However, in spite of North Korean authorities' emphasis on the Ten Principles, it seems rare that ordinary people, who are not Party members, are systematically taught about the Ten Principles. There also were testimonies claiming that no special education is provided for the Ten Principles that have been revised since Kim Jong Un took office.[264] Most North Korean

defectors testified that they learned about the Ten Principles during Life Review Sessions (*saenghwalchonghwa*) held at schools or enterprises but no longer remember their details.[265]

Nevertheless, the Ten Principles affect the real life of North Korean people as North Korean authorities carry out portrait inspections. A North Korean defector who defected in 2019 testified that portrait inspections have intensified since 2019. According to the testifier, inspectors crack down on people who do not wear portrait badges on the street, and officials randomly select one or two households for portrait inspections.[266] Another North Korean defector who defected in 2019 stated that portrait inspections were frequently conducted up until right before the testifier's defection, and that anyone caught with a portrait of the Supreme Leader (*Suryeong*) with even a small crack was penalized.[267] In some cases, portrait inspections were carried out only as a formality. A North Korean defector testified that, in 2018, portrait inspections were announced in advance so the residents could be prepared.[268] A North Korean defector who defected in 2019 testified that the People's Unit (*inminban*) had

264_ NKHR2019000014 2019-05-07; NKHR2019000016 2019-05-07.

265_ NKHR2019000008 2019-04-08; NKHR2019000012 2019-04-20; NKHR2020000005 2020-05-15; NKHR2020000026 2020-07-06; NKHR2023000003 2023-04-11 and many other testimonies.

266_ NKHR2020000022 2020-07-06.

267_ NKHR2023000015 2023-07-27.

268_ NKHR2020000024 2020-07-06.

announced a few times it would carry out portrait inspections, but the testifier had never been subjected to one,[269] and another defector testified that residents are not punished as severely compared to the past.[270]

It seems that North Korean people do not actively apply the Ten Principles in real life. There were many testimonies reporting that there are no cases in which the Ten Principles are observed in real life.[271] On the other hand, the situation is different in the military. A North Korean defector who defected in 2019 testified that the Ten Principles are to be memorized by heart by members of the military.[272] Intensive education on the Ten Principles is given to North Korean people who are dispatched to foreign countries for the purpose of ideological control. For instance, a North Korean defector said that he/she memorized each and every line of the Ten Principles before being dispatched to Oman.[273]

269_ NKHR2020000013 2020-06-15.

270_ NKHR2020000021 2020-07-06.

271_ NKHR2020000021 2020-07-06; NKHR2020000022 2020-07-06; NKHR2020000026 2020-07-06; NKHR2020000048 2020-11-28; NKHR2023000009 2023-05-10.

272_ NKHR2020000035 2020-09-05.

273_ NKHR2018000113 2018-10-13.

Table II-30 Cases Related to the Ten Principles

Testimonies	Testifier ID
The testifier learned the Ten Principles after joining the Korean Children's Union (*sonyeondan*) but no longer remembers them.	NKHR2023000003 2023-04-11
The testifier learned the Ten Principles in elementary school and at his/her workplace. The testifier memorized them by heart but did not apply them in real life.	NKHR2023000009 2023-05-10
The testifier memorized the Ten Principles but found learning them bothersome.	NKHR2023000011 2023-05-23
Until 2019, the testifier memorized the Ten Principles because he/she was told to memorize them, but they did not have a significant impact on his/her daily life. While high-ranking officials can face punishment if they cannot memorize the Ten Principles during crackdowns, ordinary people are usually not penalized for not being able to memorize them. Portrait inspections are frequently conducted, and anyone caught with a portrait of the Supreme Leader (*Suryeong*) with even a small crack is severely penalized.	NKHR2023000015 2023-07-27
The Ten Principles did not have a significant impact on the testifier. It appears that people have been more strongly forced to memorize the Ten Principles since Kim Jong Un came to power.	NKHR2023000018 2023-08-01

B. Restriction of Religious Freedom

Article 18, paragraph 1 of the ICCPR stipulates that "everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." Article 68 of the North Korean Constitution stipulates that "citizens shall have freedom of religion," and it elaborates that "this right is guaranteed through allowing the construction of

religious buildings and religious rituals, etc." However, the provision also stipulates that "religion cannot be used for involving foreign powers or harming the social order of the state," which is used as the grounds for suppressing freedom of religion. As a matter of fact, North Korea regards all religion-related acts as acts to overthrow the North Korean system. It is practically impossible for North Korean people to practice religion. Many North Korean defectors testified that either they had never heard of religion or witnessed religious practices when they were in North Korea or that, although there is some awareness of Catholicism and Cheondoism in North Korea, they exist only as a formality.[274]

The North Korean authorities monitor the people to prevent them from practicing religion. A North Korean defector who defected in 2019 testified that the Ministry of State Security always monitors people who travel frequently to China and that if anything "strange" is detected, the resident concerned is immediately reported.[275] Another North Korean defector who defected in 2019 testified that he/she was told at a lecture meeting that if a copy of the Bible was found in a certain place, the person concerned would be subjected to a certain kind of punishment and

274_ NKHR2020000014 2020-06-15; NKHR2020000021 2020-07-06; NKHR2020000023 2020-07-06; NKHR2020000040 2020-10-31; NKHR2021000026-2 2022-05-18; NKHR2021000023-2 2022-05-31; NKHR2022000001 2022-05-13; NKHR2022000007 2022-05-25.

275_ NKHR2020000006 2020-05-15.

that he/she must not read it.[276] A North Korean defector who defected in 2020 testified that, when he/she was in the military, he/she was told that reading the Bible makes one's brain rot.[277]

Suppression of Christianity is particularly severe. In some cases, people are regarded as political criminals and sent to political prison camps (*kwanliso*) or executed simply for possessing the Bible.[278] Several North Korean defectors who defected in 2019 testified that they heard that Christians who were caught while praying in a basement in Seoncheon County, North Pyeongan Province, in the early 2000s were shot to death.[279] A North Korean defector who defected in 2019 testified that he/she witnessed two people being publicly executed for possessing the Bible in Pyeongseong, South Pyeongan Province in 2018.[280] A North Korean defector who defected in 2018 testified that people are punished as political criminals or subjected to life imprisonment just for their personal religious life even if they do not attempt to spread Christianity.[281]

Religious freedom in North Korea can be evaluated from three different perspectives. First, there are no religious facilities,

276_ NKHR2020000023 2020-07-06.

277_ NKHR2021000023-2 2022-05-31.

278_ NKHR2019000054 2019-07-29; NKHR2019000051 2019-07-20; NKHR2019000021 2019-05-07.

279_ NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10.

280_ NKHR2019000024 2019-05-18.

281_ NKHR2019000020 2019-05-07; NKHR2022000017 2022-06-13.

including Protestant and Catholic churches, in North Korea except in Pyongyang. This reflects the reality that religious freedom is *de facto* restricted in North Korea. As for the family churches that the North Korean authorities claim to exist, it is questionable how freely they are actually being operated in provincial towns. Not one North Korean defector among those who have been interviewed knew about a family church.

The reason religious activities are restricted in North Korea is because the authorities have consistently persecuted religion since the founding of the state based on Kim Il Sung's instruction that "religion is the opiate of the people."[282] North Korea views religion as an "imperialistic tool for invasion," which helps the ruling class to exploit the masses. The North Korean Dictionary on Philosophy specifies "Religion has historically been seized by the ruling class and used as a tool to deceive, exploit and oppress the people, and in modern times, it is used by the imperialists as an ideological tool to invade the people of underdeveloped countries."[283]

Based on this perception, many religiously active people in North Korea have been branded as disloyal and tortured or

282_ "Religion is a reactionary and unscientific world view. Religion is like an opium." See Korean Workers' Party Publishers, *Selections from Kim Il Sung's Writings V* (Pyongyang: Korean Workers' Party Publishers, 1972), p. 154.

283_ The Academy of Social Science Philosophy Institute, *The Dictionary of Philosophy* (Pyongyang: The Academy of Social Science Press Philosophy Institute, 1985), p. 490.

executed for their beliefs. Religious people have been mostly categorized as anti-state and counter-revolutionary hostile elements who are subjected to persecution. In particular, many Christians have been purged as Christianity is regarded as a tool for imperialist invasion. Moreover, taking advantage of the anti-American sentiment that developed during the Korean War, North Korea strengthened its religious persecution and conducted personal background (*songbun*) checks to stigmatize and oppress all religious persons and their families as anti-revolutionary elements.

Second, while North Korea continues its religious persecution, it uses Protestant churches, Catholic churches and temples as facilities for political propaganda targeting religious people and visitors from abroad. According to testimonies, entry or access to newly established religious facilities by local citizens is strictly prohibited, and ordinary citizens generally perceive these religious places as "sightseeing spots for foreigners." In the case of Bongsu Protestant Church in Pyongyang, which was built in September 1988, it is said that usually only the building manager and his/her family live there, but when foreign guests come to visit, several hundred citizens aged 40 to 50 years old are carefully selected and gathered to participate in fake church services. Foreign Christians who visited North Korea testified that they witnessed the door of the church being closed on Easter Sunday when they visited the church without prior consultation.

Many foreign visitors said that church activities seemed to be staged.

Third, all North Korean defectors consistently testified that practicing religion on a personal level is harshly persecuted. As stated in the Constitution, the fundamental reason that religious freedom is not guaranteed in North Korea is the perception that religion is abused as a means of foreign encroachment and that religion inflicts harm on North Korea's social disciplines. In particular, in the 1990s when the movement of people increased due to the food crisis, North Korea strictly suppressed Christian mission activities on the belief that the religion had a detrimental impact on the maintenance of the North Korean system.

The fact that freedom of religion is restricted is also reflected in punishments imposed on the residents and defectors who are forcibly repatriated to North Korea. Increased control over defection under the Kim Jong Un regime reflects the concern that the North Korean system will grow unstable due to the inflow of external influence. It is also said that the punishment is heavier for those who had been in contact with Christians in China or South Koreans. Several North Korean defectors have said that they did not get a chance to experience religion in North Korea, but by the time they defected from North Korea, they came to realize that punishment is severe when caught getting involved in religious activities.[284]

284_ NKHR2017000106 2017-11-11; NKHR2017000109 2017-11-20.

Table Ⅱ-31 Cases of Infringement on the Freedom of Religion

Testimonies	Testifier ID
In the early 2000s, approximately 70 Christians who were caught while praying in a basement in Seoncheon County, North Pyeongan Province, were accused of being traitors and shot to death.	NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10
In 2018, the testifier witnessed two people being publicly executed for the charge of spreading Christianity in Gilseongpo Port, North Hwanghae Province. Public trials and public executions were conducted together, and the trials were held by the Ministry of State Security.	NKHR2019000054 2019-07-29
In April 2018, the testifier's cousin was caught by the Ministry of State Security for receiving copies of the Bible from China and distributing them to people for missionary purposes and was sent to a political prison camp (*kwanliso*).	NKHR2019000051 2019-07-20

C. Punishment for Acts of Superstition

As freedom of religion is *de facto* restricted in North Korea, superstitions are prevalent among the general public. North Korean defectors testified that acts of superstition such as divination have been increasing.[285] According to the North Korean Criminal Law, a person who habitually commits acts of superstition or causes serious consequences thereof shall be subject to correctional labor punishment of five years or less; in cases where the act committed by the person is serious, the person shall be subject to five years or more and up to ten years of correctional labor punishment (Article 291). In addition, the Youth Education Security Act stipulates religious activities and

285_ NKHR2020000013 2020-06-15; NKHR2020000021 2020-07-06; NKHR2020000028 2020-07-06; NKHR2023000010 2023-05-15.

acts of superstition as acts that young people must not commit (Article 41, paragraph 3). However, in reality, the North Korean authorities do not punish acts of superstition at the same level as acts of practicing other religions.

It has been found that most North Korean residents or defectors who are caught engaged in acts of superstition receive labor training punishment of up to one year.[286] Such punishment can even be avoided by offering bribes.[287] A North Korean defector who defected in 2019 testified that those who engage in minor superstitious acts are not severely punished when caught because they do not perform such acts openly and, in some cases, only a warning is issued if they pay a bribe.[288]

However, cases have been reported in which people who directly commit acts of superstition are heavily punished. Reports of fortune tellers being sentenced to correctional labor punishment after public trials in 2018,[289] a woman in her 70s being caught and shot to death for passing on superstitions to 20 pupils in 2018,[290] and a person practicing *bangto* (a kind of exorcism) being sentenced to unlimited-term correctional labor

286_ NKHR2017000040 2017-06-05; NKHR2018000094 2018-08-27 and many other testimonies.

287_ NKHR2017000046 2017-07-03; NKHR2017000133 2017-12-18; NKHR2018000107 2018-10-01.

288_ NKHR2022000003 2022-05-19.

289_ NKHR2019000033 2019-06-03; NKHR2022000025 2022-06-23.

290_ NKHR2019000071 2019-08-26.

punishment in 2018[291] are representative examples of these cases.

Testimony has been collected reporting that crackdowns on acts of superstition have intensified since Kim Jong Un came to power.[292] Testimonies have been collected stating that, around 2017 and 2018, an order was issued to report any acts of superstition, and, because people who commit acts of superstition could be subjected to correctional labor punishment, the number of people engaged in fortune telling largely decreased.[293] A North Korean defector testified that many fortune tellers were arrested in Hyesan in 2019, with two female fortune tellers executed by shooting.[294] A North Korean defector who defected from North Hamgyeong Province in 2019 also testified that he/she heard that seven people who had participated in acts of superstition were shot to death by the river in Sunam, Chongjin in 2018.[295]

According to defector testimony, those who ask for their fortune to be told are also subject to legal punishment.[296] A North Korean defector who defected in 2019 testified that those who

291_ *Ibid.*

292_ NKHR2022000010 2022-06-09.

293_ NKHR2020000005 2020-05-15; NKHR2022000002 2022-05-18.; NKHR2023000014 2023-07-26.

294_ NKHR2020000024 2020-07-06.

295_ NKHR2023000005 2023-04-13.

296_ NKHR2020000005 2020-05-15.

told fortunes for others were arrested and sent to prison camps (*kyohwaso*), while those who asked for their fortune to be told were also punished although not as severely.[297] Another North Korean defector who defected in 2019 testified that, in 2015, he/she was arrested by Group 109 members and detained for a month for lending a South Korean book on fortune telling to his/her cousin's sister-in-law but was released after paying bribes.[298] A North Korean defector who also defected in 2019 testified that, in 2017, he/she witnessed two to three people undergoing a public trial after being caught committing acts of superstition, one of whom was sentenced to five years of correctional labor punishment while the other was sentenced to eight years of correctional labor punishment, and the people who asked for their fortune to be told were sentenced to labor training punishment.[299]

D. Evaluation

The right to freedom of thought, conscience and religion of North Korean people is seriously violated. Above all, Kim Il Sung –Kim Jong Il-ism and the Ten Principles are fundamentally incompatible with the right to freedom of thought, conscience and religion. As can be seen from North Korea's legal reality, in

297_ NKHR2020000013 2020-06-15.
298_ NKHR2020000024 2020-07-06.
299_ NKHR2020000022 2020-07-06.

which the Constitution makes no reference to freedom of thought and conscience, it is clear that the concept of freedom of thought and conscience itself is unfamiliar to North Korean people. Since Kim Jong Un came to power, North Korea has strengthened ideological control over its people through the enactment of the Law on the Kumsusan Palace of the Sun in 2013, the introduction of the crowd reporting system in 2019, the enactment and amendment of the Reactionary Ideology and Culture Rejection Act, and the enactment of the Law of the DPRK on the Administration of Revolutionary Relics and the Youth Education Security Act.

Although freedom of religion is stipulated as a legal right in the Constitution, it is severely restricted, which can be seen from the fact that most North Korean people have never heard the word "religion." In reality, North Korea maintains its policy of restricting freedom of religion and imposes strong punishment and control over certain religions, such as Christianity. Meanwhile, acts of superstition including fortune telling and palm reading are prevalent in North Korea. While the North Korean authorities do not punish acts of superstition at the same level as acts of practicing other religions, the level of punishment against those committing acts of superstition seems very high. In particular, testimonies have been continuously documented reporting that the level of crackdowns and punishment for acts of superstition has increased since 2017–2018.

8

Right to Freedom of Expression and Access to Information

Freedom of expression, which is an essential right necessary for the full development of a democratic and free society and the person, is one of the most basic rights.[300] Article 19 of the UDHR stipulates that everyone has the right to freedom of opinion and expression, and this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. Article 19 of the ICCPR also stipulates that the exercise of the right to freedom of opinion and expression entails special duties and responsibilities and may be subject to restrictions as provided by law when necessary.

300_ UNHRC, "General Comment No. 34: Article 19 (Freedoms of Opinion and Expression)," 12 September 2011, para. 2.

Table Ⅱ-32 Article 19 of the ICCPR

Paragraph 1	Everyone shall have the right to hold opinions without interference.
Paragraph 2	Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
Paragraph 3	The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

A. Restrictions on Forming and Expressing Political Opinions

Article 19, paragraph 1 of the ICCPR stipulates the right to have opinions without interference. All forms of opinion are protected, including opinions of a political, scientific, historical, moral or religious nature, and any form of effort to coerce the holding or not holding of any opinion is prohibited.[301] In general, the right to hold an opinion is infringed upon when a person is under undue influence while forming an opinion, and when this is carried out by coercion, threat or other similar means.[302]

Article 67 of the North Korean Constitution provides for freedom of the press and publication. In addition, the "DPRK

301_ *Ibid.*, paras. 9–10.

302_ Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, 2nd revised ed. (Kehl am Rhein: N. P. Engel, 2005), p. 442.

Association for Human Rights Studies Report" strongly emphasizes that as freedom of the press and publication is an indispensable element of democracy and an important aspect of political rights, all citizens exercise the right to freely express their opinions and intentions in various manners through diverse media.[303] However, because the North Korean Constitution emphasizes aspects such as the "whole," "unification of political ideology," "revolutionary awakening," and "security of the state" in Article 10[304] and in Articles 63,[305] 81[306] and 85[307] that stipulate the basic rights and obligations of citizens, violating the rights specified in Article 19, paragraph 1 of the ICCPR is institutionally possible. North Korean defectors have testified that it is difficult to freely express individual opinions in North Korea because people are constantly monitored in daily life.[308]

In reality, expressions of political opinion that differ from those

303_ DPRK Association for Human Rights Studies, "DPRK Association for Human Rights Studies Report," in Materials by the Center for North Korean Human Rights Studies, KINU (13 September 2014), p. 49.

304_ "The Democratic People's Republic of Korea is based on the political and ideological unification of all people based on the Worker-Peasant Alliance led by the labor class. The state revolutionizes all members and turns them into the labor class, and makes the whole of society a single group that is integrated as comrades."

305_ "In the Democratic People's Republic of Korea, the rights and duties of the citizens are based on the principle of collectivism of 'one for all, all for one.'"

306_ "Citizens shall devotedly advocate the political and ideological unification and solidarity of the people."

307_ "Citizens shall at all times raise the revolutionary alertness and fight with personal devotion for the security of the state."

308_ NKHR2021000026-2 2022-05-18; NKHR2022000001 2022-05-13; NKHR2022000010 2022-06-09; NKHR2022000014 2022-06-10 and many other testimonies.

of the North Korean authorities, negative references to the family of Kim Il Sung, Kim Jong Il and Kim Jong Un, and positive references to South Korea are all prohibited. There is a perception among people that those who criticize the Supreme Leader (*Suryeong*) or politics will be sent to political prison camps (*kwanliso*).[309] The fear of political prison camps (*kwanliso*) causes people to speak cautiously.[310] The provisions of the North Korean Criminal Law are vaguely written so that harsh sentences can be imposed by criminalizing certain political statements or actions related to the regime. The maximum statutory punishment for such statements or actions that are found to constitute an act of treason against the fatherland (Article 63), defaming the dignity of North Korea (Article 64), or treason against the people (Article 70) is the death penalty. In addition, because there is fear that anyone speaking negatively about society will be taken by the Ministry of State Security and disappear without being able to let others know what happened,[311] there is a widespread culture of self-censorship of statements and actions that could be viewed as criticizing the state or national policy.[312] In North Korea, political remarks such as criticism of the regime and Supreme Leader

309_ NKHR2019000020 2019-05-07.

310_ NKHR2019000020 2019-05-07; NKHR2019000104 2019-11-09 and many other testimonies.

311_ NKHR2021000026-2 2022-05-18.

312_ UN Doc. A/75/271 (2020), para. 20.

(*Suryeong*) are fundamentally unacceptable, and even the expression of private opinions by individuals is strictly controlled.

B. Arbitrary Censorship and Control of the Press and Publications

According to Article 19, paragraph 2 of the ICCPR, the press, publications and other media that are used as a means of expression should be free and not be subjected to interference and disturbance. However, in North Korea, publications, the press and broadcasting are used to mobilize the people to idolize Kim Il Sung, Kim Jong Il and Kim Jong Un and reinforce *Juche* ideology.

The North Korean Publication Law of 1999 stipulates that "citizens shall have the right to freely engage in writing or creative activities" (Article 6). However, it limits the purpose of such activities to "safeguarding and promoting great socialist projects based on a revolutionary tradition of publication" (Article 2). In order to operate a publishing business, publishing institutions must register with the Cabinet or the Publication Guidance Agency (Article 12). The Publication Law controls publications by stipulating that "the Publishing Guidance Agency and related agencies must ensure that state secrets are not leaked and any reactionary ideas, culture and lifestyles are not circulated through publications, and register all public facilities and supervise and

control their use" (Article 47) and that "all printing facilities used without registration shall be subject to confiscation" (Article 49). Moreover, by stating that "all publications that can disclose state secrets or spread reactionary ideas, culture and lifestyles shall be confiscated and its production, publication, supply and transportation shall be suspended" (Article 48), it *de facto* allows arbitrary censorship and control of publications by the North Korean authorities.

Individual citizens and responsible workers at agencies, enterprises or organizations, whose actions have caused serious consequences by violating the Publication Law, shall be subject to administrative or criminal responsibility (Article 50). The Administrative Penalty Law mandates the imposition of administrative penalties on those who violate the orders of publishing, printing and circulation (Articles 207 and 208). The North Korean Criminal Law categorizes acts that violate publication rules as acts violating general administrative order and stipulates that they may be punishable by labor training punishment (Article 254). Consequently, any work that is written must ultimately be censored by the KWP's Propaganda and Agitation Division. If a North Korean person publishes materials in violation of the censorship standards, authorities can charge him/her with the crime of anti-state propaganda and agitation stipulated in Article 66 of the Criminal Law and impose up to five years of correctional labor punishment. If the case is serious, the

person may be subject to five years or more and up to ten years of correctional labor punishment. In addition, the Reactionary Ideology and Culture Rejection Act stipulates acts of disseminating impure culture (Article 31) and reproducing puppet state culture (Article 32) as crimes and penalizes individuals who create video recordings, edited materials, songs, photographs, and printed materials containing corrupt and unconventional content.

Meanwhile, in its national report submitted for the third cycle of the UPR in 2019, North Korea stated that there was "a marked increase in the variety and number of publications" that contributed to enhancing the people's cultural appreciation, various events were held several times every year to give people a chance to show their creative talents, and that state commendations and other incentives were awarded to stimulate public enthusiasm for creative activities.[313] However, publications that can actually be accessed by people are those that have been censored and stamped with "Pass,"[314] and all other publications are subject to crackdowns. A North Korean defector testified that publishing material without state approval is a very dangerous act that could result in three generations of the family being accused of being "sectarian spies."[315] Moreover, it is impossible to write

313_ UN Doc. A/HRC/WG.6/33/PRK /1 (2019). para. 32.
314_ NKHR2021000026-2 2022-05-18.
315_ NKHR2022000006 2022-05-25.

pieces or complaints against the state or the Party.[316] Given that the basic requirement for people who participate in contests or various daily events is to act as a faithful mouthpiece of the state and the Party,[317] the freedom of expression that the authorities claim is legally and socially guaranteed is restricted in reality.

Even if North Korean people find censorship before publication inconvenient and unjust, resisting the censorship system implemented by the North Korean authorities is impossible.[318] North Korean people are not allowed to engage in individual creative activities,[319] nor can they read or access non-approved publications. The production, distribution and consumption of publications that are outside the national system that manages the production and distribution of all publications represent illegal acts. A North Korean defector who defected in 2018 testified that people can read only foreign publications approved by the state.[320] A North Korean defector who defected in 2019 testified that it is illegal to possess foreign publications and such publications will be confiscated if caught.[321] As in the case of a North Korean defector who was punished for a book stored on his/her mobile

316_ NKHR2021000026-2 2022-05-18.

317_ "The trumpeter of the Party's ideological front line – the broadcasters on broadcast and propaganda vehicles," *Rodong Sinmun*, 28 October 2020.

318_ NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.

319_ NKHR2022000006 2022-05-25; NKHR2022000014 2022-06-10.

320_ NKHR2022000006 2022-05-25.

321_ NKHR2021000026-2 2022-05-18.

phone,[322] North Koreans have been deprived of the freedom of the press as well as the opportunity to freely choose and read the books they want to due to the strict controls of the political authorities.

Table Ⅱ-33 Testimonies of Crackdowns on South Korean/Foreign Publications

Testimonies	Testifier ID
In 2017, the testifier was cracked down on for a book he/she downloaded and stored on his/her mobile phone. The testifier had thought that all books were published by the Central Publishing House. The testifier was caught by a security platoon, which is a military unit that has the authority to police those who are not affiliated with the military. The soldiers who caught him/her showed him/her the relevant guidelines and pointed out that the book stored on his/her mobile phone was included in the list of non-approved books. The testifier told the soldiers that he/she did not know but ultimately had to offer a small amount of cash as a bribe to avoid punishment.	NKHR2022000018 2022-06-15
The testifier does not know much about works of art but is certain that books and music are censored. People are aware that censorship is wrong but believe that resistance is meaningless. Under the censorship system, every publication is inspected. The first thing to check for all publications is whether messages and instructions from Kim Il Sung and Kim Jong Il, and now from Kim Jong Un, are printed on the first page. The basic elements to check include whether words are spaced without error and whether commas are used correctly; also, publications are evaluated from a policy point of view. Regardless of their content, publications are approved if the said requirements are met.	NKHR2022000001 2022-05-13
There is no publication that is not subject to censorship, and all publications must pass inspection for release. The testifier is not certain whether a person possessing foreign publications can be punished, but he/she is certain that no one should have foreign publications in their possession.	NKHR2021000026-2 2022-05-18

322_ NKHR2022000018 2022-06-15.

Testimonies	Testifier ID
North Korean people obviously have a negative attitude toward the censorship of publications, but they comply with the censorship system because the state makes them do so. Publication without state approval is a very dangerous act that could result in three generations of the family being accused of being sectarian spies. Foreign publications or works that are available to the public are those approved by the authorities in North Korea. It is impossible to have access to non-approved foreign publications.	NKHR2022000006 2022-05-25
The testifier had been caught illegally copying a state-approved book but resolved the situation on the spot by handing over two cartons of cigarettes as a bribe. Generally, people caught can avoid punishment through bribery, but those caught with large amounts of illicit publications are subject to correctional labor punishment.	NKHR2023000018-2 2023-08-01

C. Controlling People's Right to Know by Blocking External Information

Article 19, paragraph 2 of the ICCPR stipulates that freedom of expression includes "freedom to seek, receive and impart information and ideas of all kinds." The people of North Korea, which is a State Party to the ICCPR, must be able to seek, receive and impart a variety of information and ideas using various media. In its 2019 UPR, North Korea reported that the rights of citizens to freedom of expression and access to information are protected by relevant laws.[323] North Korea also reported that it has continued to invest in the IT environment, which made it possible for not only adults but also children to explore and share

323_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 4.

information of all kinds.[324] However, in reality, North Korean people cannot freely access external information and are punished if they are found to have acquired and/or transmitted information and ideas (including video recordings) not authorized by the authorities.

Under such circumstances, there is only very limited access to external information. There is the "Blue Sky" device, a television signal converter tuned to four channels that operates like a cable box, and people install it for 200 yuan to watch television; however, people watching channels other than the four are subject to crackdowns.[325] North Korean people have limited communication with the outside world through illegal video recordings and mobile phones, and even this outlet is not free from authorities' control and surveillance.

(1) Crackdowns and Punishments for Video Recordings

North Korean authorities strictly restrict the distribution of information through images such as illegal video recordings. The North Korean Criminal Law (2012, 2013 and 2015) has punished, as a crime violating socialist culture, acts of bringing from foreign countries or producing, distributing, or retaining music, dances, paintings, photographs, books, video recordings or electronic

324_ *Ibid.*, para. 33.

325_ NKHR2022000014 2022-06-10.

media that contain corrupt, sensual or inappropriate content without permission (Article 183), and acts of listening to enemy broadcasts or collecting, retaining or distributing enemy leaflets even without anti-state purposes (Article 185). Acts of introducing (Article 208), producing (Article 209), retaining (Article 210), distributing (Article 211) or watching (Article 212) content containing corrupt culture, acts of watching hostile broadcasting (Article 213), acts of retaining and using enemy materials (Article 209), and acts of distributing hostile broadcast content and enemy materials (Article 215) are also punishable under the Administrative Penalty Law. The North Korean Criminal Law of 2013 stipulated in Article 183 (Crime of introducing/distributing corrupt culture) that up to 10 years of correctional labor punishment may be imposed on acts of introducing corrupt external culture. Considering that the Criminal Law of 2012 had stipulated that the same acts are subject to up to five years of correctional labor punishment, it seems that the North Korean authorities have strengthened overall control on the introduction of external culture since 2013, when Kim Jong Un came to power. In December 2020, North Korea adopted the Reactionary Ideology and Culture Rejection Act, Articles 1, 2, and 3 of which state that the purpose of external ideological and cultural influences, including those caused by South Korean publications, and unconventional external culture that is not in alignment with the North Korean system is to destroy the North

Korean regime. Therefore, to uphold the state's socialist ideology and system, North Korea has strengthened penalties for acts of introducing, viewing, and distributing South Korean and other external culture, meaning that the maximum statutory punishment applicable to such acts is the death penalty.

Table Ⅱ-34 Changes in the Provisions Related to the Introduction and Distribution of Corrupt Culture in the North Korean Criminal Law

Criminal Law of 2012	Article 183 (Crime of introducing/distributing corrupt culture) A person who brings from foreign countries or produces, distributes or illegally retains paintings, photographs, books, video recordings and/or electronic media that contain corrupt, sensual and/or inappropriate content without permission shall be subject to up to one year of labor training punishment. In cases in which the act in the above paragraph is serious, the person shall be subject to up to five years of correctional labor punishment.
Criminal Law of 2013	Article 183 (Crime of introducing/distributing corrupt culture) A person who brings from foreign countries or produces, distributes or illegally retains paintings, photographs, books, video recordings and/or electronic media that contain corrupt, sensual and/or inappropriate content without permission shall be subject to up to one year of labor training punishment. A person who repeatedly introduces or distributes or retains large amounts of video recordings and/or electronic media that contain corrupt, sensual and/or inappropriate content shall be subject to up to five years of correctional labor punishment. In cases in which such act is serious, the person shall be subject to five years or more and up to ten years of correctional labor punishment.
Criminal Law of 2015	Article 183 (Crime of introducing/distributing corrupt culture) A person who brings from foreign countries or produces, distributes or illegally retains paintings, photographs, books, music and/or movies that contain corrupt, sensual and/or inappropriate content without permission shall be subject to up to one year of labor training punishment. A person who repeatedly introduces, produces, distributes or retains the said materials or introduces, produces, distributes or retains the said materials in large amounts shall be subject to up to five years of correctional labor punishment. In cases in which such act is serious, the person shall be subject to five years or more and up to ten years of correctional labor punishment.

Criminal Law of 2021[326]	(Crime of introducing/distributing corrupt culture) Provision deleted.
Reactionary Ideology and Culture Rejection Act of 2020	Article 27 (Crime of disseminating ideology and culture of puppet states) Maximum penalty: unlimited-term correctional labor punishment Article 28 (Crime of disseminating ideology and culture of hostile countries) Maximum penalty: unlimited-term correctional labor punishment or the death penalty Article 29 (Crime of disseminating sexually explicit materials or sexual or superstitious content) Maximum penalty: the death penalty Article 30 (Crime of disseminating unconventional ideology and culture) Maximum penalty: correctional labor punishment of no less than ten years Article 31 (Crime of disseminating impure culture) Maximum penalty: if the case is serious, three years or more and up to five years of correctional labor punishment Article 31 (Crime of reproducing culture of puppet states) Maximum penalty: if the case is serious, up to two years of correctional labor punishment

North Korea defines content introduced from outside as "non-socialist corrupt culture" and has continuously strengthened its censorship and crackdowns against them. In addition, Group 109, which is a separate organization established to regulate foreign media and publications, is allowed to conduct home searches without prior notice or warrant.[327]

A North Korean defector testified that Group 109 members frequently search peoples' homes such that people are

326_ There have been nine amendments to the North Korean Criminal Law since 2015, but the exact date of deletion of the provision on the crime of introducing/distributing corrupt culture is unknown because specific details are not available. However, it is presumed that the provision was deleted when the Criminal Law was amended in May 2021, with the adoption of the Reactionary Ideology and Culture Rejection Act in December 2020, which contains corresponding provisions.

327_ UN Doc. A/75/271 (2020), para. 18.

preoccupied with potential crackdowns.[328] There were testimonies claiming that in home searches, People's Unit (*inminban*) chiefs knock on the door and MPS officers come inside the house without prior notice to inspect the accommodation and search for impure video recordings.[329] A North Korean defector who defected in 2019 testified that his/her house had been inspected only about once a month because his/her family was a model family participating in projects of the People's Unit (*inminban*). According to the testifier, crackdown officers force their way into houses if residents do not open their doors, and while people who are caught during a crackdown can be reported to the Party Committee at minimum, they can be sent to the Ministry of Social Security or Ministry of State Security or even deported if the case is serious. In particular, the testifier said that he/she was extremely careful when secretly watching a drama in which a South Korean character entered North Korea to perform surgery on Kim Il Sung because he/she would have been sent to a political prison camp (*kwanliso*) if he/she had been caught watching such content.[330] There were many testimonies reporting that the testifiers prepared themselves for crackdowns, such as having North Korean video recordings ready so that they could pretend to have been watching them or blocking sound and

328_ NKHR2020000029 2020-07-05.

329_ NKHR2020000029 2020-07-05; NKHR2020000048 2020-11-28.

330_ NKHR2022000001 2022-05-13.

light when watching illegal video recordings.[331] The devices used to view video recordings have changed from CDs to memory chips and mobile phones.[332] There was testimony claiming that, while people were easily caught in the past because they used CDs to watch illegal video recordings, nowadays people use SD memory cards that are as small as a fingernail, which they easily hide when they hear any sound outside their house.[333]

Crackdowns on video recordings by members of Group 109, which is known as the organization in charge of crackdowns, have been continuously carried out and the punishment has intensified. It has been reported that people cannot avoid crackdowns because Group 109 members carry electric wave detectors that allow them to find out what kind of video recordings people subject to inspections were watching.[334] It has been reported that Group 109 members walk around the streets wearing plain clothes and randomly search the belongings of people with laptops or people who look well-dressed and well-fed passing them by.[335] Young people or households with young people are frequently subjected to mobile phone and accommodation inspections because the

331_ NKHR2022000002 2022-05-18; NKHR2022000007 2022-05-25; NKHR2021000011-2 2022-05-31; NKHR2022000011 2022-06-10; NKHR2022000012 2022-06-10; NKHR2022000014 2022-06-10 and many other testimonies.

332_ NKHR2022000015 2022-06-10.

333_ NKHR2022000006 2022-05-25.

334_ NKHR2019000089 2019-10-19.

335_ NKHR2022000004 2022-05-20.

younger generation actively uses mobile phones and computers to watch various videos. In addition, young people often get caught distributing illegal video recordings to others.[336] However, many North Korean defectors have consistently testified that the practice of people secretly watching video recordings such as South Korean dramas or movies is spreading. North Korean defectors testified that South Korean society as portrayed in South Korean dramas looked "fantastic," and that they could not help but compare it to North Korean society.[337] In particular, they pondered what it meant to "live like a human being" after watching how South Koreans freely express themselves and wear the clothes of their choice.[338] Article 317 of the Administrative Penalty Law stipulates that individuals with unconventional clothing and appearance are subject to fines and up to three months of re-educational labor discipline if the case is serious. There was also testimony stating that the testifier paid close attention to food, clothing, and particularly housing when watching South Korean dramas, and felt like he/she was living a life inside an iron cage as he/she compared his/her daily routine of cleaning statues and polishing portraits with the life of South Koreans portrayed in the dramas.[339] On the other hand, there was

336_ NKHR2022000006 2022-05-25; NKHR2022000011 2022-06-10; NKHR2022000012 2022-06-10; NKHR2022000014 2022-06-10.

337_ NKHR2021000011-2 2022-05-31.

338_ NKHR2021000026-2 2022-05-18.

testimony stating that the testifier did not think that South Korea was a democratic and advanced society after watching South Korean dramas because he/she believed "art is art."[340] Another testifier stated that watching South Korean dramas enabled him/her to learn about capitalism, although it did not affect the testifier's perception that there was something wrong with North Korean society.[341] In many cases, the testifiers stated that they learned about the "outside world" by watching South Korean dramas.[342]

In many cases, people who watch and distribute South Korean video recordings are sentenced to labor training punishment. However, testimonies that these people are sentenced to correctional labor punishment have been steadily increasing. There were many testimonies indicating that those caught with Chinese music or video recordings are sentenced to labor training punishment, while those caught with South Korean dramas are sentenced to correctional labor punishment.[343] It is said that once a person is caught during a crackdown, the authorities interrogate the person and use all means to force the person to confess who

339_ NKHR2022000014 2022-06-10.

340_ NKHR2022000006 2022-05-25.

341_ NKHR2022000019 2022-06-16.

342_ NKHR2022000011 2022-06-10; NKHR2022000012 2022-06-10; NKHR2022000017 2022-06-13.

343_ NKHR2020000026 2020-07-06; NKHR2020000029 2020-07-06; NKHR2022000006 2022-05-25 and many other testimonies.

the distributor is.[344] There was testimony stating that being caught watching South Korean movies is punished more severely than being caught using drugs (*bingdu*). According to the testimony, the former will be sentenced to correctional labor punishment or forced deportation, or sent to a political prison camp (*kwanliso*).[345] In particular, those who are caught with pornography are sentenced to up to ten years of correctional labor punishment[346] or sometimes deported.[347] In addition, there was testimony reporting that a proclamation was issued stating that those watching/distributing South Korean video recordings would be sentenced to death[348] and testimony claiming that those who are caught would be shot to death.[349] There was also testimony indicating that the Criminal Law was revised in 2018 so that those watching Korean dramas or video recordings would be sentenced to five years of imprisonment.[350] Testimony was collected claiming that the punishment has been strengthened since 2019 and, as a result, a person watching a South Korean movie for one

344_ NKHR2020000013 2020-06-15.

345_ NKHR2020000021 2020-07-06.

346_ NKHR2019000016 2019-05-07.

347_ NKHR2019000003 2019-04-08.

348_ NKHR2015000099 2015-05-19.

349_ NKHR2019000084 2019-10-05; NKHR2022000006 2022-05-25.

350_ The text of the relevant provisions cannot be confirmed as the Criminal Law, which allegedly had been revised in 2018, is currently not available. However, some parts of the said law have been introduced by the press. "North Korea revised part of the Criminal Law on the punishment of human traffickers," *Radio Free Asia,* 26 June 2019.

hour would be sentenced to one year of correctional labor punishment, and the testifier knew of a person being sentenced to seven years of correctional labor punishment for watching seven hours of South Korean movies.[351] According to the testimony of North Korean defectors who defected in 2019, the punishment for watching South Korean video recordings is seven to ten years of imprisonment,[352] and one testifier claimed that ten years imprisonment was not particularly severe because there have been cases in which people were sentenced to life imprisonment or sent to a political prison camp (*kwanliso*) because the punishment has been strengthened.[353] A North Korean defector who defected in 2019 testified that, unlike in the past when there were cases in which authorities turned a blind eye to people watching CDs, today, people who are caught watching South Korean dramas are unconditionally subjected to interrogation by the Ministry of State Security, and anyone found having routinely distributed South Korean dramas are to be shot to death.[354]

However, despite the authorities' tightened control over illegal video recordings, there are still many cases in which people avoid punishment through personal connections and bribery.[355] A North

351_ NKHR2022000002 2022-05-18.

352_ NKHR2022000011 2022-06-10; NKHR2022000015 2022-06-10; NKHR2022000017 2022-06-13.

353_ NKHR2022000017 2022-06-13.

354_ NKHR2021000026-2 2022-05-18.

355_ NKHR2020000005 2020-05-15; NKHR2020000022 2020-07-06 and many

Korean defector testified that whether a person who is caught with illegal video recordings would be punished depends on whether the person could offer bribes on the spot. According to the testifier, a person who is supposed to be punished by correctional labor punishment could be released within a few days or months, and a person from a rich family could cover up the case with money.[356] It is said that the amount to be paid as a bribe is fixed in yuan per movie, and those with money could be set free while those without money would be sent to a prison camp (*kyohwaso*).[357] A North Korean defector testified that, in 2018, his/her son, who listened to South Korean music while playing, was caught by Group 109 members and the testifier paid 15,000 yuan to reduce the sentence his/her son was to receive to six months imprisonment in a labor training camp (*rodongdanryundae*).[358] On the other hand, several testimonies have reported that charges related to South Korean dramas or films cannot be resolved by offering bribes, and people who are caught while watching such video recordings would be sent to a prison camp (*kyohwaso*) or a political prison camp (*kwanliso*) no matter how much they paid as a bribe.[359] A North Korean defector who defected in 2020 testified that his/her

other testimonies.

356_ NKHR2020000014 2020-06-15.

357_ NKHR2022000010 2022-06-09.

358_ NKHR2022000003 2022-05-19.

359_ NKHR2019000076 2019-08-26; NKHR2019000089 2019-10-19; NKHR2019000097 2019-10-21.

friend who was caught watching a South Korean drama was sentenced to three years of correctional labor punishment.[360] Another testimony was collected reporting that adolescents were subject to a criticism meeting and sent to a prison camp (*kyohwaso*) after undergoing a public trial.[361]

Table Ⅱ-35 Watching Video Recordings and Related Punishments

Testimonies	Testifier ID
In 2003–2004, the testifier was caught watching a prohibited video, but the case was closed with only a warning. Crackdowns on watching prohibited video recordings have intensified since Kim Jong Un came to power, which resulted in a significant decrease in viewership. Currently, there is a saying that watching one hour of a South Korean drama means one year of correctional labor punishment.	NKHR202300042-2 2023-07-31
In 2015, Group 109 members searched the testifier's home on the day the testifier was out after watching a South Korean girl group's music video that he/she did not successfully hide. The testifier's mother was home by herself. Luckily, she avoided punishment because the Group 109 members did not find anything.	NKHR202300011 2023-04-13
In 2018, one of the testifier's acquaintances was caught watching a South Korean movie during a home search for illegal video recordings. The acquaintance was detained in the Ministry of State Security for about six months but avoided being sent to a labor training camp (*rodongdanryundae*) by offering a large amount of money as a bribe. People who are caught with South Korean movies could be sent to a prison camp (*kyohwaso*), and approximately 2,000 dollars must be paid as a bribe in such a case.	NKHR2020000022 2020-07-06
In 2018, the testifier's son was arrested by Group 109 members while at a friend's house for dancing to South Korean music; one of his friends who was there reported him to Group 109. The testifier paid 15,000 yuan so that his/her son could avoid the punishment, and the son was sentenced to six months imprisonment in a labor training camp (*rodongdanryundae*).	NKHR2022000003 2022-05-19

360_ NKHR2021000011-2 2022-05-31.

361_ NKHR2022000023 2022-06-22; NKHR2022000025 2022-06-23.

Testimonies	Testifier ID
Even after 2018, people who are caught watching a South Korean drama are sentenced to a minimum of five years imprisonment. In the past, people were easily caught because they used CDs to watch South Korean dramas, but nowadays, people can evade detection more easily because they use micro-SD memory cards the size of a fingernail, which they remove from the device and hold tightly in their hand when they hear someone opening the front door of their house. Punishment varies depending on what was watched; people who are caught watching South Korean movies are unconditionally sentenced to correctional labor punishment.	NKHR2022000006 2022-05-25
Before defecting from North Korea in 2018, the testifier knew a boy who was sentenced to six months of labor training punishment for listening to South Korean songs; the boy was sentenced to only six months of labor training punishment because his parents paid a bribe. Because the crackdowns are severe, people watch illegal video recordings only after locking the doors of their house and covering the windows with blankets, pretending that there is nobody at home; people do not open the front door of their house even if somebody knocks on it.	NKHR2022000007 2022-05-25
In 2018, the testifier's daughter was arrested by Group 109 members for a USB drive she had lent to a friend. The testifier's daughter was harshly beaten while in custody, and she escaped by telling the officers that she was going to the restroom. The testifier eventually paid 1,800 North Korean won as a bribe to save his/her daughter.	NKHR2022000019 2022-06-16
Before defecting from North Korea in 2019, the testifier saw the Youth League carrying out crackdowns on people's mobile phones on the street. According to the testifier, approximately 10,000 yuan must be paid per film to cover up cases involving South Korean movies.	NKHR2020000013 2020-06-15
The testifier had been dispatched to Russia until the end of 2019. The testifier's company prevented the workers from using a mobile phone, but the workers secretly used stick-type mobile phones. The testifier secretly watched numerous YouTube videos using his/her mobile phone. The testifier watched the 2018 Inter-Korean Summit and listened to South Korean music through YouTube. These phones were not censored.	NKHR2020000050 2020-11-28
Before defecting from North Korea in 2019, the testifier watched dramas using a USB drive. In the past, there were cases in which people watching CDs were ignored; however, such cases have decreased. Today, people who are caught watching South Korean dramas are unconditionally subjected to interrogation by the Ministry of State Security. Anyone found to have routinely distributed South Korean dramas is shot to death.	NKHR2021000026-2 2022-05-18

Testimonies	Testifier ID
The testifier watched South Korean dramas up until he/she defected in 2019. The testifier was careful because crackdowns were frequently conducted and those who are caught could be deported or sent to a political prison camp (*kwanliso*). Crackdowns are carried out by Group 109 members accompanied by the People's Unit (*inminban*) chief. Usually, crackdowns are conducted three to four times a month.	NKHR2022000001 2022-05-13
The punishment has been strengthened since 2019. A person watching a South Korean movie for one hour is sentenced to one year of correctional labor punishment. There was a person who was sentenced to seven years of correctional labor punishment for watching South Korean movies for seven hours. Cases of people sentenced to labor training punishment can be covered up by paying a bribe.	NKHR2022000002 2022-05-18
Crackdowns by Group 109 members were frequently conducted in Bocheon in 2019. Usually, those caught during a crackdown are not sentenced to correctional labor punishment, and those caught for merely watching prohibited videos and not distributing them can avoid punishment by offering bribes. Those caught in a special crackdown are severely punished as an example. The testifier watched videos saved on USB drives; Chinese video recordings were the most recent ones available and South Korean video recordings were older. The images of South Korea in the videos differed significantly from what the testifier had learned in the past, so he/she thought they were images of a different country. North Korean people in their 20s emulate South Korean clothing styles and have a perception that South Korea is a prosperous country. In 2019, the testifier was caught watching a South Korean drama and sentenced to seven months of labor training punishment.	NKHR202300015 2023-07-27
In 2019, the testifier saw a public trial of three students from his/her school who were caught and tried for watching South Korean video recordings. The students were sent to a prison camp (*kyohwaso*). It was the first time the testifier saw 18-year-olds being sent to a prison camp (*kyohwaso*).	NKHR2022000023 2022-06-22
In January 2020, one of the testifier's friends was caught watching a South Korean drama and was sentenced to three years of correctional labor punishment.	NKHR2021000011-2 2022-05-31
Those who are caught are deported unconditionally. In many cases, college students get caught for distributing illegal video recordings.	NKHR2022000014 2022-06-10
The testifier heard that those watching anti-socialist South Korean videos would be publicly executed.	NKHR202300055 2023-07-22

Testimonies	Testifier ID
The testifier watched South Korean videos (e.g., Descendants of the Sun, Boys over Flowers) and listened to South Korean songs from a USB drive while in the military. When the testifier visited a political officer's house on his birthday sometime in 2017–2018, the testifier, together with other people, danced and listened to South Korean songs. In the absence of other entertainment options, members of the military spend time listening to South Korean music on special occasions like a political officer's birthday, and nobody reports this behavior because doing so would mean that the entire platoon, company, and battalion would be held accountable.	NKHR202300021 2023-08-04
Crackdowns on South Korean video recordings are very severe, with inspections carried out by MPS officers and Party workers. Students are randomly searched on their way to school, with their computers, recording devices, and mobile phones inspected. In 2019, the testifier's son was caught storing 200 South Korean songs on his IT device during a street raid. Taking advantage of the fact that parents of high school or college students would be more than willing to pay bribes to prevent their children from being punished, the officers who caught the testifier's son demanded large amounts of money from the testifier as a bribe.	NKHR202300019 2023-08-02
The testifier has watched foreign video recordings since he/she was 15; the testifier and his/her friends made USB copies of them and passed them around. Officers randomly inspected students' laptops on the street. One day, the testifier's laptop was inspected because a friend who got caught gave the testifier's name, but he/she was able to avoid punishment because the folder containing the prohibited video recordings was locked with a password.	NKHR202300011 2023-05-23
Many North Korean people imitate the fashion or hair styles from Chinese dramas and, if they get caught, they can avoid punishment by writing self-criticism reports or paying bribes. However, people imitating South Korean styles are severely punished.	NKHR2023000010 2023-05-15
North Korean people prefer mobile phones over computers for watching video recordings because there is a lower chance of being caught if they use mobile phones. People who merely help to transmit a video recording using a computer would be caught, and if one of a group of friends gets caught for watching a video recording, there is a risk that the rest of the friends will also get caught.	NKHR2023000030 -2 2023-05-04

Testimonies	Testifier ID
Having watched many Chinese dramas since childhood, the testifier did not feel unfamiliar watching South Korean dramas. The testifier thought that South Korean people were better off than Chinese people. North Korean people secretly pass around USB drives containing prohibited videos as if they are participating in a pyramid scheme. While attending nursing school in 2016, the testifier experienced USB inspections. People caught having many videos stored on a USB drive are likely to be punished because bribery does not work in these cases.	NKHR202300018-2 2023-08-01
When the testifier was in high school, the testifier's friends were punished for watching impure video recordings and South Korean movies. Those caught watching South Korean movies were sentenced to correctional labor punishment.	NKHR202300008 2023-04-28

(2) Crackdowns on and Punishments for the Illegal Use of Mobile Phones

Mobile phones are a major means through which external information is introduced and transmitted to North Korean people. The number of North Korean people subscribed to wireless communications surpassed 0.5 million in 2010, 1 million in 2012, 3 million in 2013 and 3.7 million in 2017.[362] As of 2020, the number of mobile phone subscribers was approximately 6 million, and, in North Korea, 3G telecommunication services are provided by three telecommunication companies, including a joint venture between companies from Egypt and Thailand. Considering that one person, such as a person working at a marketplace (*jangmadang*), owns multiple mobile phones, the

362_ Young-ja Park *et al.*, *Eight Changes in North Korea's Economy and Society under the Kim Jong Un Era* (Seoul: KINU, 2018), p. 149.

number of actual mobile phone users is estimated at 4.5 million, which is about 20% of the total population. However, North Korea's Internet usage rate has been found to be the lowest in the world because the state does not provide an Internet connection for information control purposes. According to World Internet Usage Statistics 2022, at the end of July 2022, the number of Internet users in North Korea was estimated to be 20,000 people, accounting for 0.1% (0.07%) of the total population of 25.96 million.[363]

In addition, other restrictions are imposed for information control purposes. For example, wiretapping and security check functions are installed on mobile phones to prevent information leakage.[364] While the number of mobile phones supplied in North Korea has increased, most of the calls made are domestic calls. The fact that the authorities have installed equipment and facilities producing electronic jamming signals and conducted crackdowns on mobile phones using hand-held wiretapping equipment has been confirmed in the testimonies of North Korean defectors.[365] Punishment provisions for illegal international communications include Article 261 of the Criminal Law (correctional labor punishment; up to five years of correctional

363_ "North Korea ranks last in the world for the rate of Internet users of 0.1%," *Radio Free Asia*, 18 August 2022.

364_ Min-kwan Kim, "Recent Trends and Implications of Smartphone Use in North Korea," *KDB Future Strategy Institute*, 10 August 2020.

365_ NKHR2021000011-2 2022-05-31; NKHR2022000003 2022-05-19; NKHR2022000008 2022-05-27; NKHR2022000013 2022-06-10.

labor punishment if the case is serious) and Article 282 of the Administrative Penalty Law (fines or re-educational labor discipline of three months or more).

Crackdowns are carried out regularly mainly by inspectors, MSS agents and Group 109 members. Testimony has indicated that crackdowns at work require the submission of a list of mobile phone users.[366] It is said that all mobile phones and landline phones are registered and managed by the Ministry of State Security, state-run stores sell mobile phones, and each person can possess one mobile phone.[367] Many testimonies have been collected stating that people tend to use North Korean phones because the mobile phones produced in China are traceable.[368] A North Korean defector testified that, in 2018, he/she was caught using a Chinese mobile phone by Department 111 of the Ministry of State Security, which is the department in charge of wiretapping mobile phones. According to the testifier, his/her house was searched without a warrant, and he/she chewed up the SIM card and paid a bribe to avoid punishment.[369] The ways in which North Korean people evade crackdowns have also diversified. Testimonies have been collected indicating that people usually hide their mobile phones and go to a mountain or

366_ NKHR2022000001 2022-05-13.
367_ NKHR2022000006 2022-05-25.
368_ NKHR2022000001 2022-05-13; NKHR2021000011-2 2022-05-31.
369_ NKHR2021000011-2 2022-05-31.

the top of an apartment to make short calls,[370] use the Chinese messenger WeChat installed on Chinese smartphones, or use text messages and delete any messages immediately after they have sent or received them.[371]

Items subject to crackdowns on mobile phones include the content of text messages, the content of calls, and the mobile phone's memory. Mobile Phones are inspected to see whether the alarm sound uses South Korean music [372] or whether the user has sent text messages with South Korean words or pronunciation.[373] A North Korean defector whose child went to school in 2020 testified that as the number of students possessing mobile phones has increased, the school inspects students' mobile phones every morning to check if impure video recordings or South Korean songs are stored on them.[374] Many North Korean defectors who defected in 2019 have testified that crackdowns on mobile phones have intensified compared to the past. These crackdowns are carried out mainly by MPS officers, but crackdowns on the mobile phones of train passengers are conducted by MSS agents and even by train attendants in some cases. Consequently, North Korean residents are subject to constant mobile phone inspections.[375]

370_ NKHR2022000003 2022-05-19; NKHR2021000008-2 2022-05-26.
371_ NKHR2020000013 2020-06-15; NKHR2020000024 2020-07-06.
372_ NKHR2022000001 2022-05-13.
373_ NKHR2022000001 2022-05-13; NKHR2022000011 2022-06-10.
374_ NKHR2020000038 2020-09-26.

Those caught by the Ministry of State Security's electromagnetic wave tracking system three times are sentenced to correctional labor punishment.[376] In addition, it has been claimed that those with non-approved movies, strange photographs or non-approved games on their mobile phones will be caught by MPS officers and sent to a detention center (*guryujang*), prison camp (*kyohwaso*), or labor training camp (*rodongdanryundae*).[377] One testifier stated that his/her mobile phone was not really his/hers[378] because inspections were so frequently conducted.

Punishments for the illegal use of mobile phones vary depending on the situation in each case. However, there were many testimonies reporting that the testifiers were able to lower sentences or avoid punishment through bribery. Young people often get caught in crackdowns because they actively use mobile phones; when the case is serious, those caught are sentenced to correctional labor punishment, but some cases can be covered up by paying a bribe.[379] If college students are caught by MSS agents with anti-socialist songs, videos or pictures stored on their mobile phones, their schools impose punishments. However, students from wealthy families avoid punishment by paying a large amount of

375_ NKHR2022000014 2022-06-10; NKHR2022000015 2022-06-10.
376_ NKHR2022000013 2022-06-10.
377_ NKHR2022000014 2022-06-10.
378_ NKHR2022000015 2022-06-10.
379_ NKHR2022000001 2022-05-13; NKHR2022000018 2022-06-15.

money as a bribe.[380] A North Korean defector who defected in 2019 testified that he/she had been detained in an MPS branch after being caught during a crackdown carried out by inspectors, and when he/she confessed he/she had made a mistake and begged for mercy, the MPS officers bluntly told him/her to bring 100 yuan.[381]

Table II-36 Crackdowns on Mobile Phone Usage and Related Punishments

Testimonies	Testifier ID
In 2018, the testifier was caught using his/her Chinese mobile phone at a friend's house. The testifier chewed up the SIM card and threw it away. Officers carry out home searches randomly without a warrant whenever they detect suspicious electromagnetic waves.	NKHR2021000011-2 2022-05-31
The testifier experienced a crackdown in 2018. The officers showed him/her their identification and told the testifier to give them his/her mobile phone, so he/she did as he/she was told. The officers checked whether illegal songs or video recordings were stored on the phone.	NKHR2022000016 2022-06-11
In 2019, one had to pay 1,500–2,000 yuan to avoid punishment related to mobile phone usage. The amount of the bribe one must pay varies from region to region. With respect to Hyesan, one must pay at least 5,000 yuan. When the testifier was caught during a crackdown in 2015, he/she was able to settle the matter for 500 yuan.	NKHR2020000006 2020-05-15
The testifier's brother-in-law was caught during a crackdown on mobile phones in 2019. Mobile phones are strictly monitored even on the street and in markets. The city or district Youth League and Group 109 members carry out inspections, and authorities from different provinces cross-censor mobile phones. Data that have been deleted are restored for inspection. However, punishments for cases involving mobile phones vary depending on how the person who catches the offender reports on the offense concerned.	NKHR2020000030 2020-08-03

380_ NKHR2021000026-2 2022-05-18.

381_ NKHR2022000015 2022-06-10.

Testimonies	Testifier ID
Mobile phones were widely used by college students in 2019. Those who are unlucky are caught by the inspectors. Those who are caught with songs or videos stored on mobile phones are considered anti-socialists. Students who are caught by MSS agents are punished by their affiliated schools, but students from wealthy families avoid punishment by paying a large amount of money as a bribe.	NKHR2021000026-2 2022-05-18
Before defecting from North Korea in 2019, the testifier experienced crackdowns on mobile phones at work, which were conducted when instructions were issued based on the list of mobile phone users. The testifier was told to bring his/her mobile phone at a designated time. Before submitting his/her phone, the testifier deleted everything stored on the phone that he/she thought should be removed.	NKHR2022000001 2022-05-13
Communication via mobile phones is very difficult in Hyesan because the facilities produce interfering electromagnetic waves. MSS agents walking around the street wearing plain clothes randomly inspect the mobile phones of people passing by.	NKHR2022000008 2022-05-27
The testifier's child went to school until 2020. Every morning, the child's homeroom teacher and the Youth League members inspected students' mobile phones to check for impure video recordings or South Korean songs.	NKHR2020000038 2020-09-26
Crackdowns are carried out mainly by MPS officers, but crackdowns on train passengers are carried out by MSS agents and the security platoon. Inspectors randomly demand passers-by to show their mobile phones and take their phone if they find something suspicious, telling the owner to come to an MPS branch. When the testifier confessed that he/she had made a mistake and begged for mercy, the MPS officers bluntly told him/her to bring a certain amount of money. The amount of money paid as a bribe depends on what was stored on the mobile phone; people usually pay 100 yuan as a bribe. An individual's mobile phone does not really belong to them.	NKHR2022000015 2022-06-10
Mobile phones are inspected once every three days in Chongjin, North Hamgyeong Province. In the past, Group 109 changed its name temporarily to Group 617 and frequently carried out crackdowns on mobile phones. If the case is serious, those caught are sentenced to correctional labor punishment, but some cases can be covered up by paying a bribe.	NKHR2022000018 2022-06-15
North Koreans begin to use mobile phones at the age of 16-17. Mobile phones cost approximately 2,000 yuan. Many people have mobile phones, but there are many more who do not. Crackdowns on mobile phones are carried out on the street, and students' mobile phones are inspected at school to check if they have South Korean songs, dramas or movies on them.	NKHR2022000034 2022-08-08

Testimonies	Testifier ID
In 2018, three of the testifier's close friends who got caught in a mobile phone inspection left home in a service car and stayed with their relatives for a while to avoid punishment. In the past, people who got caught for storing South Korean songs on their mobile phones were able to avoid punishment by paying a bribe, but large amounts of money are needed these days.	NKHR2023000003 2023-04-11
Crackdowns on young people using mobile phones to watch South Korean dramas and listen to South Korean songs were carried out in Gilju in 2019. The testifier was caught watching a South Korean drama but was able to cover up the case by paying a bribe. Those without money are punished, and in some cases, parents are punished for their child's misconduct.	NKHR20230000182 023-08-01
Crackdowns on mobile phones were very severe in Bocheon in 2019. Many people were caught talking about politics or making derogatory remarks about politics on their mobile phones. Those who got caught were sent to a prison camp (*kyohwaso*) if they did not have money to offer as a bribe.	NKHR2023000015 2023-07-02
If one makes eye contact with an MPS officer or MSS agent on the street, the MPS officer or MSS agent will often stop the person and demand that the person present his/her mobile phone. If they are caught for the first time, large amounts of money should be paid as a bribe.	NKHR2023000018-2 2023-08-01
MPS officers conduct random inspections of people listening to songs on their mobile phones. Those caught listening to South Korean songs are either sent to a labor training camp (*rodongdanryundae*) or pay a bribe.	NKHR2023000012 2023-05-30
There is a portable device that can detect people calling people in China. The device can detect international calls to China more easily if the caller is near the device. Thus, people go to a mountain to make international calls.	NKHR2023000010 2023-05-10
The authorities use a frequency detector to locate people making a call using a Chinese mobile phone. Those who get caught are arrested on the spot.	NKHR2023000008 2023-04-23
The Youth League conducts crackdowns on mobile phones on the streets, especially targeting people with smartphones. People who have sent/received text messages with South Korean-style language are caught. For example, even those who have saved a number under *chingu* (i.e., "friend" in South Korean) get caught.	NKHR2023000005 2023-04-13

D. Evaluation

The North Korean Constitution stipulates the freedom of expression, and the North Korean authorities claim that they guarantee this right. However, North Korean people's right to freedom of expression is seriously restricted in reality. The press and publications, which are supposed to function as a means of expressing diverse opinions, are subject to arbitrary censorship and control by North Korean authorities. In particular, crackdowns on and censorship and punishment for the illegal use of digital devices, such as computers and mobile phones, that can store external cultural content have been continuously strengthened. Due to the revision of the Criminal Law in 2015, the crackdowns on and punishments for the use of mobile phones in border areas have been intensified; and this has been confirmed in the testimonies of North Korean defectors collected in recent surveys. In particular, it has been found that many North Korean residents, regardless of their age, gender, or place of residence, watch South Korean dramas and movies, and that watching these has raised people's awareness of the outside world and increased their yearning for it. The reality of the application of the Reactionary Ideology and Culture Rejection Act adopted in December 2020 was clarified by the testimony of a North Korean defector who defected in 2021. According to the testifier, the authorities have distributed information on the Act to People's

Units (*inminban*) to ensure that individuals learn about the punishment provisions, and people are fearful of stronger punishments.[382] Defining the inflow of external culture as an attempt to overthrow the regime, North Korea is expected to further intensify crackdowns on and punishments for watching South Korean media and video recordings and the use of mobile phones. It has been found that, despite the strong control, censorship and crackdowns by the authorities, the North Korean people's desire and demand for access to information is not decreasing.

382_ NKHR2023000030-2 2023-05-04.

9

Right to Freedom of Assembly and Association

The right to freedom of assembly and association means individuals' freedom to assemble to express their opinions. It is an indispensable part of a democratic society and a right that must be guaranteed for citizens to exercise their sovereignty.

Major international human rights norms refer to the right to freedom of assembly and association. Article 20 of the UDHR stipulates that "everyone has the right to freedom of peaceful assembly and association," and that "no one may be compelled to belong to an association." Moreover, Articles 21 and 22 of the ICCPR refer to freedom of assembly and association as follows.

Table II-37 Articles 21 and 22 of the ICCPR

Article 21		The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.
Article 22	Paragraph 1	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.
	Paragraph 2	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 in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
	Paragraph 3	Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Opportunities to participate in peaceful assembly or to belong to a trade union or interest groups, which are guaranteed under the right to freedom of assembly and association, should lead to the legal and institutional guarantee of and substantive protection for voluntary assembly and association. Details about trade unions are discussed in III. The Reality of Economic, Social and Cultural Rights, 3. Right to Work. This chapter examines the right to peaceful assembly and matters related to organizational life.

A. Absence of the Right to Peaceful Assembly and Enforced Convocation

Article 21 of the ICCPR stipulates that "the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." The right to peaceful assembly allows individuals to express themselves collectively and to participate in shaping their societies and protects individuals so that they can exercise individual autonomy. A failure to respect and guarantee this right is a marker of repression.[383] Article 67 of the North Korean Constitution stipulates that "citizens [⋯] shall have freedom of assembly/demonstration and association." However, there are laws in North Korea that are inconsistent with or restrict the freedom of assembly, and in reality, assemblies held in North Korea are mostly group assemblies, which is social mobilization aiming to provide ideological and political education and promote people's patriotism.

The North Korean Criminal Law stipulates that "any person

383_ UNHRC, General Comment No. 37: Article 21 (Right of Peaceful Assembly), Advance Unedited Version, para. 1, para. 2, para. 9.

who does not comply with the instructions of a state agency and causes collective disturbance" (Article 245 on the crime of collective disturbance) and "any person engaged in political conspiracy" (Article 246 on the crime of political conspiracy) shall be subject to criminal penalties. These provisions serve as legal grounds to restrict the people's right to free assembly. Consequently, assemblies not authorized by the authorities are close to non-existent, and the very perception of the right to peaceful assembly and to freedom of assembly has not yet been established among North Korean people. It has been confirmed through the testimonies of North Korean defectors that any form of assembly other than government-led assemblies and crowd mobilization is not only disallowed in North Korea but also unthinkable.[384]

According to a North Korean defector who defected in 2019, many North Korean people think about holding assemblies, but nobody dares to hold an assembly against the state, and the testifier neither heard of nor witnessed such assemblies.[385] Testimonies have been collected reporting that holding autonomous assemblies is impossible in Hamheung, South Hamgyeong Province[386] and that anyone organizing an assembly

384_ NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.
385_ NKHR2022000015 2023-07-27.
386_ NKHR2022000001 2022-05-13.

would be arrested.[387]

On the other hand, state-mobilized rallies whose attendance is mandatory appear to occur frequently. Being forced to participate in rallies or events against one's will is also considered a violation of the freedom of assembly. Cases of public executions related to the violation of the freedom of assembly are examined in detail in 2. Right Not to Be Tortured or Receive Inhuman Treatment, and the issue of mobilization of students for political events is addressed in VI. Vulnerable Groups, 2. Children.

B. Absence of the Freedom of Association and Forceful Imposition of Organizational Life

Regarding freedom of association, Article 22, paragraph 1 of 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." Article 67 of the North Korean Constitution stipulates that "citizens [⋯] shall have freedom of assembly/demonstration and association." However, in reality, only assemblies and associations that are needed by the KWP are allowed, and assemblies or associations that are based on the free will of the general public are not permitted. As a result, the concept of freedom of assembly does

387_ NKHR20220000010 2023-05-15.

not exist in the minds of ordinary North Koreans. In recent surveys, no testimony was reported concerning an association that represents the opinion or interests of North Korean people. There was testimony indicating that in 2018, people paid a lot of money – some even borrowed money – to the immigration office of the MSS provincial bureau in Yanggang Province, but as the issuance of their river-crossing passes (*dogangjeung*) and passports was delayed, people got angry and protested in front of the immigration office. According to the testimony, this incident led the Central Ministry of State Security to carry out an inspection.[388] Associations that are not permitted by the state, including ones that are incidental, are strictly censored, and group actions are regulated as group resistance.

While any association based on the free will of individuals or groups is not permitted in North Korea, all the residents are forced to participate in organizational life. All North Korean residents, from the age of six until retirement, are required to join organizations including those in kindergartens, the Korean Children's Union (*sonyeondan*), various educational institutions, the Youth League, the General Federation of Trade Unions, the Agricultural Workers' Union, the Women's Union and the KWP. With regard to such organizational life, North Korean defectors have consistently testified that the activities and duties in these

388_ NKHR2019000091 2019-10-21.

extra-Party organizations are far from the autonomy one can experience in associations voluntarily organized by individuals with common interests.[389]

The Report of the Working Group of the UPR on North Korea issued in 2019 states that North Korea has been examining the recommendation to "end the practice of forcing all married women to join the [Women's Union]."[390] However, it is expected that the practices of organizational life that North Korea, which pursues collectivism, has established will continue to be maintained in all sectors, including society, home and work. Considering that forming organizations or groups that are independent of the state and the Party is extremely difficult in North Korea, the organizational life that North Korean authorities forcibly impose on the people cannot be interpreted to be in harmony with the freedom of association.

It is said that there is no penalty for not attending rallies organized by the state and paying money instead.[391] However, considering the testimony that those who are repeatedly absent from rallies will not be appointed as officials or will be criticized by others during Life Review Sessions (*saenghwalchonghwa*), attendance at state-mobilized rallies is essentially mandatory.[392]

389_ NKHR2022000003 2022-05-19; NKHR2022000011 2022-06-10 and many other testimonies.

390_ UN Doc. A/HRC/42/10 (2019), para. 127.47.

391_ NKHR2021000026-2 2022-05-18.

While many testimonies have confirmed that control over people's participation in organizational life continues to exist in North Korean society, others have claimed that people only participate in organized events as a formality. Of particular note is the testimony reporting that even private gatherings are closely controlled.[393] On the other hand, it has been found that people could avoid participating in rallies on national holidays or anniversaries by paying money, which indicates that control over people's participation in state-mobilized rallies has eased somewhat.[394] People mandatorily participate in political events but avoid attending events if possible using their economic power. It can be seen that the authority of organizations and groups that unite and integrate North Korean people is weakening.

C. Evaluation

North Korean people are not guaranteed the right to freedom of assembly and association. Based on Articles 21 and 22 of the ICCPR, North Korean people have the right to peaceful assembly and the right to form and join voluntary associations to promote their interests. However, the reality in North Korea is that the right to freedom of assembly and association is not recognized and

392_ NKHR2022000006 2022-05-25.
393_ NKHR2021000026-2 2022-05-18.
394_ *Ibid.*

people are forced to participate in assemblies approved by the authorities and join organizations that are institutionalized. While social control by the state continues to exist, such control is weakening with people using various methods to avoid forced participation. A number of testifiers have claimed that it never occurred to them that they could hold assemblies and form associations to promote their rights. Given that North Korean people have long been living under the control of the state and thus are accustomed to an organizational or group-oriented lifestyle, it seems unlikely that the awareness of freedom of assembly and association will expand among North Korean people.

10

Right to Political Participation

The right to political participation is one of the most important civil rights in a democratic political system. Article 21 of the UDHR stipulates that "everyone has the right to take part in the government of his country, directly or through freely chosen representatives." Article 25 of the ICCPR also states that the principle of direct, universal, equal and secret ballots should be observed.

Table Ⅱ-38 Article 25 of the ICCPR

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:
(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
(c) To have access, on general terms of equality, to public service in his country.

North Korea recognizes the right of its people to political participation in its laws. In particular, the principle of universal,

equal, direct and secret voting, which is the key element of the right to political participation, is stipulated in its laws. Article 4 of the North Korean Constitution stipulates that "the working people shall exercise their sovereign power through their representative organs, which are the Supreme People's Assembly and the local People's Assemblies." Article 6 of the Constitution also stipulates that "organs of state power at all levels, from the County People's Assemblies to the Supreme People's Assembly, are elected based on the principle of universal, equal and direct suffrage by secret ballot." In addition, North Korean Law on the Delegates Election for All Levels of the People's Assembly of 2020 (hereinafter the Election Law) stipulates the principle of universal, equal, direct and secret voting (Articles 2–5). As such, the North Korean Election Law and Constitution stipulate that deputies for the SPA and the People's Assemblies of provinces, cities and counties, which are North Korea's legislative institutions, must be elected in accordance with the principle of democratic elections.[395] However, the North Korean Constitution also provides that the SPA and local People's Assemblies, which are legislative bodies, should be under the control of the KWP. Article 5 of the Constitution states that "all state agencies" in North Korea are "organized and operated in accordance with the principle of

395_ The election of deputies to the SPA is held every five years, and the election of deputies to the People's Assemblies of provinces (directly controlled municipalities), cities (districts) or counties is held every four years (Article 8 of the Election Law).

democratic centralism." In addition, Article 11 stipulates that state agencies must "conduct all activities under the leadership of the Korean Workers' Party." As can be seen above, North Korea's political system based on a one-party dictatorship inevitably restricts the right to political participation of the North Korean people.

The major issues related to the situation in North Korea regarding the right to political participation are examined below.

A. Distortion of the Nature of Democratic Elections

Article 25(a) of the ICCPR stipulates that all citizens shall be guaranteed the right "to take part in the conduct of public affairs, directly or through freely chosen representatives." The fundamental nature of a democratic election presupposes that voters can freely acquire and distribute information about the representative they elect. However, it appears that, in North Korea, there is no apparent way for ordinary voters to elect representatives of their own choosing, and it is said that voters cast their votes without knowing who the candidates are, with most of them seeing the candidates' faces for the first time on election day.[396] While some testifiers said that it was possible to know who the candidates

396_ NKHR2023000005 2023-04-13.

were beforehand as their photographs and names were on the posters displayed at the election site a few days before the election day,[397] most North Korean people vote without knowing who the candidates are that they are voting for.[398]

In democratic countries, elections are the processes by which people with diverse views and demands elect their representatives who will express ideas on their behalf. However, in North Korea, elections are only a perfunctory procedure to approve personnel appointments that the KWP wants. In addition, elections are merely a means of political mobilization to elicit people's support for the Party policies and goals. In particular, North Korea has utilized elections of deputies as a process to confirm North Korean people's absolute loyalty towards Kim Jong Un, the continuation of the *Baekdu* bloodline, and the regime led by the KWP. Moreover, since the establishment of the regime, North Korea has propagandized the fact that Party candidates receiving 100% of the votes cast represents evidence of the absolute support of the North Korean people for the Party. This phenomenon is clearly impossible in a free and competitive election where multiple candidates run for office.

397_ NKHR2019000016 2019-05-07; NKHR2019000069 2019-08-26; NKHR2019000072 2019-08-26; NKHR2021000026-2 2022-05-18; NKHR2023000005 2023-04-13.

398_ NKHR2019000049 2019-07-01; NKHR2021000026-2 2022-05-18 and many other testimonies. It also includes cases where people vote without knowing who the candidates are not only because the North Korean authorities do not actively promote candidates but also because voters do not try to seek information about candidates due to their indifference to politics.

Such election results show that in North Korea, elections are used as a tool to reinforce and legitimize the rule of the KWP, rather than a process through which voters freely choose their political representatives. In other words, in North Korea, the right to participation in elections, which is a representative example of the right to political participation, does not play its role as a procedure conveying people's intentions to the government. Without the freedom and opportunity to choose from various candidates and policies, North Korean people's right to political participation is seriously restricted.

B. Violation of the Principle of Secret and Direct Election

Article 25 (b) of the ICCPR stipulates that all citizens have the right to freely express their opinions at periodic elections based on the principle of universal, equal and secret ballot. North Korea also guarantees in its Constitution a secret ballot based on the principle of universal, equal and direct suffrage. Article 6 of the North Korean Constitution stipulates that "organs of state power at all levels, from the County People's Assemblies to the Supreme People's Assembly, are elected based on the principle of universal, equal and direct suffrage by secret ballot." The legislative arrangement of the right to political participation in the North Korean Constitution is not very different from that of the

ICCPR.

It has been reported that North Korean authorities actively employ administrative power to encourage people to vote. According to the testimonies of several North Korean defectors, election schedules and voting venues are announced on television and in newspapers,[399] and some People's Unit (*inminban*) chiefs visit each and every house within the unit to inform the residents of the election date and instruct people who had lost their People's Registration Cards to have them reissued before voting.[400]

According to the testimonies of many North Korean defectors, in North Korea, those who are eligible to vote must vote, and voting is perceived as a duty, not an individual choice.[401] People fear that they might face legal punishments or be accused of being a political criminal (or a spy/traitor) if they do not vote.[402] Mobile voting is guaranteed by law for voters not able to cast their vote on election day at a polling station for personal reasons. Article 67 of the Election Law provides that "if a person is unable to go to a polling place due to reasons such as serious illness, old age or physical disability, members of the Election Commission of the electoral district concerned may visit the person with a mobile

399_ NKHR2019000105 2019-11-09.

400_ NKHR2019000072 2019-08-26.

401_ NKHR2019000047 2019-07-01 and many other testimonies.

402_ NKHR2019000037 2019-06-15; NKHR2019000070 2019-08-26; NKHR2019000073 2019-08-26; NKHR2022000020 2022-06-18; NKHR2022000022 2022-06-21; NKHR2023000019 2023-08-02.

ballot card and a sealed mobile ballot box to facilitate his/her vote." In fact, many testifiers have confirmed that North Korean people are aware of the mobile voting system. The testifiers confirmed that if a person cannot go to a polling place due to illness or disability, Election Commission members personally visit that person with a portable ballot box so that the person could vote,[403] and if a person is out of town on a business trip, that person can still vote at a polling place located in the electoral district where they are staying using a mobile ballot card obtained in advance.[404]

The North Korean Election Law also guarantees a secret ballot. Article 5 of the Election Law stipulates that "voters are guaranteed the freedom to vote either affirmatively or negatively." However, most testifiers commonly stated that, in reality, there is no one who would vote negatively toward candidates, and they are afraid of the punishment they would face if they voted negatively.[405]

While a secret ballot is guaranteed to some extent, many cases have been reported in which the principle of a secret ballot is violated at different steps in the voting process. As there is only

403_ NKHR2020000011 2020-06-15; NKHR2020000021 2020-07-06; NKHR2020000028 2020-07-06; NKHR2022000001 2022-05-13; NKHR2022000002 2022-05-18; NKHR2023000019 2023-08-02; NKHR2023000012 2023-05-30 and many other testimonies.

404_ NKHR2019000073 2019-08-26; NKHR2019000085 2019-10-05; NKHR2022000022 2022-06-21.

405_ NKHR2020000028 2020-07-06; NKHR2019000086 2019-10-05; NKHR2022000015 2022-06-10 and many other testimonies.

one ballot box installed at a polling place and each ballot contains serial numbers that are identical to the numbers written in the voter registry, it is possible to know who did not put their ballot in the ballot box.[406]

While many testimonies stated that there was no one monitoring inside the screened area set up for voting, some testimonies reported that there was an observer sitting inside the screened area.[407] There were also testimonies reporting that surveillance cameras were installed in some polling places.[408]

A unique case was reported in which voters were instructed to vote either affirmatively or negatively for all of the candidates running for office rather than to cast a vote for one of the listed candidates. In general, there is one candidate in one electoral district, and voters cast a yes or no ballot. However, according to a North Korean defector, there was an electoral district where three candidates ran for office in the election of deputies to the SPA held in March 2019, and people put yes votes in the ballot boxes that had the names of the three candidates written.[409]

In North Korea, voters are in principle blocked from voting negatively for candidates because expressing opposition on a

406_ NKHR2019000071 2019-08-26; NKHR2019000095 2019-10-21.
407_ NKHR2019000068 2019-08-26.
408_ NKHR2019000068 2019-08-26; NKHR2019000086 2019-10-05.
409_ NKHR2019000069 2019-08-26.

ballot itself is not possible and a monitoring system is in operation in polling places.

In summary, whereas universal, equal, direct and secret suffrage is institutionally guaranteed in North Korea and most North Korean people regularly participate in elections, in reality, most North Korean people must vote affirmatively for candidates pre-decided by the authorities, and it is practically impossible for them to express opposition as they fear possible punishments.

Furthermore, North Korean people are not guaranteed the right to autonomously decide whether or not to participate in elections. There is widespread fear that there would be legal or political retaliation if one decides not to or refuses to cast a vote. The mobile voting system, which is applied for those having difficulties going to a polling place due to business trips, illness or disabilities, provides convenience when voting but also restricts people's freedom because it does not allow people to avoid participation in an election.[410] Considering the various factors mentioned above, the principle of secret and free ballots in its true sense is not guaranteed in North Korea.

410_ In addition to the mobile voting system, voting by proxy is legally permitted for people who cannot personally cast a vote for reasons such as illness, disability or old age. Article 67 of the Election Law provides that "a person who is unable to cast a vote personally may designate a third person to vote according to his/her intention."

C. Limited Application of Electoral Eligibility

Article 25 (c) of the ICCPR includes the right "to have access, on general terms of equality, to public service in his country" as a major part of the right to political participation. In a democratic system, every citizen has the right to access public services. However, in North Korea, such right is limited only to those nominated by the KWP. As a result, ordinary North Korean people are not aware of their eligibility to run for elections.

For the general public, deputy candidates are perceived as those "designated by the state."[411] As shown in a North Korean defector's testimony that "even Party members cannot run in an election of deputies unless selected by the Supreme Leader (*Suryeong*),"[412] the right to political participation cannot be considered fully realized in North Korea. The North Korean Constitution guarantees all citizens aged 17 or older the right to vote and the right to stand for election. However, it can be said that while the right to vote is guaranteed for ordinary North Korean people, the right to be elected (i.e., the right to stand for election) is almost absent.

Although Article 35 of the Election Law provides that "candidates for deputies of the People's Assembly at each level

411_ NKHR2019000085 2019-10-05.
412_ NKHR2019000037 2019-06-15.

shall be recommended directly by voters or jointly or independently by political parties or social organizations," in most cases, such candidates are determined by the Party. In addition, those who are recommended as candidates for deputies must undergo qualification screenings at a voters' meeting composed of at least one hundred voters before they are registered with the Election Commission as candidates. It is said that it is legally stipulated that voters' meetings must be held in areas of residence or places such as agencies, enterprises, cooperative farms, schools or military units, but most people are reluctant to attend such meetings.[413]

Table II-39 Cases of Infringement of the Right to Political Participation

Testimonies	Testifier ID
When the testifier participated in the 2017–2018 election, he/she knew who the candidate was and voted as instructed. The voting took place at a meeting hall, and there was no screened voting booth installed to ensure secret voting.	NKHR2023000009 2023-05-10
The testifier participated in the 2018 election because voting was mandatory; the testifier would have been put to death had he not participated in voting. The testifier cast a vote and put his/her ballot in the ballot box without even checking the candidate's name.	NKHR2023000019 2023-08-02
The testifier voted on 10 March 2019 and could not talk about the election and was careful about his/her behavior since the MSS agents were watching.	NKHR2019000064 2019-08-17
The testifier participated in the 2019 election and did not have any prior knowledge about the candidate. As there was an observer and a surveillance camera, it was not possible to cast a no vote.	NKHR2019000086 2019-10-05

413_ NKHR2020000011 2020-06-15.

Testimonies	Testifier ID
The testifier participated in the election of deputies to the SPA on 10 March 2019. Since certain numbers are written on each ballot, authorities can check who cast votes and who voted affirmatively. It is not possible to refrain from participating in voting.	NKHR2019000095 2019-10-21
The testifier participated in the election of deputies in 2019. One can simply mark his/her ballot with an "X" and place it in the ballot box if he/she opposes the candidate. However, everyone voted in favor of the candidate because a person casting a no vote could be considered problematic.	NKHR2020000028 2020-07-06
The testifier participated in the election of deputies to the SPA and the regional election held in 2019. People must participate in elections unconditionally and vote affirmatively for the candidates because casting a no vote is not possible.	NKHR2022000022 2022-06-21
A voters' meeting is held one week before the election day to conduct qualification screening for deputy candidates for the SPA. However, the meeting is held only as a formality, and people cannot veto the candidates because those who did so would be accused of being sectarian spies.	NKHR2022000006 2020-05-25
Elections are perfunctory in nature and people must vote only affirmatively for the candidates. Photographs of the candidates are displayed at the election site 10 days before the election day, but many people only get to know who the candidates are on the election day because they do not visit the election site in advance.	NKHR2021000026-2 2022-05-18
Voting is mandatory; People's Unit (*inminban*) members visit those unable to go to a polling place with a portable ballot box so they can cast their votes. When one arrives at the polling station, they are given two ballot papers, one of which is marked "yes" and the other marked "no".	NKHR2023000005 2023-04-13

D. Evaluation

North Korean people participate in elections in accordance with the Constitution and the Election Law. However, the principle of direct, universal, equal and secret ballots stipulated in the Constitution and the Election Law are not fully upheld. It is difficult for most North Korean people to acquire and exercise the right to stand for election by their own will, and even when

exercising the right to vote, most North Korean people are forcibly mobilized by the authorities to cast votes without knowing who the candidates are. Moreover, they only vote in favor of candidates recommended by the Party. As a result, the majority of North Korean people do not even realize that the principle of democratic elections exists. In a democratic society, citizens have the right to vote and the right to run for election through free competition. However, in North Korea, elections are used as a means of reinforcing the regime and legitimizing the system, rather than electing representatives who will speak for the people in the political process.

Many testimonies have been collected stating that, on election day, while there was no observer inside the voting booth, a coercive atmosphere was created as there were MPS officers standing near polling places and surveillance cameras were installed. Testimonies revealing that official media and People's Unit (*inminban*) chiefs actively encourage people to vote, that the testifiers know about the candidates before the election, and that voters' meetings to review candidates' qualifications are held are noteworthy. However, considering that it is still impossible for people to run for election by their own will, that people are not guaranteed the right to autonomously decide whether or not to participate in elections, and that an environment where people could express their opinions for or against candidates is not guaranteed, it cannot be said that the right to political participation is sufficiently guaranteed in North Korea.

White Paper on Human Rights
in North Korea 2023

Part Ⅲ

The Reality of Economic, Social and Cultural Rights

1. Right to Food
2. Right to Health
3. Right to Work
4. Right to Education
5. Right to Social Security

1

Right to Food

The UDHR states that "everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services" (Article 25, paragraph 1). In addition, the ICESCR provides a more specific provision regarding the right to food (Article 11, paragraph 2).

Table Ⅲ-1 Article 11 of the ICESCR

Paragraph 2	The States Parties to the present Covenant recognize the fundamental right of everyone to be free from hunger.

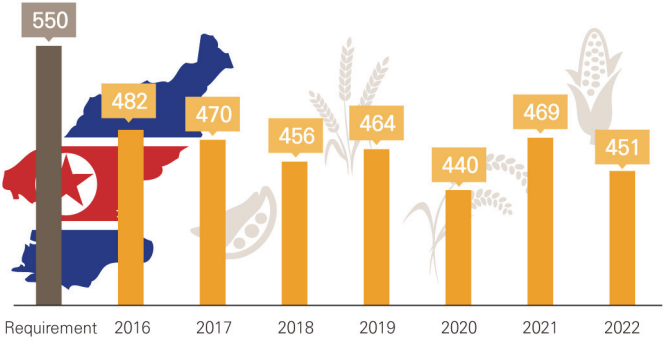
Article 7 of the North Korean Food Policy Law of 2021 states that "it is the consistent policy of the DPRK to be responsible for supplying grain foods" and that "the state shall supply food to the people in a timely manner." In North Korea, the state guarantees the right to food by law while officially implementing a food rationing system. Moreover, North Korea has recently enacted and amended various agricultural laws and regulations including the Agricultural Law (amended in 2020), the Farm Law (amended

in 2022), and the Bluffing Prevention Act (enacted in 2022). However, in reality, the right to food of North Korean people is not adequately protected.

A. Continued, Chronic Food Shortages

North Korea's average annual grain production over the past seven years is approximately 4.56 million tons,[414] which is approximately one million tons less than the annual grain demand of approximately 5.5 million tons. This indicates an annual shortfall of approximately one million tons of food.

Figure Ⅲ-1 North Korea's Food Demand and Production (Unit: 10,000 tons)



Source: Ministry of Unification North Korea Information System, Status Indicators for North Korea.

414_ North Korea's food production over the past five years is as follows: 4,823,000 tons in 2016; 4,701,000 tons in 2017; 4,558,000 tons in 2018; 4,640,000 tons in 2019; 4,398,000 tons in 2020; 4,692,000 tons in 2021; and 4,505,000 tons in 2022. The Ministry of Unification North Korea Information System, "Status Indicators for North Korea: Food Production," <https://hairo.unikorea.go.kr/info/ExpIndex0203.do> (Accessed 2 September 2023).

The international community has expressed concerns about North Korea's food shortages. International Food Security 2023–33, issued in 2023 by the Economic Research Service under the U.S. Department of Agriculture, estimated that 59.8% of North Korea's population, or approximately 15.6 million people, would be food insecure by 2023.[415] In addition, the State of Food Security and Nutrition in the World Report 2023 released jointly by the UN Food and Agricultural Organization (hereinafter FAO), the International Fund for Agricultural Development (hereinafter IFAD), UNICEF, WFP, and the WHO, reported that 45.5% of the North Korean population is undernourished. This figure represents an increase of approximately 4% from the 41.6% given in the 2022 report, which indicates that malnutrition among North Korean people has worsened recently.[416]

According to the UN Office for the Coordination of Humanitarian Affairs (hereinafter OCHA), North Korea ranked at the bottom in terms of food security among the 38 Asia-Pacific countries surveyed.[417] This underscores the inability of North Korean authorities to provide a stable food supply for the people.[418]

415_ USDA, *International Food Security Assessment, 2023–2033*, (Washington DC: USDA, 2020), p. 30.

416_ FAO, IFAD, UNICEF, WFP and WHO, *The State of Food Security and Nutrition in the World 2023*, (Rome: FAO, 2023), p. 152.

417_ OCHA, "Asia and the Pacific: 2023 Regional Focus Model," <https://reliefweb.int/report/world/asia-and-pacific-2023-regional-focus-model-january-2023> (Accessed 28 August 2023).

418_ "Food security" refers to the country's maintenance of an adequate amount of

B. Failed Food Production Policy: the Paddy Unit Responsibility System

Article 11, paragraph 2 (a) of the ICESCR stipulates that there is a need "to improve methods of production, conservation and distribution of food [···] by developing or reforming agrarian systems in a way to achieve the most efficient development and utilization of natural resources." Accordingly, the States Parties are required to take active measures to increase food availability in the event of a food shortage.

To overcome chronic food shortages, North Korean authorities introduced a policy to expand food production. In 2012, after Kim Jong Un came to power, North Korea introduced the paddy unit responsibility system, under which a production team (*bunjo*), the smallest production unit of a collective farm consisting of three to five people (previously 10–25 people before the unit was further subdivided), is responsible for farming land of a certain size (*pojeon*) on a cooperative farm and a portion of excess production is distributed among the team (*bunjo*) members as an incentive to improve the motivation of farm members in terms of production and increasing the output.[419] Given that private interests are

food to ensure that it can provide its citizens with a certain level of food, even in the face of various disasters.

419_ Excess production is distributed between the state and farmers in a 7:3 ratio, with the state taking 30% of the production for taxes and other expenses, 40% set aside for state purchasing, and farmers taking 30% to distribute among themselves.

strictly controlled in North Korea, the implementation of a food production policy that distributes a certain percentage of excess production to individuals can be considered innovative.

North Korea amended the Farm Law in 2013, 2014, 2015, 2020, and 2021 to institutionalize the paddy unit responsibility system. Articles 26 to 29 of the Farm Law of 2021 stipulates in detail the implementation of the paddy unit responsibility system within the framework of the team (*bunjo*) management system, allotment of paddies (*pojeon*), production and purchase plans for the paddy (*pojeon*) under the responsibility of the team (*bunjo*), and the responsibility to farm the paddy (*pojeon*) under the responsibility of the team (*bunjo*).

In its 2019 UPR, North Korea emphasized that it had authorized innovative farm management led by farm members and encouraged farm members to fulfill their responsibilities and roles in production and management by introducing the paddy unit responsibility system. It assessed that due to this measure, grain production had steadily increased every year and made great progress in resolving food issues.[420]

However, according to the testimonies of North Korean defectors, the paddy unit responsibility system in practice appears to place greater emphasis on responsibility for grain production rather than incentives for excess production. A North Korean

420_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 49.

defector who defected in 2018 said that the paddy unit responsibility system is a system in which all of the rice fields in a farm are divided into plots of land according to the number of team (*bunjo*) members so that each member manages the plot they are assigned and excess production is calculated and distributed based on the overall production of the entire team (*bunjo*), not on an individual basis based on the yield from individually managed plots, thus the system focuses more on the management of plots rather than the provision of incentives for excess production.[421]

The most important aspect of the paddy unit responsibility system is whether this measure taken by North Korean authorities to increase food availability has actually led to an increase in food production and contributed to improving the food situation in North Korea.

According to the testimonies of many North Korean defectors, the paddy unit responsibility system has not significantly contributed to solving farmers' food problems because the amount of harvested crops distributed to farm members has decreased since the implementation of the system.[422] Moreover, some testifiers have reported that there are some farms that no longer implement the paddy unit responsibility system and have returned to the previous team (*bunjo*) management system.[423]

421_ NKHR2023000040 2023-06-18.

422_ NKHR2019000029 2019-06-03; NKHR2020000022 2020-07-06 and many other testimonies.

A North Korean defector who defected in 2021 said that, since the amount of harvested crops available for distribution among farm members is very low even under the paddy unit responsibility system, farm members secretly steal crops during harvest.[424] A North Korean defector who defected in 2018 mentioned natural disasters, soil acidification, and a decrease in farm members' motivation as reasons for the decline in food production in cooperative farms, and testified that farm members do not work hard because, despite the implementation of the paddy unit responsibility system, not much is distributed to farm members and most of the harvested crops are collected by the state under the Rice for the Military (*gullyangmi*) campaign.[425]

A testifier who had worked as a farm member explained that, although farm members were told that under the paddy unit responsibility system, they would be able to take 30% of the production, in reality, it was difficult for farm members to even take 1% of the amount harvested. According to the testifier, after deducting costs for fertilizer, fuel, and labor (farm members must pay part of the employment expenses for people sent by the state), there is actually not much remaining for farm members.[426] A North Korean defector who defected in 2023 testified that, despite

423_ NKHR2022000014-2 2022-07-29; NKHR2022000015-2 2022-07-29.
424_ NKHR2022000030 2023-05-04.
425_ NKHR2023000040 2023-06-18.
426_ NKHR2020000040 2020-10-31.

their hard work and sweat in spring and summer, not a single grain of rice was returned to farmers.[427]

One of the reasons that the paddy unit responsibility system has not been very effective is the excessive production plan set by the authorities. A North Korean defector who had worked as a farm member said that the authorities set a plan in advance as to the amount that should be harvested from one's allotted paddies, and since the target is often set too high, there is very little left after one pays back the state and, in some cases, production did not meet the plan so the testifier had to pay for the shortage another way.[428] A North Korean defector who defected in 2019 testified that the paddy unit responsibility system has made things even more challenging for farm members because they have to hand in a lot more harvests to the state in order to meet the excessive production plan, which does not reflect actual production.[429] A North Korean defector who defected in 2020 stated that farm members must meet the state-set production plan even by borrowing harvests from others because those who fail to meet the plan are sent to a labor training camp (*rodongdanryundae*).[430]

The unfair allotment of paddies and insufficient supply of farming materials such as fertilizer are also major factors

427_ NKHR2023000057 2023-07-29.
428_ NKHR2020000003 2020-05-15; NKHR2023000057 2023-07-29.
429_ NKHR2022000042 2023-07-31.
430_ NKHR2023000038 2023-05-27.

hindering the effectiveness of the paddy unit responsibility system. A testifier complained that the good land is taken by the People's Unit (*inminban*) chiefs or team (*bunjo*) leaders and barren land is given to general farm members.[431] In addition, another testifier said that the amount of fertilizer actually distributed to individual farm members is small as officials or transportation agents embezzle and sell the fertilizer supplied by the state. According to the testifier, some farm members sold the supplied fertilizer when they were in need of money or used the supplied fertilizer for their personal farming.[432] A North Korean defector who defected in 2023 stated that farm members of a cooperative farm find themselves having to purchase fertilizer on their own to cultivate crops because the officials in the farm only pretend to provide state-supplied fertilizer and actually sell it for personal gain.[433]

C. Food Shortages Due to Excessive Government Collection

The food situation in North Korea has hardly improved because official skimming continues to occur under various pretexts such as the Rice for the Military (*gullyangmi*), Patriotic Rice (*aegukmi*),

431_ NKHR2019000023 2019-05-18.
432_ NKHR2019000057 2019-07-29.
433_ NKHR2023000057 2023-07-29.

Rice for the Needy (*wonhomi*) and Rice for the Shock Troops (*dolgyeogdae*) campaigns.

A North Korean defector who defected in 2019 testified that even when the production plan is not 100% fulfilled, Rice for the Military (*gullyangmi*) is collected unconditionally, and there was almost nothing left after it was collected.[434] Another North Korean defector who also defected in 2019 said that after Rice for the Military (*gullyangmi*) is collected, usually there is almost nothing left in the output from jointly cultivated farms to be distributed to individual farm members, and if the target quota for Rice for the Military (*gullyangmi*) is not filled with the output from jointly cultivated farms, individual farm members share the burden to fill the quota as the total target quota must be met unconditionally.[435] Another North Korean defector testified that those who used the state land had to submit 40% of harvests as Rice for the Military (*gullyangmi*), and even those who did not use the state land had to submit Patriotic Rice (*aegukmi*).[436] There was also testimony stating that the submission of Rice for the Military (*gullyangmi*) is a must and thus people not having enough corn to meet the quota assigned for Rice for the Military (*gullyangmi*) sell the rice they have in the market to buy corn.[437]

434_ NKHR2019000025 2019-05-18.
435_ NKHR2020000040 2020-10-31.
436_ NKHR2019000032 2019-06-03.
437_ NKHR2022000009 2023-04-27.

A North Korean defector who defected in 2023 testified that, in provinces like North Hwanghae Province where there are more grain-producing areas, the amount of grain collected by the state for state campaigns such as Rice for the Military (*gullyangmi*) is greater and the pressure to meet quotas is more intense.[438]

In addition, a North Korean defector who defected in 2021 testified that some rich families submit one to two tons of corn and receive certificates of merit,[439] and a North Korean defector who defected in 2019 said that people with money tend to submit a significant amount of Patriotic Rice (*aegukmi*) because the authorities are more likely to turn a blind eye to those who have submitted a substantial amount of Patriotic Rice (*aegukmi*) even if they get caught for committing illegal acts.[440]

In addition to Rice for the Military (*gullyangmi*) and Patriotic Rice (*aegukmi*), farmers submit food under diverse "support" campaigns. There were cases in which around 10–20kg of grain was collected from each farm member under the name of support for the military, school and village,[441] and cases in which rice and firewood were collected for the 4·15 Support Project.[442]

A North Korean defector who defected in 2019 said that there were

438_ NKHR2023000055 2023-05-07.
439_ NKHR2023000013 2023-06-01.
440_ NKHR2023000017 2023-07-31.
441_ NKHR2019000027 2019-06-03.
442_ NKHR2019000041 2019-07-01.

many cases in which each household was instructed to submit a certain amount of cash assigned for national construction projects such as the Baekdusan Samjiyeon construction project, and those who could not submit cash had to provide labor instead.[443] Another North Korean defector testified that, in 2018 alone, he/she submitted corn, rice, scrap iron, rabbit fur, and cash for a support fund for flood damage in the northern regions, the Kim Il Sung/Kim Jong Il Fund Project, Rice for the Military (*gullyangmi*), and Patriotic Rice (*aegukmi*).[444] Under the Kim Jong Un regime, official skimming to support large-scale construction projects has become more frequent. Heavy official skimming is taking place at workplaces, the People's Unit (*inminban*), the Women's Union and schools for construction support for residences in the Wiyeon Construction District and construction support for the Samjiyeon District.[445]

On the other hand, some testimonies have been collected stating that recently, there is almost no skimming by the state, and if it happens, it is not compulsory. A testifier who defected in 2019 said that people are told to submit Patriotic Rice (*aegukmi*) and Rice for the Capital City (*sudomi*), but collection was not unconditional, and it was more like a suggestion asking those who

443_ NKHR2020000002 2020-07-04.

444_ NKHR2019000045 2019-07-01.

445_ NKHR2019000039 2019-07-01 and many other testimonies.

could submit rice to do so. The testifier said that he/she did not submit anything.[446]

North Korean people who suffer from excessive collection by the state secure food through personal farming, such as farming vegetable gardens, small farms, and small plots of land, and raise cash or purchase daily necessities by selling agricultural products.[447] There were many testimonies stating that procuring food has become difficult as the farmland available for private farming has decreased due to the re-forestation projects recently pursued under the Kim Jong Un regime, under which land where trees are not planted is reclaimed by the state or prohibited for farming.[448]

D. Food Shortages Due to Embezzlement and Misappropriation in the Distribution Process

North Korea's food problem can be attributed not only to insufficient food production but also to issues in the food distribution process. The finding by the National Intelligence Service of Korea that more than 240 people died due to starvation in North Korea between January and July 2023, which was more than double the average number of deaths due to starvation over the past five years (110 people),[449] and the news report that

446_ NKHR2020000044 2020-10-31.

447_ NKHR2020000025 2020-07-06 and many other testimonies.

448_ NKHR2020000026 2020-07-06 and many other testimonies.

deaths due to starvation have occurred in Kaesong, a major city in North Korea,[450] show that problems exist not only in North Korea's food production system but also in its food distribution system.

In this regard, at the 7th Enlarged Plenary Meeting of the 8th Central Committee of the KWP held in March 2023, Kim Jong Un emphasized, regarding North Korea's grave food situation, that "internal factors having a negative impact on agricultural development" must be resolved.[451] In the context of the Bluffing Prevention Act that was enacted after the 7th Enlarged Plenary Meeting, the "internal factors" mentioned by Kim Jong Un, appear to be associated with false reporting of food production and embezzlement in the food distribution process.

On 31 May 2022, North Korea enacted the Bluffing Prevention Act, which defines "false reporting" as a form of bluffing (Article 2). Chapter 3 of the Bluffing Prevention Act on the prevention of bluffing regarding agricultural production contains provisions that specifically stipulate the accurate measurement of agricultural production and prohibition of false reporting (Article 17),

449_ "National Intelligence Service states more than 240 people have died of starvation in North Korea this year alone…more than double the average over the past five years," *Dong-A Ilbo*, 18 August 2023.

450_ "Dozens of people die of hunger every day in Kaesong, North Korea…Kim Jong Un dispatches officials twice to address the situation," *Yonhap News Agency*, 6 February 2023.

451_ "Report on the 7th Enlarged Plenary Meeting of the 8th Central Committee of the Korean Workers' Party," *Korean Central News Agency*, 2 March 2023.

prohibition of excess submission and purchase of agricultural products (Article 18), and reporting, investigation, and processing of violations of the said provisions and administrative penalties and/or criminal punishment for such violations (Articles 44–49). The fact that North Korea has enacted a new statute specifically for false reporting despite the various laws on food already in place, such as the Grain Purchase Law, demonstrates the seriousness of false reporting and embezzlement and misappropriation of agricultural products in North Korea.

Defector testimonies have confirmed that false reporting on food production has been a long-standing, chronic problem in North Korea. A North Korean defector who had lived in South Hwanghae Province and defected in 2023 testified that work unit heads, who are responsible for reporting food production, usually make false reports so that they, together with farm guards, farm officers, and village (*ri*) Party officials, can embezzle unreported food.[452] A North Korean defector who had lived in Yanggang Province and defected in 2020 stated that cooperative farms deliberately underreport their food production, claiming natural disasters such as heavy rain as the reason for decreased production, or underreport their estimated harvest immediately before harvesting season. According to the testifier, officials from higher authorities tend to collude with farms in making false

452_ NKHR2023000031 2023-04-29.

reports to increase the share of food set aside for them.[453]

According to a North Korean defector who had lived in South Pyeongan Province and defected in 2019, false reporting on food production occurs primarily during the fall harvesting season when central government employees visit cooperative farms to measure production.[454] Another North Korean defector who defected in 2019 testified that the stronger the natural disaster, the easier it is to deceive the authorities about food production; for instance, in the event of flooding, farms falsely report that it will take several years to recover flooded land but restore the land in only a few months and grow crops there, underreporting their food production.[455]

Testimony was collected reporting that embezzlement and misappropriation of food following false reporting on food production are widespread on cooperative farms and, when discovered, they can be covered up by paying bribes to investigators from the prosecutors' office. According to the testimony, the underreported food production ends up being submitted to Kim Jong Un.[456]

False reporting on food production appears to be a

453_ NKHR2023000038 2023-05-27.
454_ NKHR2022000008-3 2023-06-28.
455_ NKHR2023000054 2023-07-09.
456_ NKHR2022000009-3 2023-04-27.

long-standing issue that has been occurring throughout North Korea involving various actors from production units to officials from higher authorities. This practice has led to more dire food shortages in North Korea.

E. Disparities in Food Rations

North Korea officially maintains a rations system. According to numerous testimonies of North Korean defectors, food rations are provided in a differential and discriminatory manner to specific regions or specific occupational groups and the amount of food rations is far below the actual demand.

Moreover, many North Korean defectors have testified that they did not receive any rations,[457] and some North Korean defectors have claimed that the food rations system is no longer in operation. In light of these testimonies, it appears that North Korea's food rations system is facing serious issues.[458]

457_ NKHR2022000030 2023-05-04; NKHR2023000012 2023-05-30; NKHR2023000013 2023-06-01; NKHR2023000017 2023-07-31; NKHR2023000040 2023-06-18; NKHR2023000058 2023-07-29.

458_ NKHR2023000057 2023-07-29.

Table Ⅲ-2 Recent Receipt of Food Rations

Testimonies	Testifier ID
The testifier worked at a food supply station in a coal mine from November 2017 to June 2019 and received 23–25kg of rice as rations, but it was only enough for 15 days, considering the amount of moisture that would evaporate while transporting the rice and the amount lost while rice is processed.	NKHR2020000042 2020-10-31
The testifier worked at an honored veteran's factory, and potatoes were rationed, but the testifier did not take them because the quality was bad. The testifier's son worked at a train station, and some potatoes and corn were given as rations.	NKHR2020000019 2020-07-04
The testifier's father was a middle school teacher but did not receive any rations.	NKHR2020000035 2020-09-05
The testifier's spouse was a doctor and received a rice ticket from his/her workplace (hospital), which was to be submitted at a food ration center. Corn and flour were provided as rations. Rations were provided once every 15 days, and each time, approximately a week's worth of food was rationed. As sanctions were imposed on North Korea, rations were not provided many times.	NKHR2020000047 2020-11-28
The testifier worked as an MSS agent at a political prison camp (*kwanliso*) in a city in South Pyeongan Province and received exactly 15kg of corn per person once every month. Food rations were provided for farm members in the camp.	NKHR2020000048 2020-11-28
The testifier's spouse was a doctor but did not receive any rations. The testifier's spouse ate lunch with his/her colleagues after treating patients and received food from patients' families.	NKHR2022000005 2022-05-22
Only those working at the Ministry of State Security and the Ministry of Social Security and Party workers receive normal rations. Because ordinary people do not receive rations, they make hats or wigs to receive rice or soybean oil in return.	NKHR2022000007 2022-05-25
People working at steel mills irregularly received corn, flour, meat, oil and soap as rations because they had to produce military supplies all day long. However, no rations were given at other workplaces.	NKHR2021000017 2022-06-13

(1) Discriminatory Rations Based on Occupation

North Korea's rations system is not functioning properly in general. In some areas where it does function, the benefits seem to be centered mainly on specific social classes with power.

First of all, it appears that food is well distributed to social classes with power, including Party officials, managers, MPS officers and MSS agents compared to general workers and farm members. A North Korean defector who defected in 2020 testified that social classes with power are able not only to live off the rations alone but also have enough to share with their relatives,[459] and a North Korean defector who defected in 2017 testified that the Party and legal and administrative agencies have their quota (*ppont*), according to which food supplied directly from a farm is distributed among their employees.[460] According to a North Korean defector who defected in 2019, Party officials receive the largest amount, followed by Ministry of State Security employees, prosecutors and MPS officers; their ration amount is around three to five times that for doctors or teachers and they also receive subsidiary food as well as a stable supply, which indicates that even within elite groups, rations are primarily distributed to those affiliated with political agencies of power.[461]

459_ NKHR2022000022 2022-06-21.
460_ NKHR2018000006 2018-03-12.
461_ NKHR2019000029 2019-06-03.

It is also discriminatory that people affiliated with political agencies mostly receive white rice only.[462] A North Korean defector who defected in 2019 said that his/her spouse was an MSS agent, and the whole family received about 50kg of white rice as rations, and special rations for holidays were also sufficient.[463]

On the other hand, it has been found that doctors, teachers and researchers, who are generally regarded as professionals, have very poor rations compared to those working for political agencies, despite also belonging to an elite group. Among the testifiers who recently defected from North Korea, many testified that they did not receive any rations although their parents were teachers or doctors.[464] A North Korean defector who defected in 2019 testified that teachers generally receive only a few thousand North Korean won as wages, which is insufficient to make a living,[465] and a North Korean defector who had worked as a feldsher at a hospital said that although potato rations were given in fall, the testifier did not receive them because he/she had to bear the transportation cost and the quality of the potatoes was poor.[466] A North Korean defector who had worked as a nurse

462_ NKHR2019000041 2019-07-01.

463_ NKHR2020000038 2020-09-26.

464_ NKHR2020000001 2020-05-15; NKHR2022000005 2022-05-25 and many other testimonies.

465_ NKHR2023000012 2023-05-30.

466_ NKHR2019000029 2019-06-03.

from 2013 to 2015 also testified that he/she did not receive any rations and the doctors also did not receive any.[467]

(2) Differential Rations Based on Enterprise

Given that the food rations system does not function properly, a phenomenon where organizations such as enterprises secure food on their own for rationing has become widespread. As a result, the difference in the amount of rations that workers of each enterprise can receive is widening.

While workers at enterprises that operate well or are in favorable conditions receive relatively more rations, workers at poorly performing enterprises receive fewer rations or none at all. Many testimonies have been collected stating that, under the Kim Jong Un regime, it seems that the rations status is relatively secure for workers working at enterprises such as those engaged in businesses that earn foreign currency, exports or trade.[468] However, because exports have become more difficult due to the recent reinforcement of sanctions on North Korea, there are cases in which even enterprises that have provided normal rations are now experiencing a sudden deterioration in the quality and quantity of their rations.[469]

467_ NKHR2020000023 2020-07-06.

468_ NKHR2020000021 2020-07-06; NKHR2022000010 2022-06-09 and many other testimonies.

469_ NKHR2019000035 2019-06-03 and many other testimonies.

A North Korean defector who defected in 2019 said that when he/she worked at a mine under the provincial trade bureau, he/she received good rations consisting of 15–25kg of soybean oil, white rice, ducks and eggs, and the monthly wage was about 300,000–500,000 North Korean won.[470] Another North Korean defector reported that he/she received rations when he/she worked at the Musan mine, although not sufficiently; according to the testifier, he/she received 150g of corn per meal, totaling 450g of corn per day, and the workers were divided into 12 ranks and received different amounts of corn based on their rank. The testifier also said that, given that the initially distributed corn was unprocessed, the actual amount of corn provided as rations was much less after processing.[471] In addition, in the case of the Musan mine, there was testimony claiming that rations were not provided as the export of iron ore was blocked from 2017 due to sanctions against North Korea.[472]

470_ NKHR2020000021 2020-07-06.
471_ NKHR2023000006 2023-04-17.
472_ NKHR2019000057 2019-07-29.

Table Ⅲ-3 Cases of Deteriorating Rations from Enterprises after Sanctions against North Korea

Testimonies	Testifier ID
The testifier worked for an overseas construction enterprise and received 10kg of rice every month, but the rations' quality worsened, and he/she received corn or potatoes from 2015 with some rotten ones mixed in.	NKHR2019000050 2019-07-20
The testifier was working for the Musan mine, and rations were not properly given as iron ore exports to China were blocked from 2017 due to sanctions.	NKHR2019000057 2019-07-29
Due to the souring relationship with China, customs closed, and oil (fuel) was not imported. As a result, the Musan mine did not operate, and there were no rations for workers from winter 2017.	NKHR2019000065 2019-08-17
The testifier worked at a food supply station in a coal mine from November 2017 to June 2019. During Jang Song-thaek's lifetime, the coal mine was running well as it exported coal. As coal is no longer exported, the quality and quantity of food rations have gradually deteriorated.	NKHR2020000042 2020-10-31
The testifier who had lived in Hyesan said that, as the situation worsened after trade with China was blocked, many companies closed, and people's lives deteriorated because factory enterprises were not operating.	NKHR2020000020 2020-07-04

The rations situation has been found to be relatively good for workers working at enterprises or factories in some special fields, such as military-related enterprises or military supply factories. A North Korean defector who defected in 2019 said that he/she had worked at a food factory under the military, where workers produced gifts for Kim Il Sung, Kim Jong Il and Kim Jong Un's birthdays, and while working there, the testifier received food rations sufficient for his/her family to survive.[473]

473_ NKHR2020000021 2020-07-06.

Table Ⅲ-4 Cases of Satisfactory Rations from Enterprises (Factories)

Testimonies	Testifier ID
The testifier worked for a pine nut seed-gathering enterprise in a city from 2016 to 2018, and while rations were provided only once a year in October, they were worth around 1,500 yuan, and the testifier could maintain his/her sustenance without having to do a side business.	NKHR2019000043 2019-07-01
The testifier's spouse worked for a state enterprise and received 10kg of rice, 2kg of soybean oil, one pack of condiments, a facial soap and a laundry soap every month until September 2018. The testifier also received pollack and pork on every national holiday, as well as fruit in the fruit seasons, one box of 12 cans of beer on major holidays, and 250kg of potatoes in the fall.	NKHR2019000002 2019-04-08
The testifier worked for an export company in Hyesan and received 15kg of corn and oil every month.	NKHR2019000058 2019-08-26
When the testifier was working at a mine under the provincial trade bureau, the monthly wage was about 300,000-500,000 North Korean won and he/she received good rations consisting of rice, ducks and eggs. In addition, when working at a food factory under the military, where workers produced gifts for Kim Il Sung, Kim Jong Il and Kim Jong Un's birthdays, the testifier received food rations sufficient for his/her family to survive.	NKHR2020000021 2020-07-06

It has been found that, although the rations situation at military supply factories was satisfactory until a few years ago,[474] rations for workers at some military supply factories have worsened recently. A North Korean defector who defected in 2018 testified that when he/she worked at an air-raid shelter belonging to an MPS town office, he/she received 300kg of potatoes for his/her family of three, which was enough to sustain their livelihood only for about six months.[475] A North Korean defector who had

474_ NKHR2018000083 2018-08-11.

475_ NKHR2023000009 2023-05-10.

worked at a military supply factory said that while it was a rule to receive 14kg of corn every month, in recent years, wet corn was provided that only amounted to 5–6kg when dried.[476] Hence, working at a military supply factory could in fact be more disadvantageous in terms of securing food. This is because, unlike ordinary workplaces, military supply factories have a strict mandatory attendance policy, so it is impossible for the employees to procure food from private market activities.[477]

In the case of most workers who work for general enterprises (factories), there are only a few rations, or only potato rations in the fall, or special rations on holidays. A North Korean defector whose spouse had worked for a telecommunications bureau said that 350kg of potatoes were given as rations once a year in the fall, and most enterprises in Yanggang Province provided potato rations. In addition, the testifier said that his/her spouse also received oil and 1kg of meat on January 1, the Lunar New Year holiday, 2·16 and 4·15.[478] Another North Korean defector who had worked at an honored veteran's factory said that potato rations were provided, but the testifier did not take them because the potatoes were of poor quality.[479] In addition, a North Korean defector who had worked for a forestation management office, a

476_ NKHR2019000070 2019-08-26.
477_ NKHR2022000014-2 2022-07-29.
478_ NKHR2019000079 2019-09-25.
479_ NKHR2020000019 2020-07-04.

North Korean defector whose father had worked for a road facility office, a North Korean defector who had worked for an engineering research center, a North Korean defector who had worked for a power plant, a North Korean defector whose father had worked for a paper mill, and a North Korean defector who had worked for a medicinal herb factory all testified that they had not received rations.[480]

However, even when provided with rations, workers need to secure food by establishing vegetable gardens or small farms or trade at the marketplace (*jangmadang*) because the rations are insufficient and irregular in many cases. According to a North Korean defector who defected in 2019, people living in detached houses cultivate vegetable gardens to grow potatoes, cabbage, garlic, green onions, peppers, lettuce and crown daises, and people living in apartments cultivate small farms to grow corn, beans and red beans.[481] A North Korean defector who defected in 2020 testified that many households cultivated crops on small farms, but the practice has declined due to the forestry policies implemented since Kim Jong Un took office.[482] In particular, many North Korean people make up for the lack of food by purchasing from the market. Due to the poor wages given by

480_ NKHR2019000027 2019-06-03; NKHR2019000042 2019-07-01; NKHR2019000047 2019-07-01; NKHR2019000062 2019-07-29; NKHR2019000059 2019-07-29; NKHR2019000077 2019-09-25.

481_ NKHR2023000012 2023-05-30; NKHR2022000042 2023-07-31.

482_ NKHR2023000038 2023-05-27.

enterprises, North Korean people also engage in additional economic activities in the market, among other places, to earn money needed for purchasing food.[483]

(3) Discriminatory Rations in the Military

North Korea has utilized the military to advocate military-first politics. One of the ways to do this is by granting priority to the military in receiving rations. As a result, the food situation of those in the military is better than that of the population at large. However, the fact that the military has priority in receiving rations does not necessarily mean that all soldiers receive generous rations. This is because differences in amount exist by region and rank.

It seems that the rations status of those working for the Border Security Command, Coast Guard, Supreme Guard Command, submarine force and air force pilots is better than that of soldiers in other military units, and military officers seem to receive relatively good rations, unlike general soldiers. A North Korean defector whose brother-in-law was a military officer with the Border Security Command testified that there were normal rations for his family of four, including 16kg of white rice (8kg every 15 days) for the military officer himself and 50-60kg of mixed grains

483_ NKHR2019000004 2019-04-08 and many other testimonies.

for each of the family members.[484] A North Korean defector who had worked in a military unit stationed near the border and who defected in 2019 testified that he/she received three meals of white rice a day as well as snacks from his/her unit, but in October and November, which were the months of self-sufficiency, he/she relied on the food he/she obtained by engaging in side businesses within the unit.[485]

Table Ⅲ-5 Cases of Sufficient Rations at Military Units

Testimonies	Testifier ID
OO military unit was where the rations were the best, even among military units, with no problems with the food situation. Submarine units and air force pilots receive preferential treatment, and the 974 Kim Jong Un protective guards also receive favorable treatment.	NKHR2017000069 2017-08-28
The testifier's brother-in-law was a military officer in the Border Security Command, and rations were normal and provided for all four family members. Monthly rations included 16kg of white rice for the officer himself and 50-60kg of mixed grains (corn and wheat) for each of the other family members.	NKHR2019000003 2019-04-08
The testifier's spouse was a military officer, and since the food supply from the military was decent, it was possible to live on it without doing an additional business. The rations were a combination of mixed grains and white rice.	NKHR2019000041 2019-07-01
Military units provide good rations, and most military units own land where they grow crops such as beans and corn, which are distributed among unit members.	NKHR2023000009 2023-05-10

484_ NKHR2019000003 2019-04-08.

485_ NKHR2023000021 2023-08-04.

However, in most military units, food is not sufficiently supplied, and furthermore, the rations status is worsening. It has been found that some soldiers engage in deviant behavior to secure food on their own.

A North Korean defector who defected in 2021 testified that he/she received rations for all three meals each day when he/she served in the military for five years, but rations were insufficient because only 150g of cornmeal and pickled radish were provided, while the cornmeal provided was usually moldy.[486] Another North Korean defector who defected in 2021 testified that there are people dying of starvation in the military; according to the testifier, the availability of rations varies among military units, with some providing decent rations while others, such as shock troops (*dolgyeogdae*), not providing any rations, leading to soldiers dying of starvation. This testifier reported that he/she personally saw a young man from his/her neighborhood coming home suffering from malnutrition and looking like a skeleton after having served in the military for two years.[487]

According to the testimonies of many North Korean defectors, cases have been reported in which hungry soldiers steal food and livestock from private houses.[488] A North Korean defector who

486_ NKHR2022000013 2023-06-01.

487_ NKHR2022000030 2023-05-04.

488_ NKHR2020000001 2020-05-15 and many other testimonies.

was a soldier testified that while soldiers were given 600g of rations per person, they sometimes went to private houses and stole food as they were hungry, and low-level soldiers, in particular, who were given smaller food rations, sometimes stole food or ate grass.[489] A North Korean defector who defected in 2019 testified that only corn and salted radish were given to soldiers as rations and, although each soldier is supposed to receive 700g of rations per day, he/she received less than 300g because food was pilfered in the distribution process; the testifier said that, as a result, many soldiers, including him/herself, stole food habitually to avoid malnutrition and dying from starvation.[490] According to a North Korean defector who defected in 2018, parents who have sent their children to the military send money to them so their children do not starve, and the testifier him/herself had sent some cash to his/her nieces/nephews for the same reason.[491]

It seems that the corruption prevalent in the military also plays a role in enlisted soldiers not receiving proper rations. A North Korean defector who had served as a military officer said that low-level soldiers often had their rations amount reduced or ration items changed as officers siphoned off food. For example, if 100kg of rice was supplied, 50kg of corn was rationed to the

489_ NKHR2019000065 2019-08-17.
490_ NKHR2022000042 2023-07-31.
491_ NKHR2023000039 2023-06-15.

low-level soldiers.[492] Another North Korean defector testified that, although each soldier is supposed to receive 750g of rations per day, he/she only received 250–300g because the military officers, including the testifier's squad leader, had siphoned off the rations to sell for themselves.[493]

D. Evaluation

North Korea still suffers from chronic food shortages, and the international community has been expressing concerns about the malnutrition of North Korean residents caused by North Korea's dire food situation. In addition, since Kim Jong Un came to power, disparities in food availability between regions and classes have widened due to irregularities in the process of food production and distribution.

Despite North Korea's implementation of the paddy unit responsibility system, a food production policy aimed at overcoming food shortages, North Korea's food production has not increased and the right to food for North Korean people is still under threat due to various reasons including unfair allotment of paddies (*pojeon*), the insufficient supply of farming materials such as fertilizer and farming equipment, widespread

492_ NKHR2019000049 2019-07-20.
493_ NKHR2018000095 2018-08-27; NKHR2023000021 2023-08-04.

embezzlement by officials in the distribution process, excessive government planning and purchases, and various forms of skimming by the state, all of which disincentivize farm members' desire to work. In addition, some farms are even reported to have returned to the previous team (*bunjo*) management system. In light of this, the paddy unit responsibility system can be judged to be a failed policy.

Under the Kim Jong Un regime, rations are provided in a selective and differential manner, primarily for social classes with power. The vast majority of the North Korean population, other than those belonging to special groups such as the Party and political agencies or those who are managers, military officers, or workers at military supply enterprises, are excluded from the rations system. The rations situation at enterprises related to the businesses earning foreign currency, exports or trade had been relatively decent, but it is also worsening as sanctions against North Korea are tightened.

This reality is pushing most North Korean people to carry out personal economic activities, such as trading in marketplaces and cultivating small plots of land, to supplement the shortage of food. However, procuring food is increasingly difficult as farmland available for private farming has decreased due to the recent re-forestation projects pursued under the Kim Jong Un regime.

Since the COVID-19 pandemic, North Korean authorities have made additional efforts to make up for the deficiency in food

supplies and prevent irregularities in the food distribution process by enacting the Bluffing Prevention Act and conducting crackdowns on false reporting on food production. However, the widespread and systematic practice of false reporting on food production makes it challenging to anticipate the effectiveness of the newly enacted Bluffing Prevention Act.

A comprehensive and long-term approach should be adopted to solve the situation whereby North Korean people's right to food is constantly under threat from various internal and external factors. Approaches such as improving the food security crisis through humanitarian aid based on cooperation with the international community and enhancing North Korea's agricultural productivity in the mid-to-long term should also be considered. In addition, cooperation in the areas of forestry, environment and disaster prevention/response should be pursued simultaneously with agricultural development cooperation to effectively enhance the improvement of the right to food of the North Korean people.

2

Right to Health

The UDHR stipulates in Article 25, paragraph 1 that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care, and necessary social services." While the UDHR narrowly defined the right to health as the guarantee of an adequate standard of living, the ICESCR articulates the right to health more specifically as "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health." In this regard, the Preamble of the WHO Constitution also contains a comprehensive stipulation, stating that "enjoyment of the highest attainable standard of health is the fundamental right of everyone regardless of race, religion, political beliefs or economic and social conditions."

Table Ⅲ-6 Article 12 of the ICESCR

Paragraph 1	The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
Paragraph 2	The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child; (b) The improvement of all aspects of environmental and industrial hygiene; (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases; (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

As such, the right to health is an essential basic right for leading a human life that is closely linked to human rights, such as the right to life, the right to food, and the right to education. The right to health is crucial in that it is a prerequisite for enjoying these said rights.

North Korean authorities protect the right to health of the people through its Constitution and health-related laws. The North Korean Constitution stipulates in Article 56 that "The state shall protect the people's lives and improve the health of workers by consolidating and developing the system of universal free medical care, strengthening the district doctor system and the system of preventive medicine, and improving the security of materials for the public health sector." They also emphasize the protection of North Korean people's right to health in the Public Health Law, which was adopted in 1980 and amended six times

thereafter, by stipulating, “Public health work for the people is worthwhile and honorable work to protect the lives and promote the health of people who are the masters of nature and society and the most precious beings in the world, so that they can actively contribute to the accomplishment of socialist feats.”

For the promotion of public health, North Korea has enacted and implemented health-related laws including the Law on Public Sanitation of 2014, the Law on Border Sanitation Inspection of 2020, the Law on Food Hygiene of 2013, the Law on Medical Care of 2020, the Medicine Control Law of 1998, the Medical Appraisal Act of 2022, the Medicine Law of 2022, the Narcotics Control Law of 2005, the Law on Medicinal Herbs of 2009, the Public Health Law of 2023, the Law on Prevention of Epidemics of 2020, the Emergency Quarantine Law of 2022, the Imported Goods Disinfection Law of 2021, and the Anti-Smoking Law of 2020. Moreover, North Korea stated in the 2019 UPR report that it has established and implemented different plans such as the Mid-Term Strategy for the Development of the Health Sector (2016–2020), the Malaria Control Strategy (2014–2017), the Tuberculosis Control Strategy (2014–2017), and the Multi-Year Plan for Integrated Immunization (2016–2020) as efforts to protect the people’s right to health.[494]

Since Kim Jong Un took office, in addition to amending and

494_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), p. 7.

supplementing the existing health-related laws, North Korea has made efforts to protect the rights to health of its people by adopting new laws such as the Emergency Quarantine Law, the Crisis Response Law, the Imported Goods Disinfection Law, and the Medical Appraisal Act, which reflect changes in the environment, including the COVID-19 pandemic. In order to ensure thorough quarantine management following the outbreak of COVID-19, emergency quarantine measures, which were originally regulated in the existing Law on Prevention of Epidemics, were codified in an independent statute, the Emergency Quarantine Law, which has been amended and supplemented four times. Furthermore, in anticipation of the resumption of external exchanges in the future, North Korea enacted the Imported Goods Disinfection Law to address potential health and medical threats from external sources.

In addition, the Kim Jong Un regime is working to further protect the right to health by emphasizing the modernization of medical institutions, the improvement in the quality of medical services, and the establishment of a telemedicine system as major healthcare policies. At the 8th Party Congress of the KWP held in January 2021, Kim Jong Un called for efforts to complete the establishment of North Korea's telemedicine system.[495]

495_ "Benefits of the socialist health care system and the telemedicine system," *Rodong Sinmun*, 18 October 2021.

Whereas North Korean authorities appear to actively protect the people's right to health at the institutional level and implement various related policies, it has been reported in defector testimonies that North Korean people's right to health is not sufficiently guaranteed. In the following, based on the testimonies of North Korean defectors, the situation regarding the right to health in North Korea is examined, focusing on the imbalance in access to medical services, the prevalence of medical practice by private doctors, and insufficient preventive medicine.

A. Imbalance in Access to Medical Services

In North Korea, clinics, which are primary medical institutions, are set up at the neighborhood (*dong*) and village (*ri*) levels, and People's Hospitals, which are secondary medical institutions, are set up at the city, county and district levels. Hence, it seems that physical access to medical services for North Korean people is guaranteed to some extent.[496]

North Korean people's access to medical services is grounded on the complete and universal free medical care system outlined in Article 56 of the North Korean Constitution, Chapter II of the Law on Medical Care, and Article 2 of the Public Health Law.

496_ NKHR2020000018 2020-07-04; NKHR2022000002 2022-05-18; NKHR2022000025 2022-06-23; NKHR2022000034 2022-08-08; NKHR2023000010 2023-05-15; NKHR2023000013 2023-06-01; NKHR2023000014 2023-07-26.

However, despite North Korea's claim of a free medical care system, in reality, it is individuals who bear most of the cost of medical services, and as a result, there continues to be a difference in the quantity and quality of medical services that people can receive depending on their economic power. In addition, there have been continuous testimonies that class-based discrimination exists in access to medical facilities and services. In the following, testimonies of North Korean defectors are reviewed to examine the imbalance in access to medical services based on economic power and class.

The North Korean Law on Medical Care stipulates that "All citizens shall have the right to receive free medical treatment" (Article 9) and "All medicines provided to patients shall be free, and all services for patient treatment, such as medical treatment, surgery, hospitalization and meals, shall be free of charge" (Article 10). As such, North Korea officially maintains a free medical care system under which all residents are entitled to receive free medical services. A North Korean defector who had worked at a medical institution and defected in 2019 said that North Korea does operate its officially proclaimed free medical care system to a considerable extent, and thus cases in which individuals are unable to receive any medical treatment due to a lack of money are rare.[497] However, this free medical care system

497_ NKHR2023000020 2023-08-04.

exists only as a formality, and in reality, it appears that individuals are responsible for most of the cost of using medical services.[498] The costs incurred in the course of medical treatment such as doctor consultation, hospitalization, surgery and medicine purchases are entirely borne by individuals rather than the state.

While basic medicines are sometimes provided by hospitals free of charge, most of the prescription medicines needed for surgery are paid for by patients. People must bring their own food and bedding upon hospitalization and pay for the cost of heating. A North Korean defector who defected in 2021 testified that, although village (*ri*)-level clinics are of low quality and often lack necessary resources, city and provincial hospitals have better mechanical equipment and facilities; however, despite this fact, patients are required to personally purchase items such as disinfectant cotton or intravenous injections from a marketplace (*jangmadang*) before going to the hospital.[499] A North Korean defector who defected in 2020 testified that, unlike in 2005 when he/she worked at a hospital, patients bear almost all of the costs of medical services.[500] A North Korean defector who defected in 2019 testified that, while consultation and prescriptions at hospitals are free of charge in North Korea, individuals have to

498_ NKHR2020000004 2020-05-15; NKHR2020000028 2020-07-06; NKHR2022000003 2022-05-19; NKHR2022000007 2022-05-25; NKHR2023000042 2023-06-24 and many other testimonies.

499_ NKHR2023000013 2023-06-01.

500_ NKHR2022000022 2022-06-21.

buy their own medicine.[501] Another North Korean defector who defected in 2019 also said that, despite the North Korean government's proclamation that medical treatment costs are covered by the state, it appeared to him/her that individuals are responsible for most of them, and individuals have to buy all necessary medicines and surgical tools at their own cost.[502] Another North Korean defector also testified that, although hospitals do not officially charge fees for their medical services, patients in need of surgery are required to pay for all necessary materials that are needed for surgery, including disinfectants and intravenous injections.[503] A North Korean defector who had worked at a medical institution also said that, in North Korea, patients and their families have to prepare items required for surgery, such as syringes, anesthetics, disinfectants, and medical tape.[504] In addition, a North Korean defector who defected in 2019 testified that, when his/her mother underwent surgery for bone cancer in January 2017, his/her family had to pay the costs for blood transfusions and electricity.[505]

A North Korean defector who defected in 2019 testified that patients are told to buy their own medicine because hospitals are

501_ NKHR2023000002 2023-04-11.
502_ NKHR2023000006 2023-04-17.
503_ NKHR2022000042-2 2023-07-31.
504_ NKHR2023000020 2023-08-04.
505_ NKHR2023000018 2023-08-01.

in short supply. According to the testifier, while some people, such as officials, are given medicine supplied by the UN, ordinary patients are told to buy and bring their own medicine such as antibiotics that are required after surgery.[506] A North Korean defector who defected in 2018 said that he/she paid 200 yuan to have his/her daughter hospitalized for an appendectomy in April 2018, and additionally, he/she personally had to buy the gauze and medical gloves to be used in the hospital and provide firewood for heating.[507] A North Korean defector who defected in 2020 testified that hospitals instruct patients to buy medicine on their own, and when people bring medicine that they bought from a marketplace (*jangmadang*), doctors would administer it.[508]

In addition, it is common practice to provide medical staff with small amounts of cash or meals for their troubles during treatment or surgery. A North Korean defector who defected in 2021 said that he/she had seen his/her parents paying bribes to doctors when he/she was young, and because the cost of medicine was unreasonably expensive at the time, his/her parents resorted to requesting medical treatment by offering cigarettes or alcohol.[509] A North Korean defector who defected in 2019 testified that he/she visited an otolaryngologist twice for ear and head pain

506_ NKHR2022000005 2022-05-25.
507_ NKHR2018000115 2018-10-22.
508_ NKHR2020000027 2020-07-06.
509_ NKHR2023000013 2023-06-01.

sometime in July and August 2019, and did not pay for the treatment on his/her first visit but paid 3,000 North Korean won as a token of gratitude on his/her second visit. According to the testifier, the doctor told him/her first that he/she must show some appreciation.[510] Another North Korean defector who defected in 2019 said that doctors in North Korea tend to be more courteous to those who give large amounts of money and prioritize the treatment of those who offer bribes. According to the testifier, while people can receive medical treatment without paying a bribe, the process can take an exceptionally long time, and even in critical situations where someone is on the verge of death, priority is given to those who pay money.[511]

It seems that the amount patients pay for their treatment is not fixed. A North Korean defector who had worked in the medical field and defected in 2018 said that his/her patients personally paid him/her, but there was no standard on how much patients should pay, and patients who did not have cash paid him/her with goods such as cigarettes or bean sprouts.[512] There were even testimonies claiming that doctors decide the level of care based on patients' appearance or living conditions.[513] A North Korean defector who defected in 2019 reported that there is no official

510_ NKHR2020000029 2020-07-06.
511_ NKHR2023000002 2023-04-11.
512_ NKHR2020000018 2020-07-04.
513_ NKHR2019000003 2019-04-08; NKHR2019000050 2019-07-20.

standard for the amount that should be given to doctors as a token of gratitude but people pay based on their ability expecting that doctors would provide better treatment if they give more money. According to the testifier, offering money is deemed mandatory for surgeries, and one should pay around 100 yuan for an appendectomy and 300–400 yuan for a major surgery.[514] A North Korean defector who defected in 2018 said that, although medical treatment at hospitals is free, patients could be treated more quickly if they give doctors cigarettes or 5–10 yuan.[515] Another North Korean defector who defected in 2018 testified that discrimination in medical treatment exists in North Korea, and as a result, priority of treatment is given to those with money while those without money are refused by doctors.[516]

514_ NKHR2023000018 2023-08-01.
515_ NKHR2022000007 2022-05-25.
516_ NKHR2018000105 2018-10-01.

Table Ⅲ-7 Cases of Patients Charged for Medical Services

Testimonies	Testifier ID
When the testifier visited the hospital for his/her nephew/niece's appendectomy, the testifier gave the doctor one pack of cigarettes and 100 yuan for the surgery.	NKHR2019000050 2019-07-20
In 2018, the testifier gave 10 yuan and three packs of cigarettes as medical expenses for his/her spouse's X-ray examination.	NKHR2019000006 2019-04-08
The testifier had undergone an appendectomy at Hospital No. 2 in Hyesan and paid 50 yuan for the surgery. In addition, he/she had to personally pay all the costs for medicine, heating and meals.	NKHR2018000124 2018-10-27
The testifier had to give cigarettes or 5–10 yuan so his/her sick mother could receive expedited treatment.	NKHR2022000007 2022-05-25
Patients have to buy penicillin, narcotic analgesics such as morphine, and atropine at their own cost. The testifier heard that appendectomy costs 50 yuan and stomach surgery costs 100 yuan.	NKHR2022000022 2022-06-21
The testifier received acupuncture treatment and bought cold medicine from a doctor near his/her house. This cold medicine cost approximately 2–2.05 North Korean won.	NKHR2022000034 2022-08-08
The testifier's family member suffered from tuberculosis, so he/she had to buy a significant amount of medicine. The monthly cost of tuberculosis medicine was 120,000 North Korean won, and medicine for hemoptysis was approximately 4,000–5,000 won.	NKHR2023000002 2023-04-11
The testifier said that, despite the North Korean government's proclamation that medical treatment costs are covered by the state, individuals are responsible for most of them, and individuals have to buy all necessary medicines and surgical tools at their own cost.	NKHR2023000006 2023-04-17
Doctors did not bluntly ask for money, but the testifier felt that it would be better if he/she gave them some money. Gifts such as a pack of cigarettes or a bottle of alcohol were customary. When the testifier visited a private doctor, he/she paid around 10,000–20,000 North Korean won.	NKHR2023000008 2023-04-28
The cost of surgery set by the North Korean government for an appendectomy is reasonable, but additional expenses, including those for heating and money to be given to the doctor, raise the overall hospitalization cost to a significant level. For an appendectomy, approximately 150,000 North Korean won should be given to the doctor.	NKHR2023000012 2023-05-30

It can be viewed that individuals inevitably bear these costs because support for medical institutions is insufficient, and medical personnel do not receive proper wages or rations. The problem is that in the absence of a medical insurance system, requiring individuals to fully bear the cost of medical services will inevitably lead to a decrease in the access to medical services for vulnerable groups. In fact, it has been confirmed from defector testimonies that there are cases in which patients without money suffered more and even died because they did not receive medical services. A North Korean defector who defected in 2019 said that he/she had a family member suffering from tuberculosis, so he/she had to buy a significant amount of tuberculosis medicine from a private pharmacy; according to the testifier, the cost of medicine for 30 days was 120,000 North Korean won,[517] and additional medicine for hemoptysis was approximately 4,000–5,000 North Korean won.[518] Another North Korean defector who defected in 2019 testified that, although the cost of surgery set by the North Korean government for an appendectomy is reasonable, the overall hospitalization cost (including expenses for heating and money for the doctor) is very high; according to the testifier, approximately 150,000 North Korean won should be given to the

517_ A North Korean defector who defected in 2018 stated that the official monthly salary for an ordinary worker is slightly over 3,000 North Korean won and that for a management officer is no more than 5,000 North Korean won. NKHR2023000040 2023-06-18.

518_ NKHR2023000002 2023-04-11.

doctor for an appendectomy.[519]

According to a North Korean defector who defected in 2019, there are many cases in which people with tuberculosis die at home because they opt not to be hospitalized because they need to continue taking care of their family and thus are not able to rest properly and they worry that, if they are admitted to hospital, the remaining family members would have to bear expenses such as food and bedding.[520] A North Korean defector who defected in 2018 testified that a woman in her 40s who belonged to the same People's Unit (*inminban*) as him/her suffered from uterine cancer and died because she could not afford the medical cost of 300 yuan.[521] Another North Korean defector who defected in 2018 testified that one of his/her neighbors was a breast cancer patient, and she suffered and died as she could not visit the hospital or use medicine due to her difficult economic situation.[522]

A North Korean defector who defected in 2019 testified that, when people contract infectious diseases such as typhoid or cholera, they purchase medicine from private pharmacies or marketplaces (*jangmadang*) and there is nothing offered by the state.[523] Another North Korean defector also testified that he/she

519_ NKHR2023000012 2023-05-30.
520_ NKHR2022000018-2 2023-08-01.
521_ NKHR2018000124 2018-10-27.
522_ NKHR2019000006 2019-04-08.
523_ NKHR2022000010 2022-06-09.

purchased medicines such as painkillers, fever reducers, anti-inflammatory drugs, and antibiotics from other individuals even though such acts were illegal. The testifier said that, although medicines from private pharmacies were not necessarily cheaper, he/she bought medicines from private pharmacies because they cost less than going to a hospital.[524]

In addition, a North Korean defector who defected in 2019 testified that between 2017 and 2019, his/her neighbor had swelling in her liver and her stomach was bloated, but she could not go to the hospital in time as she could not afford to pay for the treatment and eventually died.[525] A North Korean defector who defected in 2019 said that his/her neighbor who had appendicitis was refused surgery when the neighbor told the doctor that it was difficult for him/her to immediately pay for the cost of surgery (100,000 North Korean won) and was able to receive the surgery only after raising the money a week later.[526]

524_ NKHR2022000018-2 2023-08-01.
525_ NKHR2020000005 2020-05-15.
526_ NKHR2020000021 2020-07-06.

Table Ⅲ-8 Cases of Patients Not Properly Treated Due to a Lack of Money

Testimonies	Testifier ID
The testifier said that his/her mother was so sick even coughing up blood but barely received medical treatment at a hospital since the medical cost was too burdensome. Consequently, she died in 2014.	NKHR2018000100 2018-10-01
In 2016, the testifier's aunt, who had mastitis, died due to a lack of money for treatment. It is common to find people who are ill not being properly treated.	NKHR2019000034 2019-06-03
A woman who had lived in Hyesan, Yanggang Province testified that around 2016, she was recommended to have surgery for uterine fibroids but could not because it cost 500 yuan to buy a list of medications and supplies.	NKHR2020000027 2020-07-06
The testifier's neighbor had welling in her liver and her stomach was bloated, but she could not go to the hospital in time because she could not afford to pay for the treatment, and she eventually died.	NKHR2020000005 2020-05-15
A North Korean defector who defected in 2019 said that it is difficult for people without money to receive medical treatment.	NKHR2022000010 2022-06-09
According to the testifier, medical staff are not as courteous to those who visit a hospital without money, and people who pay money are treated first.	NKHR2023000002 2023-04-11

Access to medical services in North Korea seems to be influenced by class-based discrimination. Whereas the primary and secondary medical systems accessible by ordinary North Korean people are poorly operated, medical facilities used mainly by officials operate relatively well. It appears that military hospitals and city and provincial hospitals have separate medical facilities used only by Party officials and their families. A North Korean defector who defected in 2018 testified that there are special inpatient rooms used only for officials in city and provincial hospitals.[527] A North Korean who defected in 2019

said that he/she was able to go to a military hospital because his/her father was working in the military, and to his/her knowledge, military hospitals provide medicines to patients.[528] Another North Korean defector who defected in 2019 testified that he/she had a relative who was an MSS agent and there are separate medical facilities used by MSS agents. The testifier reported that, when he/she was admitted to the military hospital under the 1st Brigade in 2019, he/she saw a special room designated for high-ranking individuals such as the Brigade Commander and political committee members.[529]

There was testimony by a North Korean defector reporting that, whereas general wards in the hospital used by ordinary residents had poor facilities with beds infested with bedbugs, a separate medical department in the hospital designated for people with a favorable background (*songbun*) and those in positions of power was staffed with experienced doctors and clean facilities.[530] Another North Korean defector who defected in 2019 said that not all hospitals in North Korea have separate medical departments for high-ranking individuals and, because larger hospitals operate special medical departments in a separate ward, there are cases in which ordinary people are not aware of the existence of these

527_ NKHR2018000120 2018-10-22.
528_ NKHR2023000001 2023-04-27.
529_ NKHR2023000002 2023-04-11.
530_ NKHR2023000018 2023-08-01.

special departments.[531]

A North Korean defector who defected in 2019 testified that patients have to go to city or provincial hospitals or hospitals in Pyongyang for complex surgeries because other hospitals have poor facilities. Therefore, it is difficult for people without money to receive medical treatment.[532] Another North Korean defector who defected in 2019 testified that he/she had a subarachnoid hemorrhage in 2016, which was properly treated because his/her son-in-law was the chief of a patrol. According to the testifier, ordinary people cannot be admitted to the Red Cross Hospital or a teaching hospital affiliated with a college and only those with personal connections and money can be admitted to such hospitals.[533] A North Korean defector who defected in 2019 testified that inpatient rooms are assigned based on the patient's class or status, and officials and people with money receive medicine provided by the hospital while ordinary people are instructed to buy their own medicine from pharmacies.[534] A North Korean defector who defected in 2017 testified that there were special rooms or rooms for officials in each medical department at the hospital where doctors provided extra care since there was "more to get" from the patients staying in these rooms.[535] In

531_ NKHR2023000020 2023-08-04.
532_ NKHR2022000010 2022-06-09.
533_ NKHR2021000017-2 2022-05-26.
534_ NKHR2022000010 2022-06-09.

addition, a North Korean defector who defected in 2018 testified that there are medical facilities dedicated to officials, and doctors and nurses working there are selected based on their competency, looks and physical build.[536] There was also testimony stating that there are special inpatient rooms only for officials in city and provincial hospitals.[537] A North Korean defector who defected in 2019 also testified that there are separate medical facilities used by Party officials where doctors are also separately assigned.[538]

In addition, there were many testimonies reporting that a gap exists in the physical accessibility to medical facilities based on people's class. For instance, a testifier has claimed that there are separate inpatient rooms used only for Party officials;[539] testimony indicating that there are medical treatment departments that can only be used by Party officials and their families;[540] testimony stating that even if there is no separate department, hospitals provide particularly effective medications to Party officials;[541] testimony claiming that medical services are offered with priority to Party officials;[542] and testimony declaring that

535_ NKHR2018000036 2018-05-08.

536_ NKHR2018000107 2018-10-01.

537_ NKHR2018000120 2018-10-22.

538_ NKHR2020000012 2020-06-15.

539_ NKHR2022000023 2022-06-22.

540_ NKHR2019000054 2019-07-29; NKHR2019000083 2019-09-25; NKHR2022000018-2 2023-08-01.

541_ NKHR2019000055 2019-07-29; NKHR2019000076 2019-08-26.

542_ NKHR2019000029 2019-06-03.

there are doctors assigned exclusively for Party officials.[543]

Table Ⅲ-9 Imbalance of Access to Medical Services by Class

Testimonies	Testifier ID
A North Korean who defected in 2018 testified that there is the City Hospital, Hospital No. 2, and Medical University Hospital in Hyesan, and the medical treatment department of the Medical University Hospital is for officials only.	NKHR2018000089 2018-08-27
Medication given in hospitals is mainly from the UN and is supplied only to officials in key positions. The testifier was told that Hyesan Medical University Hospital has separate rooms where only officials can be admitted.	NKHR2019000041 2019-07-01
A North Korean defector who defected in 2019 said that large hospitals, such as city and provincial hospitals, have medical departments (e.g. Medical Department 1, Medical Department 2) where only officials are treated.	NKHR2019000111 2019-11-18
A North Korean defector who defected in 2019 testified that there are separate medical facilities (medical departments and inpatient rooms) used by Party officials where doctors are also separately assigned.	NKHR2020000012 2020-06-15
The testifier was admitted to a military hospital in 2019 where there was a special room designated for high-ranking officials such as the Brigade Commander and political committee members. The testifier had been to Pyongyang Hospital and Wonsan Hospital and witnessed people with power and money receiving preferential treatment while ordinary residents faced discrimination.	NKHR2023000002 2023-04-11
A North Korean defector who had lived in Hyesan, Yanggang Province testified that each hospital has a separate department that treats Party officials or secretaries.	NKHR2020000027 2020-07-06
According to the testifier, there is no hospital only for officials, but there are inpatient rooms only for officials that are named differently and kept clean.	NKHR2022000023 2022-06-22
People with economic power receive priority treatment because they have good personal connections and a lot of money.	NKHR2023000009 2023-05-10
Larger hospitals operate special medical departments in a separate ward.	NKHR2023000020 2023-08-04

543_ *Ibid.*

B. Substandard Public Medical Services and Prevalence of Illegal Medical Practices by Individuals

Article 24 of the North Korean Law on Medical Care stipulates that only authorized medical personnel are entitled to treat patients, and even if one possesses the qualifications of a medical practitioner, that person shall not practice medicine if he/she is not affiliated with an official medical institution. Nevertheless, North Korean people's dependence on private medical services has been increasing.

It appears from defector testimonies that North Korean people do not receive sufficient medical services in terms of quantity or quality at medical facilities. First, the quality of medical services provided by the medical staff in medical institutions is very poor. There were many testimonies claiming that medical staff working in medical institutions does not have sufficient skills and that most medical equipment is either outdated or not properly maintained. A North Korean defector who had worked at a medical institution and defected in 2019 said that North Korea's public medical facilities are not only unhygienic but also poorly equipped.[544]

A North Korean defector who defected in 2019 reported that, whenever he/she was ill, he/she received treatment from a private

544_ NKHR2023000020 2023-08-04.

doctor because he/she thought that it was safer and more hygienic to receive treatment at a private home than at a hospital that provides free medical treatment; the testifier said that private doctors are more likely to provide attentive and quality care because they directly receive payment from patients.[545] Another North Korean defector who defected in 2019 said that it was more convenient to receive treatment from a private doctor because a private doctor would visit the patient's home.[546] Another North Korean defector who defected in 2019 also stated that he/she preferred receiving treatment from a private doctor although private doctors cost more because private doctors provide more attentive and focused care, which cannot be expected from a doctor affiliated with a hospital. According to the testifier, one of the reasons that he/she preferred private doctors was the fact that they were often more competent and skilled.[547]

A North Korean defector who defected in 2021 stated that his/her father was a master of traditional folk remedies and acupuncture so he/she did not go to a hospital and instead received treatment at home.[548] A North Korean defector who defected in 2019 said that, whenever he/she felt ill, he/she did not go to a hospital and instead was treated and received medicine

545_ NKHR2023000008 2023-04-28.
546_ NKHR2023000006 2023-04-17.
547_ NKHR2023000020 2023-08-04.
548_ NKHR2023000013 2023-06-01.

prescribed by his/her uncle, who was a doctor at a coal mine.[549] A North Korean defector who defected in 2018 said that his/her relative who suffered from an illness that caused him to faint repeatedly in 2018 was cured after receiving treatment from a renowned local doctor.[550]

A North Korean defector who defected in 2019 said that he/she went to a private doctor or private pharmacies for treatment whenever he/she was sick.[551] Another North Korean defector who defected in 2019 testified that he/she did not go to hospital unless he/she had a serious illness, such as a broken leg or heart pain, and instead, received treatment from a private doctor or visited pharmacies.[552] In addition, a defector who had been a doctor in Pyongyang testified that misdiagnosis is frequent as diagnoses are not scientific and made at doctors' discretion, and as a result, patients often receive incorrect treatment that worsens their condition.[553] For this reason, North Korean people do not trust medical facilities and medical staff, and there is a widespread perception among people that they would not be properly treated even if they go to a hospital.[554]

549_ NKHR2022000025 2022-06-23.

550_ NKHR2023000009 2023-05-10.

551_ NKHR2022000016 2022-06-11.

552_ NKHR2023000001 2023-04-27.

553_ NKHR2020000018 2020-07-04.

554_ NKHR2017000039 2017-06-05; NKHR2020000004 2020-05-15; NKHR2020000023 2020-07-06.

In fact, many cases have been reported in which patients faced difficulties due to misdiagnosis or incorrect treatment at hospitals. A North Korean defector who defected in 2017 testified that in July 2016, he/she was taken to a Municipal Hospital unconscious after fainting from pain in his/her stomach, and after an X-ray, the doctor at the hospital misdiagnosed his/her condition as gastric perforation, and only after a laparotomy, the doctor confirmed that what he/she had was actually cholelithiasis. According to the testifier, he/she was still in pain after a gallstone operation performed by the doctor, and it was found that a surgical tool was left inside his/her stomach; the testifier was able to recover only after the tool was removed.[555] Another North Korean defector testified that one of his/her neighbors, who had been initially misdiagnosed as having tuberculosis, died from liver disease in November 2017 after using the wrong medication for a month.[556] According to the testimony of a North Korean defector who defected in 2019, a 15-year-old child from his/her neighborhood who had poor eyesight lost his/her sight due to a misdiagnosis at the City Hospital; according to the testifier, nothing was done even though the child was sent to Pyongyang Hospital.[557]

Article 38 of the Medicine Control Law amended and

555_ NKHR2017000070 2017-08-28.
556_ NKHR2019000045 2019-07-01.
557_ NKHR2020000004 2020-05-15.

supplemented in 1998 specifies thorough state control of pharmaceutical products by stipulating, "medicines may be sold at designated pharmacies or medicine stands." However, due to poor public healthcare conditions, North Korean people prefer to take care of their illness with their own methods rather than visit hospitals. These methods include visiting private doctors to receive treatment and purchasing and taking medicine from pharmacies referred to by those doctors, or conducting self-diagnosis and purchasing and taking medicine from marketplaces (*jangmadang*) or private pharmacies. In the past, there were testimonies stating that people tend to purchase medicine from marketplaces (*jangmadang*) but, according to recent testimonies, people rely less on marketplaces (*jangmadang*) to buy medicine because there are many pharmacies and private drug stores operated by the authorities.[558]

A North Korean who defected in 2019 said that many North Korean people self-treat themselves or seek the services of private doctors or traditional Korean medicine doctors instead of going to hospital when they fall ill.[559] Another North Korean defector who defected in 2019 testified that people who cannot afford to go to a clinic either go to unlicensed doctors instead for diagnosis and buy medicine from pharmacies based on the diagnoses they

558_ NKHR2022000042-2 2023-07-31; NKHR2023000020 2023-08-04.
559_ NKHR2023000002 2023-04-11.

receive from these unlicensed doctors or buy medicines from private homes and use them to treat themselves.[560] Another North Korean defector who defected in 2019 said that there was sufficient medication at marketplaces (*jangmadang*) while hospitals were short of them. The testifier said that the medication sold at marketplaces (*jangmadang*) was mainly cold and digestive medicine, which were either imported from China or supplied by the UN.[561] A North Korean defector who defected in 2019 testified that, when he/she received a prescription from a hospital, he/she preferred buying prescribed medicine from a private pharmacy over a hospital pharmacy, and the cost of medicines was not burdensome because each medicine was no more than 5,000 North Korean won.[562] Another defector said that he/she bought medicine from private pharmacies, which were mostly from Russia; the reasons the testifier bought medicine from private pharmacies were because the hospital often did not have medicines and medicines from hospitals were more expensive.[563]

Cases have been reported in which some medical institutions did not provide medicines and instead instructed patients to purchase the necessary medication from marketplaces (*jangmadang*) or pharmacies. A North Korean defector who

560_ NKHR2022000003 2022-05-19.
561_ NKHR2020000012 2020-06-15.
562_ NKHR2023000008 2023-04-28.
563_ NKHR2023000001 2023-04-27.

defected in 2021 claimed that there was an occasion when the hospital doctor who diagnosed him/her instructed him/her to "go to a private pharmacy and buy the prescribed medicine."[564]

Private doctors refer to doctors who provide medical services at home. Despite being illegal, it is said that North Korean people tend to prefer private doctors because they perceive private doctors as more skilled than hospital doctors.[565] A North Korean defector who defected in 2019 testified that his/her father ran a private clinic, and he was so skilled that sometimes he cured illnesses that could not have been treated even at hospitals. The testifier said that people in the neighborhood came to his/her father instead of visiting a hospital.[566] Another North Korean defector who defected in 2019 testified that hospital doctors are poorly skilled as there is nothing given to them by the state and that many people go to private doctors because they have better skills.[567]

However, consulting and receiving treatment from a private doctor or taking medications based on self-diagnosis also involve risks. A North Korean defector who defected in 2019 said that he/she usually purchased medicine including intravenous

564_ NKHR2023000013 2023-06-01.

565_ NKHR2019000093 2019-10-21; NKHR2019000083 2019-09-25; NKHR2020000023 2020-07-06.

566_ NKHR2019000051 2019-07-20.

567_ NKHR2020000014 2020-06-15.

injections from private pharmacies and administered these intravenous injections his/herself at home.[568] A North Korean defector who defected in 2018 said that he/she personally witnessed his/her younger sister undergo a curettage procedure at a private doctor's house in 2017 in Gyeongseong County, and the operation was carried out without any anesthetic, causing much pain for his/her sister. The testifier was allegedly shocked after knowing that the doctor would reuse the same surgical instruments for other patients after boiling them.[569] Moreover, a North Korean defector who defected in 2019 testified that both his/her parents and he/she had tuberculosis but could not receive proper treatment; according to the testifier, they received treatment from traditional Korean medicine doctors and unlicensed doctors because they could not receive hospital treatment.[570]

A North Korean defector who defected in 2019 testified that, in North Korea, individuals make their own medicine, such as digestive medicine, and the testifier him/herself bought 3kg of musk for his/her mother who had a brain hemorrhage, which actually had a therapeutic effect for her.[571]

Moreover, there are cases in which unqualified individuals

568_ NKHR2022000003 2022-05-19.
569_ NKHR2018000074 2018-07-30.
570_ NKHR2023000002 2023-04-11.
571_ NKHR2022000005 2022-05-25.

perform procedures or sell medicine, and such illegal medical practices can have a fatal or adverse effect on the health of the general public. A North Korean defector who defected in 2018 said that he/she ran a private hospital, but the only formal medical education he/she had ever received was six months of studying at a nursing school, and he/she treated patients by teaching him/herself with the help from a manager working for a provincial hospital he/she knew.[572] A North Korean defector who defected in 2019 testified that there are people who went to medical school but did not become a doctor that treat patients at home, and there are people who treat others by studying themselves.[573] A defector who had lived in Hyesan and defected in 2019 testified that his/her daughter, who did not graduate from medical school, treated patients at home after learning from another person for 700,000 North Korean won.[574] There were testimonies that crackdowns on medical practices and medicine sales by unqualified persons have increased or strengthened in recent years;[575] however, it remains to be seen how effective these measures will be. Recently, it has been reported that the North Korean authorities are controlling the sale of medicine at marketplaces (*jangmadang*).[576] Furthermore, it appears that

572_ NKHR2018000101 2018-10-01.

573_ NKHR2020000025 2020-07-06.

574_ NKHR2020000024 2020-07-06.

575_ NKHR2020000018 2020-07-04; NKHR2020000023 2020-07-06.

North Korean authorities have recently strengthened control over the widespread use of private pharmacies. A North Korean defector who defected in 2019 stated that, while most people buy medicines from private pharmacies, crackdowns on private pharmacies have intensified since the COVID-19 pandemic, with people buying medicines from private pharmacies without a doctor's prescription being caught; the testifier said that he/she heard that some of the people caught are sent to a labor training camp (*rodongdanryundae*).[577]

C. Prevalence of the Use of Narcotic Substances

Article 41 of the North Korean Narcotics Act stipulates that "citizens may use narcotics for medical treatment according to the diagnosis and prescription of a medical institution" and that "the use of narcotics may be carried out in a medical prevention institution or at home under the supervision of such institution." Accordingly, in North Korea, narcotic substances may be used only upon diagnosis and prescription by a licensed medical institution. However, these conditions for narcotics use are not properly applied in practice. It seems that North Korean people continuously tend to use narcotic substances such as drugs (*bingdu*) and opium for treatment purposes based on incorrect

576_ NKHR2022000022 2022-06-21.
577_ NKHR2023000020 2023-08-04.

medical knowledge.

Many North Korean defectors who recently defected testified that the use of drugs (*bingdu*) has become common among North Korean people.[578] A North Korean defector who defected in 2019 said that the use of narcotics is a serious issue in North Korea, stating that, even though people might not have money for food, they still have money for drugs; the testifier also said that there are even people doing narcotics in the military. According to the testifier, although the punishment for people who got caught doing narcotics is severe, those engaged in dealing narcotics are rich, so they can cover up their case and avoid punishment.[579]

A North Korean defector who defected in 2019 reported that many elderly people use drugs (*bingdu*) because they believe that drugs (*bingdu*) are medicine that is particularly effective for treating colds and sinus infections.[580] Another defector testified that many people suffering from cerebral infarction, cerebral hemorrhage, or cancer use drugs (*bingdu*) as medicine, and the testifier thought that his/her father-in-law who had suffered partial paralysis and speech impairment after having a stroke looked better when he used drugs (*bingdu*).[581] A North Korean defector

578_ NKHR2022000003 2022-05-19; NKHR2022000008 2022-05-27; NKHR2022000010 2022-06-09; NKHR2022000013 2022-06-10; NKHR2022000037 2022-10-18.

579_ NKHR2023000021 2023-08-04.

580_ NKHR2023000002 2023-04-11.

581_ NKHR2022000042-2 2023-07-31.

who defected in 2019 said that people start to use drugs (*bingdu*) to treat cerebral blood clots and cerebral infarction, and people continue using them because they are in fact effective in relieving pain.[582]

A North Korean defector who defected in 2019 also testified that his/her father had kidney disease, and he used opium once or twice a month when the pain was too severe.[583] A North Korean defector who defected in 2018 said that his/her spouse was suffering from bronchiectasis and used opium as medicine,[584] and a defector who defected in 2019 also testified that his/her spouse used drugs (*bingdu*) because he/she showed symptoms of cerebral thrombosis.[585] A North Korean defector who defected in 2018 testified that almost every North Korean household has opium because it is used like medicine, and he/she had used it for an upset stomach.[586] A North Korean defector who defected in 2019 said that *jeongtongpyeon* are commonly sold at wholesale stores and children take them when they have a cold without knowing that they contain narcotic ingredients; the testifier also said that his/her friend's father died of opium addiction in 2019.[587]

582_ NKHR2022000018-2 2023-08-01.
583_ NKHR2020000020 2020-07-04.
584_ NKHR2018000127 2018-11-19.
585_ NKHR2020000021 2020-07-06.
586_ NKHR2023000009 2023-05-10.

In addition, cases have been reported in which narcotics are used as a stimulant rather than for therapeutic purposes. A North Korean defector who defected in 2023 stated that drugs (*bingdu*) are widely used in regions other than Pyongyang, particularly by people engaged in long-distance driving to alleviate fatigue.[588] A North Korean defector who defected in 2021 testified that he/she heard that people working at gold mines commonly use drugs (*bingdu*) because they help them work three to four days without sleeping.[589]

Testimonies claiming that even private doctors use drugs (*bingdu*) and opium for treatment purposes have been collected. A North Korean defector who defected in 2018 testified that, when he/she visited a private doctor due to heart problems that he/she began to experience after his/her imprisonment in a prison camp (*kyohwaso*), the doctor told him/her while giving moxa treatment that he/she would be completely cured if he/she took opium injections.[590] A North Korean defector who defected in 2019 said that people consider drugs (*bingdu*) as an antibiotic and opium as a pain reliever and do not think that they would become addicted to them.[591]

587_ NKHR2023000003 2023-04-11.
588_ NKHR2023000042 2023-06-24.
589_ NKHR2023000013 2023-06-01.
590_ NKHR2022000017 2022-06-13.
591_ NKHR2022000023 2022-06-22.

It has been reported that some people use drugs (*bingdu*) or opium not only for medicinal purposes but also for recreational or pleasurable effects. A North Korean defector who defected in 2023 claimed that about half of the people living in Hyesan use narcotics, with some using them for treatment purposes and others using them for pleasure.[592] Another North Korean defector also testified that there are instances where friends gather and do drugs (*bingdu*) for fun. According to the testifier, people who get caught doing drugs (*bingdu*) once or twice can avoid punishment by paying bribes, but people who get caught frequently are sent to a labor training camp (*rodongdanryundae*) or prison camp (*kyohwaso*).[593]

Table Ⅲ-10 Cases of Drug (*Bingdu*)/Narcotics Abuse

Testimonies	Testifier ID
The use of drugs (*bingdu*) has become common among people. People greet each other by asking if they want to do drugs (*bingdu*). For instance, if a People's Unit (*inminban*) consists of 23 households, 15 households are doing drugs (*bingdu*).	NKHR2022000003 2022-05-19
The use of *jeongtongpyeon* (a Chinese-made narcotic-based pain reliever) and drugs (*bingdu*) is common in North Korea. In particular, the use of drugs (*bingdu*) is prevalent among those in the middle class.	NKHR2022000008 2022-05-27
Most North Korean people, especially men, have tried drugs (*bingdu*) at least once. Those engaged in driving for work or working at night use drugs (*bingdu*) to stay awake.	NKHR2022000010 2022-06-09

592_ NKHR2023000018 2023-08-01.

593_ NKHR2022000018-2 2023-08-01.

Testimonies	Testifier ID
The use of drugs (*bingdu*) is prevalent in Hyesan. Opium is widely used in Ganggu-dong, where the testifier's brother lived, which is a village of smugglers.	NKHR2022000017 2022-06-13
Adults take drugs (*bingdu*) for treatment purposes and children use them out of curiosity. Recently, children with money use narcotics. The testifier was told that the situation is so serious that some children insist that they will not attend school if they are not given drugs (*bingdu*). The testifier witnessed children doing drugs (*bingdu*) with their parents.	NKHR2022000018 2022-06-15
People used to take opium in the past but now (up until the testifier's defection from North Korea) take drugs (*bingdu*).	NKHR2022000022 2022-06-21
Everyone who has money uses drugs (*bingdu*). People treat narcotics as medicine; they consider drugs (*bingdu*) as an antibiotic and opium as a pain reliever.	NKHR2022000023 2022-06-22
People with money do drugs (*bingdu*) for pleasure, and drivers use them because they are too tired.	NKHR2021000025-2 2022-06-30
People think drugs (*bingdu*) are a form of medicine, so they use them when they have a cold or a sinus infection.	NKHR2023000002 2023-04-11
Almost every North Korean household has opium because it is used like medicine.	NKHR2023000009 2023-05-10
It is said that people working at gold mines commonly use drugs (*bingdu*) because they help them work three to four days without sleep.	NKHR2023000013 2023-06-01

The use of narcotics for treatment based on false medical knowledge appears to cause considerable side effects, but it is found that North Korean authorities are not taking sufficient measures in this matter. A North Korean defector who defected in 2019 testified that in Bocheon County, Yanggang Province, opium is used more often than other drugs (*bingdu*), and there are households that secretly sell opium; he/she said that although the punishment is severe if one gets caught selling opium, everything can be resolved through bribery.[594] Another North Korean

defector who defected in 2019 said that, while people who got caught using narcotics were shot to death in 1999, today, they would be sent to a prison camp (*kyohwaso*) for several years; the testifier added that people who get caught distributing large quantities of narcotics can be sentenced to life imprisonment.[595]

In order to prevent the abuse of narcotics that have deeply penetrated society, North Korea adopted the Narcotics Crimes Prevention Act on 1 July 2021. Defining the term "narcotics crime" as "an extremely serious act that degenerates people both mentally and physically and destroys the political stability of the national and social system" (Article 2), the Act contains 20 provisions that specifically stipulate criminal responsibility, four of which stipulate the death penalty as the maximum statutory punishment for the corresponding crimes (Articles 23, 24, 28, and 29).

D. Insufficient Preventive Medicine

North Korea's health care system centers on the idea of universal health care of a socialist nature, including policies that are unique to North Korea. The preventive medicine system is a representative example, which was introduced after Kim Il Sung's speech in 1966, in which he said "Socialist medicine is preventive medicine." The principles of preventive medicine were first

594_ NKHR2020000006 2020-05-15.
595_ NKHR2023000017 2023-07-31.

issued in the North Korean Constitution of 1972 and the Public Health Law of 1980. Specifically, Article 3 of the Public Health Law, which has been amended and supplemented five times to date, stipulates that "The basis of socialist medicine is preventive medicine. The state shall consolidate and develop a preventive medicine system that embodies the principles of socialist medicine in the framework of public health care for the people." North Korean laws stipulate the state's duty to protect lives by preventing diseases before they occur, and North Korea's policy efforts are directed towards implementing various health projects, such as thorough quarantine and sanitation education, and granting priority to disease prevention over disease treatment. However, the goals of the preventive medicine system have not been achieved in reality.

Based on the testimonies of North Korean defectors, it seems that the vaccination of young children had been carried out relatively well in North Korea before the outbreak of COVID-19. A North Korean defector who defected in 2019 testified that his/her child was vaccinated in 2018–2019 against diseases such as polio, tuberculosis, hepatitis, measles and typhoid at a local clinic at the age of five to six years.[596] Other North Korean defectors also said that mandatory and free vaccinations are provided for newborns in North Korea.[597] A North Korean

596_ NKHR2020000026 2022-07-06.

defector who defected in 2019 also testified that, when he/she was in middle school, doctors regularly visited his/her school to distribute medicine and give injections.[598] Many other testifiers confirmed that vaccinations were carried out in North Korea.[599]

The WHO also reported that the vaccination rate for children in North Korea reached 96–98% as of 2019.[600] However, the vaccination rate for children decreased significantly due to the extended closure of the border during the COVID-19 pandemic, which rendered vaccine procurement difficult both for COVID-19 and existing vaccination programs. According to estimates of North Korea's vaccination coverage for selected vaccines in 2022 published jointly by the WHO and UNICEF in 2023, North Korea's vaccination coverage for the first dose of diphtheria-tetanus-pertussis (DTP1) decreased significantly from 98% in 2020 to 42% in 2021 and 40% in 2022. The concerning issue is that North Korea's vaccination coverage for other vaccines that had previously shown rates of over 90%, such as those for the third dose of hepatitis B (HepB3), the third dose of

597_ NKHR2022000018-2 2023-08-01; NKHR2023000020 2023-08-04.

598_ NKHR2023000001 2023-04-07.

599_ NKHR2019000014 2019-05-07; NKHR2019000020 2019-05-07; NKHR2019000030 2019-06-03; NKHR2022000002-2 2022-07-06; NKHR2023000006 2023-04-17; NKHR2023000010 2023-05-15; NKHR2023000017 2023-07-31; NKHR2023000018 2023-08-01 and many other testimonies.

600_ "WHO Vaccine-preventable Diseases: Monitoring System. 2020 Global Summary," 2020, <http://apps.who.int/immunization_monioring/globalsummary> (Accessed 15 January 2020).

Haemophilus influenzae type b (Hib3), the first dose of polio (IPV1), and the first/second dose of measles (MCV1, MCV2), was 0% in 2022. In addition, the vaccination rate for tuberculosis (BCG), which was the only vaccination that had been maintained at 95% during the COVID-19 pandemic in 2021 (99% in 2020), fell to 0% in 2022.[601]

It appears that in the event of an epidemic such as typhoid, North Korean authorities take measures to prevent the spread of the infectious disease, such as carrying out region-based vaccinations, encouraging health checkups, and implementing isolation measures. A North Korean defector who defected in 2019 testified that regular medical checkups are not conducted in North Korea, but the testifier was vaccinated against paratyphoid in 2014.[602] Another North Korean defector who defected in 2019 said that, when a typhoid epidemic occurred in 2017–2018, the People's Unit (*inminban*) chief visited each household to check whether people had been vaccinated.[603] A North Korean defector

601_ The vaccination rates for HepB3 and Hib3 were reported to be 97% in 2020 and 41% in 2021. It has been reported that the vaccination rate for IPV1 was 98% in 2020 and 17% in 2021, that for MCV1 was 99% in 2020 and 42% in 2021, and that for MCV2 was 99% in 2020 and 41% in 2021. However, these vaccinations were not carried out at all in 2022. "Democratic People's Republic of Korea: WHO and UNICEF estimates of immunization coverage: 2022 revision," 〈https://data.unicef.org/wp-content/uploads/cp/immunisation/prk.pdf〉 (Accessed 10 August 2023); "Democratic People's Republic of Korea: WHO and UNICEF estimates of immunization coverage: 2021 revision," 〈https://cdn.who.int/media/docs/default-source/country-profiles/immunization/2022-country-profiles/immunization_prk_2022.pdf?sfvrsn=fb196045_3&download=true〉 (Accessed 4 September 2022).

602_ NKHR2022000003 2022-05-19.

who defected in 2020 said that he/she had been vaccinated against diseases including tuberculosis, hepatitis, and whooping cough.[604] A North Korean defector who defected in 2019 testified that, when he/she was a student, doctors and nurses visited his/her school from a clinic, so the testifier and his/her classmates lined up to receive vaccinations in the middle of class.[605] In addition, a North Korean defector who defected in 2018 testified that doctors visit schools to give students free flu or measles vaccinations.[606]

Testimonies have confirmed that residents of Pyongyang are better vaccinated than residents of other regions. A North Korean defector who had lived in Pyongyang and defected in 2019 said that he/she had been vaccinated against tuberculosis, paratyphoid and whooping cough. The testifier said that, in particular, paratyphoid vaccinations are conducted yearly, but people often refuse to receive one.[607]

A North Korean defector who defected in 2018 said that when a typhoid epidemic broke out in Hyesan in April 2018, the authorities vaccinated the residents in the area.[608] There was also testimony stating that local clinic staff visited every house early

603_ NKHR2023000010 2023-05-15.
604_ NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23.
605_ NKHR2023000010 2023-05-15.
606_ NKHR2022000034 2022-08-08.
607_ NKHR2022000005 2022-05-25.
608_ NKHR2018000120 2018-10-22.

every morning to give vaccination shots when typhoid broke out in 2016–2017.[609]

Moreover, it seems that North Korean authorities are conducting disease prevention education in the event of an epidemic. A North Korean defector who defected in 2019 testified that, in the event of an outbreak of an infectious disease such as typhoid or avian influenza, the authorities instructed People's Units (*inminban*) to warn affiliated residents of the disease. The testifier also said that he/she saw the People's Unit (*inminban*) chief or employees of the neighborhood (*dong*) office attaching large notices stating "Infectious disease outbreak" or "Do not enter" on the front door of the house of patients with infectious diseases.[610] A North Korean defector who defected in 2019 said that, in the event of an infectious disease outbreak, the authorities would immediately display banners or posters in People's Units (*inminban*), workplaces, and homes and promote preventive measures.[611]

In 2022, the North Korean authorities officially announced the number of individuals with symptoms of COVID-19 as well as the measures to combat the spread of the infectious disease. However, these actions have threatened the health and lives of North Korean people.

609_ NKHR2019000059 2019-07-29.
610_ NKHR2021000017-2 2022-05-26.
611_ NKHR2022000018-2 2023-08-01.

Figure Ⅲ-2 Introduction to the Methods of Coping with COVID-19[612]


How to Treat Patients with Fever

Brew Angong Niuhuang Wan in hot water for 1-2 days and drink for 3-5 days, or dissolve a pill of Samhyang Uhwang Chongsimhwan in hot water and drink 2-3 a day.

As for folk remedy, brew 3-4g of lonicera japonica or 4-5g of willow leaves in hot water and drink 3 times a day.

Announcing that it is important for patients with mild COVID-19 symptoms to apply traditional Korean medicinal therapies, the North Korean authorities used *Rodong Sinmun* to provide guidance on methods of coping with mild COVID-19 symptoms by taking various pills made of traditional medicinal herbs. In addition, the authorities suggested a traditional folk remedy of consuming honeysuckle and willow leaves.[613]

On the other hand, two North Korean defectors who defected in 2019 testified that in an outbreak of an infectious disease, the authorities only propagandized their actions through lecture materials and did not carry out additional measures such as enforcing quarantine. It seems that there are differences in the details of measures depending on the region or period.[614] A North

612_ *Rodong Sinmun*, 14 May 2022 (Photo=*News1*).

613_ Yongwoo Na, *In the Kim Jong Un Era, Are North Koreans Living a Healthy Life?* (Seoul: KINU 2023), pp. 48-49.

614_ NKHR2020000027 2020-07-06; NKHR2020000028 2020-07-06.

Korean defector who defected in 2019 reported that, in the event of an infectious disease outbreak, the authorities took no measures other than isolation.[615]

Meanwhile, infectious diseases such as tuberculosis, malaria and hepatitis B appear to be still prevalent in North Korea. As mentioned above, North Korea has announced that it has implemented the Malaria Control Strategy (2014–2017) and the Tuberculosis Control Strategy (2014–2017). However, it is assessed that no tangible effect has been produced.

Tuberculosis is known to be particularly serious in North Korea. According to the Global Tuberculosis Report 2022 published by the WHO, North Korea has been categorized as a high-burden country for both tuberculosis and multidrug-resistant tuberculosis for the period 2021–2025.[616] In 2021, the number of tuberculosis patients in North Korea was estimated to be 133,000, which was 513 cases per 100,000 persons.[617]

Having a supply of clean drinking water is very important in terms of preventing infectious diseases. However, it seems that there are not enough water supply facilities in North Korea, and the quality of water provided by the existing water supply facilities is assessed to be poor.

615_ NKHR2023000020 2023-08-04.

616_ WHO, "Global Tuberculosis Report 2022," <https://apps.who.int/gho/data/node.main.1320?lang=en> (Accessed 10 August 2023).

617_ *Ibid.*

A North Korean defector who defected in 2018 said that, because tap water was only available during certain hours, he/she drank well water outside of those hours.[618] A North Korean defector who defected in 2019 testified that he/she used tap water as drinking water, and when a typhoid epidemic hit where he/she lived, he/she boiled the water or added disinfectant before drinking it.[619]

A North Korean defector who had lived in Kimchaek, North Hamgyeong Province and defected in 2019 testified that tap water was discolored because the city's water pipes made of iron were outdated and rusty, and thus residents of the apartment where he/she lived built a water system in the basement and used water pumped from the basement water tank.[620]

Some North Korean defectors testified that they used well water or river water as drinking water because there is no proper water supply system.[621] A North Korean defector who defected in 2019 said that, when living in Hyesan, he/she drank water from a local well and from Amnok River (Amnokgang) when the well froze during winter. According to the testifier, the quality of water from Amnok River (Amnokgang) is poor so he/she boiled the water before drinking it, and he/she usually caught colitis when

618_ NKHR2023000009 2023-05-10.
619_ NKHR2023000010 2023-05-15.
620_ NKHR2021000017-2 2022-05-26.
621_ NKHR2020000026 2020-07-06; NKHR2020000027 2020-07-06.

he/she drank the water without boiling it around the time when the ice melted.[622] A North Korean defector who defected in 2019 reported that he/she sometimes used tap water as drinking water, but most of the time he/she drank water from a spring because of the bad water supply; according to the testifier, there are people who buy water from stores, but the testifier did not buy water because he/she thought that it was expensive.[623]

On the contrary, some defectors bought drinking water from spring water stores.[624] A North Korean defector who had lived in Hyesan and defected in 2019 said that he/she bought water from a spring water supply store, and the price was not too burdensome.[625] According to a North Korean defector from Hyesan who defected in 2019, a 5-liter container of water was 500 North Korean won, and he/she was able to buy the same volume of water for 200 North Korean won if he/she brought an empty container to the store.[626] Another North Korean defector who defected in 2019 testified that he/she had lived on the third floor of an apartment and, because there was no running water, he/she bought water from a store, paying 30 North Korean won for 10 liters.[627] There

622_ NKHR2020000023 2020-07-06.
623_ NKHR2022000042-2 2023-07-31.
624_ NKHR2020000012 2020-06-15; NKHR2020000029 2020-07-06.
625_ NKHR2020000001 2020-05-15.
626_ NKHR2023000010 2023-05-15.
627_ NKHR2022000016 2022-06-11.

are people who said that they had used tap water as drinking water.[628] Considering that those who had bought drinking water testified that the quality of tap water was not good, it appears that residents who drink tap water are also likely to be exposed to infectious diseases. A North Korean defector who defected in 2019 said that he/she had seen stickers posted at a local clinic that stated, "Drink boiled water" and "Wash your hands."[629] This shows that North Korean authorities are trying to raise residents' awareness of personal hygiene and disease control.

Article 4 of Chapter 1 of the North Korean Law on Medical Care stipulates the district doctor system as a superior residents' health management system that is responsible for ensuring the health of North Korean people. There were some testimonies saying that the district doctor system, which has been implemented primarily for preventive medicine purposes, fulfills its function at a certain level.[630] A North Korean defector who defected in 2019 testified that, when an infectious disease broke out, district doctors visited people to provide vaccinations or preventive medicines.[631] Another North Korean defector said that district doctors vaccinated preschool children.[632] A North Korean

628_ NKHR2020000004 2020-05-15; NKHR2020000020 2020-07-04.

629_ NKHR2022000005 2022-05-25.

630_ NKHR2019000018 2019-05-07; NKHR2019000010 2019-04-08; NKHR2019000062 2019-07-29.

631_ NKHR2023000006 2023-04-17.

632_ NKHR2023000018 2023-08-01.

defector who defected in 2019 testified that the district doctor system has not been operating smoothly; according to the testifier, district doctors are supposed to visit and provide medical care for honored veterans or people who have been decorated as heroes when they are sick and unable to move, but this process is not well-executed.[633] As such, defector testimonies confirmed that district doctors play certain roles, such as giving vaccinations in case of an infectious disease outbreak,[634] and checking for sick people in People's Units (*inminban*).[635] A North Korean defector who defected in 2019 said that he/she had been to a lecture provided by a district doctor on how to protect oneself from disease in the event of an epidemic.[636]

However, the majority of North Korean defectors reported that district doctors do not faithfully perform their duty to manage the health of North Korean people.[637] Some said they have only heard of district doctors but have never actually met them,[638] and an interviewee testified the district doctor system is in operation

633_ NKHR2023000020 2023-08-04.

634_ NKHR2018000016 2018-04-09; NKHR2020000004 2020-05-15; NKHR2020000029 2020-07-06.

635_ NKHR2018000080 2018-07-30; NKHR2019000032 2019-06-03.

636_ NKHR2022000023 2022-06-22.

637_ NKHR2015000018 2015-01-27; NKHR2015000019 2015-01-27; NKHR2018000084 2018-08-11; NKHR2018000099 2018-10-01; NKHR2019000011 2019-04-20; NKHR2019000019 2019-05-07; NKHR2022000018-2 2023-08-01.

638_ NKHR2017000058 2017-07-31; NKHR2017000066 2017-08-28; NKHR2018000018 2018-04-09; NKHR2018000058 2018-07-02; NKHR2023000008 2023-04-28; NKHR2023000012 2023-05-30.

only as a formality and is not of much use unless one has money.[639] A North Korean defector who defected in 2019 testified that district doctors are in charge of vaccination but are not active in fulfilling their duties because there is no money paid to them by the state, and that district doctors personally visit households that have something to give them.[640] There were even quite a number of testimonies reporting that the residents are not well aware of the district doctor system.[641] A North Korean defector who defected in 2019 testified that he/she had known about district doctors because his/her friend's uncle was a district doctor in charge of his/her house, but there are many people who do not know about the district doctor system.[642]

E. Evaluation

North Korea claims to offer a free medical care system. However, in reality, most of the costs incurred in the process of providing medical services are borne by patients. As a result, it seems that economically disadvantaged people do not receive adequate medical care when they are sick or injured, and end up

639_ NKHR2017000004 2017-04-10.

640_ NKHR2020000014 2020-06-15.

641_ NKHR2019000009 2019-04-08; NKHR2019000020 2019-05-07; NKHR2019000034 2019-06-03; NKHR2019000038 2019-06-15; NKHR2019000042 2019-07-01; NKHR2019000045 2019-07-01; NKHR2019000046 2019-07-01; NKHR2019000048 2019-07-01 and many other testimonies.

642_ NKHR2020000020 2020-07-04.

dying in serious cases. In addition, it appears that class or economic status-based discrimination continues to exist in terms of access to medical services.

Furthermore, it appears that due to the poor quality of medical services, residents no longer trust public medical institutions, and there seems to be a growing tendency among people to visit private doctors or buy medicine from private pharmacies instead of going to hospitals when they are ill. However, these illegal medical practices by individuals pose a significant concern because they can lead to misdiagnosis or medical negligence in the process of treatment and procedures. In addition, it appears that North Korean people are using narcotics such as drugs (*bingdu*) or opium for treatment purposes based on incorrect medical knowledge, and narcotics abuse appears to have deeply penetrated North Korean society.

Meanwhile, North Korea places great importance on preventive medicine and appears to actually carry out some preventive medical measures including vaccination. There were also testimonies that the district doctor system is partially working, and district doctors perform some of their duties such as providing sanitation education and vaccination in case of an infectious disease outbreak. However, it has been found that the district doctor system is not fully functioning as there were still many testifiers who had never seen or heard of district doctors. In addition, it appears that many residents use poor-quality tap

water, well water and river water as drinking water, which is a practice that needs urgent improvement in terms of epidemic prevention.

Due to the border closure imposed following the outbreak of COVID-19, North Korean children did not receive essential vaccines last year. This raises serious concerns that their disease incidence rate may increase, and they may be exposed to various diseases as they grow older.

3

Right to Work

Article 23, paragraph 1 of the UDHR stipulates that "everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." Article 24 of the UDHR provides that "everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." Moreover, the ICESCR also stipulates rights including the right of everyone to freely choose work, the right of everyone to enjoy just and favorable working conditions and the right to form and join trade unions (Articles 6 to 8).

The purpose of guaranteeing the right to work is to ensure the survival of individuals and their families. In general, the right to work is reviewed in terms of freedom to choose jobs,[643] decent

643_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 18: The Right to Work (Art. 6 of the Covenant)," 6 February 2006, para. 6. This right "includes the right of every human being to decide freely to accept or choose work. This implies not being forced in any way whatsoever to exercise or engage in employment and the right of access to a system of protection guaranteeing each worker access to employment. It also implies the right not to be unfairly deprived of employment."

work,[644] prohibition of forced labor,[645] prohibition of unfair dismissal,[646] and principles of non-discrimination.[647] The right to form and engage in trade unions voluntarily and the right to strike are also important aspects of the right to work.[648]

North Korea clearly prescribes individuals' right to work in its Constitution, Labor Law of 2015 and other laws. With respect to the right to work, the North Korean Constitution provides, "Citizens shall have the right to work. All citizens with the ability to engage in labor may select occupations according to their choice and capability and are guaranteed the right to a secure job

644_ *Ibid.*, para. 7. "Work as specified in Article 6 of the Covenant must be decent work. This is work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families as highlighted in Article 7 of the Covenant. These fundamental rights also include respect for the physical and mental integrity of the workers in the exercise of his/her employment."

645_ *Ibid.*, para. 9. "The International Labour Organization defines forced labour as 'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.' The Committee reaffirms the need for States Parties to abolish, forbid and counter all forms of forced labour as enunciated in Article 4 of the UDHRs, Article 5 of the Slavery Convention and Article 8 of the ICCPR."

646_ _*Ibid.*, para. 11. "ILO Convention No. 158 concerning Termination of Employment (1982) defines the lawfulness of dismissal in its Article 4 and in particular imposes the requirement to provide valid grounds for dismissal as well as the right to legal and other redress in the case of unjustified dismissal."

647_ *Ibid.*, para. 12. (b) (i). "Under its Article 2, paragraph 2, and Article 3, the Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, physical or mental disability, health status, sexual orientation or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality."

648_ ICESCR, Article 8, para. 1.

and labor conditions. Citizens shall work based on their abilities and receive compensation based on the amount and quality of their labor" (Article 70). In addition, the North Korean Labor Law prescribes basic principles, wages, working conditions, protection of workers, social security and other rules of socialist labor. North Korea's Labor Protection Law of 2021 specifies various institutional measures to protect the lives and health of workers.[649] However, the reality of the right to work in North Korea is not in accordance with its laws and institutional guarantees. Based on defector testimonies, this chapter confirms that the right to work, including the freedom to choose one's job, provision of quality jobs and freedom to establish and join labor unions, is not guaranteed in North Korea.

A. Violation of Freedom to Choose One's Job

The freedom to choose one's job is extremely restricted in North Korea. In North Korea, workers do not choose jobs or workspaces freely; rather, the state assigns workers to workplaces. Manpower is allocated by the Ministry of Labor after the State Planning Committee determines the number of workers required for each sector of the economy based on a labor plan.

According to testimonies of North Korean defectors, it seems

649_ Since its adoption in 2010, the Labor Protection Law has been amended and supplemented three times in 2014, 2020, and 2021.

that one's will and abilities are not important factors in assigning jobs.[650] Rather, it has been found that job placement depends on one's family background (*todae*) and background (*songbun*), personal connections, and bribery (economic power).[651] Although there were some who responded that one's will or abilities are reflected in job placement,[652] such cases seem to be limited to cases where the person has a good family background (*todae*) and background (*songbun*) or personal connections, or when the person is capable of paying bribes. A North Korean defector who defected in 2019 testified that he/she paid bribes and used his/her father's connections to get a job he/she wanted.[653]

While having served in the military was one of the key qualifications for job placement under the military-first policy of the Kim Jong Il regime, testimonies have been collected reporting that, under Kim Jong Un, a college diploma has become an important factor, while personal appearance and height have also become important due to the increase in the number of service-oriented jobs such as restaurant workers. For example, a North Korean defector who had been dispatched overseas to work

650_ NKHR2020000028 2020-07-06; NKHR2020000029 2020-07-06.

651_ NKHR2019000003 2019-04-08; NKHR2019000013 2019-05-07; NKHR2019000054 2019-07-29; NKHR2020000028 2020-07-06; NKHR2020000029 2020-07-06 and many other testimonies.

652_ NKHR2019000004 2019-04-08; NKHR2019000026 2019-05-18; NKHR2019000032 2019-06-03.

653_ NKHR2020000021 2020-07-06.

as an interpreter from 2019 to 2022 testified that a college diploma and academic transcripts have become important in job placement.[654] For example, a North Korean defector who defected in 2019 testified that a college diploma was definitely needed to get a job at a "private" company or an information technology exchange company. The testifier further stated that he/she had a job interview at a private company in 2018 because he/she was no longer able to work on a production line but did not get the job because he/she did not have a college diploma despite meeting the height requirement (he/she was taller than the required height of 165 cm, which is rare in North Korea). The testifier also stated that he/she was deeply hurt when another company rejected his/her job application for not being a good dancer and when a third company rejected him/her for not being a good singer. According to the testifier, recently, many people take a drug that makes people taller to meet height requirements, but they can become obese as a side effect, and one of his/her friends even had joint surgery to increase their height.[655]

Nevertheless, family background (*todae*) is still the primary factor considered for job placements. A North Korean defector who defected in 2019 testified that everyone's personal information is documented and stored at MPS branches and

654_ NKHR2023000023 2023-08-29.
655_ NKHR2022000015-2 2022-07-29.

people are allowed to view it if they bribe resident registration officers.[656] Family background (*todae*) seems to play a particularly important role in being assigned to special-grade enterprises or becoming an official.[657] Another North Korean defector who defected in 2019 testified that family background (*todae*) is important for people to be assigned to the Prosecutors' Office, MPS city/county branches, the People's Committee and county Parties, and economic power is important for other occupations.[658]

On the other hand, testimonies have been collected claiming that, under the Kim Jong Un regime, positions at MPS branches, the Prosecutors' Office and the Ministry of State Security can be bought illegally, and that the size of the bribes required for these positions is fixed based on rank. For example, a North Korean defector who defected in 2019 testified that one must pay 2,000 dollars to be appointed as an MPS officer and 5,000 dollars to work at the Prosecutors' Office.[659] It has been reported that people can get a job at a desired restaurant or trading company if they pay approximately 300 dollars as a bribe. According to a testifier, the reason people pay bribes to choose these jobs is

656_ NKHR2022000014-2 2022-07-29.

657_ NKHR2017000019 2017-05-08; NKHR2017000056 2017-07-31; NKHR2017000073 2017-08-28; NKHR2018000008 2018-03-12.

658_ NKHR2019000068 2019-08-26.

659_ NKHR2022000014-3 2022-08-31.

because being employed at these institutions/workplaces pays off eventually.[660]

The fact that large bribes must be offered to get a job and the size of the bribe has increased over time means that the financial burden imposed on parents has also increased. Parents of an individual who wants to be employed at a desirable workplace must pay a larger bribe than others.

In North Korea, the most common example of the violation of one's right to choose his/her job is that most job placements are based on group allocation. Group allocation refers to a situation in which people are forcibly and unilaterally assigned to groups, under the direction of the state and regardless of individual will, and sent to places where there is a shortage of manpower, such as farms, factories, coal mines and various construction sites and workplaces. School graduates and discharged soldiers have been common targets of group allocation, and they are mostly assigned to undesirable workplaces, such as shock troops (*dolgyeogdae*), mines, military supply factories, farms and construction units. It is said that once a person is assigned to a job based on group allocation, he/she is not permitted to request placement at another workplace.[661] In particular, in military supply factories, rations are provided but their employees cannot be engaged in extra

660_ NKHR2022000015-3 2022-08-31.

661_ NKHR2020000008 2020-05-16; NKHR2020000010 2020-05-16.

market activities to make "8·3 money" (the money workers must submit to avoid going to work) due to a strict mandatory attendance policy.[662] It has been reported that, because there are many state-run factory enterprises that have not yet returned to their operating levels since their decline during the 1990s Arduous March period,[663] there is an increasing trend under Kim Jong Un for group allocation to be used for large-scale construction projects at the national level, such as shock troops (*dolgyeogdae*) assigned for construction projects.[664] It has also been reported that those assigned to these undesirable posts are forced into labor at sites with poor food rations and water facilities.[665]

It seems that group allocations are also carried out in a discriminatory manner. North Korean defectors testified that because those being subject to group allocation are mainly people without money or power, such as the unemployed, orphans and *kotjebi*,[666] North Korean people perceive that those without power are the ones sent to a shock troop (*dolgyeogdae*),[667] and those with power, such as wealthy people or children of officials,

662_ NKHR2022000014-3 2022-08-31.

663_ NKHR2023000007 2023-04-19; NKHR2023000043 2023-4-11.

664_ NKHR2023000038 2023-05-27; NKHR2023000021 2023-08-04.

665_ NKHR2023000054 2023-07-09.

666_ NKHR2022000030 2023-05-04; NKHR2023000012 2023-05-30; NKHR2023000054 2023-07-09.

667_ NKHR2023000021 2023-08-04.

are easily exempted from group allocation.[668] Furthermore, people must have a good family background (*todae*) or offer bribes in order to avoid group allocation.[669]

In North Korea, it is also difficult for workers to change their jobs based on their own will.[670] It is not impossible for one to change jobs, but one cannot freely change his/her occupation, and the procedure is complicated and time-consuming.[671] A North Korean defector who defected in 2019 explained that one can change his/her job if he/she receives an employment certificate from the enterprise that he/she wants to move to and a dispatch certificate from the Ministry of Labor, which is issued based on the said employment certificate.[672]

On the other hand, it appears that changing jobs is easier if bribes or personal connections are used. A North Korean defector who defected in 2019 testified that a person who has been assigned to a workplace by the state can still be transferred to another workplace by offering a bribe.[673] Moreover, a North Korean defector who defected in 2019 testified that changing jobs is easier than before if one offers a bribe.[674] On the other hand,

668_ NKHR2022000042-2 2023-07-31

669_ NKHR2019000058 2019-07-29; NKHR2019000079 2019-09-25; NKHR2020000014 2020-06-15; NKHR2020000029 2020-07-06.

670_ NKHR2023000007 2023-04-19.

671_ NKHR2023000012 2023-05-30.

672_ NKHR2020000028 2020-07-06.

673_ NKHR2023000006 2023-04-17.

another North Korean defector who defected in 2019 said that changing jobs within the same occupational category is more feasible, while transitioning to an entirely different field is difficult.[675]

In addition, North Korean workers must turn up to work where they have been assigned, and anyone who is absent without notice for more than a certain period of time is subject to re-educational labor discipline. It has been found that the amount of time a person is sent to a labor training camp (*rodongdanryundae*) is determined in accordance with the period of time the person has been absent from his/her work without prior notice. A North Korean defector who defected in 2019 testified that those absent from work are sent to a labor training camp (*rodongdanryundae*) for six months,[676] and another North Korean defector who defected in 2019 stated that those caught being absent from work are sent to a labor training camp (*rodongdanryundae*) for about two months.[677] Moreover, a North Korean defector who defected in 2021 testified that he/she accepted the job he/she was assigned to because those who are unemployed are caught by Permanent Committee members.[678]

674_ NKHR2023000007 2023-04-19.
675_ NKHR2022000018-2 2023-08-01.
676_ NKHR2023000003 2023-04-11.
677_ NKHR2022000030-2 2023-05-04.
678_ NKHR2023000006 2023-0417.

Forcing people to perform labor regardless of their will by imposing disadvantages if they do not carry out the work constitutes a violation of human rights.

However, because corruption is rampant in North Korea, it appears that there are cases in which people evade crackdowns by paying money,[679] and there are many workers who do not go to work after coming to an agreement with their workplace in which they pay money instead.[680] The latter phenomenon has been reinforced by the decline in the operating rate of state-run factory enterprises and the increase in the number of so-called 8·3 workers (workers who pay 8·3 money). A North Korean defector who defected in 2019 testified that his/her spouse paid his/her workplace 500 yuan per year for not going to work. According to the testifier, the amount one must pay varies depending on the circumstances and workplace, but in general, young people whose families have money often pay part of their profits to their assigned workplaces and miss work. The testifier also said that, in Sinuiju, the amount a worker must pay to their workplace to avoid going to work (i.e., 8·3 money) is fixed at 300 yuan per month, and those intending not to participate in a rural community

679_ People can miss work if their supervisor looks the other way or if they pay the MPS officer 10,000 North Korean won a day or 300,000 North Korean won a month. NKHR2022000030-2 2023-05-04.

680_ A labor training camp (*rodongdanryundae*) is also called "*kkangpan*." Women usually earn and pay 8·3 money. Monthly 8·3 money is approximately 100 yuan, which is not difficult to raise. NKHR2023000003 2023-04-11.

support project can do so by sending replacements and paying them 10 yuan per day.[681] Recently, cases have been reported in which people pay money to labor training camps (*rodongdanryundae*) or prison camps (*kyohwaso*) to avoid imprisonment for being absent from work without prior notice, and labor training camps (*rodongdanryundae*) and prison camps (*kyohwaso*) accept this money, which is calculated based on the period of absence, because they have to operate independently without state support.[682]

Nevertheless, it has been reported that it is difficult for farm members to leave the rural area that they have been assigned to or to change their status, and there still is a strong tendency for the children of farm members to also work as farm members as if there were a caste system.[683]

B. Poor Working Environment and Pay Conditions

The most important factors that must be considered in determining whether work is "decent" are whether the work ensures a decent living for the worker and his/her family and

681_ NKHR2020000006 2020-05-15.

682_ NKHR2022000014-2 2022-07-29.

683_ Once someone becomes a farmer, that person's descendants are expected to become farmers as well. Farmers have no choice but to live in the countryside, and thus cannot escape rural life and engage in businesses. Farmers who do not show up for work are considered unemployed and sent to either a prison camp (*kyohwaso*) or labor training camp (*rodongdanryundae*). NKHR2023000008 2023-04-28; NKHR2023000014 2023-07-26; NKHR2023000057 2023-07-29.

whether it guarantees safe and healthy working conditions (Article 7 of the ICESCR). North Korea declares that all workers are guaranteed stable jobs and safe working conditions by the state. However, the reality is quite different from what North Korea claims.

To begin with, it is difficult for a worker and his/her family to maintain a decent life with the income earned from working at an assigned workplace. It has been found that most North Korean people are *de facto* working without pay at their assigned workplaces or farms and that even if wages are paid, in most cases, the amount is so small that it is not conducive to maintaining their family's livelihood. Rations are rarely provided, and even when rations are provided, they too are insufficient to make a living. For instance, a North Korean defector who had lived in Pyongyang and defected in 2018 stated that the official monthly salary for an ordinary worker is slightly over 3,000 North Korean won and that for a management officer is no more than 5,000 North Korean won, which is equivalent to the value of approximately 1kg of rice purchased from a marketplace (*jangmadang*). The testifier also stated that there are generally no food rations, though people living in Pyongyang receive some rations; however, the amount is not sufficient to make a living for 10 days.[684] Furthermore, a North Korean defector who defected in 2021 said

684_ NKHR2023000040 2023-06-18.

that he/she received 2,000 North Korean won as a wage, which was too small, and he/she did not receive any rations.[685] The situation is no different for farm members. A North Korean defector who defected in 2019 stated that the share left for farmers is minimal after deducting the money to be paid back to the state for the costs for farming supplies such as seeds and submitting assigned farm yields to the state.[686] A North Korean defector who defected in 2018 stated that, because the amount of money that people have to submit to the state is larger than the amount they receive, people go to work not to earn money but because they are compelled to do so.[687]

Another testifier said that his/her spouse who had worked as a doctor received approximately 4,000 North Korean won per month in addition to food rations, but the testifier's spouse did not care much about the money because the amount was too small.[688]

On the other hand, there were some testimonies reporting that the testifiers received wages in a foreign currency (yuan or dollars) in an amount just enough to maintain their livelihood; however, it is understood that such cases occur only exceptionally for those working in enterprises or workplaces involved in exporting or located in special economic zones. For example, a

685_ NKHR2022000030-2 2023-05-04.
686_ NKHR2023000014 2023-07-26.
687_ NKHR2023000009 2023-05-10.
688_ NKHR2020000047 2020-11-28.

North Korean defector who defected in 2023 testified that he/she was able to lead a relatively comfortable life when he/she lived in North Korea by earning foreign currency.[689]

As it has become difficult for workers to earn a livelihood with the income earned from their official workplace, it became common for workers to engage in various economic activities linked to the market. A North Korean defector who defected in 2021 even testified that women in North Korea have to work during the day and steal at night to make a living, while the situation is better for unit heads because they receive money from the workers.[690] However, during the COVID-19 period, the number of workers who are able to pay 8·3 money to their assigned workplaces has decreased. Testimony has been collected stating that, because the economy contracted due to COVID-19, workers who have become unable to pay 8·3 money returned to their assigned workplaces, which made the lives of these workers even more challenging.[691]

Safe and healthy working conditions are also insufficiently guaranteed. First, it seems that working conditions are extremely poor, and workers are often exposed to danger. A North Korean defector who had worked at a hydroelectric power plant and

689_ NKHR2023000055 2023-07-22.
690_ NKHR2022000030-2 2023-05-04.
691_ *Ibid.*

defected in 2019 responded that he/she went to work in his own clothes without a safety helmet or safety suit.[692] Moreover, a North Korean defector who had worked at a mine and defected in 2019 said that although masks, safety hats, working gloves, boots and work uniforms were provided on holidays, it was dangerous to work in the mine because the support beams in the mine were made of wood.[693]

Moreover, a North Korean defector who had participated in a production unit that handled gunpowder testified that although he/she was provided with masks and working gloves, he/she did not receive a separate work uniform and that there were many cases in which people developed illnesses after working for two to three years because of the harmful working environment. However, the testifier said that he/she received quarterly training on work safety rules as the unit handled explosives.[694] A North Korean defector who defected in 2019 testified that workers employed at military supply factories, who are frequently exposed to harmful substances because their tasks include working in underground mines, have access to factory-affiliated hospitals where they can receive tuberculosis vaccinations or medicine free of charge. This means that employees at military supply factories

692_ NKHR2023000012 2023-05-30.
693_ NKHR2023000043 2023-07-01.
694_ NKHR2019000070 2019-08-26.

are more prone to contracting tuberculosis. The testifier said that he/she had been originally assigned to a factory that produced military uniforms, but his/her mother offered 50 dollars worth of cigarettes as a bribe to have him/her transferred to another workplace because of the intensity of the labor at the factory and the risk of harm to the health.[695] These cases indicate that the Labor Protection Law that was adopted in 2010 and subsequently amended and supplemented several times up until October 2021 is not well observed in practice.[696]

While North Korea stipulates working conditions such as working hours and rest breaks by law,[697] it appears, based on defector testimonies, that such rules are well observed in some areas but not in others. First of all, average daily working hours stipulated in the law have become more or less meaningless at many workplaces. In particular, these include companies that do not have much work because their factory operation rate has

695_ NKHR2022000015-2 2022-07-29.

696_ Article 20 of the Labor Protection Law stipulates that institutions, enterprises and organizations shall prevent harm that may be caused by high temperatures, gas, dust, noise, vibrations, humidity, radiation, and bacteria, and ensure that natural lighting, lighting, ventilation, and heating conditions meet hygienic requirements. Workers shall not be assigned to work in places where high temperatures or hazardous substances exceed established limits.

697_ Article 36 of the Labor Protection Law stipulates that the daily working hours for workers is eight hours, provided that it may be reduced for workers in physically demanding sectors or under special conditions. Article 39 of the Labor Protection Law dictates that institutions, enterprises and organizations shall guarantee their employees rest on holidays such as national holidays and Sundays and, in the event workers provide labor on a rest day for unavoidable reasons, an alternative day off must be provided within a week.

decreased significantly due to shortages of electricity and raw materials and deterioration of facilities.

In contrast, some North Korean defectors have claimed that they had to work long hours. A North Korean defector who had worked for a factory manufacturing military supplies said that he/she had to work for 15–16 hours a day,[698] and a North Korean defector who had worked in a mine said that there were no set working hours, and he/she worked from 5 am when he/she work up to 7 pm at the earliest and 10 pm at the latest.[699] A North Korean defector who defected in 2019 testified that he/she worked 12–13 hours a day when he/she worked as a heavy equipment driver but received no compensation for overtime hours.[700] There was also a testifier who claimed that he/she worked from 4 am to 11:30 pm when he/she worked in a mine between 2016 and 2017.[701] A North Korean defector who had worked at a clothing factory that produced clothes for export from 2002 to 2019 stated that he/she worked from 7 am to 10 pm to midnight every day, and worked approximately two additional hours a day when deadlines were tight.[702] In addition, many testimonies have been collected reporting that farm members do

698_ NKHR2018000003 2018-03-12.
699_ NKHR2018000005 2018-03-12.
700_ NKHR2020000016 2020-07-04.
701_ NKHR2020000021 2020-07-06.
702_ NKHR2022000015-2 2022-07-29.

not have any vacation days,[703] the eight-hour workday rule is not applied to farm members, and farm members have to work late at night or early before breakfast during busy farming seasons.[704]

Similar to working hours, rest breaks for workers also differ from workplace to workplace. Among North Korean defectors, some were able to use the legally guaranteed 15-day annual leave,[705] while others could not actually use it although there were relevant regulations.[706] There was also testimony stating that there was no concept of annual leave at the testifier's workplace because workers often did not show up for work as they were busy earning money at other places.[707] On the other hand, testimony was collected reporting that, in response to low attendance rates, some workplaces have allowed their workers to use their vacation days flexibly to encourage attendance. In addition, a North Korean defector who defected in 2019 testified that workers have begun to boldly demand vacation days because they are not given anything by their workplaces.[708]

703_ NKHR2023000014 2023-07-26.

704_ NKHR2019000008 2019-04-08; NKHR2019000027 2019-06-03; NKHR2019000046 2019-07-01.

705_ NKHR2019000019 2019-05-07; NKHR2020000021 2020-07-06; NKHR2020000027 2020-07-06.

706_ NKHR2019000023 2019-05-18; NKHR2019000045 2019-07-01; NKHR2019000065 2019-08-17.

707_ NKHR2017000135 2017-12-18.

708_ NKHR2022000018-2 2023-08-01.

C. Restrictions on Freedom to Form, Join and Withdraw from Trade Unions

Article 8, paragraph 1 of the ICESCR stipulates that State Parties must ensure the right to form and join trade unions as well as the right to strike. However, free labor unions that protect and represent the interests of workers do not exist in North Korea. Although there is the General Federation of Trade Unions of Korea (hereinafter the Federation of Trade Unions), the Federation of Trade Unions, which is under the control of the KWP, is an organization that is different from trade unions in capitalist societies in that it carries out labor control functions, such as implementing projects for labor protection or worker education, promoting productivity and strengthening labor discipline.[709] Furthermore, North Korean workers are not guaranteed the right to independent association, the right to collective bargaining or the right to collective action.

Given the circumstances, it appears that there are no meetings or activities that represent the opinions of workers in workplaces. North Korean defectors testified that this kind of gathering is unimaginable[710] and that forming a labor union or negotiating wages is impossible.[711] Testimonies have been collected indicating

709_ Gang-sik Kim, *Labor in North Korea* (Seoul: Jipmoon, 2003), p.155.
710_ NKHR2019000011 2019-04-10 and many other testimonies.
711_ NKHR2018000005 2018-03-12.

that workers' unions other than those approved by the state are not allowed[712] and that people would not even try to establish one as they would be punished for it.[713] There was also testimony claiming that the testifier had never witnessed people complaining in a group about their work life.[714] Therefore, it is difficult to find a case in which a representative of workers and the manager of a workplace engage in discussions to improve the working environment, and the level of awareness among North Korean people of related rights is also estimated to be very low.[715]

D. Evaluation

It appears that North Korean workers are not sufficiently guaranteed their labor rights. First of all, as clearly indicated in the practice of group allocation, North Korean authorities unilaterally assign people to workplaces without guaranteeing them the freedom to choose jobs according to their abilities and desires. Moreover, it is not easy for workers to leave their assigned workplaces at will. However, under the Kim Jong Un regime, as a result of marketization and an increase in the number of social groups with economic power, the number of cases in which

712_ NKHR2019000055 2019-07-29.
713_ NKHR2019000008 2019-04-08.
714_ NKHR2019000068 2019-08-26.
715_ NKHR2017000019 2017-05-08 and many other testimonies.

people pay bribes to get desirable jobs is on the rise. In addition, the qualifications that need to be met to get a desirable job have gradually changed. While having military experience was an essential qualification for job placement under the military-first policy of the Kim Jong Il regime, under Kim Jong Un, having a college diploma and good grades has become an important qualification. This indicates that North Korea has adapted to the changing times, gradually moving towards a culture where individual abilities are also considered important. Moreover, personal appearance has also become a significant qualification due to the increase in the number of service-oriented jobs. In addition, it appears that the financial burden, in particular the need to pay bribes or child-rearing expenses, which parents must bear to help their children obtain desirable jobs has increased. Nevertheless, the fact that family background (*todae*) plays the most important role in job placement remains unchanged.

These changes under the Kim Jong Un regime have ultimately led to the introduction of another form of inequality in North Korea, with wealthy people more likely to land a desired job. In particular, discrimination against farmers has worsened, with farmers not being able to leave rural areas and the children of farmers inheriting their parents' occupation as if there were a caste system.

North Korea also does not ensure the right to work under favorable working conditions and the right to receive just

compensation for work performed. In reality, wages are not paid to workers, and since workers are not able to stably support their families with the income from their official workplace, they are forced to engage in separate economic activities to sustain their lives and the lives of their families. As a result, the number of so-called 8·3 workers who make an agreement with their assigned workplace that they do not have to go to work on the condition that they pay on a monthly basis part of their income from unofficial, private economic activities (i.e., 8·3 money) has increased. However, only those with a certain level of financial power or ability are able to become 8·3 workers, and those without this power or ability are forced to work at assigned workplaces because to do otherwise will lead to punishment. Because of the economic downturn due to the COVID-19 pandemic, workers who have become unable to pay 8·3 money have returned to their officially assigned workplaces, which has made the lives of North Korean people even more challenging.

Furthermore, rules concerning working conditions, such as working hours or periodic holidays, are also not sufficiently adhered to. In addition, freedom to form, join and withdraw from trade unions is also not protected, and as a result, workers are put in a situation in which they cannot demand that their workplaces improve the working environment or unreasonable treatment imposed on them.

4

Right to Education

The right to education is a right for everyone, not only children. The right to education includes not only the right to public or regular education but also the right to private or non-traditional education. It also includes the right of all members of society to receive lifelong education. Article 26 of the UDHR stipulates that "everyone has the right to education," and Article 13 of the ICESCR, to which North Korea is a State Party, refers to the right to education as follows.

Table Ⅲ-11 Article 13 of the ICESCR

Paragraph 1	The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

Paragraph 2	The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
Paragraph 3	The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
Paragraph 4	No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 73 of the North Korean Constitution stipulates that "citizens have the right to education. This right is ensured by the education system and educational polices enacted by the state for the benefit of the people." In addition, the Education Law of 2015, the Law on General Education of 2015 and the Higher Education Law of 2015 specify matters pertaining to the free compulsory education system based on socialist pedagogy. However, the reality is far different from what is stipulated in these regulations.

After Kim Jong Un took power, North Korea enacted and amended laws and established policies in the direction of normalizing public education and improving the quality of education. In the 2019 UPR report, North Korea reported that it had established the 5-Year Strategy for the Development of Education (2016–2020) after developing the National Strategy for the Development of Education (2015–2023) in 2014 and has endeavored to improve the educational environment and conditions under the Action Plan for the Improvement of the Quality of Primary and Secondary Education (2017–2020).[716] In addition, at the 4th Plenary Meeting of the 8th Central Committee of the KWP held in 2022, the importance of reducing the gap in the level of education between central and provincial areas and between urban and rural areas was discussed.[717] During the COVID-19 pandemic, North Korea newly adopted the Distance Education Law in April 2020 as Decree No. 5 of the SPA. At the 6th Plenary Meeting of the 8th Central Committee of the KWP held in December 2022, the improvement and innovation of the remote re-education system, which allows individuals to "select and take lectures on necessary subjects without being constrained by time and location," was emphasized.[718] Although North Korea has increased its investment in education and implemented

716_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 44.

717_ *Rodong Sinmun*, 14 January 2022.

718_ *Rodong Sinmun*, 7 September 2022.

policies to reorganize the content and form of education, North Korean defectors testified that educational conditions in North Korea are still poor.

This chapter examines whether the right to education is properly guaranteed in North Korea on the basis of availability, accessibility, acceptability and adaptability.[719]

A. Educational Conditions

Availability in education means that there should be educational institutions and programs of sufficient quality that function normally. In other words, the minimum conditions necessary for education must be met.

Article 7 of the North Korean Education Law legally specifies the state support necessary for education by stipulating "the state shall systematically increase investment in education and smoothly assure educational conditions to strengthen support for the education sector." In addition, North Korea prescribes the implementation of free compulsory education in Article 12 of the Education Law, which stipulates citizens have "the duty to receive general secondary education[720] and the right to receive free

719_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant)," 8 December 1999, para. 6.

720_ This includes one year of kindergarten, five years of elementary school, three years of junior middle school and three years of advanced middle school.

education."

While North Korea reported on its efforts to improve educational conditions and the environment, including expanding investment in education and establishing "model schools," in its UPR report in 2019[721] and North Korean laws stipulate the implementation of free and compulsory education for North Korean citizens, the actual state of education in North Korea is extremely dire. Although there was testimony reporting that new school buildings are clean and with improved facilities and environments,[722] it has been found that, in most cases, educational facilities and resources greatly differ between regions and schools. It has been confirmed that a gap in educational facilities exists between Pyongyang and other regions,[723] and significant disparities exist even between schools within Pyongyang in terms of the level of educational facilities available.[724] In addition, there was testimony reporting that, following North Korea's introduction of multifunctional classrooms equipped with information and communications technologies, some city schools have classrooms furnished with the latest electronic devices such as projectors and cameras.[725] While some have testified that

721_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), pp. 8–9.
722_ NKHR2020000002 2020-05-15.
723_ NKHR2023000002 2023-04-11; NKHR2023000013 2023-06-01
724_ NKHR2021000022 2021-10-19; NKHR2021000025 2021-11-09.
725_ NKHR2023000019 2023-08-02.

computer labs and sports facilities are in good condition,[726] others have claimed that the costs of building and maintaining these facilities are borne by the students.[727] For instance, a testifier said that there are many demands placed on parents regarding the maintenance of school facilities, including painting school facilities and replacing glass windows.[728] In addition, it has been confirmed that, although electricity is provided, there are restrictions on the use of computer labs due to its limited supply time and possible electricity failures.[729] It is said that many schools do not have an infirmary or library and, even if a school has a library, it is difficult to use.[730] It has also been reported that, recently, under the state policy emphasizing science and technology, inspections of school facilities and educational systems and deployment of teachers from schools located in cities or provinces to schools in rural areas have been carried out in North Korea.[731]

Schools in North Korea lack even the most basic water and sanitation facilities. It has been found that only around 56% of

726_ NKHR2021000003 2021-08-19; NKHR2021000007 2021-09-06.

727_ NKHR2021000019 2021-10-15; NKHR2021000010 2021-09-08; NKHR2021000029 2021-11-23; NKHR2023000017 2023-07-31.

728_ NKHR2023000017 2023-07-31.

729_ NKHR2021000029 2021-11-23; NKHR2021000030 2021-11-28; NKHR2023000011 2023-05-23; NKHR2022000042-2 2023-07-31.

730_ NKHR2021000020 2021-10-16; NKHR2021000019 2021-10-15.

731_ NKHR2023000008 2023-04-28.

schools in North Korea have access to piped water, and this access differs considerably between regions.[732] In fact, many schools have poor sanitation facilities with outdoor squat toilets and a lack of facilities for washing hands.[733]

Although computer education has significantly expanded, it is said that schools do not have computer labs, and even if a school has a computer lab, it is unusable because no computer is installed or the computers are old models. As a result, students practice with paper keyboards or bring their own laptops.[734]

732_ UNICEF, Analysis of the Situation of Women and Children in the Democratic People's Republic of Korea (Pyongyang: UNICEF, 2019), p. 81.

733_ NKHR2021000006 2021-09-03; NKHR2021000028 2022-07-04; NKHR2021000030 2021-11-28; NKHR2021000008 2021-09-07; NKHR2021000009 2021-09-07; NKHR2021000010 2021-09-08; NKHR2023000013 2023-06-01; NKHR2022000018-2 2023-08-01; NKHR2022000042-2 2023-07-31.

734_ NKHR2020000003 2020-05-15; NKHR2020000027 2020-07-06; NKHR2020000029 2020-07-06; NKHR2023000003 2023-04-11 and many other testimonies.

Table Ⅲ-12 Reality of Educational Facilities and Environments

Testimonies	Testifier ID
The testifier's friend and cousin had a laptop in their home in Hyesan, Yanggang Province in 2019. Families with money or mothers who are interested in the education of their children have computers at home. There are many Toshiba computers; some are Lenovo and Apple computers. When the testifier graduated from middle school in 2014, he/she heard that the school would make a computer lab; however, he/she has never heard that students learn about computers at school.	NKHR2020000001 2020-05-15
In 2020, the testifier bought a laptop for his/her child, so the child could use it during his/her computer class at school. These days, most students carry a laptop; for instance, if there are about 50 students in a class, half of them carry a laptop. Restrooms are usually located outside a school building. The testifier's child's school did not have electricity. Schools usually do not have an infirmary, gym or library.	NKHR2020000038 2020-09-26
The testifier said that, at regular schools, students attend schools near their homes, but as foreign language schools are located a bit far away, students have to pack lunches. Regular schools usually have only one building. Foreign language schools usually have better school facilities than other types of schools; they have special classrooms such as gyms and libraries and separate buildings for education and sports.	NKHR2020000013 2020-06-15
The school the testifier had attended had conventional toilets, but the testifier could not wash his/her hands after going to the toilet because there was no running water. There was a large building called a gym, and the schoolyard was also large. There were approximately 50 computers in the school, which were used only briefly during computer classes.	NKHR2021000007 2021-09-06
The Pyongyang Geumseong Academy is connected to the Mangyongdae Children's Palace and has a basketball court and a soccer field in good condition. It is also well-equipped with sanitation facilities. General middle schools in Pyongyang are also well-supplied with water.	NKHR2021000022 2021-10-19
(Yanggang Province) The school the testifier had attended had no indoor restrooms; it had a computer lab, which was often not used due to a shortage of electricity. Computers in the computer lab had the computer operating system "Red Star" installed on them, which was easy to use without instructions.	NKHR2023000011 2023-05-23
(North Hamgyeong Province) While there is no significant difference in school facilities between schools in city centers and schools in the outskirts of cities, schools located in city centers generally have better and cleaner facilities. Parents are primarily responsible for maintaining school facilities, including painting tasks and replacing glass windows.	NKHR2023000017 2023-07-31

In the Summary of Stakeholders' Submissions on North Korea for the UPR in 2019, Amnesty International recommended North Korea to "ensure compulsory and genuinely free primary and secondary education for all children."[735] In this regard, North Korea responded that it has introduced a 12-year free compulsory education system and provides various support, such as textbooks, teaching materials, educational equipment and transportation.[736] However, according to defector testimonies, various expenses that people have to pay for schools have become a barrier to regular education.

Recently, North Korea has fostered a social atmosphere that favorably treats teachers and has highlighted the enhancement of teachers' capabilities.[737] However, the reality that teachers are not adequately compensated for their work means that the livelihood of teachers is unstable and has a detrimental effect on the overall educational environment in North Korea. Because teachers cannot make a stable living, North Korean people tend to think that sending their children to school means that parents take responsibility for the teachers' livelihood, and there is a perception that teachers live on the money students offer. There was also testimony stating that teachers recommend students from

735_ UN Doc. A/HRC/WG.6/33/PRK/3 (2019), para. 82.

736_ UN Doc. A/HRC/42/10 (2019), para. 78.

737_ *Rodong Sinmun*, 21 January 2023; *Rodong Sinmun*, 9 June 2023.

economically affluent families when selecting section leaders or class presidents.[738] Testimonies reporting that teachers offer private lessons and have side jobs and that the number of prospective teachers is extremely low show that teachers are poorly treated. Some testifiers reported cases in which teachers openly demanded cash from students or assigned students to tend to their personal vegetable gardens.[739]

Table Ⅲ-13 Treatment of Teachers

Testimonies	Testifier ID
The testifier's father, who was a middle school teacher in 2019, did farming as a side job as there were no rations provided. The testifier's family consumed most of the crops produced and sold what was left. The testifier heard that teachers in schools in cities sometimes take money from their students; however, this practice is not found among teachers in schools in rural areas.	NKHR2020000035 2020-09-05
Teachers receive more rations than farm members, but they are not paid much. For a school hiking trip, parents pack lunch for their children's teacher out of respect for the person who teaches their children; it would also be troublesome for the teacher if parents do not pack lunch for him/her. The amount of money given to a teacher on a regular basis varies from person to person. If not cash, cigarettes are given to male teachers and soap is given to female teachers.	NKHR2020000002 2020-05-15
Teachers lead difficult lives. Teachers who offer private tutoring do not work at schools. No one wants to be a teacher.	NKHR2020000017 2020-07-04
The testifier's father worked as a teacher for 30 years. Teachers are poorly treated in North Korea. The testifier's father did not have much private time to earn extra income that was necessary to make a living because there was a lot of work to be done at school. He offered private tutoring because his salary did not increase. As he became older, he no longer taught classes because he did not want to be criticized for not being able to pay the money that teachers must pay to the teachers' meeting.	NKHR2021000003 2021-08-19

738_ NKHR2023000010 2023-05-15.

739_ NKHR2022000042-2 2023-07-31; NKHR2022000018-2 2023-08-01.

Testimonies	Testifier ID
The testifier lived on the bribes he/she obtained from the students' parents for making their child the section leader or class president; he/she also offered private lessons and tutoring.	NKHR2021000008 2021-09-07
Teachers have a lower standard of living compared to other occupations. When the testifier attended school, his/her teacher received 500 yuan from the section leader, 250 yuan from the class president, and 100 yuan from the vice leader for ideology. The amount of money students in these positions must provide to their teacher doubles in city schools. The testifier had a private tutor because his/her parents thought it would be better to hire a tutor than to pay money to the school.	NKHR2021000015 2021-09-16
The testifier barely made a living when he/she worked as a teacher for 10 years. The testifier could not hold a side job because he/she had to go to school every day and manage students. He/she lived on the support from the parents of the class president.	NKHR2022000028 2022-07-04
Parents of class presidents and other class leaders provide support for teachers. On the day the Parent Committee meeting is held, parents each bring 100,000 North Korean won in an envelope for their children's teacher as if they were supposed to bring the money.	NKHR2023000004 2023-04-11
There was no salary for teachers. When the testifier was in the first year of middle school, he/she heard that his/her teacher received 2,000 North Korean won as a monthly salary.	NKHR2023000010 2023-05-15
Teachers assign the positions of class president and class vice-president to students from well-off families and receive money from them. The testifier gave 50 yuan a month to his/her teacher in exchange for the teacher's calligraphy lessons. The testifier and other students collected money to give to their teacher for national holidays or the teacher's birthday.	NKHR2023000011 2023-05-23

In addition to a 12-year free compulsory education, North Korea stipulates in its Education Law that the state must guarantee all expenses necessary for education, such as classes, practical training, field trips and school supplies. However, North Korean defectors testified that although students do not pay tuition, they still have to pay a lot of money to schools under

various pretexts. Students have to pay the cost of maintaining classrooms in the summer and pay the cost of firewood in the winter. They are also required to offer scrap iron, scrap paper and rabbit fur. Testimonies have reported that, if the goods demanded by the school are not available, students should give cash instead based on their family's economic situation, and those who cannot offer anything are reprimanded by teachers, which is a reason for students not to attend school.[740] This not only imposes a financial burden on parents but also undermines students' motivation to learn and gives them the perception that they are not respected as a person.[741] Cases have been reported in which students experienced public verbal abuse and personal insults from their teacher for failing to submit a completed assignment to school and were constantly questioned and pressured until they submitted the assignment.[742] There also were testimonies indicating that although textbooks are provided free of charge, they are mostly used textbooks, and new textbooks are insufficiently supplied and thus have to be purchased separately.[743]

740_ NKHR2022000002 2022-05-18; NKHR2022000010 2022-06-09; NKHR2022000024 2022-06-23; NKHR2021000015 2021-09-16; NKHR2021000019 2021-10-15; NKHR2021000026 2021-11-10; NKHR2021000030 2021-11-28; NKHR2023000019 2023-08-02 and many other testimonies.

741_ Article 13, paragraph 1 of the ICESCR stipulates "education shall be directed to the full development of the human personality and the sense of its dignity."

742_ NKHR2023000002 2023-04-11; NKHR2023000006 2023-04-17; NKHR2023000009 2023-05-10; NKHR2023000010 2023-05-15; NKHR2023000013 2023-06-01.

743_ NKHR2020000012 2020-06-15; NKHR2020000022 2020-07-06; NKHR2020000029 2020-07-06.

Table Ⅲ-14 Reality of Free Education

Testimonies	Testifier ID
In 2019, the testifier paid fees in the name of modernization of education (i.e., the cost of purchasing televisions, computers, projectors and batteries). Many children do not go to school because they cannot pay the money their school demands. The attendance rate for sixth-grade students is approximately 20–30%. Students do not go to school due to financial difficulties and because they are reprimanded by teachers for not being able to pay certain fees. Advanced middle schools have an even lower attendance rate.	NKHR2020000027 2020-07-06
The testifier's child went to an advanced middle school in 2019. There was no tuition, but students had to give three to four yuan a day in the name of maintaining the school or classroom, which amounted to approximately 100 yuan a month. When the school was assigned to pay a certain amount of money to support the Samjiyeon construction project and road construction projects, the amount was divided and allocated to each class and then to each student. Except for those who could not pay anything due to financial difficulties, each student had to pay three to four yuan. There are many children who do not enter elementary school due to the financial burden.	NKHR2020000038 2020-09-26
The testifier had to pay a lot of money in small installments for "children's planning" projects, scrap paper collection, gathering of wild greens and school maintenance (e.g. repairing desks and chairs, blackboard painting. Students have to pay money when they fail to complete assignments and when new textbooks are distributed. Students can receive items from older students for free.	NKHR2020000022 2020-07-06
There was no tuition fee, but there were many school-run projects and assignments the testifier had to pay for, which was difficult for poor students to afford. Students go to school because education is compulsory, but they attend school feeling withdrawn and discouraged.	NKHR2020000023 2020-07-06
There is no tuition fee, but the testifier had to pay a certain amount of money every day. Textbooks were not sufficiently supplied and were distributed unfairly, and school supplies had to be provided by students themselves. The school the testifier attended underwent modernization to participate in the Red Flag Movement. In the process, each student had to pay 300 yuan; students in a sought-after position had to pay more, and students in difficult situations had to pay a small amount.	NKHR2020000029 2020-07-06

Testimonies	Testifier ID
Students from families with some money are given sought-after positions, such as the class president, section leader, or vice leader for ideology, who must pay 5 yuan a day unconditionally. Whenever the teachers of the testifier's child sent a letter to the testifier about school projects such as classroom maintenance, he/she sent the money to the school for the sake of his/her child.	NKHR2021000014 2021-09-16
Students who are unable to pay the fees demanded by the school do not attend. The teacher asks them why they cannot pay the fees in front of other students, and they are so embarrassed that they choose not to attend.	NKHR2021000015 2021-09-16
The testifier collected and submitted rabbit fur, scrap iron and acorns for "children's planning" projects. The school demanded that the testifier submit various goods and 3,000-5,000 North Korean won to support the school. When he/she was unable to submit rabbit fur or scrap iron, he/she had to submit cash instead. When the testifier was unable to offer anything, the teacher cursed at him/her and made him/her stand up whenever he/she had to answer the teacher's questions during class; the teacher also gave bad evaluations when the testifier graduated from the school.	NKHR2021000019 2021-10-15
Students have to buy textbooks on their own. Textbooks were given free of charge in the past but, these days, students buy textbooks published by individuals because textbook production has significantly declined, with only about five students receiving free textbooks. There were too many things that the school demanded the testifier to submit. Sometimes, he/she had to submit cash in dollars.	NKHR2021000020 2021-10-16
Schools have to carry out classroom maintenance (e.g., blackboard painting) and modernization projects but they lack financial resources; teachers also do not have any money. The testifier's child's teacher received money, rations and rice from the parents of the class president and section leader; the teacher paid special attention to the students who offered material support and praised them to others. The testifier's child did well in school but felt discouraged and frustrated because of the teacher's favoritism.	NKHR2021000026 2021-11-10
The testifier had to give money for school maintenance. While school crackdowns were a major issue under the Kim Jong Il regime, since Kim Jong Un took office, schools have begun to demand that students offer money under the pretext of "Kim Jong Il's patriotism." There are students who submit goods instead of money. Students have to pay for school supplies on their own. The testifier received a school uniform once upon entering elementary school, which was of poor quality.	NKHR2022000002 2022-05-18

Testimonies	Testifier ID
There is no tuition, but students have to give a substantial amount of money for support projects such as support for the 618 Shock Troop (*dolgyeogdae*) and school and classroom maintenance projects.	NKHR2022000022 2022-06-21
The testifier submitted approximately 30 yuan to his/her school as money to purchase firewood, which was a lot of money for those who were struggling financially. The teacher humiliated or punished students who could not submit this money.	NKHR2023000003 2023-04-11
The school constantly instructed the testifier to submit things like scrap metal, scrap paper, plastic scraps, and rabbit fur, and there were friends who could not come to school because they were unable to bring these items.	NKHR2023000006 2023-04-17
Teachers repeatedly demand various items and fees from students, pressuring those who could not comply by making them stand up during class and urging them to bring the assigned items and fees.	NKHR2023000010 2023-05-15
When a student fails to submit a completed assignment, the teacher questions the student about the reason for not submitting the assignment and humiliates him/her in front of the other students.	NKHR2023000013 2023-06-01
The testifier heard that in general schools, students who are unable to submit the fees demanded by the school are forced to leave.	NKHR2023000019 2023-08-02

B. Discrimination in Educational Opportunity

Accessibility, which is about whether educational institutions and programs are accessible to all people without discrimination, is divided into non-discriminatory accessibility, physical accessibility and economic accessibility.[744] Non-discriminatory

744_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 13: The Right to Education (Art. 13 of the Covenant)," 8 December 1999, para. 6 (b). Accessibility stipulates, educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the

accessibility means that access to educational opportunities must be legally and practically ensured for everyone, including certain vulnerable groups of people, without discrimination. From a non-discrimination point of view, people's access to education is not guaranteed in North Korea. In particular, North Korean authorities do not allow access to normal education and educational programs to children of those regarded as potential reactionaries, including political criminals. The 12-year free compulsory education, which is guaranteed under the North Korean education system, is not permitted inside political prison camps (*kwanliso*). Although primary education courses are offered inside camps, it has not been confirmed whether the situation in which the curriculum is different from schools outside the camps has improved.

In this regard, in 2017, the UN Committee on the Rights of the Child urged North Korea to "promote gender equality [⋯] at all levels of the education system."[745] In 2017, the UN Committee on the Elimination of Discrimination against Women also

State Party. Accessibility has three overlapping dimensions: Non-discrimination – education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds. Physical accessibility – education has to be within safe physical reach, either by attendance at some reasonably convenient, geographic location (e.g. a neighbourhood school) or via modern technology (e.g. access to a "distance learning" programme); and Economic accessibility – education has to be affordable to all. This dimension of accessibility is subject to the differential wording of Article 13 (2) in relation to primary, secondary and higher education. Primary education shall be available "free to all."

745_ UN Doc. CRC/C/PRK/CO/5 (2017), para. 46.

recommended that North Korea improve the traditional perceptions and structural constraints, which have prevented female students from entering schools in such fields as science.[746] North Korea reported in the 2019 UPR that the number of women taking remote learning courses provided by major universities has increased.[747] However, it is still difficult to conclude that the gender gap in access to education has fully been resolved.

Regarding physical accessibility, while the North Korean Education Law and the Law on General Education guarantee compulsory education for children in remote areas and for children with disabilities, the international community has expressed concerns about unequal educational opportunities for children with disabilities and children living in rural and mountainous areas arising from their restricted physical access to education.[748] Despite their emphasis on the importance of measures to address the disparities in the level of education between urban and rural areas, North Korean authorities are experiencing difficulties in building schools and appointing teachers in rural areas.[749] Since 2020, North Korea has been promoting a system to alleviate geographical barriers to education through the Distance Education Law. In particular, the remote

746_ UN Doc. CEDAW/C/PRK/CO/2-4 (2017), para. 34.
747_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 67.
748_ UN Doc. A/HRC/WG.6/33/PRK/2 (2019), para. 73, para. 96.
749_ *Rodong Sinmun*, 23 September 2022.

re-education system has been used as a means to improve the level of education in rural areas, with a focus on reducing the educational gap between urban and rural areas.[750] However, it is difficult to say that this system actually ensures the accessibility of education for children living in isolated regions as the system is implemented focusing on university education and as differences exist in the provision of educational equipment among regions. In addition, the fact that there are many testimonies reporting that students' long-term absences or withdrawal from schools are due to financial difficulties and burdens indicates that economic accessibility, rather than geographical barriers, is the major cause of the inequality in educational opportunity in North Korea.

750_ *Rodong Sinmun*, 11 December 2022; *Rodong Sinmun*, 12 May 2023; *Rodong Sinmun*, 17 May 2023.

Table Ⅲ-15 Accessibility to Education for Children of Vulnerable Groups

Testimonies	Testifier ID
Students who are able to pay school expenses pay a little more to make up for the shortage caused by those who are unable to offer anything. Those who are unable to offer anything may feel embarrassed but are not disciplined or socially condemned. If a student is absent from school, other students are sent to the student's home to check on him/her; each village is divided into subgroups, and the students who are sent to check on the absent student knock on the door and call out the absent student's name. If a student misses school and says he/she is ill, other students visit to confirm if the student is actually sick. Home visits by fellow students are common because there are many children who miss school to help their parents with work.	NKHR2021000003 2021-08-19
It is rare that students miss school in cities; in urban areas, there is a perception that students must complete middle/high school. In rural areas, however, completing middle/high school is difficult because of economic hardship.	NKHR2021000005 2021-08-20
There are one or two students who are unable to submit the goods or fees demanded by the school (e.g., for "children's planning" projects), and teachers embarrass them in front of other children or instruct them to do other work, such as carrying bags of sand or cleaning school facilities.	NKHR2021000008 2021-09-07
When he/she attended school, the testifier could not pay fees for "children's planning" projects because of his/her mother's low income. The teacher frequently beat him/her for not paying the fees, so the testifier missed school and spent time in other places.	NKHR2021000023 2021-10-24
Students who are unable to pay the fees demanded by the school feel embarrassed and end up not attending school. Measures are taken if groups of students are absent from school; if there are only a few students who are absent, they are left uncared for.	NKHR2022000010 2022-06-09
Although North Korea claims to advocate a free education system, there are many things that a school demands its students to submit. There were even adults who told the testifier not to attend school. Many children dislike going to school and decide not to attend because schools assign students daily tasks and force them to pay money.	NKHR2023000002 2023-04-11
There is at least one or two students in every class who do not attend school. Children who are unable to pay the fees demanded by the school dislike going to school, and the parents of these children decide not to send their children to school.	NKHR2023000004 2023-04-12

Testimonies	Testifier ID
Reasons for school absence vary. Some children miss school to do housework. Children living in rural areas where schools are distant often do not attend school.	NKHR2023000006 2023-04-17
Each class at the school the testifier attended while living in Hyesan consisted of about 50 students, and about 10 students were often absent from the testifier's class. In cases of a simple absence, the teacher sent other students to the absent student's neighborhood to check on him/her, but there were no additional measures taken for students who did not show up for economic reasons.	NKHR2023000009 2023-05-10
Many farm members in Pyeongseong are illiterate because they were not able to attend school. Children from poor families who had to work to make a living were often unable to attend school.	NKHR2023000013 2023-06-01
When the testifier attended school in North Hamgyeong Province, about three out of 30 students in each class were constantly absent. Other students were sent to look for absent students, but these attempts were fruitless because the absentees did not attend school because they were too poor.	NKHR2022000018 -2 2023-08-01

Actual accessibility to education by students who are geographically isolated is assessed to be substantially low due to the general condition of roads, mass transit systems and difficulties in distance learning. Furthermore, these students are mostly living in absolute poverty, and inequality in educational opportunities caused by geographical isolation tends to coincide with poor economic accessibility. Students living in provincial, rural or mountainous areas who are from households in financial difficulty are often unable to bear the financial burden imposed by the school and tend to take long absences because they are psychologically affected and not eager to attend school.

Accessibility to education for economically disadvantaged

students is still very low. There were many testimonies claiming that students in difficult living conditions are reprimanded and punished by teachers for failing to pay the fees demanded by schools and eventually drop out of school after long absences as they are unable to endure the burden.[751] It has been reported that students from economically affluent families are more likely to be selected as class leaders and receive more attention from teachers.[752] A North Korean defector who defected in 2020 testified that students are overtly treated differently based on their family's economic situation, although this does not necessarily amount to public discrimination.[753]

In many cases, children from poor families do farm work or help with housework instead of entering school,[754] and cases have been documented in which children of farm members were illiterate because they frequently missed school to do farm work or housework or were unable to attend school at all.[755] Some teachers encourage attendance by exempting students from

751_ NKHR2020000001 2020-05-15; NKHR2020000027 2020-07-06; NKHR2020000029 2020-07-06; NKHR2022000010 2022-06-09; NKHR2021000010 2021-09-08; NKHR2021000015 2021-09-16; NKHR2021000023 2021-10-24; NKHR2023000002 2023-04-11; NKHR2023000004 2023-04-12 and many other testimonies.

752_ NKHR2021000026 2021-11-10; NKHR2021000028 2021-11-13; NKHR2023000008 2023-04-28.

753_ NKHR2021000025 2021-11-09.

754_ NKHR2020000031 2020-08-03; NKHR2020000038 2020-09-26; NKHR2020000041 2020-10-31; NKHR2021000005 2021-08-20; NKHR2022000002 2022-05-18; NKHR2021000025-2 2022-06-30; NKHR2022000018-2 2023-08-01 and many other testimonies.

755_ NKHR2023000013 2023-06-01; NKHR2022000042-2 2023-07-31.

financial burdens[756] but only temporarily. The state or schools do not seem to take proactive measures in this regard.[757]

C. Emphasis on Socialist Education

Acceptability is an important factor in determining whether the form and nature of education, including educational programs and instructional styles, are suitable for students, who are both the recipients of education and direct beneficiaries of the right to education.

Article 29 of the CRC states that the goal of education should be well-rounded in terms of acceptability and stresses its importance in children's education. In its fifth periodic report submitted to the UN Committee on the Rights of the Child in 2016, North Korea proclaimed that it has revised its education programs to comply with the goals of child education stipulated in the CRC. However, the reality seems far from such an argument. The Summary of Stakeholders' Submissions on North Korea for the UPR report in 2019 referred to the fact that school lessons in North Korea focus on the state's ruling political ideology and propaganda and recommended North Korea to immediately

756_ NKHR2021000018 2021-02-20; NKHR2021000003 2021-08-19; NKHR2021000007 2021-09-06; NKHR2022000022 2022-06-21.

757_ NKHR2020000013 2020-06-15; NKHR2020000017 2020-07-04; NKHR2022000002 2022-05-18; NKHR2022000010 2022-06-09; NKHR2021000009 2021-09-07; NKHR2022000018-2 2023-08-01 and many other testimonies.

de-politicize the curriculum.[758] North Korea also stipulates in Article 3 of the Education Law that "raising trustworthy personalities who possess sound ideological awareness, deep scientific-technological knowledge, and strong physical capability is the basic principle of Socialist pedagogy" and puts emphasis on the importance of teaching political ideology in Article 29.[759] Consequently, it seems that North Korea has yet to change its education system to a universal and well-rounded education. A North Korean defector who defected in 2019 testified that his/her child, who was in kindergarten in 2018, learned the childhood stories of Kim Il Sung, Kim Jong Il and Kim Jong Un like a fairy tale.[760] <Table Ⅲ-16> describes the subjects students are currently required to take in primary and secondary schools, which shows that the subjects on the Kim Il Sung/Kim Jong Il/Kim Jong Un family are provided throughout the entire curriculum. Excessive education in political ideology, mobilization of students for political events and regime propaganda campaigns, and compulsory military training indicate that North Korea is far from realizing the goal of education for children.

758_ UN Doc. A/HRC/WG.6/33/PRK/3 (2019), para. 85, para. 87.

759_ "Educational institutions shall infuse students with sound thoughts, ethics and in-depth knowledge, prioritize political ideology education to ensure sound body and rich sentiment of students, provide in-depth science and technology education, and combine them with physical and art education."

760_ NKHR2020000010 2020-05-16.

Table Ⅲ-16 Subjects in Primary/Secondary Schools

Education Level	Subjects
Elementary School	Childhood of Supreme Leader (*Suryeong*) Kim Il Sung, Childhood of Great Leader Kim Jong Il, Childhood of Anti-Japan Heroine Kim Jong-Suk, Childhood of Admirable Leader Kim Jong Un, Socialist Ethics, North Korean Language, English, Mathematics, Nature, IT, PE, Music and Dance, and Art.
Junior Middle School	Revolutionary activities of Supreme Leader (*Suryeong*) Kim Il Sung, Revolutionary Activities of Great Leader Kim Jong Il, Revolutionary Activities of Anti-Japan Heroine Kim Jong-Suk, Revolutionary Activities of Admirable Leader Kim Jong Un, Socialist Ethics, History, Geography, North Korean Language, English, Mathematics, Natural Science, IT, Basic Technology, PE, Music and Dance, and Art.
Advanced Middle School	Revolutionary History of Supreme Leader (*Suryeong*) Kim Il Sung, Revolutionary History of Great Leader Kim Jong Il, Revolutionary History of Anti-Japan Heroine Kim Jong-Suk, Revolutionary History of Admirable Leader Kim Jong Un, Current Party Policy, Socialist Ethics and Law, History, Geography, Psychology and Logic, Language and Literature, Chinese Characters, English, Mathematics, Physics, Chemistry, Biology, IT, Basic Technology, Basics of Industry (Agriculture), PE, Art, and Military Activity for Beginners.

Source: Yeongja Park *et al.*, *Eight Changes in the Economy and Society under the Kim Jong Un Regime* (Seoul: KINU, 2018), p. 165.

Article 32 of the CRC stipulates that children shall be protected from labor that threatens their health, education and development. However, North Korean students are frequently mobilized for various labor tasks, such as farming and construction, under the pretext that the tasks are part of education. Supplementing the shortage of labor by mobilizing students goes beyond the meaning of education.[761] In this regard, the UN Committee on the Rights of the Child urged North Korea in 2017 to "ensure that children

761_ The issue of the lack of acceptability in education is examined in more detail in IV. Vulnerable Groups, 2. Children.

are not required to perform labor tasks that interfere with their learning, their rights to rest and leisure and their physical and mental well-being."[762]

D. Restrictions on Learners' Right to Choose

Adaptability in education refers to the degree to which an appropriate educational environment is guaranteed from the perspective of the recipients of education and the degree of appropriateness of educational content provided for each developmental stage. It also refers to the degree to which the changing social environment is adequately reflected in education. Whether North Korean students receive adequate education that is also appropriate according to the above standards varies according to family environment, social status and economic capability.

In addition to state-run educational institutions, workplaces, social organizations and various social facilities are in charge of providing education. However, the state, particularly the Party, determines the basic system, direction, content and methods of education. The state selects the content and develops curricula and textbooks for all types of education, from school education to social education and education for adults. The operation of the

762_ UN Doc. CRC/C/PRK/CO/5 (2017), para. 46.

curricula is also centralized and uniform. As a result, the autonomy of schools and teachers and students' right of choice for learning are significantly restricted. As the national curriculum was revised in 2013, some region-specific elective subjects were introduced to advanced middle schools.[763] However, students are not given the right to choose subjects.

Except for exceptionally talented students enrolled in special education institutions, all students follow the same curriculum. In addition, all educational institutions, from kindergarten to primary and secondary schools to college, are established and run by the state, and no private educational institution exists in North Korea. In other words, the opinions of parents and students are not reflected in schools or school curricula.

Such rigidity in education caused by the state-led educational system serves as a constraint that fundamentally prevents North Korea's educational curriculum and system from reflecting the changes in thinking and innovations of the times.

E. Evaluation

In the 2019 UPR, North Korea reported that it has been making efforts to improve its educational conditions and environment,

763_ Ji-soo Kim et al., *Analysis of Primary and Secondary Education in the Kim Jong Un Era* (KEDI Report, 2019), p. 198.

including the content, form and methods of education,[764] and accepted the recommendation made in the UPR report to substantially realize free education and improve the overall right to education.[765] In the VNR published in 2021, North Korea emphasized that its investment in and support of education has led to the improvement of the educational environment and a practical and comprehensive update of the educational content.[766] Recently, North Korean authorities have taken measures to reduce the disparities in the level of education between urban and rural areas, including the construction of schools in rural areas, strengthening of teacher qualifications, and deployment of teachers from schools in urban areas to schools in rural areas, and have sought the improvement and innovation of the remote re-education system. However, when analyzed in terms of availability, accessibility, acceptability and adaptability, North Korea's education system is found to be insufficient in meeting all of the criteria above, despite some improvements in each criterion. Despite the policies that have reportedly been implemented by North Korean authorities, including investment in educational facilities, improvement in teacher capabilities, and

764_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), paras. 42–44.

765_ UN Doc. A/HRC/42/10 (2019), paras. 126.150~126.153; UN Doc. A/HRC/42/10/ Add.1 (2019), para. 9 (a).

766_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," The United Nations, June 2021, p. 22, <https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf> (Accessed 6 July 2021).

revision of educational content, North Korean defectors have testified that the educational environment in North Korea remains poor.

North Korean authorities should make efforts to provide a more universal and creative educational environment for students. Although North Korea claims to advocate a free education system, this has long since become obsolete, and the distribution of resources for basic school operations and teacher remuneration has not been achieved at the state level. Due to the financial burden imposed on students and parents, students continue to drop out of school and suspend their studies, which indicates that students' educational opportunities may be restricted depending on their family's economic situation. The financial burden resulting from various tasks and fees demanded by schools under various pretexts not only diminishes students' motivation to learn but also inflicts emotional damage on students who are already experiencing economic difficulties. In addition, ideological education that North Korean authorities have continued to emphasize seriously infringes on students' right to autonomous learning and to choose what to learn. In particular, students' education continues to be severely impeded as they are mobilized for various labor tasks, such as agriculture and construction projects and political events. Close attention needs to be paid to the North Korean authorities' measures to improve the right to education.

5
Right to Social Security

The UDHR stipulates that everyone, as a member of society, has the right to social security (Article 22). The ICESCR also stipulates that the States Parties shall recognize the right of everyone to social security (Article 9). The right to social security is very important in keeping the human dignity of people who face difficulties in realizing the rights of the ICESCR.[767] Moreover, the right to social security contributes to reducing and mitigating poverty, preventing social exclusion and promoting social cohesion.[768]

Table Ⅲ-17 International Agreements Related to Social Security

	Provision	Details
UDHR	Article 22	Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
ICESCR	Article 9	The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

767_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 19: The Right to Social Security (Art. 9 of the Covenant)," 4 February 2008, para. 1.

768_ *Ibid.*, para. 3.

As illustrated in <Table Ⅲ-18>, North Korea has legislated various laws and regulations related to social security.

Table Ⅲ-18 North Korean Laws on Social Security

Category of Social Security	Relevant Laws	
	Framework Law	Special Laws
Health Care	Social Insurance and Social Security Law	Law on Public Sanitation, Law on Food Hygiene, Law on Prevention of Epidemics
Sickness		Public Health Law, Law on Medical Care, Medicine Control Law
Old Age		Law on the Protection of Elderly Persons
Unemployment		Labor Law, Labor Protection Law, Act on the Guarantee of Living Conditions for Retired Military Officers
Industrial Accident		
Family and Child Support		Law on the Nursing and Upbringing of Children, Law on the Protection of the Rights of Children, Law on the Protection and Promotion of the Rights of Women
Maternity		
Disability		Law on the Protection of Persons with Disabilities
Bereaved Families and Orphans		Social Insurance and Social Security Law

In particular, North Korea enacted the Act on the Guarantee of Living Conditions for Retired Military Officers of 2020 and the Social Insurance and Social Security Law of 2021 to supplement social security for individuals such as discharged generals and military officers, persons of merit, and persons subject to light-duty work. The Social Insurance and Social Security Law incorporates provisions for light-duty (i.e., less demanding) work, which did not exist in the former Social Insurance Law and the

former Social Security Law. Furthermore, the single provision on preferential treatment for persons of merit in the former Social Security Law was reorganized into a separate chapter composed of six provisions for more detailed regulation. The Law expands the scope of institutions subject to social security benefits to sanatoria (*boyangso*), nursing homes, and rehabilitation homes (*yangsaengwon*).

Table Ⅲ-19 New North Korean Laws on Social Security

Relevant Laws	Coverage	Relevant Provisions
Act on the Guarantee of Living Conditions for Retired Military Officers	Housing	Chapter 3: Construction and Allocation of Housing
	Right to food and living conditions	Chapter 4: Guarantee for Daily Necessities, Food and Firewood
	Preferential medical and social treatment	Chapter 5: Guarantee for Medical Treatment and Social Preferential Treatment
Social Insurance and Social Security Law	Light-duty work	Article 62: Persons subject to light-duty work Article 63: Organization and operation of light-duty workplaces Article 64: Treatment of persons subject to light-duty work
	Preferential treatment for persons of merit	Chapter 4: Special Preferential Treatment for Persons of Merit Article 73: Principles on special preferential treatment for persons of merit Article 74: Priority guarantee for rest, relaxation, excursions, and recuperation Article 75: Priority supply of assistive devices Article 76: Preferential award of social insurance and social security benefits Article 77: Guarantee of health and living conditions for persons of merit Article 78: Operation of honored veteran factories

Relevant Laws	Coverage	Relevant Provisions
Social Insurance and Social Security Law	Social security benefits	Article 15: Institutions subject to social insurance benefits Social insurance benefits shall be spent for the payment of temporary subsidies, prenatal and postnatal subsidies, and funeral subsidies and the operation of rest centers, relaxation centers, and excursion centers. Article 47: Institutions subject to social security benefits Social security benefits shall be spent for purposes such as the payment of social security pensions and subsidies, the operation of sanatoria (*boyangso*), nursing homes and rehabilitation homes (*yangsaengwon*), and the production and supply of assistive devices.

As such, the enactment of new laws on the living conditions of discharged military officers and the adoption of the Social Insurance and Social Security Law, which expands on the provisions of the former Social Insurance Law and the former Social Security Law, have had the effect of emphasizing state interest in social security.

However, given the big gap between North Korea's system and the reality of social security, it would be difficult to say that the existence of social security systems actually guarantees social security for people. The light-duty work system was already in operation even before the enactment of the Social Insurance and Social Security Law,[769] and the other social security-related

769_ Kyu-chang Lee, "Analysis and Evaluation of the Background Behind North Korea's Recent Enactment of Social Security Laws," (KINU Online Series CO 23-9, 8 March 2023), p. 2.

provisions that have been newly adopted or supplemented do not necessarily seem to have led to substantial improvement in North Korean people's right to social security. Therefore, it is necessary to confirm whether these institutions are fulfilling their role. This chapter examines whether North Korean authorities adequately guarantee people's right to social security in 6 categories: old age, family and child support, diseases and disabilities, industrial accidents, multi-child households, and retired military officers.

A. Elderly Pensions Insufficient to Sustain Life

In North Korea, elderly pensions are provided monthly for men over the age of 60 and women over the age of 55. It appears that, in North Korea, before the Arduous March of the mid-1990s, elderly pensions had been paid in an amount sufficient for pensioners to make a living, although the actual amount might not have been much.[770] However, after the Arduous March, cases occurred in which this pension was not paid.[771] Moreover, even when this pension is paid, the amount is insufficient for elderly people to sustain their livelihood, and it appears that the elderly pension is little help for the elderly.[772] As a result, it is said that there are cases in which

770_ NKHR2013000065 2013-04-02; NKHR2021000002 2021-08-13.

771_ NKHR2019000018 2019-05-07; NKHR2019000081 2019-09-25; NKHR2023000055 2023-07-22.

772_ NKHR2019000002 2019-04-08; NKHR2020000010 2020-05-16, NKHR2020000011 2020-06-15; NKHR2020000044 2020-10-31; NKHR2021000005 2021-08-20;

people choose not to receive a pension.[773] In addition, it is said that many elderly women are not eligible for a pension as they often do not fulfill the 25 years of service required to receive one.[774]

A North Korean defector who defected in 2019 testified that his/her grandmother received 350 North Korean won per month as an elderly pension, which was only enough to buy a couple of candies.[775] Another North Korean defector who defected in 2019 testified that his/her father received 700 North Korean won every month, which was not enough to buy a single meal.[776]

A North Korean defector who defected in 2020 said that, in North Korea, women over the age of 55 and men over the age of 60 are eligible to receive an elderly pension of approximately 500−600 North Korean won per year from the community service center, which is not even enough to buy 1kg of rice. The testifier said that, as a result, elderly people depend on their children for day-to-day living.[777]

A North Korean defector who defected in 2019 testified that approximately 800−1,500 North Korean won is given every month as an elderly pension.[778] Another North Korean defector

NKHR2023000019 2023-08-02 and many other testimonies.

773_ NKHR2020000012 2020-06-15.

774_ NKHR2020000024 2020-07-06; NKHR2020000044 2020-10-31; NKHR2023000001 2023-04-07.

775_ NKHR2022000018 2022-06-15.

776_ NKHR2022000025 2022-06-23.

777_ NKHR2022000022 2022-06-21.

who defected in 2019 testified that his/her grandparents had received an elderly pension of 870 North Korean won every month until he/she defected from North Korea, but only after a certain amount was deducted by their People's Unit (*inminban*) chief as the amount assigned to the People's Unit (*inminban*).[779]

There was testimony that reported the provision of a relatively high elderly pension. A North Korean defector who defected in 2019 testified that his/her grandmother annually received an elderly pension of 30,000 to 60,000 North Korean won, which was not sufficient to maintain a living, and thus the grandmother sustained her livelihood through farming and raising livestock such as pigs and chickens.[780]

Table Ⅲ-20 Testimonies on Insufficient Elderly Pensions

Testimonies	Testifier ID
A North Korean defector who defected in 2019 testified that his/her mother received 700 North Korean won once a month until she died.	NKHR2019000025 2019-05-18
A North Korean defector who defected in 2019 testified that approximately 800–1,500 North Korean won is given as an elderly pension.	NKHR2019000035 2019-06-03
A North Korean defector who defected in 2019 testified that his/her spouse was eligible to receive an elderly pension of approximately 850 North Korean won. The testifier said that one time, they did not receive the pension for several months and received 4,000–5,000 North Korean won at once, which they spent to buy a bottle of alcohol.	NKHR2020000025 2020-07-06
A North Korean defector who defected in 2019 said that his/her father-in-law received approximately 600–700 North Korean won as an elderly pension.	NKHR2022000042-2 2023-07-31

778_ NKHR2019000035 2019-06-03.

779_ NKHR2020000017 2020-07-04.

780_ NKHR2023000012 2023-05-30.

According to some testimonies, pension payments appear to vary depending on the level of merit. A North Korean defector who defected in 2018 testified that elderly pension payments vary depending on the work individuals did when they were younger, and those who "worked for the state" receive higher pensions.[781] A North Korean defector who defected in 2019 reported that pensions are provided only to Party members and those who have contributed to society. According to the testifier, his/her grandfather received a monthly pension of approximately 700 to 1,000 North Korean won, which was paid as a lump sum every six months, because he was a Party member.[782] Another North Korean defector who defected in 2019 testified that his/her mother-in-law received a monthly pension of 60 North Korean won. The testifier also stated that persons of merit receive at least 600 North Korean won as a pension, but this amount is only enough to buy one to two pieces of chewing gum.[783]

Honored veterans and persons of merit are provided with various forms of state support in addition to pensions. A North Korean defector who defected in 2018 said that honored veterans receive a variety of benefits, including support for medical treatment and medicine.[784] A North Korean defector who

781_NKHR2023000009 2023-05-10.
782_NKHR2023000003 2023-04-12.
783_NKHR2023000017 2023-07-31.
784_NKHR2021000005 2021-08-20.

defected in 2019 testified that his/her uncle, who was an honored veteran, received significant consideration; according to the testifier, although food rations were not provided, he received a house and a mobile phone and some rice for national holidays.[785] However, even in cases where separate support is provided, because the actual pension amount is too small, such differentiation in the amount provided does not seem to have practical meaning. For example, a North Korean defector who defected in 2019 testified that, although ordinary residents do not receive elderly pensions, his/her father was eligible to receive an elderly pension because he had been awarded a medal.[786] However, according to testifiers, the elderly cannot make a living without support from their children because an elderly pension is often only one to two days' worth of food.[787] A North Korean defector who defected in 2019 said that he/she had received a higher monthly pension than other people as he/she received 4,000 North Korean won until 2015 due to his/her grade of merit (1st Class National Order of Merit) but that his/her elderly pension was not very helpful for maintaining his/her livelihood.[788] In addition, a North Korean defector who defected in 2023 testified that his/her mother was treated as a veteran but did not receive any benefits.[789]

785_ NKHR2023000002 2023-04-11.
786_ NKHR2022000003 2022-05-19.
787_ NKHR2022000003 2022-05-19; NKHR2022000002-2 2022-07-06.
788_ NKHR2019000013 2019-05-07.

On the other hand, there were also testimonies claiming that there are cases in which, instead of pensions, land is distributed to the elderly, which they can manage and keep any harvested crops. A North Korean defector who defected in 2017 testified that even though his/her mother did not receive a pension, elderly people including his/her mother were given 100–150 *pyeong* (approximately 330-495 square meters) of land on a farm and allowed to keep the crops harvested from the land.[790] Another North Korean defector who defected in 2017 also testified that in rural areas, land is distributed to the elderly as part of their pension plan.[791] A North Korean defector who defected in 2019 testified that 200 *pyeong* of land was distributed to each person in addition to an elderly pension, and his/her parents were given 400 *pyeong* of fine flat land where they grew soybeans.[792] However, considering that there were North Korean defectors who testified that they had never heard of such a case,[793] distributing land to the elderly instead of providing elderly pensions does not seem to be a common practice, and it appears that the measure is taken at the regional rather than national level.

Since elderly pensions do not help seniors secure their living,

789_ NKHR2023000061 2023-07-29.
790_ NKHR2017000004 2017-04-10.
791_ NKHR2017000016 2017-05-08.
792_ NKHR2020000040 2020-10-31.
793_ NKHR2020000016 2020-07-04; NKHR2020000017 2020-07-04.

the elderly maintain their livelihood by either financially depending on their children or by earning a small income through economic activities. Those who cannot do either seem to enter nursing homes. A North Korean defector who defected in 2019 testified that he/she made a living with the money sent by his/her children in China as the amount of the elderly pension payment given to his/her spouse was too small.[794] Another North Korean defector who defected in 2019 testified that elderly people without family who support them can only make a living by conducting business or selling their home.[795] Another North Korean defector who defected in 2019 reported that elderly people who have no family to support them sustain their livelihood through market activities at marketplaces (*jangmadang*).[796]

A North Korean defector who defected in 2019 testified that in North Korea, the elderly are mostly supported by their families as the amount of an elderly pension is too small and that not many people go to nursing homes as there is a perception that nursing homes are places where old grandmothers having nowhere to go end up.[797] Another North Korean defector who defected in 2019 stated that nursing homes are places for elderly people who have no one to take care of them.[798]

794_ NKHR2020000025 2020-07-06.
795_ NKHR2023000017 2023-07-31.
796_ NKHR2023000019 2023-08-02.
797_ NKHR2020000023 2020-07-06.

Cases have been reported in which parents-in-law go to nursing homes as a result of conflict with their daughter-in-law. A North Korean defector who defected in 2018 testified that, while a daughter looks after her mother, a son is often not able to take care of his mother because of his wife, so he sends his mother to a nursing home. According to the testifier, there is a legal provision stating that those who have a daughter cannot enter a nursing home.[799] A North Korean defector who defected in 2019 testified that he/she was told that elderly people who do not have a good relationship with their children prefer to live in a nursing home, and he/she thought that nursing home residents in a photograph he/she took looked happier.[800]

Conflicting testimonies have been collected as to the operational status of nursing homes in North Korea. A North Korean defector who defected in 2019 testified that, although there are sufficient vacancies in nursing homes available for the elderly, nursing homes are not well run because rations are not provided to nursing home employees.[801] In contrast, testimonies have been documented reporting that, since Kim Jong Un came to power, improvements have been made to nursing home facilities in parallel with the modernization of children's facilities. A North

798_ NKHR2023000008 2023-04-28.
799_ NKHR2022000002-2 2022-07-06.
800_ NKHR2022000025 2022-06-23.
801_ NKHR2023000017 2023-07-31.

Korean defector who defected in 2019 testified that he/she observed the launch of nursing home establishment projects in 2019 in various regions, including Pyongyang and Yanggang Province.[802]

While many elderly people rely on their families to maintain their livelihood due to insufficient elderly pensions, the attitudes toward elderly people in North Korea appear to be somewhat negative. A North Korean defector who defected in 2020 testified that he/she had no respect for the elderly and did not have compassion for them.[803] A North Korean defector who defected in 2019 testified that, although he/she knows that he/she should respect and look after the elderly, as life has become difficult for many people, conflict with the elderly occurs frequently.[804] Another North Korean defector who defected in 2019 testified that elderly people are disdainfully treated in North Korea, with many of them exposed to physical violence or verbal abuse.[805]

Testimonies have been collected stating that the treatment of the elderly is influenced by the economic situation of the family members responsible for supporting them. A North Korean defector who defected in 2018 testified that, in impoverished households, stress due to their economic situation often leads to

802_ NKHR2023000019 2023-08-02.
803_ NKHR2022000022 2022-06-21.
804_ NKHR2022000025 2022-06-23.
805_ NKHR2023000017 2023-07-31.

the abuse of the elderly.[806] In contrast, a North Korean defector who defected in 2019 reported that family members of economically stable households tend to show respect for their elderly parents.[807]

B. Absence of an Emergency Welfare Support System

The social security system should provide support to families that suddenly become unable to make a living due to situations such as the primary income earner has passed away.[808] However, it appears that, in North Korea, the emergency welfare support system is not adequately accessible at the national level. As a result, when such a situation arises, it seems that people are left to be defenselessly exposed to considerable economic hardships.

A North Korean defector who defected in 2017 said he/she had nowhere to turn to if he/she suddenly fell ill or faced danger while doing business in the marketplace (*jangmadang*).[809] A North Korean defector who defected in 2018 also testified that there is no state support for households at financial risk.[810] Another North

806_ NKHR2023000009 2023-05-10.

807_ NKHR2023000019 2023-08-02.

808_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 19: The Right to Social Security (Art. 9 of the Covenant)," 4 February 2008, para. 17.

809_ NKHR2017000063 2017-07-31.

810_ NKHR2018000093 2018-08-27.

Korean defector who defected in 2018 said that he/she had never received help from the state when his/her family's economic situation suddenly worsened.[811] A North Korean defector who defected in 2019 also said that there is no support from the state for households in financial difficulties.[812]

Some testified that the state provides emergency welfare support to a certain degree, but it appears that even in such a case, the support would not be provided in a systematic manner and the scale of the support would be insufficient. A North Korean defector who defected in 2014 testified that there are cases in which families facing financial difficulties ask their People's Unit (*inminban*) for help, and the neighbors collect small portions of rice to help them once or twice, but there is no state support available.[813] In addition, a North Korean defector who defected in 2015 testified that the state provides food or meal tickets to households in financial distress, so families can have noodles free of charge and that sometimes, town (*eup*) offices manage such households when local People's Units (*inminban*) conduct surveys and report the survey results.[814]

811_ NKHR2019000030 2019-06-03.
812_ NKHR2020000029 2020-07-06.
813_ NKHR2017000052 2017-07-03.
814_ NKHR2018000094 2018-08-27.

C. Inadequate Support System for People Suffering from Illness or Disability

Cash benefits must be provided for people who are unable to work for health reasons, and people suffering from long-term illnesses should be eligible for disability benefits.[815]

However, it appears that in North Korea, the state does not provide adequate support for people who are not able to engage in economic activities for a long time due to illness or disability. It has been found that there is no separate support even for those registered in the social security system.

A North Korean defector who defected in 2019 testified that there was no support from the state for his/her younger brother who has a slight limp from a leg injury he had when he was young.[816] The testifier said that, rather, his/her brother was sent to a workplace with light duties to which people with disabilities are assigned.[817] Another North Korean defector who defected in 2019 also said that people with disabilities are assigned to work at light-duty workplaces, but earnings from these workplaces are not sufficient to make a living.[818] Another North Korean defector

815_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 19: The Right to Social Security (Art. 9 of the Covenant)," 4 February 2008, para. 14.

816_ NKHR2022000003 2022-05-19; NKHR2022000007 2022-05-25.

817_ NKHR2022000003 2022-05-19.

818_ NKHR2022000025 2022-06-23.

who defected in 2019 testified that there were no facilities or factories where people with disabilities other than honored veterans were able to work.[819]

A North Korean defector who defected in 2018 testified that his/her brother-in-law lost his eyesight due to a disease and registered with the social security system; according to the testifier, he would have been considered as an unemployed person had he not registered with the system. The testifier said that nevertheless, there was no financial support from the state, and consequently, the testifier and his/her spouse took care of him.[820] There was similar testimony by a North Korean defector who defected in 2019. The testifier said that his/her father walked with a limp because he suffered from polio when he was a child and registered with the social security system after receiving a medical report from a hospital. According to the testifier, his/her father did not receive any additional support from his workplace for being disabled.[821] Another North Korean defector who defected in 2019 testified that there are no benefits for individuals with congenital disabilities who are not honored veterans.[822]

On the other hand, there have been testimonies claiming that some support is provided. A North Korean defector who defected

819_ NKHR2023000019 2023-08-02.
820_ NKHR2018000101 2018-10-01.
821_ NKHR2019000045 2019-07-01.
822_ NKHR2023000017 2023-07-31.

in 2019 testified that he/she saw on the news that people who became disabled while working are provided with housing and food.[823] Another North Korean defector who defected in 2019 testified that disabled people are exempted from the market tax that is imposed on those trading at marketplaces (*jangmadang*).[824] However, it is understood that this practice is not common. In general, support for people who are unable to engage in economic activities due to illness or disability appears to be absent. Even when there is support, it appears to only be provided in a perfunctory manner.[825] In addition, support for honored veterans is explored in IV. Vulnerable Groups, 3. Persons with Disabilities.

D. Insufficient Protection System for Workers Injured in Industrial Accidents

Compensation for those who have lost their ability to work due to industrial accidents also does not appear to be adequate. There are cases in which compensation is not made at all. It has been found that even in cases in which compensation is provided, it is not provided in a practical and continuous manner.

A North Korean defector who defected in 2019 said that, although a disability subsidy is provided for those who become disabled

823_ NKHR2023000008 2023-04-28.
824_ NKHR2022000042-2 2023-07-31.
825_ NKHR2022000018-2 2023-08-01.

while working at a coal mine, it is only a meager amount.[826] Another North Korean defector who defected in 2019 also testified that the state does not provide financial compensation to those who are injured, such as losing their fingers while working at a factory, and even where financial compensation is provided, people do not make efforts to receive it since the amount is usually only about 3,000–5,000 North Korean won.[827]

A North Korean defector who defected in 2018 reported that, in North Korea, there is no compensation or benefits provided to people injured at work.[828] A North Korean defector who defected in 2019 testified that people are often injured while working in factories, but receive no state compensation. According to the testifier, injured people's factories or work units provide compensation in small amounts.[829]

It seems that the cost of medical treatment incurred by industrial accidents must also be borne by the injured workers themselves. Although there were testimonies reporting that the state provides small amounts of support for injuries caused by accidents in mines,[830] or even for injuries incurred as a result of negligence during work,[831] North Korean defectors have mostly

826_ NKHR2021000006 2021-09-03.
827_ NKHR2020000021 2020-07-06.
828_ NKHR2023000009 2023-05-10.
829_ NKHR2020000005 2020-05-15.
830_ NKHR2017000098 2017-10-23.

testified that the costs of medical treatment are usually borne by the injured workers themselves.

A North Korean defector who defected in 2018 testified that he/she heard that there was an accident in June 2018 at an apartment construction site where a stone fell on a person's head, and the injured person was taken to a hospital for surgery and he/she paid the bill by himself/herself.[832] In addition, a North Korean defector who defected in 2018 testified that when he/she worked at a hospital, he/she saw five workers who fell from the fifth floor of a building at an apartment construction site being transported to the hospital. The testifier said that two of the workers died and the others developed walking disabilities, and from what he/she knew, the workers paid for their own hospital bills and medicine costs.[833] Another North Korean defector who defected in 2019 testified that factories do not pay for the treatment of their workers who get injured, such as losing their fingers while working. According to the testifier, factory managers with kind personalities would give cash to injured workers to buy some medication.[834]

On the other hand, it appears that there are cases in which enterprises or factories with relatively good conditions subsidize

831_NKHR2017000111 2017-11-20.
832_NKHR2018000130 2018-11-19.
833_NKHR2018000102 2018-10-01.
834_NKHR2020000021 2020-07-06.

part of the medical expenses for workers who are injured in industrial accidents.[835] However, factors such as whether the amount of support is adequate and the proportion of workers receiving such support among workers injured in industrial accidents should be confirmed in the future.

No adequate compensation is given to those who die from industrial accidents. A North Korean defector who defected in 2017 testified that eight people were killed while working when a train tunnel collapsed in May 2017, but from what he/she knows, no compensation was given.[836] There was also testimony stating that a student fell off a building while working at an apartment construction site and died in 2017, but the authorities did not provide any compensation.[837] A North Korean defector who defected in 2019 also testified that there was a person who fell while doing construction work in 2018, but the person had to bear his/her own medical costs since the state does not support one's medical costs even when the person breaks his/her leg or gets injured.[838]

However, some testifiers have confirmed that the state provides a lump sum as compensation to the bereaved family of overseas dispatched workers who die while working. A North Korean

835_ NKHR2020000016 2020-07-04.
836_ NKHR2017000111 2017-11-20.
837_ NKHR2018000130 2018-11-19.
838_ NKHR2019000045 2019-07-01.

defector who had been dispatched to Russia for six years testified that the amount of compensation given to the bereaved family of those who die while working abroad is only 3,000 dollars.[839]

Because adequate compensation for industrial accidents is not provided, it appears that not many North Korean people are aware of the existence of industrial accident insurance programs or realize the necessity of using these programs. A North Korean defector who defected in 2019 testified that many North Korean people are unaware of the concept of insurance itself and that, although insurance premiums are deducted from people's salaries, no one actually receives any benefits.[840] Another North Korean defector who defected in 2019 reported that the enterprise where he/she had worked, like many other workplaces nearby, did not have an industrial accident insurance policy and, if someone was injured while working there, support was provided at the discretion of the manager.[841]

It has also been confirmed that, in some cases, measures are taken to honor those who died from industrial accidents instead of giving appropriate compensation, but this does not seem to contribute much to the survival of the bereaved family. A North Korean defector who defected in 2020 testified that, in 2015,

839_ NKHR2021000020 2021-10-16.
840_ NKHR2023000017 2023-07-31.
841_ NKHR2023000012 2023-05-30.

when he/she was a soldier and worked at a construction site on Yeomyeong Street in Pyongyang, fatal accidents occurred every day and the family of those who died were merely given a medal.[842] A North Korean defector who defected in 2017 said that a 22-year-old man died from standing against falling rocks while serving in a shock troop (*dolgyeogdae*) where the testifier was working, and as far as the testifier knows, the man was rewarded with Kim Jong Il honorable man's award, but his family was given only a small amount of monetary compensation.[843] In addition, a North Korean defector who defected in 2016 testified that when a worker dies from an industrial accident, a title commemorating his/her heroic efforts is awarded to the deceased, but no financial compensation is given to the bereaved family.[844]

E. Insufficient Support for Multi-Child Households

The North Korean Law on the Nursing and Upbringing of Children of 2013 stipulates benefits for multi-child households, such as reduced working hours for mothers with multiple children and the provision of living expenses. In addition, mothers with multiple children are awarded the title Hero of Effort, decorations, and medals.[845]

842_ NKHR2021000023 2021-10-24.
843_ NKHR2017000111 2017-11-20.
844_ NKHR2017000051 2017-07-03.

However, it is not clear whether these guaranteed benefits are actually provided to multi-child households. A North Korean defector who defected in 2019 testified that not even a single kernel of corn is provided as a benefit for multi-child families, and most North Korean households are one-child households because couples have only one child due to the burden of child-rearing.[846] On the other hand, another North Korean defector who defected in 2019 testified that, according to his/her knowledge, parents with multiple children are able to participate in contests for heroes and receive some assistance from the state.[847]

F. Inadequate Social Security for Discharged Military Officers

The newly enacted Act on the Guarantee of Living Conditions for Retired Military Officers of 2020 stipulates in Article 1 that the purpose of the Act is to "provide preferential treatment to discharged military officers and contribute to establishing a military-oriented ethos across society." The Act on the Guarantee of Living Conditions for Retired Military Officers incorporates provisions on housing conditions (Chapter 3: Construction and Allocation of Housing), living conditions (Chapter 4: Guarantee

845_ *Rodong Sinmun*, 14 April 2023.
846_ NKHR2022000042-2 2023-07-31.
847_ NKHR2023000019 2023-08-02.

for Daily Necessities, Food and Firewood), and medical benefits and social preferential treatment (Chapter 5: Guarantee for Medical Treatment and Social Preferential Treatment) available for discharged generals and military officers.

Although not many testimonies have been documented, it appears that, similar to elderly pensions, compensation for industrial accidents, and disability support, a gap exists between legal provisions and reality regarding state-level support for discharged military veterans. A North Korean defector who defected in 2023 testified that, although it is said that discharged veterans should be treated well, people do not put this into practice.[848]

G. Evaluation

From a legal perspective, North Korea's social security system is well established. In reality, however, it fails to fulfill its function properly. This is not only because the North Korean authorities lack the will to respect, protect and realize social security but also because the state is in a poor financial situation. Elderly pensions are provided in only small amounts, being of little help for the elderly in sustaining their lives. In addition, the lack of an emergency welfare system makes households

848_ NKHR2023000055 2023-07-22.

vulnerable to financial crises if their breadwinner is not able to engage in economic activities due to unexpected illness or death. The welfare system for residents who are unable to engage in economic activities due to illness or disability either does not exist or remains operating in a perfunctory manner, threatening the very survival of the people in need.

The situation is the same for people injured in industrial accidents. Although there are laws stipulating that pensions or subsidies shall be provided for those injured in industrial accidents, they either are not provided or are provided in such small quantities that they offer no substantive assistance, making it difficult for injured workers and their families to make a living. North Korean people's awareness of industrial accident insurance also appears to be low. North Korean authorities have been implementing policies, such as providing subsidies to multi-child households, giving preferential treatment to parents with multiple children, and establishing childcare facilities, to overcome the low birth rate; however, their effect is yet to be observed due to a shortage in funding. In addition, despite the recent enactment of a social security law for discharged military officers, it is presumed that a disparity exists between the level of support guaranteed by law and the level of support actually provided given North Korea's current economic situation.

The primary responsibility to protect the right to social security of North Korean people lies with the North Korean authorities.

However, considering the financial situation of North Korea, it seems difficult to expect that such issues will be greatly improved within a short period of time with the efforts of the North Korean authorities alone. Therefore, the interest and support of the international community for the vulnerable groups in North Korea need to be further expanded in the future.

White Paper on Human Rights
in North Korea 2023

Part Ⅳ

Vulnerable Groups

1. Women
2. Children
3. Persons with Disabilities

1

Women

The Preamble of the UDHR reaffirms the equal rights of men and women along with human dignity and value. Article 2 emphasizes that everyone is entitled to all the rights and freedoms set forth in the UDHR, without distinction of any kind, including gender. In addition, Article 25, paragraph 2 stipulates that motherhood and childhood are entitled to special care and assistance. There are also provisions related to the rights of women in the ICCPR and the ICESCR.

Meanwhile, North Korea ratified the CEDAW on 27 February 2001, and in a report that combined the second, third, and fourth periodic reports submitted to the UN Committee on the Elimination of Discrimination against Women (hereinafter in this chapter the Committee) in 2016, North Korea self-evaluated that North Korean women, "as full-fledged masters of the society, with fully exercised equal rights with men in all fields of politics, the economy, social and cultural life, [perform] great feats in the efforts for the prosperity of the country."[849] North Korea emphasized in the report that it has adopted the Law on the

Protection and Promotion of the Rights of Women in 2010 to further enhance the status and role of women by more thoroughly ensuring women's rights in all areas of social life, has pursued consistent policies to guarantee gender equality, and strictly prevents all forms of discrimination against women.[850] In addition, North Korea stated in the 2019 UPR report that overall maternal health in North Korea has improved, and presented gender equality and ensuring the rights of all women and girls as one of its national SDG goals in the VNR Report submitted in 2021.[851] However, the UNHRC condemned the unequal access to employment for women and discriminatory laws and regulations against North Korean women in its resolution adopted at the 49th session held in 2022,[852] and the UN General Assembly also expressed very serious concerns about violence and discrimination against women in North Korea in the resolution on North Korean human rights adopted at the 76th session held in 2022.[853]

Accordingly, in this chapter, whether women's rights have actually improved in North Korea is examined based on the testimonies of North Korean defectors.

849_ UN Doc. CEDAW/C/PRK/2-4 (2016), para. 2.

850_ *Ibid.*, para. 11.

851_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," pp. 23–24.

852_ UN Doc. A/HRC/RES/49/22(2022), para. 1 (b).

853_ UN Doc. A/RES/76/177(2022), para. 2 (a) (xiii).

A. Discrimination against Women

North Korea prohibits "all forms of discrimination against women" through the Law on the Protection and Promotion of the Rights of Women. However, the customary distinction and exclusion based on gender still seem to directly and indirectly restrict North Korean women from exercising their basic freedoms on an equal basis with men.

(1) Stereotype of Male Superiority and Fixed Gender Roles

It has been found that, despite North Korea's claims of institutional efforts to mitigate or abolish discriminatory customs and practices against women, fixed gender roles, particularly for women, remain ingrained in the minds of North Koreans regardless of gender.

It has been found that North Korean people do not recognize misconceptions in terms of stereotypes about gender roles.[854] A North Korean defector in his 20s who defected in 2020 separated men's roles from women's roles, saying that women should be good at housework, give birth to and raise children well, and respect their husbands, while men should have the ability to earn money and lead their family.[855] A North Korean defector in his

854_ NKHR2023000012 2023-05-30.

40s who defected in 2022 testified that a husband and wife should not talk impolitely to each other and women should respect their husbands even if they fail to perform the duties of a man.[856]

Women also have perceptions of fixed gender roles. A North Korean defector in her 30s who defected in 2019 testified that women are responsible for housework,[857] and for women, marrying well is better than obtaining three college degrees.[858] It is said that women who earn a living are still responsible for child-rearing,[859] and women are criticized when male family members work in the kitchen.[860] Testimony has been collected stating that some women refuse to allow men to participate in household chores.[861]

Gender discrimination in education has been found to be closely related to stereotypes and social perceptions of the roles of men and women and is not grounded in laws or institutions. For example, a North Korean defector in her 20s who defected in 2019 testified that her married aunt was criticized by others as being a "crazy woman" when she entered and studied at a graduate school in Pyongyang.[862] On the other hand, testifiers

855_ NKHR2021000019-2 2022-06-26.
856_ NKHR2022000032 2022-07-23.
857_ NKHR2022000028 2022-07-04.
858_ NKHR2022000026 2022-06-26.
859_ NKHR2022000013 2022-06-10.
860_ NKHR2022000019 2022-06-16.
861_ NKHR2022000034 2022-08-08.

have reported cases in which social conventions have been challenged. A North Korean defector in her 50s who defected in 2019 testified that she let both her son and daughter study,[863] and a North Korean defector in her 20s who defected in 2019 testified that her father, who used to say that he wished he had a son when the testifier was a child, told her that his daughters, college graduates whom he raised and is proud of, are worth as much as a son.[864]

It has been found that stereotypes of women prevent them from enjoying cultural life to a certain extent. A North Korean defector who defected in 2019 testified that, due to deeply rooted patriarchal perceptions, women are prohibited from riding bicycles or motorcycles, particularly in rural areas.[865] On the other hand, it has been reported that participation in leisure and recreational activities such as going on hot spring trips and skiing depends on financial capabilities[866] and is not related to gender discrimination.[867] However, rural areas have been found to be less open to changes in gender stereotypes and social perceptions toward women. It is said that feudal ways of thinking remain

862_ NKHR2022000021 2022-06-21.

863_ NKHR2022000012 2022-06-10.

864_ NKHR2022000026 2022-06-26.

865_ NKHR2022000042-2 2023-07-31.

866_ NKHR2022000026 2022-06-26.

867_ NKHR2022000018 2022-06-15; NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23; NKHR2022000028 2022-07-04.

unchanged in rural areas, ultimately leading to severe gender discrimination against women.[868] Testimonies have been collected reporting that the level of gender discrimination differs depending on the region. For example, a North Korean defector who defected in 2019 testified that gender discrimination is more severe in Hyesan than in Pyeongseong, where women are more economically active.[869] A North Korean defector who defected in 2021 testified that the social status of men remains higher than that of women because conditions are favorable for men in terms of income-generating activities.[870]

Many testimonies have been collected reporting that the increase in women's economic power has increased the value of women[871] and weakened the idea of male superiority to some extent. It is said that, these days, more women are engaged in economic activities and more men participate in childcare as well as housework, such as cooking and doing laundry.[872] Several testifiers have commented that the preference for sons over daughters has significantly decreased recently.[873] A North

868_ NKHR2021000019-2 2022-06-26.

869_ NKHR2023000004 2023-04-12.

870_ NKHR2023000038 2023-05-27.

871_ NKHR2023000001 2023-04-07; NKHR2023000010 2023-05-15; NKHR2023000019 2023-08-02; NKHR2023000061 2023-07-29.

872_ NKHR2022000004 2022-05-20; NKHR2022000005 2022-05-25; NKHR2022000008 2022-05-27; NKHR2022000022 2022-06-21; NKHR2021000024-2 2022-06-28; NKHR2023000007 2023-04-19.

873_ NKHR2022000005 2022-05-25; NKHR2022000013 2022-06-10.

Korean defector in her 60s who defected in 2019 testified that people's negative attitudes toward having daughters have changed greatly and there is even a saying "giving birth to a daughter is like giving birth to a heart and giving birth to a son is like giving birth to an appendix"; however, the testifier also said that there are still people who prefer having a son because it is the son who takes care of their parents when they grow old.[874] In addition, some testifiers have reported that institutional protection of the rights of women has been promoted since Kim Jong Un came to power. Lectures and sermons on gender equality are conducted on 3 July (the date on which the Gender Equality Law was promulgated) and on International Women's Day (8 March) to promote gender equality,[875] and it is understood that Mother's Day (6 November) was established as a policy to show respect for women and raise awareness of women-related issues.[876] On the other hand, a testifier criticized the Women's Union, saying it is using women like shock troops (*dolgyeogdae*) for the Party rather than implementing projects for women.[877]

Of note is that the perception of gender roles of the younger generation is gradually becoming differentiated from that of the older generation in North Korea. It has been found that the

874_ NKHR2021000017-2 2022-05-26.
875_ *Ibid.*
876_ NKHR2021000024-2 2022-06-28.
877_ NKHR2021000017-2 2022-05-26.

younger generation believes that both men and women should do housework together.[878] Moreover, testimony was collected claiming that the general perception of male–female relationships has changed due to the influence of South Korean dramas.[879] It can be inferred from defector testimonies that attitudes toward gender roles and male dominance over women have been weakening in North Korea due to the influence of the younger generation. Several testifiers have said that the younger generation in North Korea is different from their parents' generation;[880] North Korean society has changed to one where men can no longer ignore women because women have become breadwinners,[881] and although stereotypes remain, many men and women do housework together.[882] In addition, an increase in the number of women engaging in economic activities and men participating in housework has led to a change in the attitudes of the older generation to a certain extent.

878_ NKHR2022000002 2022-05-18; NKHR2021000023-2 2022-05-31; NKHR2022000010 2022-06-09; NKHR2022000025 2022-06-23; NKHR2023000003 2023-04-11.

879_ NKHR2021000019-2 2022-06-26.

880_ NKHR2022000007 2022-05-25; NKHR2022000010 2022-06-09; NKHR2022000034 2022-08-08; NKHR2023000001 2023-04-07; NKHR2023000003 2023-04-11.

881_ NKHR2019000077 2019-09-25; NKHR2022000008 2022-05-27.

882_ NKHR2022000007 2022-05-25; NKHR2022000008 2022-05-27; NKHR2021000019-2 2022-06-26; NKHR2022000034 2022-08-08.

Table Ⅳ-1 Testimonies on Stereotypes of Male Superiority and Fixed Gender Roles

Testimonies	Testifier ID
A North Korean defector who defected in 2019 testified that, in North Korea, husbands beat their wives if their wives are unable to earn money, and men always make remarks that belittle or blame women.	NKHR2023000004 2023-04-12
A North Korean defector who defected in 2019 said that he/she had heard statements like "Men should not cry" and "You should not sit like that because you are a girl."	NKHR2023000012 2023-05-30
A North Korean defector who defected in 2019 said that, although women's status has improved within the family, the deep-rooted perception of gender roles makes it challenging to bring about a significant improvement in the social status of women.	NKHR2023000042-2 2023-08-01

(2) Restrictions on Women's Political Participation and Social Entry

In the report combining the second, third and fourth periodic reports submitted to the Committee in 2016, North Korea emphasized that North Korean women enjoy equal status with men in political and public life.[883] In addition, North Korea claimed in the 2019 UPR report that it has implemented measures to appoint competent women to lead posts and that the proportion of women leaders at departments of ministries and ministry-level institutions significantly increased in 2018.[884]

However, the 2021 Report of the Secretary-General on the situation of human rights in North Korea submitted to the UN

883_ UN Doc. CEDAW/C/PRK/2-4 (2016), paras. 75-83.

884_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 66.

General Assembly pointed out that there is "an overwhelming lack of women in the country's highest decision-making bodies, including the Central Committee of the Worker's Party [⋯] and the Cabinet,"[885] and recommended North Korea to take necessary measures "to increase the number of women within the state's highest decision-making bodies."[886]

In reality, North Korean defectors have reported that the entry of women into political and public spheres has increased since Kim Jong Un came to power. For example, North Korean defectors have testified that women with Party membership are unconditionally appointed as officials,[887] with many women serving as judges, MSS agents, MPS officers,[888] and military officers,[889] and the number of female deputies in the SPA has also increased.[890] In addition, many testimonies have been collected reporting that there are many women who work as managers, work unit heads, or team (*bunjo*) leaders at enterprises and cooperative farms because anyone can take these positions as

885_ UN Doc. A/76/242 (28 July 2021), para. 26.

886_ UN Doc. A/76/242 (2021), para. 55 (i).

887_ NKHR2022000003 2022-05-19.

888_ NKHR2021000023-2 2022-05-31; NKHR2022000012 2022-06-10; NKHR2022000022 2022-06-21; NKHR2021000019-2 2022-06-26; NKHR2021000024-2 2022-06-28 and many other testimonies.

889_ NKHR2022000028 2022-07-04.

890_ NKHR2022000016 2022-06-11; NKHR2022000022 2022-06-21; NKHR2022000023 2022-06-22; NKHR2022000027 2022-07-01; NKHR2022000028 2022-07-04 and many other testimonies.

long as they have the ability to work.[891] A North Korean defector who defected in 2020 testified that the number of women who serve as secretaries, Party workers, and entry-level Party secretaries in Chongjin, North Hamgyeong Province has increased. According to the testifier, the approval rating for female candidates for positions such as team leaders and managers is high and approximately 30% of managers working in the city are women.[892]

It is said that women's political participation has increased with Kim Yo Jung's appearance on the political scene.[893] According to North Korean defectors, the reasons for the strengthening of women's social participation are both the implementation of state policy to appoint female officials[894] and changes in social perceptions derived from social discussions about gender equality and the higher social status of women,[895] an increase in the number of women with superior abilities,[896] and a newly emerged social attitude that women can do anything that men can do.[897]

891_ NKHR2022000026 2022-06-26; NKHR2022000028 2022-07-04; NKHR2023000061 2023-07-29.

892_ NKHR2021000024-2 2022-06-28.

893_ NKHR2022000030-2 2023-05-04.

894_ NKHR2022000012 2022-06-10; NKHR2022000022 2022-06-21; NKHR2022000030 2022-07-22.

895_ NKHR2022000012 2022-06-10.

896_ NKHR2022000028 2022-07-04; NKHR2022000030 2022-07-22.

897_ NKHR2021000019-2 2022-06-26.

The existence of a discriminatory belief that factors such as appearance and personal connections, rather than work ability, affect women's appointment as officials and the fact that North Korean women tend to internalize gender-discriminatory attitudes are problematic. Male North Korean defectors have testified that the more attractive a woman is, the more successful she will be in her business,[898] and female North Korean defectors have reported that women can be appointed as officials only when they have a good background (*songbun*) and have a family member who is trusted by the Party (e.g. her husband in a high position).[899] Testimonies stating that appearance and personal connections play an important role in the appointment of female officials indicate that discriminatory attitudes exist in response to women's social advancement.

Meanwhile, testimonies have been collected reporting that there is still a predominance of men in political agencies,[900] it is difficult for women to engage in politics,[901] and a perception exists that men should be given priority for high-ranking positions

898_ For instance, according to a North Korean defector who defected in 2019, North Koreans lack awareness about misconceptions regarding gender roles. In other words, most women perceive that tasks such as childcare are primarily their responsibility, and it is uncommon for husbands to take on these responsibilities. The testifier also said that everyone has the perception that men are superior to women. NKHR2023000012 2023-05-30.

899_ NKHR2022000002 2022-05-18; NKHR2021000017-2 2022-05-26.

900_ NKHR2023000007 2023-04-19

901_ NKHR2022000042-2 2023-07-31.

such as Party officials.[902] Furthermore, there was testimony stating that, for women to become officials, they must have a diverse range of qualifications such as military experience, Party membership, and a college degree.[903] In other words, despite improvements in policies and systems, there are still significant barriers for women to ascend to high-ranking political positions.

Table Ⅳ-2 Political Participation and Social Entry of Women

Testimonies	Testifier ID
A North Korean defector who defected in 2020 testified that the judge of a military trial that the testifier had attended in 2012 was a woman. The judge was sent from Pyongyang for the trial, and while others were wearing military uniforms, she was wearing plain clothes.	NKHR2021000023-2 2022-05-31
A North Korean defector who defected in 2020 testified that a large number of MPS officers and judges working in Pyongyang are men, and women are occasionally selected as People's jurors. There are women who serve as the chair of the Women's Union, the chairs of the Urban and Rural Management Committees, and the directors of Commercial Management Offices. Women serving as the chairman of local People's Committees are not unheard of. In 2016, the chairman of the local People's Committee of ○○ County was a woman. The number of female soldiers in Unit 131 stationed in Pyongyang has been increasing. The number of female military officers is also on the rise, and there are even female generals. The number of women in the military is somewhat limited because female soldiers are discharged at the age of 26. There are a few female majors, lieutenant colonels and colonels; most women are discharged at the rank of second or first lieutenant.	NKHR2021000025-2 2022-06-30

902_ NKHR2023000009 2023-05-10; NKHR2023000014 2023-07-26.

903_ NKHR2023000019 2023-08-02.

Testimonies	Testifier ID
A North Korean defector in her 50s who defected in 2019 testified that the proportion of female officials working in politics has increased. According to the testifier, women with Party membership are unconditionally appointed as officials and actively participate in politics. Because women are said to be a force that pushes ahead one of the two wheels of the state, people accept that women can be officials; women serve as the heads of neighborhood (*dong*) offices and the chairman of the Women's Union. It appears that the proportion of female officials in Provincial Party Committees has been gradually increasing.	NKHR2022000003 2022-05-19
A North Korean defector in her 50s who defected in 2019 testified that there are many women working at Party organizations thanks to increased social discussion about gender equality and the higher social status of women. The testifier's female schoolmate from college worked at the Provincial Party of ○○ County, the Organization and Guidance Department of the KWP, and then became the dean of a teachers' college.	NKHR2022000012 2022-06-10
A North Korean defector in her 40s who defected in 2019 testified that, while there were no female officials in the past, there are some these days, although not many. The testifier had not seen a female judge or female prosecutor, but there were female MPS officers and female candidates running in the election for deputies.	NKHR2022000013 2022-06-10
A North Korean defector in her 40s who defected in 2019 testified that there are female managers and appointed officials in North Korea. When the testifier attended meetings for the heads of various institutions, there were many women in high-level positions and a few men. It seems that many women are appointed as managers or officials because they are smart and good at flattering and pleasing the authorities.	NKHR2022000016 2022-06-11
A North Korean defector in her 20s who defected in 2019 testified that she has not seen a female prosecutor but has seen many female judges. Since Kim Jong Un came to power, the number of female MSS agents and MPS officers has increased, and women's social participation has been encouraged. There were many female candidates running in the election of deputies for the SPA and the regional election held in 2019.	NKHR2022000021 2022-06-21
A North Korean defector who defected in 2020 testified that there are female battalion commanders and high-ranking female officers in the military. There are many female MPS officers, but not many female MSS agents. The number of women working in the military and political agencies has increased compared to the past. In the past, there was a belief that women should not work in these areas, but today, there is a perception that women can do anything that men can do. There are a few women who are the chair of farm management committees; there are also female managers running state-run enterprises.	NKHR2021000019-2 2022-06-26

Testimonies	Testifier ID
A North Korean defector in his 30s who defected in 2020 testified that he has not seen a female judge or prosecutor but has seen female lawyers. There are women working in the Ministry of State Security, and women are employed at a Prosecutors' Office to work as bookkeepers who support prosecutors. Today, approximately 30% of employees of political agencies are women. There are many female managers, Party secretaries, Party workers, and entry-level Party secretaries. Appearance is an important factor in doing business or working as a woman. Women are good at doing business. The approval rating for female candidates for positions such as team leaders and managers is high.	NKHR2021000024-2 2022-06-28
A North Korean defector in his 20s who defected in 2021 testified that, today, women are recommended to various positions mainly because of Kim Jong Un's policy. It seems that the change began with Kim Yo Jung's appearance on the political scene. Women are good at doing business, so restaurants are mostly run by women and high-level positions in most state-run enterprises are held by women.	NKHR2022000030 2022-07-22
A North Korean defector in his 40s who defected in 2022 testified that it is not easy for women to hold high-level positions at work. For women to be promoted, they should have good looks and personal connections with officials who can support them.	NKHR2022000032 2022-07-23

(3) Family Life Centered on Male Heads of Household

A traditional patriarchal structure is maintained in North Korean family life. In North Korea, only men can become the "head of the household," and it is found that overall family life is carried out centered on the male "head of the household."

However, many testimonies have documented that recently, the patriarchal characteristics of North Korean families have weakened, and the status of the head of a household (husband) is changing. Many North Korean defectors testified that these

changes are due to an increase in women's voices in family life that results from the increase in their economic activities and cases in which women function as breadwinners for their families, rather than institutional factors such as the enactment of the Law on the Protection and Promotion of the Rights of Women.[904]

Many testifiers have reported that the divorce rate has been rising in North Korea.[905] There was testimony stating that, while the husband's drinking or violence remains the main reason for divorce, the increase in women's economic activity has led to an increase in infidelity cases, which has contributed to the rise in divorce in North Korea.[906] It seems that women's economic power is creating a small rift in the solid patriarchal structure of North Korean society.

It is said that divorce is possible when married life becomes impossible due to a spouse's adultery, alcohol, violence, or opium or drug (*bingdu*) abuse.[907] Many testifiers have reported that, while getting a divorce is very difficult due to the complicated process,[908] it can be expedited if money is paid as a bribe.[909]

904_ NKHR2021000026-2 2022-05-18; NKHR2021000023-2 2022-05-31; NKHR2022000012 2022-06-10; NKHR2022000019 2022-06-16; NKHR2021000019-2 2022-06-26. NKHR2022000028 2022-07-04; NKHR2023000001 2023-04-07; NKHR2023000019 2023-08-02.

905_ NKHR2023000007 2023-04-19; NKHR2022000018-2 2023-08-29.

906_ NKHR2023000004 2023-04-12.

907_ NKHR2021000017-2 2022-05-26.

908_ NKHR2022000009 2022-06-05; NKHR2021000025-2 2022-06-30.

909_ NKHR2022000004 2022-05-20; NKHR2022000016 2022-06-11; NKHR2022000021

While the amount required to be paid is not fixed, with one testifier saying 30 million North Korean won,[910] and another saying 700 dollars,[911] what is true is that a large amount of money is required. In North Korea, women are usually considered at fault for getting a divorce regardless of which party is actually responsible for it, and there is a social climate that condemns divorced women.[912] Accordingly, North Korean women prefer to enter a common-law relationship rather than a formal marriage; cases of "contract marriages" in which two people get married after living together for a few years have also been reported.[913]

Especially, a North Korean defector who defected in 2019 testified that it is common for young couples to cohabitate and then break up, and the trend among young couples today is to cohabitate for two to three years and register their marriage only when they think they could continue living together.[914] There was also testimony claiming that half of those who get married do not register their marriage.[915] Cases have been reported in which couples have a child while living together without getting

2022-06-21; NKHR2021000024-2 2022-06-28; NKHR2021000025-2 2022-06-30 and many other testimonies.

910_ NKHR2021000011-2 2022-05-31.

911_ NKHR2022000008 2022-05-27.

912_ NKHR2022000007 2022-05-25.

913_ NKHR2022000008 2022-05-27; NKHR2022000016 2022-06-11.

914_ NKHR2020000025 2020-07-06; NKHR2023000003 2023-04-11; NKHR2023000004 2023-04-12; NKHR2023000007 2023-04-19; NKHR2023000014 2023-07-26.

915_ NKHR2019000077 2019-09-25.

married officially[916] or finally register their marriage once a child is born.[917] There was also a testifier who said that he/she did not feel the need to register his/her marriage because rations are not given to those who get married.[918] Some North Korean defectors testified that many North Korean couples live together without registering their marriage because divorce is costly and time-consuming[919] Testimony was documented that due to a rapid increase in the number of children born out of wedlock, Kim Jong Un issued a policy in June 2018 that instructed birth certificates to be issued for all children born out of wedlock.[920] There was also testimony stating that the authorities send both divorced men and women to a labor training camp (*rodongdanryundae*) to prevent divorce.[921]

In addition, it has been found that the age of marriage has increased.[922] It is said that economically affluent people tend to get married, if ever, at an older age because they do not feel the need to get married or are not interested in getting married.[923]

916_ NKHR2023000009 2023-05-11.

917_ NKHR2023000001 2023-04-07; NKHR2023000010 2023-05-15.

918_ NKHR2023000014 2023-07-26.

919_ NKHR2022000042-2 2023-07-31; NKHR2022000018-2 2023-08-01; NKHR2023000019 2023-08-02.

920_ NKHR2019000035 2019-06-03.

921_ NKHR2023000061 2023-07-29.

922_ NKHR2019000008 2019-04-08; NKHR2019000033 2019-06-03; NKHR2019000035 2019-06-03; NKHR2019000077 2019-09-25; NKHR2019000067 2019-08-26; NKHR2020000006 2020-05-15; NKHR2020000045 2020-10-31; NKHR2022000011 2022-06-10.

(4) Double Burden of Housework and Social Labor

North Korean authorities claim that they have ensured the conditions for women's equal social entry through the social welfarization of housework and childcare. The authorities also claim that efforts have been made to provide women with good working conditions and welfare facilities in factories and enterprises so that women could do their work without any inconvenience.[924]

According to defector testimonies, North Korean men share the burden of housework because they are dependent on women's economic power, and not because the social welfare infrastructure has expanded to support women's equal opportunity and status. It has also been found that the phenomenon of women bearing the double burden of housework and participating in economic activities to maintain a livelihood persists in North Korea. While women's decision-making power has expanded with their increased engagement in economic activities through marketplaces (*jangmadang*), their burden has also increased with the increased responsibility of running a business,[925] and the perception that women, regardless of their hard work in the workforce, still have to respect and obey their husbands continues

923_ NKHR2022000008 2022-05-27; NKHR2022000018 2022-06-15.
924_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 69.
925_ NKHR2022000028 2022-07-04.

to be influential in North Korean society.[926] A North Korean defector in her 40s who defected in 2020 said that she had taken full responsibility for childbirth, housework and child-rearing while working as a nurse without any help from her husband, who had been in public office.[927] Cases have been reported of women quitting good jobs because of the perception that the first priority for women should be taking care of household chores.[928]

While economic activities and housework already represent a substantial labor burden, North Korean women have little free time to rest. This is because they need to participate in Life Review Sessions (*saenghwalchonghwa*), study sessions and labor mobilization campaigns carried out on a daily basis by organizations such as the Women's Union.[929] A North Korean defector in his 20s who defected in 2021 testified that People's Units (*inminban*) comprised only of women and the Women's Unit particularly impose a heavy burden on women because these organizations send their members to shock troops (*dolgyeogdae*) or power plant construction sites to work.[930]

926_ NKHR2022000019 2022-06-16.

927_ NKHR2022000022 2022-06-21.

928_ NKHR2022000018 2022-06-15; NKHR2022000021 2022-06-21.

929_ Kyung-ok Do *et al.*, *Human Rights Situation of Women and Children in North Korea* (Seoul: KINU, 2016), p. 16.

930_ NKHR2022000030 2022-07-22.

B. Violence against Women

(1) Domestic Violence

The Committee had expressed concern that North Korea does not recognize the seriousness of domestic violence and is not taking any protective or preventive measures against such violence. In response, North Korea enacted in the Law on the Protection and Promotion of the Rights of Women provisions that prohibit domestic violence and stipulate protective measures. However, no specific amendments to the Criminal Law have been made on this matter, and no major changes have appeared in reality.

Most North Korean defectors testified that although domestic violence is widely common, it is rare for public authorities to intervene due to the social climate in North Korea that defines domestic violence as a problem that needs to be resolved within the household. According to many testimonies, when domestic violence occurs, the People's Unit chief or MPS officers pay a visit to stop the fight, but nothing much is done besides that and the family members are left to resolve the problem themselves.[931] In North Korea, people tend to be indifferent to the issue of

931_ NKHR2021000008-2 2022-05-26; NKHR2021000017-2 2022-05-26; NKHR2022000005 2022-05-25; NKHR2022000008 2022-05-27; NKHR2022000010 2022-06-09; NKHR2022000013 2022-06-10; NKHR2022000028 2022-07-04 and many other testimonies.

domestic violence because they consider it a matter to be resolved within individual families,[932] and there is little awareness among people about reporting domestic violence.[933] Many testifiers reported that people's lack of awareness about reporting is due to the absence of an institutional mechanism to prevent violence.[934]

On the other hand, testimony was collected stating that an abuser will be sent to a prison camp (*kyohwaso*) for one to two months on the grounds of domestic violence if the victim sustains a serious injury, such as a head injury or a broken arm or leg,[935] and another testimony was collected reporting that an abuser will be punished if the victim becomes disabled as a result of the abuser's use of a weapon.[936] Testimony has been collected stating that there are some women who have been severely beaten by their husbands and still do not want to have them punished.[937]

Domestic violence against women is widespread in North Korea due to reasons such as economic hardship, adultery, alcohol, and the use of narcotics,[938] while children are also

932_ NKHR2022000010 2022-06-09; NKHR2022000013 2022-06-10; NKHR2022000032 2022-07-23.

933_ NKHR2021000025-2 2022-06-30; NKHR2022000016 2022-06-11; NKHR2022000034 2022-08-08.

934_ NKHR2023000001 2023-0407; NKHR2023000004 2023-04-12; NKHR2023000007 2023-04-19; NKHR2023000009 2023-05-10; NKHR2022000042-2 2023-07-31 and many other testimonies.

935_ NKHR2022000026 2022-06-26.

936_ NKHR2022000029 2022-07-22.

937_ NKHR2022000018 2022-06-15.

938_ NKHR2021000011-2 2022-05-31; NKHR2021000025-2 2022-06-30; NKHR2021000026-2

exposed to domestic violence.[939]

There is a deeply rooted distorted belief that domestic violence and family discord are the fault of the woman involved.[940] There are no shelters for victims of domestic violence. As such, it has been found that women exposed to domestic violence are not protected by the state or society.

However, recently, there were some testimonies claiming that domestic violence is on the decline as women's economic power and their voice within the family have grown stronger. It is said that men tend to restrain themselves from using violence since the livelihood of families is possible mostly due to women's economic activities and women no longer tend to endure abuse but rather end their marriage.[941]

While female North Korean defectors hold the position that the greater economic power of women was the major reason for the decline in domestic violence against women in North Korea, male North Korean defectors hold the position that the decline is a result of the change in people's perceptions due to "civilization."

The difference in perception between people in urban and rural

2022-05-18; NKHR2022000005 2022-05-25; NKHR2022000034 2022-08-08.

939_ NKHR2021000011-2 2022-05-31; NKHR2022000023 2022-06-22; NKHR2022000027 2022-07-01.

940_ NKHR2021000017-2 2022-05-26; NKHR2021000019-2 2022-06-26.

941_ NKHR2020000016 2020-07-04; NKHR2022000004 2022-05-20; NKHR2022000028 2022-07-04.

areas can also be found regarding the issue of violence. A North Korean defector in her 50s who defected in 2019 testified that, unlike in the countryside, in cities, women have greater influence in various decision-making situations, thus cases of women being victims of domestic violence have decreased.[942] Testimonies have been collected reporting that the younger generation regards violence as an uncivilized behavior and tends to refuse marriage. A North Korean defector in her 30s who defected in 2019 testified that younger North Korean men are slightly better behaved as they came to regard destroying property and beating their family members as "low-level behavior."[943]

There were also testimonies reporting that while it is difficult to divorce in North Korea, it is possible to divorce because of domestic violence.[944] A North Korean defector who defected in 2019 testified that he/she witnessed many people printing photographs of themselves at his/her photo studio that could be used as evidence of domestic violence.[945] These photographs, together with the relevant medical certificates, can be used in finalizing a divorce.[946]

942_ NKHR2022000012 2022-06-10.

943_ NKHR2022000026 2022-06-26.

944_ NKHR2022000010 2022-06-09; NKHR2022000016 2022-06-11; NKHR2022000028 2022-07-04.

945_ NKHR2022000025 2022-06-23.

946_ NKHR2022000016 2022-06-11.

(2) Sexual Exploitation and Violence

In the combined second, third, and fourth periodic reports published in 2016, North Korea emphasized that sexual exploitation and violence against women are strictly addressed based on relevant provisions in the Criminal Law (Article 287 on the crime of prostitution, Article 279 on the crime of rape, and Article 281 on the crime of sexual intercourse with a minor) and that the crime of introducing and distributing corrupt culture (Article 183 of the Criminal Law) is heavily punished to prevent any encouragement of sexual exploitation.[947] Moreover, North Korea stated that it guarantees the protection of the identities of victims of sexual violence and provides relief for damages in accordance with the Law on Compensation for Damages.[948] However, it has been found that North Korea still does not properly recognize the seriousness of violence against women, and as a result, protective and preventive measures for victims are not functioning properly.

In fact, it is very difficult to identify the actual cases of sexual violence in North Korea as sexual violence mostly occurs in secret, and victims are highly likely to be reluctant to disclose their case. In addition, cases have been reported in which the parties involved in sexual violence did not recognize that sexual

947_ UN Doc. CEDAW/C/PRK/2-4 (2016), paras. 66–70.
948_ *Ibid.*, para. 71.

violence had occurred because of a lack of awareness. However, in this regard, defector testimonies confirm a number of concerns.

First of all, sexual harassment is not considered a serious offense in North Korea. A North Korean defector in his 30s who defected in 2020 testified that sexual harassment is considered a common occurrence in North Korea.[949] There are cases in which rape cases are not disclosed to the public in consideration of the victims' future.[950] On the other hand, it has been reported that rape victims often experience secondary victimization by people who sneer at them or spread rumors about them and cases occur in which rape victims report their cases as assaults due to feelings of shame and social stigmatization.[951] Many testimonies have been collected stating that rape is recognized only when the act is accompanied by physical violence and occurs between strangers and is not recognized when the act takes place between acquaintances.[952]

The recently amended North Korean laws on sexual violence show the seriousness of sexual violence and problems of sexual awareness in North Korea. While the Criminal Law of 2015 stipulated in Article 297 that a person who commits rape shall be

949_ NKHR2021000024-2 2022-06-28.

950_ NKHR2021000017-2 2022-05-26.

951_ NKHR2021000008-2 2022-05-26.

952_ NKHR2022000011 2022-06-10; NKHR2022000021 2022-06-21; NKHR2022000023 2022-06-22; NKHR2022000024 2022-06-23.

subject to up to 5 years of correctional labor punishment, and, when the case is serious, the person shall be subject to 5 years or more and up to 10 years of correctional labor punishment, the severity of the punishment for sexual violence was reduced in the amended Criminal Law of 2022. Accordingly, Article 319 of the amended Criminal Law of 2022 stipulates that a person who commits rape shall be subject to up to 4 years of correctional labor punishment, and a person who commits multiple rapes or is involved in a gang rape shall be subject to 4 years or more and up to 9 years of correctional labor punishment. Moreover, the "crime of sexual intercourse with a minor under the age of 15," which was provided for in Article 281 the Criminal Law of 2015, was amended to the "crime of sexual intercourse with a female under the age of 15" in Article 321 of the Criminal Law of 2022. This change in the name of the crime demonstrates that the law overlooks the gender-neutral nature of sexual violence against children.

Although physical violence is not involved, it seems that there are many cases in which women experience sexual exploitation or suffer damage as a result of hierarchies of power. A North Korean defector in his 20s who defected in 2020 testified that, in the military, when a male superior rapes a female subordinate, only the female soldier is transferred to another unit or discharged. According to the testifier, "the incident becomes an issue only when the female victim dies, and surviving rape victims usually

are not able to complain anywhere or hold their assailant accountable."[953]

Another problem that should be noted is the lack of education to prevent sexual violence. As a result, it seems that some North Korean women do not sufficiently perceive the seriousness of the issue although they themselves have experienced or witnessed sexual violence or were exposed to the risks of sexual violence.

C. Treatment of Repatriated Female Defectors

(1) Punishment for Repatriated Female Defectors

In 2014, the COI recommended North Korea to "respond immediately and effectively to trafficking in women and address the structural causes that make women vulnerable to" these violations.[954] In addition, in 2017, the Committee expressed concern over repatriated female defectors for being punished for illegal border-crossing, being subject to sexual violence and forced abortions and being deprived of a fair trial, and recommended that North Korea take corrective measures.[955]

However, it has been found that North Korean authorities make no effort to address the structural causes that make female

953_ *Ibid.*

954_ UN Doc. A/HRC/25/63 (2014), para. 89 (i).

955_ UN Doc. CEDAW/C/PRK/CO/2-4 (2017), para. 46.

defectors vulnerable to human trafficking (i.e., the inevitability of using human trafficking as a means to cross the border) and continue to punish women who have been the victims of human trafficking.[956] It is understood that this is because North Korean authorities consider these women "criminals" who have committed the crime of illegal border-crossing and not victims of human trafficking based on the fact that these women had been aware in advance that they would be subjects of human trafficking.[957]

In general, the level of punishment is determined based on the length of the defectors' stay in China.[958] It has been found from the testimonies of female defectors who have recently defected from North Korea that the severity of punishment for forcibly repatriated female defectors has increased since Kim Jong Un came to power. A North Korean defector in her 50s who defected in 2019 said that victims of human trafficking used to be sent to labor training camps (*rodongdanryundae*), but recently they are sent to prison camps (*kyohwaso*) for five to ten years.[959] While the punishment imposed on the victims of human trafficking is

956_ NKHR2016000117 2016-07-26.

957_ NKHR2017000014 2017-04-10; NKHR2017000058 2017-07-31; NKHR2017000094 2017-10-23; NKHR2017000100 2017-10-23; NKHR2018000020 2018-04-09; NKHR2018000021 2018-04-09; NKHR2018000025 2018-04-09; NKHR2019000042 2019-07-01.

958_ NKHR2016000131 2016-08-09; NKHR2016000133 2016-08-09.

959_ NKHR2019000076 2019-08-26.

severe, testimonies have been collected reporting that it can be avoided through bribery. A North Korean defector who defected in 2019 testified that even the issue of human trafficking can be solved by paying bribes.[960] In contrast, testimony has reported that the punishment for forcibly repatriated defectors was severe until 2019, with these defectors being sentenced to two to three years of correctional labor punishment and those who had served in the military being sentenced to 10 years of imprisonment in a prison camp (*kyohwaso*), and this punishment could not be avoided through bribery.[961] Another testimony stated that those engaged in the brokerage of defectors are strictly punished because the act is also connected to South Korea and China. According to a North Korean defector, the broker who arranged his/her defection in late 2019 was sent to a political prison camp (*kwanliso*) in early 2020 and died in custody despite paying 50,000 yuan as a bribe.[962]

(2) Human Rights Violations in the Process of Forced Repatriation and Investigation

One of the most serious human rights violations against women conducted by North Korean authorities is the practice of forced

960_ NKHR2020000006 2020-05-15.
961_ NKHR2023000021 2023-08-04.
962_ NKHR2023000019 2023-08-02.

abortions during the forced repatriation process as well as inhuman treatment in the investigation process. As criticism by the international community grew over cases in which forcibly repatriated pregnant female defectors were forced to have abortions or to leave their newborn children unattended to die, North Korea is found to have allowed such women to give birth in some regions and attempted to hand over the newborn children to their Chinese fathers. However, cases have been reported in which testifiers have witnessed or heard of incidents where forcibly repatriated female defectors who are pregnant with the babies of Chinese men were forced to undergo an abortion in the process of repatriation.[963]

Another serious problem is the so-called "uterus examination," which is not only humiliating but also very unsanitary. The examination is conducted during a body search for money, secret letters or secret documents. A substantial number of female North Korean defectors who have experienced forcible repatriation testified that they received such an examination at detention facilities such as the MSS detention centers (*guryujang*) and the MSS holding centers (*jipkyulso*).[964]

963_ NKHR2017000047 2017-07-03; NKHR2017000099 2017-10-23; NKHR2017000128 2017-12-18; NKHR2017000058 2017-07-31; NKHR2017000104 2017-10-23; NKHR2017000130 2017-12-18.

964_ NKHR2017000025 2017-05-08; NKHR2017000045 2017-07-03; NKHR2017000104 2017-10-23; NKHR2018000023 2018-04-09; NKHR2018000024 2018-04-09; NKHR2019000041 2019-07-01; NKHR2019000075 2019-08-26.

D. Women's Health and Maternal Health

In its 2019 UPR report, North Korea stated that "the Education Strategy for Reproductive Health (2014–2018) and the Action Programme for Health of Newborns (2015–2016) were implemented with success," and as a result, "maternal mortality (per 100,000 live births) decreased from 62.7 in 2014 to 53.2 in 2017."[965] In the report, North Korea also specified that "the period of maternity leave was extended to 240 days and all provincial maternity hospitals were modernized," and consequently, "conditions for good health and the recovery of women who gave birth and the nutritional status of the child" have improved.[966] Thus, North Korea stated that the overall institutional environment for maternal health has improved. However, it is not clear whether such institutional measures have actually led to the improvement of women's right to health. In this chapter, the details of the actual situation of North Korean women's right to health are examined in terms of women's health and maternal health.

(1) Women's Health

It is well known that many North Korean women suffer from

965_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 69.
966_ *Ibid.*, para. 71.

poor health conditions including malnutrition and anemia resulting from economic difficulties that have continued since the 1990s, excessive labor to support the livelihood of their families, and psychological burden caused by increasing responsibility for their families.

Contraception and abortion also appear to be factors that impair the health of women of childbearing age. According to the 2017 MICS survey, the intrauterine device (IUD), which is called a "loop" in North Korea, is the most common method of contraception used among North Korean women.[967] Although IUDs need to be replaced every few years, it seems that many North Korean women use one for a longer period of time, and cases have been reported in which women suffer from gynecological diseases because of this.[968] Many testimonies on cases of side effects among women using IUDs, such as vaginal bleeding and pain, have been collected.[969] In this regard, testimonies have been collected reporting that some women use Implanon, a subdermal implantable contraceptive that is more expensive than an IUD, because it has fewer side effects. A North Korean defector in her 50s who had lived in Pyongyang and

967_ Central Bureau of Statistics of the DPR Korea and UNICEF, *DPR Korea Multiple Indicator Cluster Survey 2017, Survey Findings Report*, (Pyongyang: Central Bureau of Statistics and UNICEF, 2017), p. 46.

968_ Geumsoon Lee *et al.*, *Right to Health in North Korea* (Seoul: KINU, 2018), pp. 38–39.

969_ NKHR2022000005 2022-05-25; NKHR2022000007 2022-05-25; NKHR2022000026 2022-06-26.

defected in 2019 testified that her acquaintance had an Implanon inserted and paid 60–70 dollars for the procedure.[970] A North Korean defector in her 30s who had lived in Chongjin, North Hamgyeong Province and defected in 2019 testified that these days, many North Korean women use Implanon instead of IUDs because the latter often causes bleeding.[971]

In the 2021 VNR report, North Korea stated that the contraceptive prevalence rate was 78.2% in 2014 and 70.3% in 2017, and the percentage of women who have an unmet need for family planning was 7.0% in 2014 and 6.6% in 2017. North Korea also reported that it has been implementing a five-year National Reproductive Health Strategy since 2017 in collaboration with the United Nations Population Fund (hereinafter UNFPA).[972] Taking into consideration testimony reporting that there are people in North Korea who are aware of and take birth control pills,[973] it appears that birth control pills have been introduced to North Korea.

With respect to male contraception, some testimonies have been collected reporting that the testifiers learned about condoms through South Korean dramas or books.[974] However, most

970_ NKHR2022000005 2022-05-25.

971_ NKHR2022000018 2022-06-15.

972_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," p. 24.

973_ NKHR2022000005 2022-05-25; NKHR2022000011 2022-06-10.

testifiers said that they had never heard of or seen condoms, indicating a very low awareness of male contraception.[975]

The North Korean Law on Medical Care prohibits abortions except for those necessary to protect the mother (Article 28 of the Law on Medical Care).

Many testimonies have been collected reporting that, because abortions are illegal, they are performed by retired doctors at their home or private doctors at patients' homes, rather than in hospitals.[976] However, one testimony reported that both private doctors and hospitals perform an abortion when a pregnant woman requests it, arguing that abortions are not illegal.[977] It has also been reported that, while unmarried women tend to have abortions at home because they do not want to leave any record, married women have abortions in hospitals if possible.[978] Testifiers also said that an increase in the number of women engaged in business who start a relationship with a man to protect their business[979] and an increase in the number of women having

974_ NKHR2022000011 2022-06-10; NKHR2021000019-2 2022-06-26.

975_ NKHR2022000008 2022-05-27; NKHR2022000012 2022-06-10; NKHR2022000022 2022-06-21; NKHR2022000026 2022-06-26; NKHR2022000027 2022-07-01.

976_ NKHR2022000004 2022-05-20; NKHR2022000005 2022-05-25; NKHR2022000006 2022-05-25; NKHR2021000008-2 2022-05-26; NKHR2022000018 2022-06-15; NKHR2022000021 2022-06-21; NKHR2022000022 2022-06-21; NKHR2022000023 2022-06-22; NKHR2022000026 2022-06-26 and many other testimonies.

977_ NKHR2023000010 2023-05-15.

978_ NKHR2022000021 2022-06-21.

979_ *Ibid.*

an affair with a financially affluent married man have contributed to a rise in abortions.[980] It is said that an abortion is the best option in a social environment in which it is difficult for single parents to get married[981] and for single mothers to raise a child on their own.[982] In addition, cases have been reported in which people who were unable to have an abortion ultimately abandoned the newborn children.[983]

Meanwhile, some testifiers have claimed that they have heard of some, but not many, cases of women dying during an abortion.[984] It has been found that North Korean people do not pay much attention to medical accidents that might occur while having an abortion in a private house with insufficient medical equipment and are not fully aware of the risks of abortion procedures.

It has been found that the situation regarding the use of sanitary pads has improved, with an increase in the number of women using disposable sanitary pads instead of pieces of clothes or gauze cloth. A North Korean defector in her mid-50s who defected in 2019 testified that in the past, people used pieces of gauze cloth as sanitary pads, but now people buy disposable sanitary pads.[985] A woman in her late 40s who defected in 2019

980_ NKHR2022000008 2022-05-27.

981_ *Ibid.*

982_ NKHR2022000028 2022-07-04.

983_ NKHR2021000011-2 2022-05-31; NKHR2022000026 2022-06-26.

984_ NKHR2022000018 2022-06-15.

also testified that young people use disposable sanitary pads.[986] It has been reported that sanitary pads made in China can be purchased for one to three yuan, and sanitary pads produced in North Korea are sold at various prices, ranging from 2,000 to 7,000 North Korean won. While some testifiers said that many North Korean women use pieces of gauze cloth as sanitary pads because disposable ones are too costly,[987] the majority of testifiers claimed that most North Korean women today use disposable sanitary pads. Many testimonies have been collected reporting that sanitary pads made in North Korea were expensive and of low quality in the early days of production,[988] but they are now preferred to those made in China because they are more affordable (approximately 3,000–5,000 North Korean won per pack), functional, and produced in various shapes in neat packaging.[989] It has been found that women living in cities and/or who are members of the younger generation are more likely to consider disposable sanitary pads a daily necessity.

985_ NKHR2020000024 2020-07-06.

986_ NKHR2020000028 2020-07-06.

987_ NKHR2022000026 2022-06-26.

988_ NKHR2022000008 2022-05-27; NKHR2022000016 2022-06-11.

989_ NKHR2022000011 2022-06-10; NKHR2022000016 2022-06-11; NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23 and many other testimonies.

(2) Maternal Health

North Korea guarantees various institutionalized benefits for pregnant women to ensure maternal health care.[990] Childbirth is free of charge, maternity leave is guaranteed for women, and there are provisions in law such as one that prohibits night work by women who are pregnant or have newborn children. However, it appears that in reality, North Korean people still do not receive sufficient support during pregnancy and childbirth.

One of the most important indicators related to maternal health is the maternal mortality rate. As mentioned earlier, in its 2019 UPR, North Korea announced that its maternal mortality per 100,000 live births decreased from 62.7 in 2014 to 53.2 in 201 7.[991] It is a positive sign that North Korea's maternal mortality has fallen by nearly 10 deaths per 100,000 over three years, but the number is still high from an international point of view.

Nevertheless, the claimed decline in maternal mortality seems to indicate the improvement in the care and support provided for pregnant and childbearing women. First of all, the number of pregnant women receiving antenatal tests is estimated to be higher than in the past. In this regard, the 2017 MICS survey conducted by UNICEF reported that among North Korean women who gave birth sometime between 2015 and 2017, 99.5% said that they had

990_ Geumsoon Lee *et al.*, *Right to Health in North Korea* (Seoul: KINU, 2018), pp. 34–37.
991_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 70.

at least one antenatal test during their last pregnancy, and 93.7% responded they had at least four antenatal checkups.[992] While the survey results indicate that most respondents had received antenatal tests during their pregnancy, defector testimonies appear to show that the percentage of women receiving antenatal tests is not as high as that reported in the survey. Nevertheless, in recent KINU surveys, the majority of female testifiers have claimed that they had received medical check-ups during pregnancy while living in North Korea.[993]

In addition, it has been reported that recently North Korean women mostly give birth at hospitals or maternity hospitals.[994] On the other hand, testimonies have been collected stating that there are still many cases in which women give birth at home.[995] These home births are attended by private doctors or unqualified midwives. However, giving birth to a child in an environment that is not properly equipped with necessary medical instruments would inevitably result in a lower emergency response rate than childbirths in hospitals. This practice is considered to be one of

992_ Central Bureau of Statistics of the DPR Korea and UNICEF, *DPR Korea Multiple Indicator Cluster Survey 2017, Survey Findings Report* (Pyongyang, DPR Korea: Central Bureau of Statistics and UNICEF, 2017), p. 52.

993_ NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25; NKHR2022000013 2022-06-10; NKHR2022000016 2022-06-11; NKHR2022000026 2022-06-26.

994_ NKHR2022000001 2022-05-13; NKHR2023000010 2023-05-15; NKHR2023000014 2023-07-16; NKHR2023000015 2023-07-27.

995_ NKHR2021000026-2 2022-05-18; NKHR2022000004 2022-05-20; NKHR2022000006 2022-05-25; NKHR2022000013 2022-06-10.

the factors that cause the relatively high maternal mortality rate.

Whereas North Korean law stipulates that childbirth is free of charge, North Korean defectors have commonly testified that one must pay certain fees to give birth. A North Korean defector in his 50s who defected in 2019 testified that he gave approximately 100,000 North Korean won to the doctors who performed a caesarean section on his wife for their meal expenses.[996] A North Korean defector in her 30s who defected in 2019 testified that most North Korean women inevitably give birth at home because the cost of childbirth in a hospital is usually more than 300 yuan, including a general fee of 200 yuan and the cost of medication that individuals must bear.[997] While differences have been found regarding the amount depending on the time the testifiers gave birth to their children, the testifiers commonly said that they had paid a separate fee to doctors for delivering their children.

Lastly, North Korean authorities claim to have extended the period of maternity leave to 240 days from the previous 180 days in 2015 and emphasized the implementation of such revision in its 2019 UPR report.[998] In this regard, many testimonies have been collected reporting that the use of maternity leave is well observed and that pregnant women are exempted from mobilization.[999]

996_ NKHR2022000001 2022-05-13.

997_ NKHR2022000008 2022-05-27.

998_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 8.

999_ NKHR2023000014 2023-07-26; NKHR2022000042-2 2023-07-31; NKHR2022000018-2

However, taking into consideration testimony reporting that paid prenatal and postnatal leave are meaningless as not many women keep their job after marriage,[1000] additional observations are required to identify the effectiveness of maternity leave as a policy to support women.

E. Evaluation

As stated in the preamble of the CEDAW, discrimination against women violates the principles of equality of rights and respect for human dignity. Discrimination against women not only impedes women from participating in political, social, economic, and cultural life on equal terms with men but also hinders the prosperity of society and families and the complete development of women's potential. North Korea claims that it has incorporated the concept of discrimination defined in the CEDAW into its Law on the Protection and Promotion of the Rights of Women and prohibits all forms of direct and indirect discrimination against women.

In recent surveys, many testifiers have reported that many North Korean women are now working in various sectors including politics and economics, and the number of women who

2023-08-01.

1000_ NKHR2018000057 2018-07-02.

are appointed as officials has increased. In addition, many testifiers have claimed that all workers, including female workers, are treated differently based on their rank and ability, and gender discrimination does not exist in relation to remuneration or wages. However, women's participation in public and political spheres is more visible in the middle to lower strata of society, and the limitations become more pronounced as they move up to higher positions. Nevertheless, testimonies claiming that women's rights have been institutionally promoted in North Korea require continued observation. In addition, in recent surveys, testimonies have been documented that women's voices have become stronger within the family due to the improvement of their economic power and that values supporting gender equality are gradually spreading among the younger generation. Moreover, there were also testimonies claiming that domestic violence is on the decline as today men are often dependent on women's economic power. The major reason for this decline differs between female and male North Korean defectors; while the former believe that women's increased economic power is the major reason, the latter believe that the decline is a result of the change in people's perceptions. In particular, testimonies have been collected claiming that the perception of violence has changed, especially among the younger generation, and violence is now considered a disqualification for marriage. The change in the perception of violence, which is reportedly found across

genders and different age groups, requires continued observation.

Despite North Korea's claims of institutional and legal efforts to mitigate or abolish discriminatory customs and practices against women, fixed gender roles and discrimination against women have been found to remain in the attitudes of North Korean people regardless of gender. This discriminatory mindset and tolerance of domestic violence have been found to be more widespread in rural areas than in cities. Reported cases of people challenging and overcoming these social conventions are a result of individual efforts. North Korean authorities need to continue their endeavors in resolving the structural problems that cause discrimination and violence against women.

2

Children

Children require special protection and consideration, including appropriate legal protection, due to their physical and mental immaturity.[1001] The CRC, which was unanimously adopted at the UN on 20 November 1989 and took effect on 2 September 1990, is distinct from previous international documents related to children in that it fully recognizes children, who had long remained as the targets of protection, as the subject of these rights. Part 1 (Articles 1–41) of the CRC stipulates the rights of children and the duties of the State Parties. Part 2 (Articles 42–45) prescribes the Committee on the Rights of the Child (hereinafter in this chapter the Committee) and country report system and Part 3 (Articles 46–54) sets forth the signature, ratification, accession

1001_ The ICCPR stipulates that "every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State" (Article 24, paragraph 1). The ICESCR stipulates that "special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions" (Article 10, paragraph 3).

and amendment procedures, etc. The rights set forth in the CRC are largely composed of the right to survival, protection, development and participation.

Table Ⅳ-3 Four Major Rights in the CRC

Right to Survival	Rights of the child required for basic life: right to enjoy adequate living standards; right to live in a safe residence; and right to sufficient nutrition and basic medical services.
Right to Protection	Right of the child to be protected from a harmful environment including all forms of abuse and negligence, discrimination, violence, torture, conscription, unjust criminal punishment, excessive labor and substance and sexual abuse.
Right to Development	Rights of the child to realize his or her maximum potential including the rights to receive education, enjoy leisure, engage in cultural life and acquire information, and enjoy freedom of thought, conscience and religion.
Right to Participation	Rights of the child to actively participate in the activities of a country or local community including the freedom of expression and the right to join organizations or participate in peaceful assemblies.

North Korea ratified the CRC on 21 September 1990, and the CRC took effect with respect to North Korea a month later on 21 October 1990. Moreover, North Korea ratified the Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography on 10 November 2014, which took effect on 10 December 2014.

The States Parties to the CRC are required to submit a CRC implementation report to the Committee (Article 44). North Korea submitted its first report in February 1996, its second report in May 2003, its integrated third and fourth reports in December

2007, and its fifth report in April 2016. The Committee completed its preliminary review of North Korea's fifth report in February 2017 and held a main review session in September 2017 to publish the Concluding Observations that address its concerns and recommendations to North Korea.

In the fifth report to the Committee, North Korea stated that "children in the DPRK fully enjoyed their rights and their welfare was promoted at a higher level under the policy of love for children of the Supreme Leader Kim Jong Un."[1002] Moreover, the report emphasized that it had implemented several measures, including the enactment of the Law on the Protection of the Rights of Children (2010) and the Law on General Education (2011), the promulgation of the Ordinance on the Enforcement of Universal 12-year Compulsory Education (2012), and the establishment of the Korea Association for Supporting the Children (2013).[1003]

In its 2019 UPR report, North Korea reported that it has successfully implemented measures to promote children's well-being.[1004] Moreover, in the 2021 VNR report, North Korea self-evaluated that it has made considerable progress in reducing child mortality.[1005] Since Kim Jong Un came to power, North

1002_ UN Doc. CRC/C/PRK/5 (2016), para. 7.

1003_ *Ibid.*, paras. 8–10, para 17, para 21, para 25.

1004_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), paras. 61–64.

1005_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on

Korea has reported, through various forms of media, that it has improved the educational environment and conditions, expanded modern cultural welfare facilities, and established large children's hospitals to promote growth and improve the nutrition of children. However, defector testimonies indicate that these policies have not been implemented uniformly.

A. Children's Health and Welfare

(1) Continued Inadequate Protection of Children and Orphans

Low birth rates have also become an important social problem in North Korea. To address this problem, North Korean authorities have introduced policies such as providing subsidies to multi-child households and establishing additional childcare facilities.

A North Korean defector who defected in 2019 testified that households with five or more children receive a subsidy from the state, and he/she was told that, recently, a new subsidy program was launched so that a subsidy is provided to households with three or more children. The testifier added that, in addition to state subsidies, his/her family received notebooks and school supplies from the state on an irregular basis.[1006] Another North Korean

the Implementation of the 2030 Agenda for the Sustainable Development," p. 19.

defector testified that, in North Korea, parents with multiple children are treated as heroes who are able to participate in contests for heroes and receive some assistance from the state.[1007] In contrast, a North Korean defector who defected in 2019 testified that there are no benefits from the state for raising multiple children, and, unlike in the past, recently married couples tend to have only one child due to economic difficulties.[1008]

After Kim Jong Un came to power, facilities for orphans have been improved in an effort to strengthen the state's social responsibility for children and orphans. However, it appears that these facilities have not been managed in a detailed and systematic manner.

A North Korean defector who defected in 2019 said that new orphanages and orphans' nurseries (*yugawon*) were constructed in North Korea because Kim Jong Un issued an instruction to build new orphanages and orphans' nurseries (*yugawon*) in 2017.[1009] Furthermore, a North Korean defector who defected in 2018 testified that many orphans' kindergartens (*aeyugwon*) and secondary academies have been built throughout North Korea in accordance with Kim Jong Un's policy issued in 2017. According to the testifier, the number of children wandering the streets like

1006_ NKHR2022000003 2022-05-19.
1007_ NKHR2023000019 2023-08-02.
1008_ NKHR2022000042 2023-07-31.
1009_ NKHR2023000002 2023-04-11.

beggars significantly decreased after that because they were all rounded up by authorities and sent to orphans' kindergartens (*aeyugwon*) or secondary academies.[1010] In addition, a North Korean defector who defected in 2020 said that the number of *kotjebi* has significantly decreased because they are now housed at newly established orphans' kindergartens (*aeyugwon*) and/or secondary academies.[1011] On the other hand, some testifiers have claimed that there are still many *kotjebi* in North Korea. A North Korean defector who had lived in North Hamgyeong Province and defected in 2019 said that many *kotjebi* are still found near stations,[1012] and a North Korean defector who had lived in Yanggang Province testified that there are still many *kotjebi* in North Korea who survive by searching through garbage dumps.[1013]

Meanwhile, some testifiers have claimed that state support for children in need has improved since Kim Jong Un took office with the establishment of well-equipped orphans' kindergartens (*aeyugwon*) and secondary academies. A North Korean defector in his/her 20s who defected in 2019 testified that he/she was told by his/her cousin, who is a teacher, that there are incidents where

1010_ NKHR2022000007 2022-05-25.

1011_ NKHR2022000022 2022-06-21; NKHR2022000025 2022-06-23; NKHR2021000024-2 2022-06-28; NKHR2022000003 2022-05-19.

1012_ NKHR2022000018 2022-06-15.

1013_ NKHR2022000016 2022-06-11.

leftover meat is thrown away because children do not eat it.[1014] In contrast, testimonies have been collected reporting that adequate social protection for orphans is still not being provided. According to numerous North Korean defectors, children without parents are confined to facilities where they are forced to participate in organizational life while being subjected to excessively strict rules and poor-quality food, and these children tend to run away from the facilities because of this harsh environment.[1015] A North Korean defector reported witnessing severely malnourished orphans with only skin and bones whenever he/she passed by the orphanage (nursery) in the neighborhood and testified that, while there have been improvements in relevant facilities following Kim Jong Un's orders, there were still many poor children on the verge of death on the streets.[1016]

1014_ NKHR2022000010 2022-06-09.

1015_ NKHR2016000143 2016-08-23; NKHR2016000157 2016-09-20; NKHR2018000041 2018-06-04; NKHR2018000093 2018-08-27; NKHR2018000128 2018-11-19; NKHR2019000047 2019-07-01; NKHR2019000048 2019-07-01; NKHR2019000052 2019-07-20; NKHR2019000064 2019-08-17; NKHR2022000042 2023-07-31.

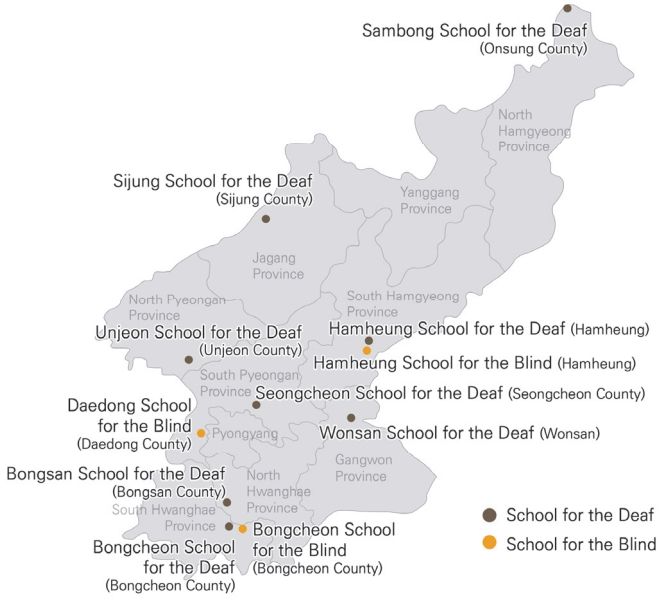
1016_ NKHR2023000002 2023-04-11.

(2) Shortage of Educational Facilities for Children with Disabilities

Article 23 of the CRC stipulates that disabled children have the right to receive special care, education, and training to enable their growth by ensuring their dignity, promoting their self-reliance, and facilitating their active participation in the community. In the Law on the Protection of Persons with Disabilities, North Korea stipulates matters pertaining to the restorative treatment, education, cultural life and labor of disabled people, and the Law on the Protection of the Rights of Children also has provisions on the protection of disabled children (Article 30). In particular, Article 30, paragraph 2 of the Law on the Protection of the Rights of Children provides that "educational supervision institutions, health care supervision institutions and local People's Committees shall immediately operate schools for the blind and deaf and ensure the conditions necessary for the education, treatment and life of disabled children." In its fifth report to the Committee, North Korea emphasized that it has organized special classes for disabled students in general schools and established special schools for students with visual/hearing disabilities.

It has been identified that there are eight schools for the deaf and three for the blind in North Korea. In addition, in March 2012, North Korean authorities established the Rehabilitation Center for Children with Disabilities in Pyongyang to provide rehabilitation programs for disabled children.

Figure Ⅳ-1 Schools for the Deaf and the Blind in North Korea



Source: Green Tree Korea, <http://www.greentreekorea.org> (Accessed October 10, 2023).

In its 2019 UPR report, North Korea reported that it has adopted the Regulations on Schools for the Blind and Deaf to provide relevant legal and institutional grounds.[1017] There were fragmented reports indicating that a kindergarten for children with hearing disabilities has opened on the outskirts of Pyongyang.[1018] However, there are only 11 special schools for children with visual and hearing disabilities across North Korea. In particular,

1017_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 11.

1018_ "North Korea opens kindergarten for hearing-impaired children," *UPI*, 1 July 2016, <https://upi.com/6352451> (Accessed 11 October 2023).

the fact that there are no such schools in Yanggang Province shows that the situation of special education for children with disabilities is poor in North Korea.[1019]

A North Korean defector who defected in 2016 said that there was a school for the deaf in Changchon-dong, Wonsan. Another North Korean defector who defected in 2016 said that there was a school for the deaf in Duksan, Hamheung and that families without money could not afford to pay for the school since students had to bear the financial burden of all school-related costs.[1020] These cases can be considered examples that demonstrate the disparity between the provision in Article 30 of the North Korean Law on the Protection of the Rights of Children, which stipulates that "Children with disabilities shall have the right to receive the same education and treatment as other children," and reality.

In its 2018 CRPD implementation report, North Korea stated that "children with disabilities of preschool age are brought up in the community kindergartens on the basis of equality with others"

1019_ North Korean defectors who had lived in Kimjongsuk County, Yanggang Province responded that they have not heard of the existence of special schools for children with disabilities in the region. NKHR2017000023 2017-05-08; NKHR 2017000049 2017-07-03; NKHR2017000056 2017-07-31. It seems that there are no special schools or special classes for students with disabilities in Hyesan, Yanggang Province. NKHR2017000060 2017-07-31; NKHR2017000025 2017-05-08. A North Korean defector who had lived in Baegam County, Yanggang Province responded that he/she too had not heard of the existence of a special school or class for children with disabilities. NKHR2017000062 2017-07-31.

1020_ NKHR2017000049 2017-07-03.

and that specialized institutions, such as the Rehabilitation Center for Children with Disabilities, have been set up to provide rehabilitation and special education in a manner appropriate to children's age, psychology and disability type. North Korea also reported that it is preparing to designate a primary school in Pyongyang as a pilot school for integrated education.[1021] In addition, North Korea revealed in the 2019 UPR report that its schools for the blind and schools for the deaf revised their curricula to be consistent with the 12-year compulsory education system and to incorporate vocational training in the school program.[1022] However, recent surveys did not collect any testimony about the operation of special classes for the disabled in general schools or the rehabilitation or vocational training for children with disabilities. It can be said that this is because North Korean people do not have much contact with persons with disabilities, and there is little attention and interest in the rehabilitation and education of children with disabilities.

A North Korean defector who defected in 2019 testified that it seems that one of the reasons people have little to no chance to meet disabled people in their neighborhoods is because people without disabilities rudely stare at the disabled, who are conscious of how they are viewed. The testifier added that he/she had never

1021_UN Doc. CRPD/C/PRK/1 (2018), paras. 143–144.
1022_UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 76.

seen any organizations or facilities for persons with disabilities while living in North Korea.[1023] In North Korea, there are programs for disabled children being implemented in the fields of education and medical care. However, in reality, only a few enjoy the benefits of such programs.

(3) Health Care and Nutrition

Article 24 of the CRC stipulates that children have the right to grow up healthy and must be provided with a clean environment, medical services, safe water, and nutritious food. In its Public Health Law, North Korea stipulates matters pertaining to the free medical care system and health protection based on preventive medicine. Moreover, the Law on the Protection of the Rights of Children has provisions on children's right to receive free medical care, voluntary medical services for children, children's hospitals, nursing facilities for children, and nutritional supplements and supplementary foods (Articles 33–37). The Law on the Nursing and Upbringing of Children stipulates that systematic voluntary medical services be provided to children in daycare centers and kindergartens and that children's wards be established in daycare centers (Articles 25 and 26).

In the 2019 UPR report, North Korea stated that it has improved

1023_ NKHR2022000010 2022-06-09.

the medical service environment by building modern medical institutions, upgrading medical appliance factories, adopting measures for the capacity-building of medical workers, introducing and operating a telemedicine system that connects central hospitals with hospitals in other regions online, and improving the quality and increasing the variety of medicine (See III. The Reality of Economic, Social and Cultural Rights, 2. Right to Health).[1024] In the 2021 VNR, North Korea reported that it has established modern health facilities, including the Breast Tumor Institute of Pyongyang Maternity Hospital, Okryu Children's Hospital, Ryugyong General Ophthalmic Hospital, and Ryugyong Dental Hospital from 2012 to 2020, and has launched a new construction project in 2020 to build Pyongyang General Hospital.[1025]

Despite North Korea's claim that its medical facilities have been improved, the right to health of North Korean children has been seriously violated since 2020 with the outbreak of COVID-19. While the vaccination rate for children in North Korea was 96–98% in 2019, which was before the COVID-19 pandemic, it has sharply declined since 2020. In particular, North Korea's vaccination coverage for HepB3, Hib3, IPV1, MCV1,

1024_ *Ibid.*, paras. 37–41.

1025_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," p. 18.

MCV2, and BCG was reported to be 0% in 2022, which indicates that the lives of and disease prevention for North Korean children are at risk (see III. The Reality of Economic, Social and Cultural Rights, 2. Right to Health). In addition, it has been found that a significant number of North Korean children suffer from malnutrition. According to a report by UNICEF, the WHO, and World Bank, approximately 16.8% of North Korean children under the age of five (293,000 children) showed evidence of stunted growth in 2022.[1026] Moreover, a report released by UNICEF in 2019 stated that 10.4% of North Korean children under the age of five (approximately 153,000 children) were underweight and 8.0% (approximately 140,000 children) were suffering from wasting.[1027]

In particular, it has been reported that "one third of children aged 6–23 months do not receive the minimum acceptable diet";[1028] considering that this finding is based on data collected before COVID-19, it is highly possible that the situation has become even worse. It has also been found that the rate of stunted growth among children is 10% in Pyongyang and 32% in Yanggang Province, indicating wide variation between regions.[1029]

1026_ UNICEF, WHO, World Bank Group, *Levels and trends in child malnutrition: Joint Child Malnutrition Estimates, Key findings of the 2023 edition*. (New York: UNICEF and WHO 2023), p. 19. The population of children under the age of five (1,746,000) is based on data from "World Health Statistic 2021" (WHO).

1027_ UNICEF, *Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea* (Pyongyang: UNICEF, 2019), p. 54.

1028_ *Ibid*.

North Korea's under-five and neonatal mortality rates appear to have improved recently. The mortality rate of children under five years of age per 1,000 live births decreased from 17.3% in 2019 to 16.5% in 2020 and then to 15.4% in 2021,[1030] and the neonatal mortality rate per 1,000 live births also consistently decreased from 9.3% in 2019 to 8.8% in 2020 and to 8.2% in 2021.[1031]

With respect to the human rights situation for North Korean children, the Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea submitted to the 77th session of the UN General Assembly outlined that North Korean children suffer from higher levels of malnutrition and hunger compared to before the COVID-19 pandemic, and assessed that, due to limited vaccination and widespread malnutrition, children and the elderly in North Korea are likely to be vulnerable to COVID-19.[1032]

B. Children's Right to Education

Article 28 of the CRC on the right to education stipulates that all children must be able to receive primary education and, if

1029_ UN Doc. A/75/271 (2020), para. 28.

1030_ UNICEF Data, "Under-five mortality," <https://data.unicef.org/topic/child-survival/under-five-mortality/#data> (Accessed 1 September 2023).

1031_ UNICEF Data, "Child mortality data," <https://data.unicef.org/resources/dataset/child-mortality/> (Accessed 1 September 2023).

1032_ UN Doc. A/77/522 (2022), paras. 5-6.

desired, higher education. Moreover, Article 29 of the CRC on the purpose of education stipulates that children must be able to develop their talents and abilities and learn the value of human rights, freedom, all cultures, and the natural environment through education.

North Korea has enacted and enforced the Education Law, the Law on General Education and the Law on the Nursing and Upbringing of Children, and includes in its Law on the Protection of the Rights of Children education-related provisions such as those on the right to free compulsory education, the right to develop hope and talents, and the right to have rest and cultural life (Articles 22–28).

(1) Political Ideology Education

Whereas the goal of child education is, as highlighted in the CRC, to cultivate a spirit of respect, peace, tolerance, equality and solidarity, North Korea's educational curriculum leans heavily towards political ideology education and focuses on idolizing Kim Jong Un and his family. The curriculum revised in 2013 includes classes related to Kim Jong Un for at least one hour a week. The education time allotted for subjects related to Kim Il Sung, Kim Jong Il and Kim Jong Un by grade is presented in <Table Ⅳ-4>.

Table Ⅳ-4 Time Required Each Year for Students to Learn about Subjects Related to Kim Il Sung, Kim Jong Il and Kim Jong Un

Category		Kim Il Sung	Kim Jong Il	Kim Jong Un
Junior Middle School	1st year	68 hours		34 hours
	2nd year	68 hours	68 hours	34 hours
	3rd year		68 hours	34 hours
Advanced Middle School	1st year	104 hours		27 hours
	2nd year	56 hours	56 hours	27 hours
	3rd year		92 hours	27 hours

The main learning contents of these subjects can be divided into five categories: (i) the greatness of the Party and the Supreme Leader (*Suryeong*), (ii) the principles of *Juche* ideology, (iii) Party policies, (iv) the revolutionary tradition, and (v) revolutionary and communist education; however, they all have one goal, which is to make students recognize the greatness of the Supreme Leader (*Suryeong*).[1033]

In North Korea, education on political ideology is routinely carried out not only in the regular school curriculum but also in compulsory organizational life, including through the Korean Children's Union (*sonyeondan*) and Socialist Patriotic Youth League. Children aged 8–14 join the Korean Children's Union (*sonyeondan*) and learn and practice Unitary Ideology through ideology education and organizational activities. Young people aged 15–30 join the Socialist Patriotic Youth League and engage in organizational life. The Socialist Patriotic Youth League has

1033_ Jeong-ah Cho *et al.*, *Educational Policies, Educational Programs and Textbooks under the Kim Jong Un Regime* (Seoul: KINU, 2015), pp. 95–96.

experienced several name changes since its foundation in 1946 as the North Korean Democratic Youth League. After Kim Jong Un came to power, it changed its name to the Kimilsungist-Kimjongilist Youth League at the 9th Congress of the Youth League held in August 2016 and changed its name again to the Socialist Patriotic Youth League at the 10th Congress of the Youth League held in April 2021.

Article 16 of the North Korean Law on the Protection of the Rights of Children allows North Korean children to choose whether or not to join a children's organization by stipulating "A child may join a children's organization such as a children's union [⋯]." However, many North Korean defectors have confirmed that membership of the Korean Children's Union (*sonyeondan*) is mandatory from the second year of elementary school and membership of the Youth League is mandatory from the second year of middle school.[1034]

A North Korean defector who defected in 2019 testified that North Korean children must unconditionally join the Korean Children's Union (*sonyeondan*) when they are in elementary school, and those who have failed to join the Korean Children's Union (*sonyeondan*) at this time are often humiliated by other students because they are unable to wear the red scarf. According to the

1034_ NKHR2020000029 2020-07-06; NKHR2021000001 2021-08-13; NKHR2023000006 2023-04-17; NKHR2023000013 2023-06-01.

testifier, children must be able to memorize a lengthy oath and then undergo an examination by a guidance officer in order to join the Korean Children's Union (*sonyeondan*), and those who do not pass the examination or fail to provide items required for membership, which are often five pieces of rabbit fur, are not allowed to join.[1035]

A North Korean defector in his/her 20s who defected in 2019 reported that the frequency and intensity of ideological education are higher for those who have joined the Youth League, and when the Youth League members are caught watching foreign dramas or movies, they are forced to undergo ideological education together with all of the students in their affiliated school.[1036]

(2) Mobilization for Political Events and Regime Propaganda

In its fifth report on the implementation of the CRC, North Korea stated that it has implemented diverse measures related to the education and leisure of children in response to the relevant provisions in the CRC and the recommendations of the Committee. In its 2019 UPR report, North Korea reported that it has built and remodeled various cultural facilities to provide not only an educational base for children and youths but also an environment where all North Korean people can relax and enjoy leisure activities.[1037]

1035_ NKHR2023000008 2023-04-28.
1036_ NKHR2023000012 2023-05-30.

However, despite North Korea's reporting that it guarantees children's right to development, children's right to enjoy rest and leisure is infringed upon in North Korea as students are mobilized for various political events or regime propaganda campaigns.

Table Ⅳ-5 Cases of Mobilization for Political Events and Regime Propaganda

Testimonies	Testifier ID
When students perform mass gymnastics like *Arirang* at an event hosted by the Party, they usually practice for at least six months. Those who are in the third grade in middle school or older are mobilized. The testifier thought that it was natural that there was a learning gap between children who are mobilized to events and children from rich families who avoid selection by paying money.	NKHR2019000023 2019-05-18
The testifier was mobilized for a reporting convention held on national holidays, including the birthdays of Kim Il Sung and Kim Jong Il, where he/she clapped and sang songs for the Supreme Leader (*Suryeong*) as well as the national anthem.	NKHR2019000045 2019-07-01
Participation in political events was mandatory, and the work required from participants was demanding. When the testifier was a child, he/she was forced to participate in military parades and reviews held in a big square during which he/she had to walk for about one hour each day.	NKHR2021000001 2021-08-13
The testifier had been mobilized for various events many times. Those who had been forced to participate in the 7th Party Congress had to perform mass gymnastics. The testifier joined a choir/propaganda team (*gachangseonjeondae*) where he/she had to sing songs and shout slogans.	NKHR2021000004 2021-08-20
There are various political events. A flower-presenting event is held in front of Kim Il Sung/Kim Jong Il portraits (*taeyangsang*) on Kim Il Sung and Kim Jong Il's birthdays, New Year's Day and national holidays, and those not attending the event are severely punished.	NKHR2021000006 2021-09-03
Every year, children present flowers and participate in a reporting convention on Kim Il Sung's birthday and the anniversary of his death. They sometimes faint during these activities due to exhaustion and hunger.	NKHR2023000012 2023-05-30

1037_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), paras. 56-57.

According to defector testimonies, students are mobilized to participate in marches on national memorial days, to sing songs in a choir team (*gachangdae*) during election season, or to participate in memorial performances on the anniversary of Kim Jong Il's death. While Article 15 of the North Korean Sports Law of 2021 stipulates that the physical strength of adolescent students must be trained and their organizational and disciplinary skills must be enhanced through mass gymnastics, it has been found that students mobilized to participate in a mass gymnastics performance suffer from physical burdens or disruptions in learning that are caused by long hours of practice.

A North Korean defector in his/her late teens testified that every year, he/she had to practice mass gymnastics from February to prepare for the celebration of the Day of the Sun (15 April); according to the testifier, practice continued in cold weather and even on weekends and sometimes late into the night.[1038] Another North Korean defector said that some students faint after practicing three to four hours in the mid-summer heatwave.[1039] There was testimony revealing that the testifier could not learn properly as he/she was mobilized to practice in the mass gymnastics *Arirang* for more than six months, and there was a learning gap between the testifier and children from rich families

1038_ NKHR2016000123 2016-07-26.
1039_ NKHR2016000151 2016-09-06.

who were not selected to perform after paying money to the school.[1040] A North Korean defector who defected in 2015 testified that being mobilized for the torchlight parade on the day of the anniversary of the founding of the KWP interfered with learning and was physically and mentally taxing because it involved a preparation process that took several months.[1041] Many testimonies have been documented reporting that being mobilized for political events is physically and mentally demanding but the majority of North Korean students unconditionally participate in these events out of obligation.[1042]

Nevertheless, it has been reported that students from economically affluent families can be exempted from mobilization by offering bribes. There was testimony reporting that half of the testifier's class paid money to be excused from participating in political events, and only the other half was mobilized.[1043] A North Korean defector who defected in 2018 testified that avoiding participation in political events is possible by making excuses, but people feel pressured to participate because they have to make up for their nonparticipation.[1044]

1040_ NKHR2019000023 2019-05-18.

1041_ NKHR2023000042 2023-06-24.

1042_ NKHR2016000143 2016-08-23; NKHR2016000152 2016-09-06; NKHR2018000103 2018-10-01; NKHR2018000104 2018-10-01; NKHR2019000023 2019-05-18; NKHR2019000053 2019-07-29; NKHR2022000042 2023-07-31; NKHR2023000019 2023-08-02.

1043_ NKHR2019000068 2019-08-26.

1044_ NKHR2021000005 2021-08-20.

(3) Compulsory Military Training

Despite the continued concerns expressed by the Committee regarding compulsory military training, North Korea still maintains a military subject titled "Military Activity for Beginners" in the advanced middle school program. In its fifth report to the Committee, North Korea avoided directly mentioning this issue, stating only that the educational goal of advanced middle school includes "promoting [⋯] sound body so as to make them fully prepared for military service, social life and campus life."[1045]

Students in the second year of advanced middle school receive military training for one week at a camp training facility of the Young Red Guards, and third-year students at advanced middle school develop basic military skills through one week of outdoor billeting.[1046] According to a testifier who had received military training as a member of the Young Red Guards in the second year of advanced middle school, a one-week training period, the format of which is identical to that of genuine military training, is conducted equally for both male and female students without exception.[1047] According to defector testimonies, military training includes shooting, disassembling and assembling of

1045_ UN Doc. CRC/C/PRK/5 (2016), para. 198.

1046_ NKHR2022000022 2022-06-21; NKHR2021000025-2 2022-06-30.

1047_ NKHR2021000003 2021-08-19; NKHR2023000005 2023-04-13; NKHR2023000008 2023-04-28; NKHR2023000010 2023-05-15; NKHR2023000011 2023-05-30; NKHR2023000042 2023-06-24.

firearms, crawling, forming ranks, guard duty, and education on military regulations.[1048] There have been testimonies stating that students fire live rounds on the last day of military training.[1049]

C. Labor Mobilization

Article 32 of the CRC stipulates that children have the right to be protected from labor that threatens their health, education, and development. North Korea prohibits child labor in its Constitution (Article 31), Labor Law (Article 15), and Law on the Protection of the Rights of Children (Article 19). However, none of these laws is consistent with the CRC, as the current Law on the Protection of the Rights of Children defines a child as a person "up to the age of 16" and the Constitution and the Labor Law stipulate the legal working age as 16. Accordingly, the international community has recommended that North Korea amend these laws to ensure the legal protection of children under the age of 18 and, although North Korea has accepted the recommendation, the laws have not yet been amended.

In the 2019 UPR report, North Korea stated that all forms of child labor are prohibited by law in North Korea, and activities

1048_ NKHR2016000118 2016-07-26; NKHR2016000121 2016-07-26; NKHR2016000123 2016-07-26; NKHR2023000009 2023-05-10.

1049_ NKHR2020000038 2020-09-26; NKHR2021000007 2021-09-06; NKHR2023000011 2023-05-30.

that students carry out on farms are educational in nature and are in line with their school curriculum.[1050] In fact, in North Korea, the junior middle school curriculum includes tree-planting and the advanced middle school curriculum includes tree-planting and production labor. In this regard, the Committee has expressed serious concern that mobilizing students for various agricultural and construction projects carried out as part of the education system in North Korea could be a violation of the students' right to education.[1051] In the 2021 VNR, North Korea reported that it had already achieved SDG target 8.7 to eradicate all forms of child labor by 2025 because forced labor and child labor do not exist in North Korea.[1052]

1050_ UN Doc. A/HRC/42/10 (2019), para. 79.

1051_ UN Doc. A/HRC/WG.6/33/PRK/2 (2019), paras. 87-88.

1052_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," p. 22.

Table Ⅳ-6 Reality of Student Labor Mobilization

Testimonies	Testifier ID
The testifier was made every year to work in rural areas far from his/her home for a month in May/June; he/she stayed at a private house while working. The testifier was also forced to work every day at nearby farms during weeding seasons.	NKHR2021000006 2021-09-03
When the testifier was in the fourth grade of elementary school, he/she had to participate twice in labor mobilization for rural areas, which took about one to two weeks each time. The work was fun but demanding. Some of the students avoided participation by offering the school goods such as rice. When the testifier was in middle school, he/she spent afternoons carrying scrap iron or sand or collecting gravel.	NKHR2021000008 2021-09-07
The testifier was mobilized to work in rural areas during harvesting season in fall. He/she had to bring his/her own food, and the work was demanding. Students were also used at apartment construction sites to carry cement or stones.	NKHR2021000009 2021-09-07
Medical students study in the morning and work in rural areas in the afternoon. Avoiding participation was possible if one paid money. Those without money had to participate in all labor activities, even ones organized during exam periods.	NKHR2022000008 2022-05-27
When the testifier was in middle school, afternoon classes ended before 4 pm. After class, he/she went out to work at various workplaces that required labor, including companies, roads and railroads.	NKHR2022000023 2022-06-22

However, according to defector testimonies, students are frequently mobilized for various tasks after school or during school hours. Students are mobilized for weeding and rice-planting in spring and for potato harvesting in fall.[1053] It has been reported that mobilization for potato harvesting is carried out

1053_ NKHR2017000002 2017-04-10; NKHR2017000008 2017-04-10; NKHR2017000029 2017-06-05; NKHR2018000008 2018-03-12; NKHR2018000041 2018-06-04; NKHR2018000121 2018-10-22; NKHR2019000023 2019-05-18; NKHR2019000045 2019-07-01; NKHR2021000016 2021-09-24; NKHR2021000025 2021-11-09; NKHR2022000023 2022-06-22.

once a year in fall and lasts for about 20 days, the period of which may be extended to 25 days or more in cases of rain.[1054] It is said that annual rural mobilization, which is mandatory, is physically demanding as it involves work that mostly starts early in the morning; it is also said that rural mobilization imposes great psychological pressure as it is mandatory.[1055] Students are also mobilized for construction work such as transporting sand and pebbles, logging and railroad construction.[1056] Those who are ill can be exempted from participation,[1057] but it has become a custom to pay money to be excused from mobilization.[1058]

On the other hand, a testifier reported that he/she had not been mobilized for work when he/she was in elementary school but had been mobilized for potato or bilberry harvesting starting from the first year of middle school.[1059] With respect to bilberry harvesting, testimony was collected stating that mobilization for bilberry harvesting is no longer conducted due to various incidents. A North Korean defector in his/her 20s who defected in 2019 testified that, recently, students have not been mobilized for

1054_ NKHR2023000001 2023-04-17.

1055_ NKHR2020000003 2020-05-15.

1056_ NKHR2016000133 2016-08-09; NKHR2018000103 2018-10-01; NKHR2018000123 2018-10-22; NKHR2019000020 2019-05-07; NKHR2019000058 2019-07-29; NKHR2019000083 2019-09-25; NKHR2020000001 2020-05-15; NKHR2021000008 2021-09-07; NKHR2021000009 2021-09-07.

1057_ NKHR2020000022 2020-07-06.

1058_ NKHR2022000008 2022-05-27.

1059_ NKHR2022000002 2022-05-18.

bilberry harvesting after an increase in the number of incidents of people being sexually assaulted by soldiers while picking bilberries in the mountains and of people getting lost in the mountains while attempting to gather bilberries.[1060] There was testimony reporting that elementary school students are subjected to labor mobilization that is excessively physically burdensome for children.[1061] Consequently, when elementary school students are mobilized for labor, their mothers take the duty of their children and do the assigned work,[1062] while those with money avoid participation by paying a certain amount of money [1063] or hiring someone to do the work instead. Despite North Korea's claim that child labor is prohibited by law in North Korea, even elementary school students are mobilized for labor.

D. Children in Need of Special Protective Measures

(1) Treatment of Forcibly Repatriated Children

Article 37 of the CRC stipulates that children shall not be subjected to severe punishments such as capital punishment or life imprisonment nor be subjected to torture, the arrest or detention of children must be used only as a measure of last resort, and

1060_ NKHR2023000001 2023-04-17.
1061_ NKHR2020000012 2020-06-15.
1062_ NKHR2020000001 2020-05-15.
1063_ NKHR2020000038 2020-09-26.

children in detention have the right to maintain contact with their family. North Korea has enacted relevant provisions in its Criminal Law and Criminal Procedure Law. The Law on the Protection of the Rights of Children stipulates the basic requirement for the protection of children's rights in the judicial field, prohibition of the imposition of criminal responsibility and the death penalty on children, application of social educational measures, and respect for the dignity of children in handling cases (Articles 47–49 and 51).

In its fifth report to the Committee, North Korea stated that child returnees who have illegally crossed the border are subject to educational measures.[1064] In other words, the principle is to improve returnees' compliance with the law by making them aware of the relevant provisions in the Law on the Protection of the Rights of Children, Immigration Law, and Criminal Law after investigating their motivation and goals for illegal border-crossing.[1065] North Korea also explained in the fifth report that schools ensure the adaptation of such children to school life by providing special care and that the local People's Committees continuously contact these children's parents to resolve any issues that parents may face in raising these children.[1066]

1064_ UN Doc. CRC/C/PRK/5 (2016), para. 239.

1065_ *Ibid.*

1066_ *Ibid.*

However, during in-depth interviews with North Korean defectors, testimonies have been documented reporting that children forcibly repatriated from China receive cruel treatment, including verbal abuse and violence, and torture during the interrogation process and that they suffer beatings, hard labor and hunger during detention.[1067] A North Korean defector who defected in 2018 testified that his/her elder sister and her child were caught while defecting in 2016 and forcibly repatriated, and his/her nephew/niece was beaten in front of his/her mother to make her confess.[1068]

On the other hand, there also were testimonies stating that forcibly repatriated children were released after only receiving educational measures.[1069] Another North Korean defector testified that minors are sent to the 927 Permanent Committee as they cannot be detained in detention centers (*guryujang*) with adults.[1070]

(2) "*Kotjebi*"

Article 20 of the CRC stipulates that children shall be entitled to special protection and assistance provided by the state when they have to live separately from their parents. North Korea stipulates

1067_ NKHR2016000121 2016-07-26.
1068_ NKHR2018000109 2018-10-06.
1069_ NKHR2016000112 2016-07-26; NKHR2016000123 2016-07-26.
1070_ NKHR2016000143 2016-08-23.

in the Law on the Protection of the Rights of Children that "children who cannot be cared for by their parents or guardians shall be raised, at a cost paid for by the state, at orphans' nurseries (*yugawon*), orphans' kindergartens (*aeyugwon*) or relevant academies" (Article 31).

In its fifth report to the Committee, North Korea did not explicitly mention *kotjebi*. It only explained that children who are deprived of their family environment due to natural disasters or the death or divorce of their parents are protected and that suitable living and learning environments are provided for them.[1071] According to North Korea's report, "the very few children who are found wandering the streets" are taken to relief centers operated by local People's Committees and then transferred to either the homes of individuals capable of looking after them or institutions.[1072] Likewise, in its 2019 UPR report, North Korea pointed out that various measures implemented by the state for the care and education of children without parents and children living in remote or disaster-stricken areas are noteworthy achievements.[1073]

It has not been clearly identified how many *kotjebi* are accepted into orphans' kindergartens (*aeyugwon*) and secondary academies for orphans and to what extent they receive care and education.

1071_ UN Doc. CRC/C/PRK/5 (2016), para. 109.
1072_ UN Doc. CRC/C/PRK/Q/5/Add.1 (2017), para. 52.
1073_ UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 65.

North Korean authorities are known to send *kotjebi* who are caught to accommodation facilities that are also called "relief centers," "lodging centers," "boys' education centers," "lodging centers for drifters" or "protection centers" for the purpose of protecting and managing them.

In fact, a North Korean defector who defected in 2019 said that *kotjebi* have disappeared from the streets because the state has been gathering and managing them in accommodation facilities (secondary academies),[1074] and another North Korean defector testified that the number of *kotjebi* seen near the train station in Hyesan, Yanggang Province, has significantly decreased because a facility to accommodate *kotjebi* was built sometime around 2016–2017.[1075] A North Korean defector who defected in 2020 said that, under the Kim Jong Un regime, child *kotjebi* are no longer seen on the streets because they are sent to secondary academies or orphans' kindergartens (*aeyugwon*) with good facilities at a young age.[1076] Another North Korean defector testifier reported that the reason *kotjebi* have disappeared from the streets has been the establishment of accommodation facilities for them.[1077]

In addition to testimonies that *kotjebi* are seldom encountered

1074_ NKHR2023000017 2023-07-31.
1075_ NKHR2023000001 2023-04-07.
1076_ NKHR2022000022 2022-06-21.
1077_ NKHR2020000012 2020-06-15.

on the streets these days because they are now managed by the state, conflicting testimonies have been collected regarding the existence of *kotjebi* in North Korean society and thus continued observation is required to understand the situation. A North Korean defector who defected in 2019 said that, in the past, when he/she ate street food in marketplaces (*jangmadang*) *kotjebi* would come and steal food from him/her, but it is uncommon to encounter them in marketplaces (*jangmadang*) these days.[1078] According to another North Korean defector who defected in 2019, while there are still *kotjebi* in rural areas, the number of *kotjebi* has gradually decreased in urban areas such as Hyesan, Yanggang Province. Another North Korean defector who defected in 2019 said that there were not many *kotjebi* on the streets around the time he/she defected. According to the testifier, the price of rice was stable before it was before the outbreak of COVID-19 and there were only one or two *kotjebi* in the marketplace (*jangmadang*).[1079] A North Korean defector who defected in 2023 testified that he/she had never seen *kotjebi* while living in North Korea except for once when he/she encountered one *kotjebi* in his/her town (*eup*) during the COVID-19 period.[1080] In addition, there have been many testimonies reporting that *kotjebi* are only seen occasionally or rarely near their residences.[1081]

1078_ NKHR2022000025 2022-06-23.
1079_ NKHR2021000014 2021-09-16.
1080_ NKHR2023000057 2023-07-29.

In contrast, numerous testifiers have claimed that there are still many *kotjebi* in North Korea.[1082] A North Korean defector who defected in 2019 testified that, while the number of *kotjebi* has decreased in the West Sea District (located in South Pyeongan Province) and the East Sea District after accommodation facilities for drifters were built in 2015–2016, the number of *kotjebi* has increased in Nampo due to the sanctions imposed in 2019.[1083] It is said that *kotjebi* are still found in front of stations or near marketplaces (*jangmadang*) in border regions or provincial areas.[1084] A North Korean defector who had lived in Chongjin, North Hamgyeong Province and defected in 2019 testified that there were many *kotjebi* near the train station and in street alleys and that they looked shabby with unwashed faces and were wearing winter clothes when it was summer.[1085] There was also testimony reporting that there are still many *kotjebi* in North Korea, some of whom rummage through garbage dumps. According to the testifier, *kotjebi* include both young children and fully grown adults.[1086] A North Korean defector who defected in

1081_ NKHR2021000024-2 2022-06-28; NKHR2021000003 2021-08-19; NKHR2021000029 2021-11-23; NKHR2022000003 2022-05-19; NKHR2022000030 2023-05-04.

1082_ NKHR2021000007 2021-09-06; NKHR2021000008 2021-09-07; NKHR2021000018 2021-02-20; NKHR2021000019 2021-10-15; NKHR2021000025 2021-11-09; NKHR202200018 2023-08-01; NKHR202300019 2023-08-02 and many other testimonies.

1083_ NKHR2020000045 2020-10-31.

1084_ NKHR2022000018 2022-06-15; NKHR2021000010 2021-09-08; NKHR2021000016 2021-09-24; NKHR2020000048 2020-11-28.

1085_ NKHR2020000029 2020-07-06.

2021 testified that he/she saw a *kotjebi* who was wearing a winter padded jacket in Wonsan, North Hamgyeong Province, in the summer.[1087]

Some testimonies have reported that the criminal behavior of *kotjebi* has become more sophisticated. It is said that, these days, *kotjebi* make money by pickpocketing in marketplaces (*jangmadang*) to buy clothes and drugs (*bingdu*) and feed their family.[1088] A North Korean defector who defected in 2019 testified that there were cases in which people do not recognize *kotjebi* because they dress better than ordinary people, and some *kotjebi* steal luggage left unattended at stations.[1089] A North Korean defector who had lived in Jagang Province and defected in 2019 testified that he/she saw *kotjebi* around the time he/she defected, many of whom, unlike in the past when they wandered the streets like beggars, looked just like ordinary people and walked around the streets to steal things.[1090]

On the other hand, testimonies have been collected indicating that *kotjebi* sent to accommodation facilities eventually decide to leave such facilities. A North Korean defector who defected in 2019 testified that he/she was told that living in accommodation

1086_ NKHR2022000016 2022-06-11.
1087_ NKHR2022000030 2023-05-04.
1088_ NKHR2021000004 2021-08-20.
1089_ NKHR2021000006 2021-09-03.
1090_ NKHR2022000042 2023-07-31.

facilities is more difficult than living on the streets as a *kotjebi*.[1091] A North Korean defector in his/her 20s who defected in 2020 testified that orphans often choose to leave accommodation facilities and return to the streets because they have experience of living freely on the streets.[1092]

E. Evaluation

The 2023 survey found that the human rights situation for North Korean children still remains poor despite various legal and institutional measures related to children in place. The rights to food and health for North Korean children, who have already been suffering from malnutrition caused by chronic food shortages, have further been threatened by the outbreak of COVID-19 and stricter border closure measures implemented by North Korean authorities, which has exacerbated food shortages and suspended external medical support.

Although North Korean authorities reported to the international community that they have expanded medical and rehabilitation facilities for children with disabilities, such facilities do not appear to be providing uniform and consistent benefits to all disabled children. In particular, the testimony that disabled

1091_ NKHR2020000029 2020-07-06.
1092_ NKHR2021000019 2021-10-15.

children tend to hide their disability for fear of possible disadvantages indicates that North Korean authorities should pay more attention to improving social perceptions of disabilities.

In addition, the fact that North Korean children receive excessive education on political ideology, are mobilized for political events and propaganda campaigns for the North Korean regime, and have to undergo military training that can involve firing live ammunition infringes upon the right of children to receive education that cultivates a spirit of understanding, tolerance, peace and solidarity. In particular, the reality that even elementary school students are mobilized for forced labor despite North Korea reporting that all forms of child labor are prohibited by law shows that North Korea, a State Party to the CRC, has not been faithfully implementing the Convention.

Children without parental care, also known as *kotjebi*, appear to be taken care of in facilities such as orphans' nurseries (*yugawon*), orphans' kindergartens (*aeyugwon*), and boarding schools.[1093] However, in light of recent testimonies reporting that *kotjebi* are constantly found on the streets of North Korea, North Korean authorities should pay continued attention to improve the treatment of *kotjebi* and help them reunite with their families.

1093_ WFP, "DPR Korea Country Brief (2021)," <https://docs.wfp.org/api/documents/WFP-0000135453/download/>.

3

Persons with Disabilities

The CRPD stipulates that "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 4). On 3 July 2013, North Korea became a signatory to the CRPD. By ratifying the Convention on 6 December 2016, North Korea became a State Party to the CRPD. In December 2018, North Korea submitted its initial CRPD implementation report to the UN Committee on the Rights of Persons with Disabilities (hereinafter in this chapter the Committee).

A. Policies on and Population of Persons with Disabilities

(1) Policies on Persons with Disabilities

Taking into consideration the criticism and concerns of the international community regarding discrimination against persons with disabilities, North Korea adopted the Law on the Protection

of Persons with Disabilities on 18 June 2003. This law was enacted "to provide a more favorable living environment and conditions for persons with disabilities by firmly establishing systems and order in terms of rehabilitation, education, cultural life and work" (Article 1). Article 2 of the law defines persons with disabilities as "citizens whose normal life is hampered for an extended period of time due to the restriction or loss of physical or mental functions" and states, "the state shall respect the personal dignity of all persons with disabilities, and guarantee them social and political rights, freedoms and interests that are equal to those granted to healthy citizens." The Law on the Protection of Persons with Disabilities also stipulates details concerning rehabilitation (Chapter 2), education (Chapter 3), cultural life (Chapter 4) and work (Chapter 5) of disabled people. The Law on the Protection of Persons with Disabilities was amended and supplemented on 21 November 2013 and, at the Ninth Session of the 14th SPA held on 28 September 2023, the Law on the Protection of the Rights of Persons with Disabilities was adopted.[1094] Provisions to protect disabled people also exist in the Social Insurance Law, the Labor Law, and the Social Insurance and Social Security Law.

The Korean Federation for the Protection of the Disabled (hereinafter KFPD) is an organization in North Korea that advocates for the rights and interests of disabled people. The

1094_ *Korean Central News Agency*, 28 September 2023.

Korean Association for Supporting the Disabled (hereinafter KASD), which was established in July 1998 for the purpose of providing social support for the disabled, was renamed to KFPD in July 2005 to implement more closely coordinated and comprehensive policies.[1095] The KFPD carries out important tasks such as conducting surveys on the status of people with disabilities, improving their health and living conditions, and developing action programs to enhance social awareness of and interest in people with disabilities. It has branch committees at the province, city and county levels.[1096] The KFPD considers itself to be an NGO even though the Ministry of Public Health pays staff salaries and maintenance costs.[1097] Under the KFPD, the Deaf Association of Korea, the Korean Rehabilitation Center for Children with Disabilities, the Blind Association of Korea, the Korean Company Supporting the Disabled, the Korean Association for Sports of the Disabled, and the Korean Art Association of the Disabled have been established.[1098] In addition, the KFPD established its first mission in Beijing in July 2008, and its Shenyang mission in 2015. Pun-hui Ri, the former secretary-general of the Korean Association for Sports of the

1095_ UN Doc. CRC/C/PRK/1 (2018), para. 35.

1096_ UN Doc. CRC/C/PRK/4 (2008), para. 134.

1097_ Katharina Zellweger, "People with Disabilities in a Changing North Korea," *Shorenstein APARC Working Paper* (2014), p. 17.

1098_ *Rodong Sinmun*, 30 September 2012; *Korean Central News Agency*, 16 December 2014; *Korean Central News Agency*, 3 December 2020.

Disabled, is serving as the first representative of the Shenyang mission.[1099] According to the initial CRPD implementation report by North Korea, North Korean authorities have established and implemented Action Plans for 2008–2010, 2013–2015 and 2016. They have also implemented the Strategic Plan for the Protection of the Rights of Persons with Disabilities for 2018–2020.[1100] In the 2021 VNR, North Korea stated that it had adopted the Law on the Protection of Persons with Disabilities and implemented all possible measures to protect people with disabilities and ensure their rights in accordance with the CRPD.[1101]

(2) Size of the Population of Persons with Disabilities

North Korea stipulates in the Law on the Protection of Persons with Disabilities that "the state shall regularly investigate the reality of disabled people and accurately evaluate the degree of disability and establish the right standards" (Article 5). However, it has not been identified how often North Korean authorities conduct systematic surveys of the overall reality for persons with disabilities in accordance with this provision.

1099_ *Voice of America*, 13 May 2015.

1100_ UN Doc. CRPD/C/PRK/1 (2018), para. 30.

1101_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," p. 35.

According to a survey conducted by the KASD in 1999, there were 763,237 persons with disabilities in North Korea, accounting for 3.41% of the entire North Korean population. Among them, 296,518 were with physical disabilities, accounting for the largest portion of the total disabled population at 38.8%, followed by 168,141 people with hearing impairment, 165,088 with visual impairment, 68,997 with severe disabilities, and 37,780 with mental disabilities. Approximately 1.75% of the population of Pyongyang was found to be disabled. Persons with disabilities more often lived in cities (64%) than in rural areas (35.4%).[1102]

North Korea added disability-related survey items to its 2008 Population Census, such as the severity of disabilities, age, gender and population distribution of the disabled by region (i.e., rural areas and cities). North Korea's 2009 Population Census suggested that North Korea's population includes 519,573 people with visual difficulty (2.4%), 374,452 with hearing difficulty (1.73%), 537,496 with mobile difficulty (2.48%), and 334,852 with cognitive difficulty (1.54%). What is noteworthy in the survey results is that the percentage of women with disabilities (62%) far outnumbered that of men (32%).[1103]

In November 2011, the KFPD and the Central Bureau of Statistics conducted a sample survey of persons with disabilities

1102_ *Yonhap News Agency*, 9 April 2006; *Yonhap News Agency*, 23 November 2006.

1103_ UN Doc. A/HRC/37/56/Add.1 (2018), para. 10.

in approximately 2,400 households in three provinces (i.e., South Pyeongan Province, South Hwanghae Province and Gangwon Province).[1104] Based on the results of that survey, North Korea claimed, in its fifth report on the implementation of the CRC, that the percentage of children with disabilities who are under the age of 15 is 0.9%.[1105] Findings of the survey were partially disclosed by Mun-chol Kim, Deputy Chairman of the KFPD's Central Committee, who led the North Korean delegation to the 14th Paralympics held in London (30 August–10 September 2012). According to the survey, the number of persons with disabilities in five major categories—sight, hearing, physical movement (limbs), mental abilities (including intelligence) and multiple disabilities—equaled 5.8% of the population.[1106] According to the 2014 sample survey of people with disabilities conducted in four provinces (i.e., South Hamgyeong Province, Gangwon Province, North Pyeongan Province and South Pyeongan Province), there were roughly 1.5 million people with disabilities, which accounted for 6.2% of the entire population. Among those people with disabilities, women (55.1%) outnumbered men (44.9%).[1107] A relief group for North Korea known as

1104_ *Rodong Sinmun*, 30 September 2012.

1105_ UN Doc. CRC/C/PRK/5 (2016), para. 135.

1106_ National Report Submitted in accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21. *Yonhap News Agency*, 10 September 2012. In its report submitted for the second cycle of the UPR in 2014, North Korea also stated that 5.8% of its population are persons with disabilities.

"Together-Hamheung," which has its headquarters in Germany, held its 7th Gathering of Deaf Persons in Pyongyang for five days starting 7 August 2015. According to this group, around 350,000 deaf people are said to be registered.[1108]

In December 2018, North Korea submitted an initial report to the Committee, which reflects the latest information on the size and characteristics of persons with disabilities in North Korea.[1109] According to the report, as of 2016, the disabled population in North Korea accounted for 5.5% of the total population. The percentage of the disabled female population (5.9%) was higher than the percentage of the disabled male population (5.1%). The reason for this difference appears to be due to the higher disability rate among women aged 60 years and older. In terms of the types of disability, physical disability accounted for 2.5% of the total population, followed by hearing disability (1.3%), visual disability (1.2%), language disability (0.4%), mental disability (0.4%) and intellectual disability (0.3%). The proportion of persons with disabilities among children aged between 0 and 16 years was 1.8% of the total population, 2.2% for boys and 1.4% for girls.

1107_ UN Doc. A/HRC/37/56/Add.1 (2018), para. 10.

1108_ *Voice of America*, 13 August 2015.

1109_ UN Doc. CRPD/C/PRK/1 (2018), Annex.

Table Ⅳ-7 Persons with Disabilities by Sex and Age (as of 2016) (Unit: %)

Age	Male	Female	Total
0–4	0.4	0.2	0.3
5–6	0.6	0.4	0.5
7–16	1.2	0.8	1.0
17–59	5.4	4.2	4.8
60+	13.3	19.1	16.9
Total	20.9	24.7	23.5

Source: UN Doc. CRPD/C/PRK/1 (2018), Annex.

B. Reality of the Rights of Persons with Disabilities

(1) Training and Rehabilitation

With respect to training and rehabilitation of disabled people, the CRPD stipulates that "States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life" (Article 26, paragraph 1). North Korea also stipulates, in its Law on the Protection of Persons with Disabilities, that "the state shall organize professional or comprehensive rehabilitation institutions for rehabilitation of persons with disabilities," (Article 11) and that "health supervision institutions, institutions in charge and enterprises should guarantee the production of assistance devices, including alignment apparatus, motor tricycles, glasses and hearing aids, in a planned manner" (Article 14).

North Korean authorities have implemented measures for the training and rehabilitation of persons with disabilities in accordance with the Law on the Protection of Persons with Disabilities. To begin with, in March 2013, the Rehabilitation Center for Children with Disabilities was established in Pyongyang on a mission to conduct a project leading to the early detection and rehabilitation of disabilities in children, in particular those with intellectual disabilities or limb disorders.[1110] The Rehabilitation Center for Children with Disabilities provides early special education for children with various types of disability and operates physical therapy rooms, work therapy rooms, and recovery playrooms.[1111] On 6 December 2013, the Munsu Functional Recovery Center was founded in Pyongyang to offer comprehensive services for the functional rehabilitation of persons with disabilities. The Munsu Center functions as the parent hospital for physical therapy departments for the functionally impaired established in provincial, city and county hospitals.[1112] Moreover, North Korea has constructed the Dongdaewon Gymnasium for the Disabled in Dongdaewon District, Pyongyang for athletes with disabilities.[1113] In addition, the KFPD operates the Vocational

1110_ *Rodong Sinmun*, 30 September 2012; *Korean Central News Agency*, 29 March 2013; Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea's Vulnerable People through Humanitarian Assistance* (Seoul: KINU, 2013), p. 69.

1111_ UN Doc. CRC/C/PRK/1 (2018), para. 143; *Rodong Sinmun*, 2 April 2023.

1112_ *Chosun Shinbo*, 17 December 2013; *Korean Central News Agency*, 16 December 2014; *Korean Central News Agency*, 18 June 2023.

Skills School for Persons with Disabilities to provide practical training in various fields for the disabled.[1114]

In North Korea, there are many alignment apparatus manufacturing outlets, such as the Hamheung Alignment Apparatus Factory, Songrim Alignment Apparatus Factory and Pyongyang Honored Veterans' Alignment Apparatus Repair Factory. The Hamheung Alignment Apparatus Factory produces various alignment apparatuses made of polypropylene resin. The employees of each of these factories, many of whom are disabled, provide mobile on-site repair services.[1115] However, it is said to be difficult for ordinary disabled people to purchase items such as prosthetic legs and hands as they are expensive.[1116]

In addition to the Hamheung Physical Rehabilitation Center established in 1952, the Songrim Physical Rehabilitation Center (opened in Songrim, North Hwanghae Province in 2002) and the Rakrang Physical Rehabilitation Center (opened in Pyongyang in 2006), both of which were established in cooperation with the International Committee of the Red Cross (hereinafter ICRC) are in operation in North Korea. According to an ICRC report, the

1113_ *Tongil News*, 27 February 2016.

1114_ UN Doc. CRC/C/PRK/1 (2018), para, 148; *Rodong Sinmun*, 3 May 2023.

1115_ *Chosun Shinbo*, 23 May 2013; Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea's Vulnerable People through Humanitarian Assistance*, p. 71; *Yonhap News Agency*, 3 December 2014; Katharina Zellweger, "People with Disabilities in a Changing North Korea," *Shorenstein APARC Working Paper* (2014), p. 37.

1116_ NKHR2015000131 2015-09-22.

Songrim and Rakrang Physical Rehabilitation Centers provided 3,127 services to people with disabilities between January and September 2020.[1117]

According to North Korea's initial CRPD implementation report, North Korea has implemented a series of "Action Plans" to carry out projects to train and rehabilitate people with disabilities, such as those on the modernization of alignment apparatuses and surgical equipment, promotion of vocational education for the disabled, and establishment of remote education systems for children with disabilities.[1118] However, most of the defector testimonies collected during the interviews showed that there are virtually no training or rehabilitation programs given to those with disabilities.[1119]

(2) Adequate Living Standards and Employment Situation

The CRPD stipulates that "States Parties recognize the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing

1117_ ICRC, "ICRC Activities in the DPRK," December 2020, <https://kr.icrc.org/wp-content/uploads/2021/03/2020-DPRK-Fact-and-Figures_KO.pdf> (Accessed 6 September 2022).

1118_ UN Doc. CRPD/C/PRK/1 (2018), para. 30.

1119_ NKHR2018000017 2018-04-09; NKHR2018000018 2018-04-09; NKHR2018000101 2018-10-01; NKHR2018000007 2018-03-12; NKHR2018000121 2018-10-22; NKHR2018000114 2018-10-13.

and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability" (Article 28, paragraph 1).

North Korea has policies regarding care for persons with disabilities, such as operating factories where they can work, so that persons with disabilities can maintain an appropriate standard of living. In North Korea, the disabled are divided into two groups: "honored veterans," who receive preferential treatment, and "general persons with disabilities." There appear to be separate factories for these two groups.[1120] In particular, there are light-duty factories in regions such as Hamheung, Wonsan, Rakrang, Geumya, Pyeongchon, and Sinuiju, where honored veterans can work on the production of daily necessities.[1121] Those suffering from dwarfism or polio engage in work that is not labor intensive, such as carving seals and repairing clocks, bicycles, shoes and televisions, at local convenience service centers, while some visually impaired people earn money by playing the guitar.[1122] North Korea is also known to provide job opportunities to persons with disabilities through the Botonggang

1120_ *Daily NK*, 28 August 2012; Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea's Vulnerable People through Humanitarian Assistance*, pp. 71–72.

1121_ *Rodong Sinmun*, 7 April 2023; *Rodong Sinmun*, 18 February 2023; *Rodong Sinmun*, 3 February 2023; *Rodong Sinmun*, 30 August 2023; *Rodong Sinmun*, 4 May 2023; *Korean Central News Agency*, 30 May 2023.

1122_ NKHR2015000036 2015-02-10; NKHR2017000007 2017-04-10.

Convenience Complex established in 2007, which is equipped with a sewing workshop, clock repair shop, hair salon and beauty salon.[1123] A North Korean defector who defected in 2020 testified that there is a factory in Pyongyang where only disabled people work and that he/she heard that the factory produces buttons, simple hinges and zippers.[1124]

According to North Korea's initial CRPD implementation report submitted in December 2018, as of 2016, 58.4% of North Koreans with disabilities aged between 17 and 59 years were engaged in economic activities (61.6% males and 54.7% females).[1125] According to the report, employment opportunities for people with disabilities are also provided by disability-related organizations, with 20% of the staff of the Central Committee of the KFPD, 100% of the members of both the Deaf Association of Korea and the Blind Association of Korea, 50% of the staff of the Korean Art Association of the Disabled, and 84% of the employees of the Furniture Factory of the Deaf being people with disabilities.[1126] As of the end of 2018, there were more than 60 factories across North Korea that were dedicated to providing work for visually impaired people.[1127]

1123_ Katharina Zellweger, "People with Disabilities in a Changing North Korea," p. 21.

1124_ NKHR2020000047 2020-11-28.

1125_ UN Doc. CRPD/C/PRK/1 (2018), Table 5.

1126_ *Ibid.*, para. 184.

1127_ *Ibid.*, para. 169.

Table Ⅳ-8 Factory Operation for Honored Veterans

Testimonies	Testifier ID
There was a factory employing honored veterans in Gapsan County, Yanggang Province, which had been in and out of operation.	NKHR2017000046 2017-07-03
There was a factory employing honored veterans in Gapsan County, Yanggang Province.	NKHR2017000050 2017-07-03
There was a factory employing honored veterans in Namsan-gu, Musan County, North Hamgyeong Province.	NKHR2018000029 2018-05-08
There was a factory employing honored veterans in Yeonbong-dong, Hyesan, Yanggang Province.	NKHR2018000029 2018-05-08
There was a factory designated for honored veterans in Musan County, North Hamgyeong Province, where people with disabilities were working.	NKHR2022000018-2 2023-08-01
Honored veterans are relatively well treated. There was a factory exclusively employing honored veterans in Hyesan, Yanggang Province.	NKHR2023000009 2023-05-10
There are factories employing disabled honored veterans in every major region in North Korea.	NKHR2023000017 2023-07-31
There are factories employing honored veterans, but they are often not in operation.	NKHR2023000019 2023-08-02

Table Ⅳ-9 Factory Operation for General Persons with Disabilities

Testimonies	Testifier ID
There are factories employing people with hearing, visual and physical disabilities in Samsu County, Yanggang Province.	NKHR2016000083 2016-05-31
There is a medium-sized factory employing persons with disabilities in Chukjeon-dong, Pyongyang.	NKHR2016000170 2016-11-01
There were two light-duty workplaces for persons with disabilities in Wonsan, South Hamgyeong Province. However, there were no disabled people who worked there. Those places were only used by merchants for sales purposes.	NKHR2017000007 2017-04-10
There was a factory employing the blind in Suseong-dong, Chongjin, North Hamgyeong Province. The factory was not big.	NKHR2018000016 2018-10-01
Physically disabled people work at and get paid by light-duty workplaces where the work is easier and working hours are shorter.	NKHR2021000006 2021-09-03
The testifier heard that there are production facilities employing ordinary disabled people but is not certain whether they are well run.	NKHR2023000012 2023-05-30

North Korean authorities provide some support for persons with disabilities so that they can sustain their lives. A North Korean defector who defected in 2014 said that his/her mother is a person with a limp and that she received 300g of food as a ration per day every month from the neighborhood (*dong*) office but did not receive a disability subsidy.[1128] There was also testimony stating that the testifier witnessed a person with a physical disability who lived in his/her neighborhood receiving rice as well as occasional goods from the authorities.[1129]

However, it appears that most North Koreans with disabilities do not benefit from any care or protection from the state and live with the help of their families or by begging on the street. A North Korean defector who defected in 2020 testified that there are no state benefits for the disabled in Pyongyang.[1130] A North Korean defector who defected in 2019 testified that there is no separate state support for those who are unable to engage in economic activities for an extended period of time due to illness or disability.[1131] A North Korean defector who defected in 2019 testified that a person from Hyesan who had a leg disability was dependent on his/her family because he/she did not have a job and did not receive a separate pension.[1132] Another North Korean

1128_ NKHR2018000096 2018-08-27.
1129_ NKHR2018000094 2018-08-27.
1130_ NKHR2021000025 2021-11-09.
1131_ NKHR2020000007 2020-05-16.

defector who defected in 2019 testified that his/her younger sibling became disabled after sustaining a leg injury but did not receive any state support.[1133] Another North Korean defector who defected in 2019 reported that there is no separate state support for the disabled except for the exemption from the market tax, which is imposed on those trading at marketplaces (*jangmadang*).[1134] In addition, a North Korean defector who defected in 2019 testified that his/her uncle, who was an honored veteran, received some rice for national holidays, but there is no special consideration from the authorities for ordinary disabled people.[1135]

Disability benefits or financial support from the state are mostly for honored veterans. Benefits and support for honored veterans appear to vary according to their rank. According to the testimony of a North Korean defector who defected in 2020, goods such as coal, rice and subsidiary foods are provided to honored veterans to ensure their livelihood.[1136] A North Korean defector who defected in 2019 testified that benefits provided by the state to honored veterans are great; when an honored veteran gets married, the state pays for expenses such as the wedding, house

1132_NKHR2020000014 2020-06-15.
1133_NKHR2022000003 2022-05-19.
1134_NKHR2022000042-2 2023-07-31.
1135_NKHR2023000002 2023-04-11.
1136_NKHR2022000022 2022-06-21.

and household articles for the marriage ceremony, and the chief secretary of the relevant Provincial Party and City Party attend the wedding.[1137] In addition, according to the testimony of a North Korean defector who defected in 2018, honored veterans receive preferential hospital treatment and medical support such as regular checkups and medicine.[1138]

Factories that employ honored veterans are in operation in North Korea. A North Korean defector who defected in 2019 testified that he/she was discharged as an honored veteran in December 1987 and worked at a factory for honored veterans since January 1988.[1139] A North Korean defector who defected in 2019 testified that there is a factory employing honored veterans that produces goods made of resin in Namsan-dong, Wonsan.[1140] A North Korean defector who defected in 2019 reported that there was a factory designated for honored veterans in Musan County, North Hamgyeong Province, where people with disabilities were working.[1141] A North Korean defector who defected in 2019 testified that he/she had seen a factory employing honored veterans located in Nampo producing furniture and umbrellas.[1142]

1137_ NKHR2020000005 2020-05-15.
1138_ NKHR2021000005 2021-08-20.
1139_ NKHR2020000019 2020-07-04.
1140_ NKHR2020000012 2020-06-15.
1141_ NKHR2022000018-2 2023-08-01.
1142_ NKHR2020000045 2020-10-13.

Another North Korean defector who defected in 2019 testified that he/she knows that there is a factory employing honored veterans in Kimchaek.[1143]

Honored veterans with higher ranks seem to receive many benefits and support. A North Korean defector who defected in 2019 testified that benefits for honored veterans vary depending on their rank; according to the testifier, honored veterans with lower ranks such as rank three do not receive any benefits, but when a special honored veteran gets married, his wife does not have to work and only takes care of him.[1144] A North Korean defector who defected in 2019 testified that honored veterans in general receive 1–2kg of seafood once every month and special honored veterans receive rations that are a little better.[1145]

In addition, there have been reports that honored veterans receive support for food, clothing and a place to live from the state. A North Korean defector who defected in 2017 testified that his/her father, an honored veteran, was given potato rations from the state during the potato harvest season, the amount of which differed every year.[1146] A North Korean defector who defected in 2019 said that he/she saw on the news that honored veterans who have injured their leg during military service are provided with

1143_ NKHR2021000017 2021-09-24.
1144_ NKHR2020000014 2020-06-15.
1145_ NKHR2020000045 2020-10-31.
1146_ NKHR2017000018 2017-04-10.

state support including an apartment unit and food and that he/she witnessed women voluntarily marrying such honored veterans.[1147] Another North Korean defector who defected in 2019 testified that newly built apartments are allocated to honored veterans and military officers and some of them sell their apartment units after living there for a certain period of time.[1148]

However, there have been many testimonies claiming that the existing support system for honored veterans does not provide actual support. Support for honored veterans mostly does not seem to be provided in a stable manner. The scale and details of the support vary based on the rank of honored veterans. It has been found that the scale of support is not significant for honored veterans with lower ranks, and such support is not provided consistently from year to year and differs by region. A North Korean defector who defected in 2019 and another who defected in 2020 testified that an honored veteran support system is in place but only as a formality.[1149] A North Korean defector who defected in 2019 testified that North Korea offers little to no special guarantee for honored veterans.[1150]

The policy benefits for honored veterans do not appear to directly impact their everyday lives. A North Korean defector

1147_ NKHR2023000008 2023-04-28.
1148_ NKHR2023000019 2023-08-02.
1149_ NKHR2020000007 2020-05-16; NKHR2021000025 2021-11-09.
1150_ NKHR2020000014 2020-06-15.

who defected in 2019 testified that, although preferential treatment, such as food rations, is granted to honored veterans, it is not practically helpful considering the current price of living,[1151] and the state support provided was insufficient so his wife had to run a business to sustain their livelihood.[1152] Another North Korean defector who defected in 2019 reported that the pension provided to honored veterans is of such low value that it is not even enough to buy 1kg of rice.[1153] A North Korean defector from North Hamgyeong Province whose father was an honored veteran said that the goods or subsidies actually provided to honored veterans were extremely limited in nature.[1154] A North Korean defector who defected in 2018 testified that the son of his/her aunt became an honored military serviceman after injuring his eye while serving in the military but received no support from the state.[1155] A North Korean defector in his/her mid-30s who defected in 2016 testified that his/her father was an honored veteran and received rations of corn or potatoes under the honored veteran rations; potato rations were given once a year during the potato harvest season, which were sometimes 50kg and other times 100 kg, with some years without any rations.[1156] A North Korean defector in

1151_ NKHR2022000018-2 2023-08-01.
1152_ NKHR2023000019 2023-08-02.
1153_ NKHR2023000021 2023-08-04.
1154_ NKHR2016000046 2016-04-19.
1155_ NKHR2018000058 2018-07-02.
1156_ NKHR2017000018 2017-04-10.

his/her 20s who defected in 2019 testified that he/she was forcibly discharged as his/her back was injured while cutting wood when he/she was in the military, and there were no other guarantees other than receiving 50 North Korean won per month.[1157]

A North Korean defector who defected in 2018 testified that the state does not provide anything to honored veterans except for herbal supplements during holidays, and honored veterans buy prosthetic legs and hands with their own money.[1158] Another testifier said that the title "honored veteran" does not guarantee any support from the state,[1159] and honored veterans earn their living by farming or trading.[1160] A North Korean defector who defected in 2020 testified that honored veterans only receive rations that are a little better and do not receive any special benefits.[1161] A North Korean defector who defected in 2019 testified that, in 2018 and 2019, relevant state institutions gave oil and food such as rice to honored veterans, but they were not sufficient to maintain a living.[1162]

There were also testimonies indicating that honored veterans do not receive benefits or that they do not register as honored veterans

1157_ NKHR2019000065 2019-08-17.
1158_ NKHR2021000004 2021-08-20.
1159_ NKHR2021000008 2021-09-07.
1160_ NKHR2021000007 2021-09-06.
1161_ NKHR2021000022 2021-10-19.
1162_ NKHR2021000029 2021-11-23.

as there are more disadvantages than advantages after registration. A North Korean defector who defected in 2019 said that his/her son was discharged as he lost his sight while performing military service but did not register himself as an honored veteran because there is no special preferential treatment.[1163]

It seems that there are more support and benefits offered to honored veterans who are injured while serving in dangerous areas. A North Korean defector in his/her 20s who defected in 2019 said that his/her father was a professional soldier and discharged in 2011 as a special honored veteran after being injured and disabled while serving in a place that deals with hazardous substances. The testifier said that special honored veterans receive exemptions from school expenses for their children, special rations on national holidays, and hospital treatment for a certain period of time. The testifier also said that his/her father received holiday rations four times a year and 40 days of treatment at a provincial hospital once a year.[1164]

North Korean Law on the Protection of Persons with Disabilities stipulates that "educational supervision institutions and the institutions in charge can organize and operate training institutions and vocational schools for masseuses, computer typists, painters and designers in consideration of academic

1163_NKHR2019000074 2019-08-26.
1164_NKHR2019000071 2019-08-26.

background, age and the level of disability of persons with disabilities" (Article 22). In accordance with this provision, North Korea implements policies to support the employment of persons with disabilities. Moreover, a U.K.-based private relief organization for North Korea, DULA International, entered into an agreement with the KFPD to establish a design school for persons with disabilities in Pyongyang on 2 May 2016.[1165]

C. Efforts to Engage Persons with Disabilities at Home and in Local Communities

(1) Violation of the Right to Independent Life and Participation in Local Communities

The CRPD stipulates that "persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement" (Article 19 (a)). The CRPD also stresses the integration of persons with disabilities into local communities, stating, "Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community" (Article 19 (b)).

1165_ *Voice of America*, 29 December 2015.

A representative case of violation of the CRPD is the segregation of people with dwarfism, which interferes with the freedom of residence and integration into local communities. A substantial number of North Korean defectors have testified that there are segregated areas for people with dwarfism. One such area is Yeonha-ri, Kimhyeongjik County (formerly Huchang County).[1166] A North Korean defector who defected in 2019 testified that he/she witnessed a person with dwarfism who was able to avoid relocation to Huchang County because he/she had a relative who was the Party chief secretary of a city living on the outskirts of the city.[1167] Another North Korean defector who defected in 2019 testified that he/she had heard of a village located in Huchang County, Yanggang Province, where people with dwarfism live together.[1168]

In contrast, testimonies have been collected claiming that the testifiers had seen people with dwarfism living in non-segregated areas with other residents. A North Korean defector who had lived in Rason, North Hamgyeong Province testified to having witnessed a person with dwarfism and a person with spinal lesions in downtown Rason in 2016.[1169] Given such testimonies, it seems

1166_ NKHR2015000074 2015-04-07; NKHR2015000106 2015-05-19; NKHR2016000083 2016-05-31.

1167_ NKHR2022000021 2022-06-21.

1168_ NKHR2023000014 2023-07-26.

1169_ NKHR2016000186 2016-12-13.

that although there are some segregated areas for people with dwarfism, not all people with dwarfism are segregated. Therefore, it is necessary to continue to find out, through defector testimonies, the accurate situation regarding the segregation of people with dwarfism.

Another case of violation of the freedom of residence is the restriction on the place of residence of persons with disabilities. According to North Korean defectors, North Korean authorities restrict persons with disabilities from living in Pyongyang, which is a special district, and in Nampo, Gaeseong and Chongjin, which are frequently visited by foreigners. With exceptions granted to people with special skills, North Korean authorities control the residence of persons with disabilities under the pretext that they may leave an unpleasant impression on visiting foreigners.[1170]

On the other hand, there have been reports claiming that the overall social perception and treatment of persons with disabilities and honored veterans have recently changed. A North Korean defector who defected in 2018 testified that disabled people born in Pyongyang are not relocated to provincial areas.[1171] Another North Korean defector who defected in 2018 testified that, today, the disabled have good living conditions to some extent because

1170_ NKHR2014000078 2014-07-01.
1171_ NKHR2021000005 2021-08-20.

they have manual skills in some areas, and people like to marry honored veterans.[1172] A testifier said that persons with disabilities are not discriminated against or ignored in North Korea,[1173] and another testifier said that he/she never took pity on disabled people and sometimes felt jealous of them because they live a better life.[1174] There was also a testifier who said that disabled people live better lives compared to others because they do not have to work for an official workplace and earn money from private activities, so they are able to marry well.[1175] A North Korean defector who defected in 2019 said that significant consideration is given to honored veterans compared to ordinary people, including the provision of houses and mobile phones.[1176]

(2) Violation of Respect for Home and the Family

The CRPD stipulates that "the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized" (Article 23, paragraph 1 (a)). Moreover, it specifies that "the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children

1172_NKHR2021000004 2021-08-20.
1173_NKHR2021000008 2021-09-07.
1174_NKHR2021000010 2021-09-08.
1175_NKHR2021000012 2021-09-13.
1176_NKHR2023000002 2023-04-11.

[...] are recognized" (Article 23, paragraph 1 (b)).

The most obvious case of inhuman discrimination and human rights violation that infringes upon the respect for home and the family is the sterilization of people with warfism. A North Korean defector who defected in 2015 testified that in 2014, people with dwarfism were forced to be sterilized in Onsong County, North Hamgyeong Province.[1177] In addition, a North Korean defector who defected in 2019 testified that people with dwarfism who are sent to segregated areas are forced to use contraception by the state so that they do not have children.[1178] However, it has been found that the number of cases of people with dwarfism having children has increased recently following continued protests and complaints. Defector testimonies on cases of forced sterilization of persons with disabilities are on the decrease. A North Korean defector testified that forced sterilization is not conducted on people with dwarfism without the approval of their guardian.[1179]

1177_ NKHR2015000171 2015-12-01.
1178_ NKHR2022000021 2022-06-21.
1179_ NKHR2019000084 2019-10-05.

(3) Mobility

The CRPD stipulates that "States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities" (Article 20). After signing the CRPD, North Korea revised the Law on the Protection of Persons with Disabilities in November 2013 and added provisions that emphasize the accessibility of persons with disabilities to buildings and facilities, reflecting relevant provisions in the CRPD.[1180]

As part of its remodeling plan, North Korea built restrooms for the disabled at the Sunan International Airport. However, it has been found that other than such special facilities, North Korea has failed to take measures that guarantee the mobility of disabled people due to economic hardships. The UN Special Rapporteur on the rights of persons with disabilities visited North Korea in May 2017 and confirmed that even new public buildings, such as the Science and Technology Center, the Pyongyang Sunan International Airport (arrivals hall) and the Pyongyang Elementary Academy, were difficult to access by persons with disabilities.[1181] In addition, persons with disabilities seem to have difficulties in their daily lives due to the restrictions on access to residential facilities and public transportation facilities. North Korea reported to the

1180_ *Chosun Shinbo*, 6 December 2013; *Yonhap News Agency*, 6 December 2013.
1181_ UN Doc. A/HRC/37/56/Add.1 (2018), para. 45.

Special Rapporteur that since May 2017, it has been providing a free taxi service in Pyongyang in a bid to improve accessibility for persons with disabilities and that the National Construction Committee operated under the Ministry of State Construction Control has developed guidelines on accessibility.[1182] The Special Rapporteur, however, found that North Korea is not using the most recent accessibility standards, and welcomed North Korea's request for technical cooperation with international partners in international accessibility standards.[1183]

In its initial CRPD implementation report, North Korea admitted that persons with disabilities in North Korea have little access to public facilities and announced that it is planning to adopt and expand the advanced technologies needed to grant disabled people an independent but socially integrated life.[1184] In this regard, North Korea adopted "barrier-free architectural design standards" in 2019 under its Construction Law.[1185] This can be positively evaluated as part of the measures to improve accessibility for persons with disabilities in North Korea.

1182_ *Ibid.*, para. 46.

1183_ *Ibid.*

1184_ UN Doc. CRPD/C/PRK/1 (2018), para. 76.

1185_ *Korean Central News Agency*, 18 December 2019.

D. Raising Awareness of Persons with Disabilities

The CRPD stipulates that the State Parties shall "promote positive perceptions and greater social awareness towards persons with disabilities" (Article 8, paragraph 2 (a) ii). North Korea is also engaged in activities to improve public awareness of persons with disabilities in accordance with the Law on the Protection of Persons with Disabilities. First, pursuant to Article 49 of the Law on the Protection of Persons with Disabilities, North Korean authorities have designated 18 June as the "Day of Persons with Disabilities" in 2011 and hold celebratory events every year.[1186] Also, since 2010, North Korea has held the "Joint Celebrations on the Occasion of the International Day of Persons with Disabilities" every year, hosted by the Central Committee of KFPD, to celebrate the International Day of Persons with Disabilities in Pyongyang on 3 December.[1187] North Korea has also carried out projects to raise awareness of persons with disabilities through joint sports events participated by both people with and without disabilities. These efforts are observed in North Korea's Committee on Physical Training Guidance (November 2012), among others. Recently, table tennis matches between people with and without disabilities have been held on a regular

1186_ *Chosun Shinbo*, 24 June 2014.

1187_ Kyu-chang Lee *et al.*, *Improving Human Rights Conditions of North Korea's Vulnerable People through Humanitarian Assistance*, p. 72; *Chosun Shinbo*, 7 December 2013.

basis, with the number of participants increasing.[1188] Recently, in addition to table tennis matches, soft tennis, swimming, shooting, and archery matches are held every year under the title "Sports Competition for the Disabled and Supporters."[1189]

The UN Special Rapporteur on the rights of persons with disabilities pointed out, in the report on her visit to North Korea, that there is a stigma and discrimination against persons with disabilities because of the perception that they are in need of support and that they are not capable of making contributions to society.[1190] The Special Rapporteur also noted that improper language is used in North Korean laws to refer to persons with disabilities and recommended that such language be revised.[1191] In addition, the Special Rapporteur found it to be problematic that those with cognitive and psychosocial disabilities are forced to appoint a guardian and have their legal rights restricted, including the right to vote and the right to be elected. The Special Rapporteur, therefore, urged the legislative authorities to conduct a comprehensive review so that North Korean laws can comply with Article 4 of the CRPD.[1192] In general, North Korea requires

1188_ *Ibid.*, p. 72.

1189_ *Rodong Sinmun*, 2 August 2023.

1190_ UN Doc. A/HRC/37/56/Add.1 (2018), paras. 39–44.

1191_ *Ibid.*, paras. 26–28. Articles 172 and 229 of the Criminal Procedure Law (the dumb, the deaf), Article 49 of the Civil Procedure Law (totally incompetent person), Article 78 of the Labor Law (the crippled), Article 13 of the Public Health Law (those who have lost ability to work), and Article 66 of the Constitution (insane person).

persons with disabilities to receive education or services in separate facilities, preventing persons with disabilities from having access to facilities or services equivalent to those used by people without disabilities.[1193]

Testimonies indicating that the implementation of policies for non-discrimination and inclusion of people with disabilities has not led to an improvement in North Korean people's awareness of the disabled have also been documented. A North Korean defector who defected in 2019 said that he/she had never seen people with disabilities in person,[1194] and another North Korean defector who defected in 2019 pointed out that North Korean society's overall interest in people with disabilities has been insignificant.[1195] Another North Korean defector who defected in 2019 testified that widespread discrimination against and negative perceptions of people with disabilities make it difficult to provide care for the disabled. In summary, the sense of indifference and pity toward disabled people is still common in North Korea.[1196]

Recently, there have been efforts by the North Korean authorities to use mass media to alter public perception of persons with disabilities. A North Korean defector who defected in 2018

1192_ *Ibid.*

1193_ *Ibid.*, para. 42.

1194_ NKHR2023000008 2023-04-28.

1195_ NKHR2023000012 2023-05-30.

1196_ NKHR2023000009 2023-05-10; NKHR2022000042-2 2023-07-31.

testified that around 2016, he/she saw a TV commercial, which showed the state's consideration for persons with disabilities.[1197] Another North Korean defector who defected in 2018 also testified that since 2017 there has been an increasing number of news reports related to persons with disabilities, such as performance troupes consisting of persons with disabilities and schools for persons with disabilities.[1198] In 2019, the state media outlet KCNA actively publicized measures carried out by North Korean authorities to improve the human rights of persons with disabilities during the year.[1199] Although this can be interpreted as a political effort to propagate the achievements of the authorities, it can also be viewed as a positive change considering that the mentioning of the disabled itself had been avoided in the past.

E. Cooperation with the International Community

North Korea has pursued cooperation with South Korea and the international community to support persons with disabilities. With respect to inter-Korean cooperation, as part of the inter-Korean exchange and support project for persons with disabilities, an inter-Korean seminar on scientific rehabilitation of persons with

1197_ NKHR2018000056 2018-07-02.

1198_ NKHR2018000117 2018-10-22.

1199_ *Korean Central News Agency*, 18 December 2019.

disabilities was held for the first time at the Yanggakdo Hotel in Pyongyang on 19 December 2006. The seminar included a discussion of research results on rehabilitative treatment and special education, which was attended by a delegation from Daegu University (South Korea) and a delegation from the Chosun Red Cross Hospital (North Korea).[1200] In addition, in May 2007, the Botonggang Convenience Complex was built and opened on Red Avenue, Botonggang District, Pyongyang with the support of South Korea's Lighthouse Foundation. This is the first self-reliant rehabilitation center for persons with disabilities and is jointly operated with the KFPD.[1201]

Second, cooperation with international NGOs is also taking place. Green Tree International is seeking to build the Daedonggang Rehabilitation Center for the Disabled in Pyongyang, which will offer medical support and training on rehabilitative skills for persons with disabilities, as well as educational programs for athletes and artists with disabilities.[1202] Humanity & Inclusion also teaches therapeutic skills to physical therapists working at facilities such as the Pyongyang-based Munsu Functional Recovery Center and the Korean Rehabilitation Center for Children with Disabilities.[1203] In April

1200_ *Yonhap News Agency*, 22 December 2006.

1201_ ○○○, KINU Advisory Meeting, 29 June 2012. The name is not disclosed upon request.

1202_ See Green Tree International, <www.greentreekorea.org>.

2016, Together-Hamheung opened the first kindergarten for children with hearing loss in North Korea in Moranbong District, Pyongyang with support from a Catholic organization and donors; the kindergarten has around 10 classrooms and can accommodate approximately 40 children.[1204] In 2019, an American relief organization called IGNIS Community established the Pyongyang Spine and Rehabilitation Center (PYSRC) at Pyongyang Medical College. This research center has trained North Korean healthcare providers on the treatment of children with behavioral development disabilities including cerebral palsy and autism. It has been reported that, despite restrictions due to COVID-19, the research center plans to import necessary medical and rehabilitation equipment and begin treating patients from the end of 2022.[1205] The ICRC conducted physical rehabilitation programs for the disabled through the Songrim and Rakrang Physical Rehabilitation Centers.[1206] However, the organization's activities in North Korea have been temporarily suspended since the end of 2020 due to the measures implemented by North Korean authorities in response to COVID-19.[1207]

1203_ See Humanity & Inclusion, <www.handicap-international.org>.

1204_ *Nocut News*, 1 July 2016.

1205_ *Voice of America*, 17 August 2022.

1206_ ICRC, "ICRC Activities in the DPRK," December 2020, <https://kr.icrc.org/wp-content/uploads/2021/03/2020-DPRK-Fact-and-Figures_KO.pdf> (Accessed 6 September 2022).

1207_ *Voice of America*, 29 July 2022.

Third, exchange projects with persons with disabilities are also carried out with the international community. The Central Committee of the KFPD entered into a memorandum of understanding (MOU) with the World Federation of the Deafblind (hereinafter WFDB) on 9 February 2011, through which the Blind Association of Korea (launched in March 2014) and the Deaf Association of Korea (launched in December 2013) are working on projects to join the WFDB.[1208] On 7 November 2014, with the help of the Finnish Association of the Deaf, six North Korean delegates, including three people with hearing impairment, went to Finland and paid a courtesy visit to Ms. Sirpa Paatero, the then Minister for International Development.[1209] In addition, a concert for students with disabilities was held in the U.K. and France from 20 February to 2 March 2015.[1210] Furthermore, 18 people with hearing loss from Japan, Singapore and the Netherlands visited North Korea from 8 to 12 August 2014.[1211] An official from the International Paralympic Committee, headquartered in Bonn, Germany, visited Pyongyang from 13 to 16 May 2016 and explained the "disability grade system," rules and categorization methods adopted by the Paralympics to 21 athletes, including 13

1208_ *Chosun Shinbo*, 24 June 2014.

1209_ *Voice of America*, 8 November 2014.

1210_ *Chosun Shinbo*, 27 August 2014; *MK News*, 17 September 2014; *The Asia Economy Daily*, 6 February 2015.

1211_ *Chosun Shinbo*, 27 August 2014.

North Korean table tennis players and eight swimmers.[1212] The stricter border closure imposed by North Korean authorities following the outbreak of COVID-19 has significantly hindered exchanges between North Korea and the international community for persons with disabilities. Nevertheless, the Blind Association of Korea joined the World Blind Union in 2020 and has continued its cooperation projects for the visually impaired with activities such as holding an event to commemorate the White Cane Safety Day, which is dedicated to the rights of the visually impaired, in October 2022.[1213]

Fourth, North Koreans with disabilities have participated in international sports events. North Korea established the Korean Association for Sports of the Disabled in 2010 and the National Paralympic Committee in September 2011 and officially joined the International Paralympic Committee held in Athens from 22 to 24 November 2013. It has also taken part in a wide range of international competitions for persons with disabilities, including the 2012 London Summer Paralympics, the Asia Youth Para Games held in Kuala Lumpur, Malaysia in October 2013, the Asia Para Games held in Incheon in October 2014, the Rio Paralympics in September 2016, and the PyeongChang 2018 Winter Paralympics. In December 2016, the North Korean deaf

1212_ *Voice of America*, 7 June 2016.

1213_ *Yonhap News Agency*, 16 October 2022.

football team, composed of athletes with hearing loss and linguistic disabilities, visited Australia for the second time, after their first visit in December 2014, to compete in a friendly match with the Australian deaf football team.[1214] However, North Korea did not participate in the 2022 Beijing Winter Paralympics for reasons that included the COVID-19 pandemic.[1215]

F. Evaluation

North Korea defines persons with disabilities as subjects of special protection and responds to the issue of disability with forward-looking policies. However, negative perceptions towards persons with disabilities still exist in North Korean society. In addition, providing education and services to persons with disabilities in separate facilities has, in effect, served as a form of social discrimination. It is difficult for ordinary residents to meet disabled people around their place of residence, and there is no strong social interest in people with disabilities. Social avoidance and indifference toward disabled people in North Korea have evolved into discrimination against them. While honored veterans are found to receive some benefits, those with disabilities, whose disabilities have been caused by industrial accidents or other accidents, do not seem to receive adequate levels of protection

1214_ *Voice of America*, 19 November 2016.
1215_ *Radio Free Asia*, 10 January 2022.

and support.

In addition, suspicion over practices that violate the right to integrate into local communities and the respect for the family has yet to be resolved. Such practices include the segregation and sterilization of those with dwarfism. Moreover, while efforts toward rehabilitation are also being made through factories employing honored veterans and factories employing general persons with disabilities, these are assessed as ineffective due to the economic hardships North Korea faces. North Korean authorities emphasize the need to care for persons with disabilities, but it is highly likely that, due to the COVID-19 pandemic, people with disabilities have become more isolated and experienced difficulties in engaging in basic rehabilitation, treatment, and economic and cultural activities. Buildings in urban areas appear to be equipped with facilities for the disabled.[1216] Furthermore, as part of the Project on the Protection of Persons with Disabilities, the KFPD has introduced several measures, including the publication of the Questions and Answers for the Registration of Persons with Disabilities, the creation of a website exclusively for the disabled, and the development of the Digital Dictionary for North Korean Sign Language for people with hearing impairment.[1217]

1216_ *Korean Central News Agency*, 18 June 2023.

1217_ *Korean Central News Agency*, 23 December 2021.

North Korea has accepted the recommendations[1218] of the UN member states made during the third cycle of the UPR in 2019 regarding the improvement of the rights of persons with disabilities.[1219] In order to promote the human rights of persons with disabilities in North Korea, North Korea must comply with its relevant domestic laws and the CRPD and continue to exchange and cooperate with the international community. However, international cooperation projects for people with disabilities seem to have been *de facto* suspended due to the COVID-19 pandemic. If North Korea lifts the border closure and demonstrates a forward-looking attitude in the future, it will be able to resume its international cooperation projects for the disabled. Given that the UNHRC meeting on the fourth cycle of the UPR of North Korea is scheduled for 2024, it is crucial to verify whether the recommendations that North Korea accepted regarding the rights of people with disabilities have been faithfully implemented in compliance with the relevant international human rights standards.

The attention and support of North Korean authorities are essential to ensure the effective provision of necessary services for the disabled in North Korea. North Korean authorities should make efforts to ensure that laws and regulations, programs, and

1218_ UN Doc. A/HRC/42/10 (2019), paras. 126.193–126.199.
1219_ UN Doc. A/HRC/42/10/Add.1 (2019), para. 9 (a).

measures for non-discrimination and inclusion for people with disabilities actually lead to the improvement in North Korean people's awareness of the disabled. Creation of an environment in which people with disabilities can develop both mentally and physically requires not only the North Korean authorities' efforts but also their cooperation with the international community. Given North Korea's openness to international cooperation demonstrated by its submission of the initial CRPD implementation report, efforts to promote the human rights of people with disabilities in North Korea should continue through cooperation with the international community.

White Paper on Human Rights
in North Korea 2023

Part V

Major Issues

1. Political Prison Camps (*Kwanliso*)
2. Overseas Defectors
3. Overseas Workers
4. Separated Families and Special Separated Families
5. Disasters
6. Discrimination and Inequality

1

Political Prison Camps (*Kwanliso*)

North Korea operates political prison camps called *kwanliso*. Given that they are not official detention facilities stipulated in the Criminal Law or the Criminal Procedure Law, imprisoning people in political prison camps (*kwanliso*) is deemed as an arbitrary punishment that violates human rights. People in North Korea do not have detailed information about the procedures for imprisonment or the locations of political prison camps (*kwanliso*). However, North Koreans fear them as a place to be sent to as punishment for actions deemed a threat to the regime.[1220] North Korea uses political prison camps (*kwanliso*) as a means of governance to maintain the regime.

A. Overview of Political Prison Camps (*Kwanliso*)

Political prison camps operated by North Korean authorities

1220_ NKHR2019000020 2019-05-07.

under the name of *kwanliso* are unofficial detention facilities that are run under strict surveillance. According to the *Reference Book for Citizen Registration Projects* published in 1993 by the Ministry of Social Security Press, there are political prison camps (*kwanliso*) run under the Ministry of Social Security and the Ministry of State Security, which are operated in the form of prison camps (*kyohwaso*), total control zones, and semi-controlled zones (revolutionary zones).[1221] The *Reference Book for Citizen Registration Projects* states that the immediate family members of those who were arrested and prevented from having outside contact as political prisoners or politically dangerous individuals are marked as political criminals in the background (*songbun*) section of the citizen registry. North Korea has officially denied the existence of political prison camps (*kwanliso*). However, a total of five political prison camps (*kwanliso*) – No. 14 *Kwanliso* in Gaecheon, No. 15 *Kwanliso* in Yodok, No. 16 *Kwanliso* in Myeonggan, No. 18 *Kwanliso* in Gaecheon, and No. 25 *Kwanliso* in Chongjin – are known to have been in operation, with an estimated capacity of 80,000 to 120,000 people.[1222] It has been reported that North Korean political prison camps (*kwanliso*) are heavily fortified with outer electric fences, traps, and large spikes,

1221_ Ministry of Social Security Press, *Reference Book for Citizen Registration Projects* (1993), p. 40.

1222_ Geumsoon Lee *et al.*, *Political Prison Camps in North Korea* (Seoul: KINU, 2013), pp. 19–21.

which make it nearly impossible to escape. Recently, based on satellite images and defector testimonies, NK Watch reported that No. 15 *Kwanliso* in Yodok was likely closed and relocated sometime around 2018.[1223]

No. 14 *Kwanliso* in Gaecheon is located in Dongchanggol, Jamsang-ri, Chang-dong, Gaecheon, South Pyeongan Province. No. 15 *Kwanliso* in Yodok was located across the five villages (ri) of Daesuk-ri, Ipseok-ri, Gueup-ri, Yongpyeong-ri and Pyeongjeon-ri; the camp occupied a large area equivalent to one-third of Yodok County, South Hamgyeong Province. It has been reported that No. 15 *Kwanliso* in Yodok was closed in 2018, and NK Watch has confirmed the dismantling of guard facilities and the removal of barbed-wire fences through satellite images. No. 16 *Kwanliso* in Myeonggan is located in Jungpyeong-dong, Gari-dong and Buhwa-ri in Myeonggan County, North Hamgyeong Province.[1224] Based on satellite image analysis, NK Watch reported that the area of No. 16 *Kwanliso* has expanded from approximately 30 km north-south and 33.76 km east-west (as of April 2013) to 50.47 km north-south and 33.76 km east-west. No. 18 *Kwanliso* in Gaecheon is located in Joyang-dong and Dongnim-ri, Gaecheon, South Pyeongan Province. It has been

1223_ Myeongchul Ahn, Executive Director of NK Watch, KINU Open Research Forum, 25 August 2023.

1224_ No. 16 *Kwanliso* in Myeonggan is also called as Hwaseong *Kwanliso*, after the old name of the region.

found that sometime in 2006–2007, the former No. 18 *Kwanliso* in Bukchang, which had been located in Sepo-dong, Sampo-dong and Sinheung-ri, was downsized and moved to Gaecheon, South Pyeongan Province. Unlike other political prison camps (*kwanliso*), No. 18 *Kwanliso* in Gaecheon is under the management of the Ministry of Social Security. It is known that people who are imprisoned there are issued a People's Registration Card and granted the right to vote, although not the right to run for election. Moreover, it has been reported that there are schools and a hospital within the camp, which can be used by prisoners, released prisoners, and ordinary residents (e.g., managing personnel and prisoners' families) without distinction except the total control zone.[1225] No. 25 *Kwanliso* in Chongjin is located in Suseong-dong, Songpyeong District, North Hamgyeong Province. Although No. 25 *Kwanliso* in Chongjin is also called Suseong *Kyohwaso*, it is actually a political prison camp (*kwanliso*) accommodating political criminals. There have also been testimonies claiming that officials, including security chiefs of Provincial Parties and chairmen of provincial People's Committees, are detained in No. 25 *Kwanliso* in Chongjin.[1226]

1225_ NKHR2020000048 2020-11-28

1226_ NKHR2014000010 2014-03-04; NKHR2014000056 2014-05-20.

Figure V-1 Location of Political Prison Camps (*Kwanliso*)



B. Grounds and Procedures for Imprisonment

While there is no internationally established definition of a "political crime," such crimes are, in general, classified into (i) "absolute political crime," such as a crime against the state, high treason and espionage; and (ii) "relative political crime," in which acts of a general crime, including murder, arson and theft, are combined with the aspects of absolute political crime.[1227] According to surveys conducted to date, political prison camps (*kwanliso*) in North Korea hold both types of political criminals. Specifically, those who have criticized the North Korean system

1227_ Geumsoon Lee *et al.*, *Political Prison Camps in North Korea*, p. 9.

or insulted the Supreme Leader (*Suryeong*),[1228] received money from South Korea or made phone calls to South Korea, engaged in organized human trafficking,[1229] attempted to defect to South Korea, arranged the defection of others to South Korea,[1230] contacted South Koreans or made favorable comments about South Korea, or provided important documents or information to South Korea or other foreign countries are detained in political prison camps (*kwanliso*). Little to no testimony has been collected on the specific process for imprisonment in political prison camps (*kwanliso*). Nevertheless, it appears that those scheduled to be sent to a political prison camp (*kwanliso*) undergo a preliminary examination and that their sentencing is not based on a formal trial as stipulated in the Criminal Law or the Criminal Procedure Law.

In the early days of their operation, political prison camps (*kwanliso*) held sectarian or anti-Kim Il Sung elements.[1231] The political prison camps (*kwanliso*) continue to be used today to confine those who oppose the North Korean system or insult the Supreme Leader (*Suryeong*). A North Korean defector testified that he/she always spoke carefully so as not to be accused of being a "language reactionary."[1232] A North Korean defector who

1228_ NKHR2023000018 2023-08-01.

1229_ NKHR2023000059 2023-07-29.

1230_ NKHR2023000019 2023-08-02.

1231_ Geumsoon Lee *et al.*, *Political Prison Camps in North Korea*, p. 10.

defected in 2018 testified that those who oppose or criticize Kim Jong Un are imprisoned in a political prison camp (*kwanliso*),[1233] and a North Korean defector who defected in 2019 testified that those who distort what Kim Jong Un says or implement Kim Jong Un's policies in a distorted manner are put in a political prison camp (*kwanliso*).[1234]

It has been reported that those caught receiving money from South Korea or making phone calls to South Korea may be detained in a political prison camp (*kwanliso*).[1235] A North Korean defector who defected in 2019 testified that in 2016, a 33-year-old woman in Yanggang Province was caught receiving and delivering money from South Korea, and her husband, who had been in service at the ○○ General Bureau, was discharged from his position as his wife was sent to a political prison camp (*kwanliso*).[1236]

It has been found that those who commit human trafficking are generally sent to prison camps (*kyohwaso*), but those who commit organizational human trafficking or trafficking related to South Korea are sent to political prison camps (*kwanliso*). A North

1232_ NKHR2019000104 2019-11-09; NKHR2023000008 2023-04-28; NKHR2023000009 2023-05-10.

1233_ NKHR2022000006 2022-05-25.

1234_ NKHR2022000001 2022-05-13.

1235_ NKHR2019000019 2019-05-07.

1236_ NKHR2019000031 2019-06-03.

Korean defector who defected in 2018 testified that a woman who was in the same Women's Union as the testifier was arrested for trafficking 70 people in 2015 and sent to a political prison camp (*kwanliso*).[1237] A North Korean defector testified that he/she heard that his/her schoolmate who lived in a border region was caught by the Ministry of State Security and sent to a political prison camp (*kwanliso*) sometime in 2015–2016 for trafficking people to China.[1238] Another North Korean defector testified that a People's Unit (*inminban*) chief in Kimjongsuk County was detained in a political prison camp (*kwanliso*) for human trafficking around 2016 because he/she received money from South Korea in the process.[1239]

Cases have been continuously reported in which people were detained in political prison camps (*kwanliso*) after being caught attempting to flee to South Korea. A North Korean defector who defected in 2019 testified that a family of 11 people who had lived in Musan County, North Hamgyeong Province was caught at an airfield in China after defecting from North Korea and sent to a political prison camp (*kwanliso*) in 2015, and that the testifier learned this information from an MSS agent who gathered people and announced such details. However, the testifier said that he/she

1237_ NKHR2018000101 2018-10-01.
1238_ NKHR2019000046 2019-07-01.
1239_ NKHR2019000019 2019-05-07.

heard that a minor of the family (presumed to be eight years old at that time) was sent to an accommodation in Musan County that raises orphans.[1240] A North Korean defector who defected in 2018 testified that he/she witnessed a family of five people who were caught while attempting to escape to South Korea being sent to a political prison camp (*kwanliso*) when the testifier was in the MSS county detention center (*guryujang*) in Onsong in 2017.[1241] North Korean people are well aware of the fact that those caught attempting to defect to South Korea are sent to a political prison camp (*kwanliso*). A North Korean defector who defected in 2018 testified that people caught attempting to flee to South Korea end up being detained in a political prison camp (*kwanliso*).[1242] Another North Korean defector who defected in 2018 also testified that people caught attempting to defect to South Korea are first sent to the Ministry of State Security and then to a political prison camp (*kwanliso*) without trial.[1243]

Testimonies have been continuously collected stating that brokers helping North Korean people defect to South Korea are sent to political prison camps (*kwanliso*). A North Korean defector who defected in 2019 testified that the broker who arranged his/her defection was caught and sent to a political

1240_ NKHR2019000033 2019-06-03.
1241_ NKHR2019000075 2019-08-26.
1242_ NKHR2022000017 2022-06-13.
1243_ NKHR2022000006 2022-05-25.

prison camp (*kwanliso*) in 2020.[1244] A North Korean defector testified that his/her uncle, who worked as a broker aiding North Korean defectors, was sent to a political prison camp (*kwanliso*) in 2015.[1245] A North Korean defector in his/her 50s who defected in 2017 testified that his/her sister, who was a broker for defectors, went missing after being arrested by the Ministry of State Security in 2016. The testifier said that his/her sister is assumed to have been sent to a political prison camp (*kwanliso*).[1246] Another North Korean defector testified that his/her neighbor, who was a broker for defectors, was caught in 2017 by the Ministry of State Security for handing over the children who remained in North Korea to a Chinese broker upon request by their parents who had already defected to South Korea. The testifier said that he/she heard that the neighbor was sent to a political prison camp (*kwanliso*).[1247] A North Korean defector who defected in 2019 testified that he/she heard that among the seven people who had attempted to defect through Daehongdan County in 2018, the woman who was their guide was sent to a political prison camp (*kwanliso*), and the others were released after paying 10,000 yuan.[1248]

Testimonies have been continuously documented reporting that

1244_ NKHR2023000019 2023-08-02.
1245_ NKHR2017000099 2017-10-23.
1246_ NKHR2018000028 2018-05-08.
1247_ NKHR2018000057 2018-07-02.
1248_ NKHR2019000074 2019-08-26.

people were imprisoned in political prison camps (*kwanliso*) after being caught providing documents or information to South Korea or other countries. A North Korean defector who defected in 2018 testified that his/her spouse's in-law was caught for receiving a watch in exchange for giving information about North Korea to China. According to the testifier, this was considered an act of espionage, and his/her spouse's in-law was sent to a political prison camp (*kwanliso*) in 2015.[1249] There were other cases in which people were imprisoned for taking part in religious practices. For example, a North Korean defector testified that his/her neighbor was sent to a political prison camp (*kwanliso*) because a copy of the Bible was found in his/her house in December 2015.[1250] Another North Korean defector testified that he/she heard in April 2018 that his/her relative who was caught by the Ministry of State Security was sent to a political prison camp (*kwanliso*) for distributing copies of the Bible obtained from China to North Korean people and carrying out missionary work.[1251]

Making phone calls to South Korea, watching South Korean movies, using narcotics, being involved in human trafficking, and distributing video recordings of the reality of North Korea to foreign countries have been found to be the grounds for

1249_ NKHR2018000105 2018-10-01.
1250_ NKHR2017000012 2017-04-10.
1251_ NKHR2019000051 2019-07-20.

imprisoning people in political prison camps (*kwanliso*). A North Korean defector testified that he/she heard that a family had been sent to No. 25 *Kwanliso* for distributing video recordings of public shootings to foreign countries in 2006, which is considered the crime of contacting the enemy (*jeokseon*).[1252] A North Korean defector whose acquaintance was sent to a political prison camp (*kwanliso*) sometime in 2015–2016 testified that grounds for imprisonment include calling relatives in South Korea, watching South Korean movies, using narcotics, and being involved in human trafficking. According to the testifier, the acquaintance was sent to a political prison camp (*kwanliso*) because he/she had been convicted of multiple crimes repeatedly and classified as a repeat offender due to a record of past crimes.[1253]

In addition, it has been found that punishment for political criminals extends beyond the offender himself/herself to his/her family and sometimes even to his/her relatives. It is said that guilt-by-association applies to immediate family members. A North Korean defector who defected in 2016 testified to having heard that when a woman and her mother were caught while defecting to South Korea in 2014, not only were the woman and her mother sent to a political prison camp (*kwanliso*), so too was the woman's grandmother.[1254] However, several defectors have

1252_ NKHR2020000030 2020-08-03.
1253_ NKHR2020000005 2020-05-15.

testified that unlike in the past, cases in which an entire family is imprisoned in a political prison camp (*kwanliso*) for having a defector in the family have decreased since North Korean authorities have found it difficult to house so many prisoners due to an increasing number of North Koreans defecting to South Korea.[1255] In addition, it has been found that children are exempt from imprisonment even in cases in which guilt-by-association applies. Testimonies have been collected stating that even when a whole family was imprisoned in a political prison camp (*kwanliso*) for attempting to defect to South Korea, children were exempted from imprisonment.[1256] It has been reported that, when a spouse is accused of being a political criminal, one may avoid being sent to a political prison camp (*kwanliso*) by divorcing the accused spouse.[1257]

The legal grounds and procedures for arresting and detaining those accused of committing political crimes are unknown. It is said that imprisonment in political prison camps (*kwanliso*) is decided exclusively by the Ministry of State Security without trial, and the details of these decisions are not disclosed even to the family of the accused.[1258] If the Ministry of State Security

1254_ NKHR2017000038 2017-06-05.

1255_ NKHR2015000028 2015-02-10; NKHR2017000067 2017-08-28.

1256_ NKHR2015000015 2015-01-27; NKHR2015000030 2015-02-10; NKHR2016000171 2016-11-01; NKHR2019000033 2019-06-03.

1257_ This is also specified in the *Reference Book for Citizen Registration Projects* published in 1993. NKHR2013000154 2013-08-20.

1258_ NKHR2016000171 2016-11-01.

determines that the case does not involve a crime punishable by imprisonment in a political prison camp (*kwanliso*), it is transferred to the Ministry of Social Security.[1259] According to the background (*songbun*)-based classification of citizens in the *Reference Book for Citizen Registration Projects*, "former political prisoners" are defined as those who have committed anti-Party, anti-revolutionary or anti-state crimes but have undergone reformation (*kyohwa*). The book also states that those who are found innocent or receive a suspension of sentence during or after the period of reformation (*kyohwa*) must not be considered "former political prisoners."[1260] This indicates that the term of imprisonment for people detained in a political prison camp (*kwanliso*) that is operated in the form of a prison camp (*kyohwaso*) is fixed, and it appears that these people can subsequently be found innocent and released from the camp after undergoing the prescribed process.

C. Reality of the Human Rights Situation for Prisoners

(1) Extrajudicial, Summary or Arbitrary Execution

According to defector testimonies collected to date, executions

1259_ NKHR2022000017 2016-06-13.

1260_ Ministry of Social Security Press, *Reference Book for Citizen Registration Projects*, p.115.

are carried out in political prison camps (*kwanliso*) by MSS agents without following legal procedures for reasons such as attempted escape, the violation of rules, or disobedience against orders. Defectors have testified that such executions are mostly carried out in public but sometimes carried out in secret.

(2) Forced Labor

It has been found that prisoners in political prison camps (*kwanliso*) are forced into hard labor. The type of labor differs by each political prison camp (*kwanliso*), but it has been testified that at the former No. 18 *Kwanliso* in Bukchang, prisoners were mostly put to work in a coal mine, as farming was impossible due to the area's geological characteristics.[1261] As labor at coal mines is carried out according to "production plans," if one fails to fulfill the daily workload quota by the end of the normal work day, he/she must continue working until the quota is met.[1262] It has been found that prisoners are mobilized for labor even on weekends without rest.

(3) Inhuman Treatment

Violence and cruel treatment appear to be widespread in

1261_ North Korean defector ○○○, 14 September 2012, interviewed in Seoul; North Korean defector ○○○, 12 October 2012, interviewed in Seoul.

1262_ North Korean defector ○○○, 14 September 2012, interviewed in Seoul.

political prison camps (*kwanliso*). A North Korean defector testified that in the former No. 18 *Kwanliso* in Bukchang, the mine vice-captain who was in charge of the coal mine shift kicked him/her and struck him/her with a sack when he/she failed to collect the required amount of coal. The testifier also testified that the MPS officer at the coal mine also beat him/her.[1263]

It has been found that prisoners also suffer from poor nutritional, sanitary and medication conditions in political prison camps (*kwanliso*). A North Korean defector, who had been imprisoned in the former No. 18 *Kwanliso* in Bukchang, testified that his/her family of seven was only given 8kg of Annam rice per month.[1264] Since there was no way to get more rice, He/She and his/her family had no choice but to climb hills and mountains to pick wild greens to fill their hungry stomachs, and, even when off-duty, the entire family went to the mountains to collect edible greens and store them for food.[1265] A North Korean defector testified that in the former No. 18 *Kwanliso* in Bukchang, his/her father died from chronic disease and malnutrition, and his/her two younger siblings died from malnutrition and illness, respectively. The testifier also said that when he/she injured his/her leg in April 2004, he/she did not receive treatment other than an X-ray and

1263_ *Ibid.*

1264_ Hye-suk Kim, A *Prison Camp Created in Tears* (Seoul: Sidaejeongsin, 2011), pp. 73–76.

1265_ *Ibid.*

was told by medical staff at Yongjong Hospital located within the former No. 18 *Kwanliso* in Bukchang that his/her leg should be amputated.[1266]

(4) Restrictions on Family Life

According to defector testimonies collected to date, one cannot live with one's parents, siblings or spouse in a political prison camp (*kwanliso*) that is categorized as a total control zone. Moreover, in these political prison camps (*kwanliso*), marriage and childbirth are generally prohibited. One testimony claimed that husbands and wives are assigned to opposite work shifts to prevent them from having intercourse.

D. Evaluation

It has been found that North Koreans are well aware of the existence of political prison camps (*kwanliso*) in North Korea. However, the level of awareness about political prison camps (*kwanliso*) varies among individuals; a testifier said that he/she has only heard about them, and a testifier had a specific image of them as being "a place where you cannot come out once you enter." Recently, no specific defector testimony has been collected regarding the grounds and procedures for imprisonment

1266_ NKHR2013000126 2013-07-09.

in political prison camps (*kwanliso*). In addition, no information has been gathered on the reality of the human rights situation for prisoners in political prison camps (*kwanliso*). The fundamental issue with political prison camps (*kwanliso*) is that they are used by the North Korean regime to detain individuals who may pose a political threat without following a proper legal process in violation of basic human rights and to detain the families of these individuals based on guilt-by-association.

2

Overseas Defectors

In this chapter, the actual situation and human rights violations of North Korean defectors abroad are examined. While the number of North Korean defectors had sharply decreased due to North Korea's imposition of stricter border control following the emergence of COVID-19, with the recent reopening of the North Korea–China border, the number of North Korean defectors is expected to increase again. There is significant concern that the implementation of the North Korean Crowd Reporting Act of 2019 and the Chinese Land Borders Law of 2021 on the defection of North Korean people may lead to human rights violations. Moreover, there are also concerns about possible human rights violations that may arise in the process of forced repatriation of North Korean defectors detained in Chinese facilities.

A. Number and Background of Overseas North Korean Defectors

The ICCPR stipulates that "everyone shall be free to leave any

country, including his own" (Article 12, paragraph 2). Although a large number of North Koreans who fled the country are believed to be residing illegally in third countries, such as China and Russia, it is impossible to collect accurate data on the exact number and conditions of North Korean defectors abroad, due to the defectors' insecure status, which prevents them from openly asking for help.

(1) Tightening Control to Block Defection and the Decrease in the Number of North Korean Defectors Living in China

Since the late 2000s, the number of North Korean defectors living in China has dropped dramatically. It has been found that the reasons for this decrease include more stringent border control and crackdowns, continued forced repatriation, a decrease in the number of new defectors due to an increase in the cost of defection, an increase in the number of legal visits to China resulting from an increase in the issuance of border passes, improved economic conditions in North Korea including the reinvigoration of marketplaces (*jangmadang*), an increase in the resettlement of North Korean defectors in third countries as well as in South Korea, and the recent adoption of stricter border closure by North Korean authorities due to the outbreak of COVID-19. It has been found that since 2009, the Ministry of State Security has reviewed the emergency measures in place to

prevent defection and has strengthened the identification and monitoring of ideological trends in families and relatives of defectors, ideological education, inspection of travel permits and bed-checks in border regions, and inspection of Border Guard Command. Moreover, North Korean authorities have increased the severity of the punishment for residents using mobile phones in border regions. In 2015, North Korea revised its Criminal Law and added a provision on the "crime of illegal international communications" (Article 222), which stipulates that "a person who is engaged in illegal international communications shall be subject to up to one year of labor training punishment," and "when the case is serious, the person shall be subject to up to five years of correctional labor punishment." This is the same sentence as that for the "crime of illegal border-crossing" (Article 221), which suggests that illegal international phone calls are considered to be a crime as serious as illegal border-crossing.

In particular, in the Hyesan region, which has been used as the main defection route, authorities have implemented various measures to deter defection. Electronic barrages have been installed and activities to detect mobile phones have been greatly strengthened. As a result, it became very difficult for brokers to contact potential defectors. Moreover, a barbed wire fence was installed along 12 km of the border in Hyesan. The fence was only connected with horizontal wires as of June 2015, but vertical wires were additionally installed.[1267] Two-story guard posts have

also been installed.[1268] There was also testimony reporting that surveillance cameras started to be installed from 2016.[1269] Similar measures have been implemented in areas other than Hyesan. Recently, there have been reports that even the surveillance system at Amnok River (Amnokgang) along the border between North Korea and China has been further strengthened despite it already being a notoriously difficult place to cross. According to a North Korean defector who defected in 2019, the embankment along the border of Sinuiju, which was built to prevent flooding and was originally accessible for people to walk on to enjoy the scenery of the river, has become inaccessible since 2015 because security has been tightened, particularly on the Chinese side of the border, with a barbed wire fence and surveillance cameras installed.[1270]

The substantial decrease in the number of defections seems to be attributed to the announcement of a severe warning that three generations of the family would be punished if any family member defected, or defectors would be executed on the spot. A testifier said that since Kim Jong Un took power, live ammunition has been provided to guards with an order that border-crossers may be shot to death.[1271] A testifier reported that he/she

1267_NKHR2015000130 2015-09-22.
1268_NKHR2015000136 2015-09-22.
1269_NKHR2019000012 2019-04-20.
1270_NKHR2022000014-2 2021-07-29.

witnessed border guards actually using their firearms during the testifier's defection; according to the testifier, accidents frequently occur during the defection of North Korean people.[1272] A North Korean defector who defected in 2019 testified that he/she heard that around five people who were caught while defecting from North Korea were shot to death and that he/she was told by a defector who had defected recently that people attempting to defect would be shot to death unconditionally.[1273]

In contrast, there were testimonies claiming that firearms are only used as a threat to prevent defection and that guards are not allowed to actually shoot people.[1274] A North Korean defector who defected in 2019 testified that he/she heard that border guards actually shoot guns but only in the air as a threat.[1275] A North Korean defector who had worked in the Border Security Command until 2019 and subsequently defected testified that border guards do not use firearms because of the border agreement between North Korea and China that prohibits the firing of guns in the area along the Amnok River (Amnokgang).[1276]

1271_ NKHR2016000028 2016-03-08.
1272_ NKHR2023000015 2023-07-27.
1273_ NKHR2020000019 2020-07-04.
1274_ NKHR2015000122 2015-09-08.
1275_ NKHR2020000005 2020-05-15.
1276_ NKHR2023000021 2023-08-04.

The Chinese Land Borders Law enacted on 23 October 2021 and that came into force in 2022 aims to promote exchanges and cooperation in border areas between China and its neighboring states and safeguard China's national sovereignty, security, and territorial integrity. Of its 62 provisions, Article 38 stipulates that no person shall illegally cross the border and that, if any person illegally crossing the border commits a crime, resists arrest, or otherwise uses violence to threaten the safety of others or their property, law enforcement personnel may use police equipment and weapons in accordance with the law. This provision legally allows the Chinese police or military to use weapons against individuals who illegally cross the Chinese border. Consequently, concerns have been growing that the Chinese police or military may legally use weapons against North Koreans attempting to defect from North Korea by crossing the border with China.[1277]

1277_ Kyu-chang Lee, "Border Opening and Human Rights Violations in North Korea," (KINU Online Series CO 23-26, 30 August 2023).

Table V-1 Cases Involving the Use of Firearms during Defection

Testimonies	Testifier ID
In 2016, three men who were assigned to flood restoration work in Onsong County, North Hamgyeong Province decided on impulse to defect when they saw China across the Duman River (Dumangang) but were shot to death in their attempt.	NKHR2018000107 2018-10-01
In 2017, an incident occurred where a Chinese who was fishing on the Chinese side of the Amnok River (Amnokgang) was shot in his leg by a North Korean border guard who thought he was a North Korean defector. The injury was not life-threatening, but the guard responsible for the shooting was transferred to another unit.	NKHR2018000057 2018-07-02
At the end of 2017, there was an incident where one out of three people who were defecting was shot in his/her thigh by a border guard. When discovered by soldiers while crossing the river, the defectors were first asked by the soldiers to stop, but if they disregarded the order and run, soldiers would fire with live ammunition.	NKHR2019000024 2019-05-18
The guards opened fire on three people who were attempting to defect through human trafficking in winter 2017–early 2018. Two of the people who got scared were arrested on the spot, but the remaining person ran and crossed the river.	NKHR2019000019 2019-05-07
A North Korean defector who defected in 2019 testified that he/she heard that five people who got caught while attempting to defect from North Korea were shot to death. The testifier was told by a defector who had defected recently that people attempting to defect would be shot to death unconditionally.	NKHR2020000019 2020-07-04

As the risk of getting caught in the process of defection increased, there has been a significant decline in the number of people trying to enter China simply to earn money. Many North Korean defectors who have recently defected have testified that the cost of defection has soared to a minimum of approximately 15 million South Korean won per person. It is said that their goal from the start is to settle in South Korea in search of freedom, rather than going to China to seek economic objectives.[1278]

(2) Defector Attempts to Migrate Globally

In addition to China, North Korean defectors appear to be attempting to move to other parts of the world, including Russia and other CIS countries, Mongolia, and countries in Southeast Asia. With the support of private organizations and volunteer activists, North Korean defectors have been seeking asylum and safe havens around the world, in countries including Thailand, Japan, Canada, Australia, the U.S., European countries, and Israel.

Table V-2 Number of North Korean Refugees and Refugee Status Applicants Residing Abroad

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Number of Persons	347	408	354	489	834	1,094	1,003	1,183	1,596	2,149
Year	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Number of Persons	2,103	1,508	1,317	1,945	1,763	943	870	777	636	387

Source: Produced by the author in reference to UNHCR, "Refugee Data Finder," <https://www.unhcr.org/refugee-statistics/download/?url=N4C7iy> (Accessed 9 September 2023).

Since 2004, the number of North Korean defectors illegally entering Thailand in hopes of moving to and settling in South Korea or the U.S. has risen continuously. As a result, there have been many cases of group arrests of North Korean defectors illegally entering Thailand. Furthermore, as the period of stay in detention facilities within immigration offices grew longer, some

1278_ NKHR2022000005-2 2022-08-03; NKHR2022000014-2 2021-07-29; NKHR2022000015-2 2021-07-29; NKHR2022000035 2022-09-02 and many other testimonies.

refugees have begun to stage hunger strikes demanding a speedy process, which have substantially reduced the time required for entry procedures. At one point, the number of North Korean refugees and refugee status applicants had increased rapidly in the U.K. and Canada. In the U.K., the number of North Korean refugees increased sharply until 2008 but then declined starting from around 2010. Canada, on the other hand, started accepting North Korean refugees in earnest around 2010, but the number of North Koreans accepted as refugees began to decline around 2014–2015. The decrease in the number of North Koreans with refugee status can be attributed to the tightening of the assessment process for refugee status, which was a result of the revelation that most of the refugee applicants were North Korean defectors who had already acquired South Korean nationality. In addition, the difficulty in verifying the "well-founded fear of persecution" for North Korean refugee applicants who had already acquired or were able to acquire South Korean nationality was another major reason for the decrease.[1279]

The North Korean authorities have closed the border due to COVID-19, making it even more difficult for North Korean people to defect overseas. Whereas North Korean people must first move to China to defect from North Korea, during

1279_ Hyunwoo Noh and Ah-Young Kim, "Why North Koreans Migrated to the West: Analysis on Cases of the U.K. and Canada Based on Migration System Theory," *Unification Policy Studies*, Vol. 2, No. 31 Unification Policy Studies (2022), p. 14.

COVID-19, even the movement of Chinese people within China has been strictly controlled and restricted. South Korea had revised its Enforcement Decree of the North Korean Refugees Protection and Settlement Support Act in 2009 so that the South Korean government could suspend or terminate protection and settlement support for any North Korean defector who fraudulently applies for political asylum in a third country after obtaining South Korean nationality.

B. Reality of North Korean Defectors Residing Overseas

As food shortages continued for a sustained period of time, more North Korean women went to China to earn money, and the number of North Korean women who did not return to North Korea but instead settled in China began to increase. Both women who were single and those who were married with children ended up living with Chinese men in order to continue their life in hiding in China. In some cases, these women were introduced to Chinese men and lived with them voluntarily,[1280] but in many cases, North Korean women were sold without their knowledge and forced into marriage.[1281] In addition, there were many cases in

1280_ NKHR2019000010 2019-04-08; NKHR2019000044 2019-07-01; NKHR2019000046 2019-07-01; NKHR2019000048 2019-07-01; NKHR2019000099 2019-10-21; NKHR2019000042 2019-07-01.

1281_ NKHR2017000025 2017-05-08; NKHR2018000004 2018-03-12; NKHR2019000061

which female defectors were under the constant watchful eye of the families and neighbors of their husbands as they were sold as merchandise.[1282] A North Korean defector who was trafficked into China in 2015 testified that she could not set foot outside the house without her husband because her Chinese husband always locked her in whenever he left home.[1283]

In many cases, female defectors are exposed to the threat of forced repatriation because of their unstable status,[1284] which is a reason why they have no choice but to remain forcibly married to Chinese men. A woman in her 30s who defected in 2017 and became a victim of human trafficking in China testified that although she had no intention of getting married when she first crossed the river, she had no choice but to get married as the broker convinced her that she needed the protection of a Chinese man due to her unstable status.[1285] Moreover, there was also testimony reporting that the testifier had to follow the broker's directions as the testifier had no acquaintances and no one to get help from in China.[1286] Some of these trafficked female defectors who had children with their Chinese husbands were reported to

2019-07-29 and many other testimonies.

1282_ NKHR2019000100 2019-10-21; NKHR2019000061 2019-07-29.

1283_ NKHR2017000094 2017-10-23.

1284_ NKHR2019000099 2019-10-21; NKHR2019000067 2019-08-26.

1285_ NKHR2019000067 2019-08-26.

1286_ NKHR2019000061 2019-07-29.

have ended up unable to see their children after being forcibly repatriated to North Korea.[1287] While some of these children obtain residence permits (*hukou*) to live in China,[1288] many of them are left stateless, unable to access education or medical services.[1289]

Male defectors have been found to end up in similar situations. A North Korean defector who defected in 2019 testified that a North Korean man who had defected before him/her, and who was living in the same Chinese village where the testifier had lived in hiding, did heavy labor in a pig pen all by himself and received only three meals a day as remuneration but did not complain because of the risk of being repatriated to North Korea.[1290]

With more North Korean defectors staying in China for extended periods of time, their way of life has also changed. Unlike their initial years of living in China, North Korean defectors live more in the homes of Chinese people such as Han Chinese than in the homes of their North Korean relatives or ethnic Koreans in China. As they adapt to living in China, some defectors have developed their own ways of living, such as learning the Chinese language, becoming employed and getting involved in market activities.[1291] Also, although only very rarely,

1287_ UN Watch, "North Korean Refugees Testify at United Nations," 〈https://unwatch.org/un-watch-hosts-un-event-on-north-korean-refugees-in-china/〉 (Accessed 4 October 2023).

1288_ NKHR2017000046 2017-07-03.

1289_ UN Watch, "North Korean Refugees Testify at United Nations."

1290_ NHKR2022000017 2022-06-13.

some female North Korean defectors have entered South Korea with South Korean men with whom they resided in China. In some cases, female defectors living in China go to South Korea through brokers after they find out about settlement support grants offered by the South Korean government through the Korean-Chinese men they live with. In such cases, the men typically travel to South Korea first to find jobs, learn about the support grants and then advise their North Korean partners to come to South Korea. There were also cases in which North Korean defectors come to Jeju Island (South Korea), where no visa is required, after obtaining Chinese passports with forged residence permits, and then report their identity as North Korean defectors after arriving in South Korea. However, it seems that a significant number of female defectors living in Han Chinese farming villages continue to live there because they do not have access to information on South Korea.

C. Punishment for Defectors

(1) Punishment Provisions

The North Korean Criminal Law divides charges for defection into two crimes: illegal border-crossing and treason against the fatherland. For illegal border-crossing, up to one year of labor

1291_ NKHR2017000064 2017-07-31.

training punishment may be imposed, and when the case is serious, up to five years of correctional labor punishment may be imposed (Article 221). The North Korean Criminal Law also stipulates that "a citizen who commits treason against the fatherland, such as betraying the fatherland by fleeing or surrendering to another country or turning over secrets to the enemy, shall be subject to five years or more of correctional labor punishment. When the case is extremely serious, the citizen shall be subject to unlimited-term correctional labor punishment or death penalty with confiscation of property" (Article 63). In addition, the North Korean Immigration Law stipulates that any North Korean citizen who violates immigration regulations shall be subject to fines and an administrative penalty that bans him/her from leaving the country, and, when the case is serious, a criminal penalty may be imposed (Article 55).

In addition to the Criminal Law, the terms of punishment for defection are dictated in the People's Security Enforcement Law and the Administrative Penalty Law. Article 30 of the People's Security Enforcement Law stipulates that "people's security institutions shall exercise control over violations of travel regulations and disorderly wandering on the streets." Article 57 of the same law states that people's security institutions may impose fines on people who violate Article 30. These provisions are not intended to punish the act of defection directly but are utilized to prevent people from moving toward the border regions for

defection. Article 271 of the Administrative Penalty Law stipulates that anyone illegally crossing the border shall be subject to up to three months of labor discipline (more than three months when the case is serious). In addition, Article 282 of the same law prescribes that those who violate travel regulations and engage in illegal exit/entry of restricted areas may be subject to admonitions, stern warnings, fines or up to three months of unpaid labor or re-educational labor discipline, and, when the case is serious, they may be subject to three months or more of unpaid labor or re-educational labor discipline.

The North Korean Crowd Reporting Act enacted on 18 April 2019 is worth noting because, although it does not contain punishment provisions directly targeting defectors, it incorporates punishment provisions for actions associated with defection. Article 15 of the Crowd Reporting Act lists acts that institutions, enterprises, organizations, and North Korean citizens are required to report, which includes the act of illegally calling, meeting with, or exchanging money or goods with people from other countries as specified in subparagraph 7 of the provision. While the North Korean Criminal Law defines only communications related to defection as an act punishable by law, the Crowd Reporting Act stipulates the act of contacting people from other countries as a punishable act. This provision can be understood as a measure to prevent North Korean defectors from delivering cash or valuables to their families in North Korea through brokers. Given that the

number of North Korean defectors is anticipated to increase following the recent reopening of the North Korea–China border, there is significant concern about increased crackdowns and punishments under the Criminal Law and the Crowd Reporting Act.

(2) Reality of Punishment

(A) Investigation and Transfer

North Korean defectors caught in China are deported to periphery military units along the border, then to the Ministry of State Security of the repatriation area for basic investigation and personal identity checks. They are then sent back to the authorities in their area of residence. Depending on the case, deportees are sent to their respective regional institution (MPS) either directly or via the labor training camp (*rodongdanryundae*) or the provincial holding center (*jipkyulso*) in the repatriated area. The punishment procedure following repatriation differs depending on the initial detention facility to which a deportee is sent. If the initial detention facility is located at or near the area of the detainee's residence, the level of punishment is determined more quickly. On the other hand, if the detainee's hometown is far away from the MSS branch in the border region, the period of detention is extended because the MPS officers from the detainee's hometown have to travel to the border area detention facility in person to sign the detainee out. Other factors that affect

extended detention seem to include the risk of escape during transfer, securing of the means of transfer, and lack of means to contact the families.

Those who are repatriated from China are investigated at a first-level detention facility for punishment. The MSS branch detention centers (*guryujang*) in repatriation areas are mostly in Onsong County, Musan County, Hoeryong in North Hamgyeong Province, Sinuiju in North Pyeongan Province, and Hyesan in Yanggang Province. Repatriated North Korean defectors are strip-searched, have their belongings checked and undergo health inspections (for AIDS) before they are detained. Although men and women are known to be detained separately, there are cases in which they are detained together, depending on the number of people being repatriated.

North Korean defectors caught in China and awaiting deportation are mostly detained for days or even months in Chinese police stations, public security institutions or customs offices. Afterward, they are sent to MSS provincial holding centers (*jipkyulso*) and MPS city branch detention centers (*guryujang*), and then undergo preliminary examinations and trials, through which their punishment is determined. A North Korean defector, who had defected in 2015 and was caught in China, testified that after the arrest, he/she had spent a week in detention in a periphery military unit at the Chinese border and then was transferred to North Korean authorities through customs.

The testifier said that, afterward, he/she stayed in an MSS holding center (*jipkyulso*) for 23 days and then in a holding center (*jipkyulso*) under the City Security Department, and was sentenced to labor training punishment but was released after paying bribes.[1292] In addition, a testifier who had worked in a detention facility until April 2019 testified that those caught while defecting are detained in holding centers (*jipkyulso*) within the Ministry of State Security.[1293]

Article 37 of the North Korean Law on the Protection and Promotion of the Rights of Women prohibits physical searches of women. However, it has been revealed that inspectors examine forcibly repatriated female defectors by forcing them to sit down and stand up repeatedly (*pompu*), conducting strip searches, and carrying out uterus examinations.[1294] Such examination is intended to search and seize the money defectors have earned while in China. A North Korean defector who had been detained in an MSS city detention center (*guryujang*) in 2016 testified that she went through a uterus examination conducted by a female soldier, which was very painful and extremely shameful.[1295] Moreover, there were even cases in which defectors were

1292_ NKHR2020000024 2020-07-06.

1293_ NKHR2020000035 2020-09-05.

1294_ NKHR2017000014 2017-04-10; NKHR2017000045 2017-07-03; NKHR2017000046 2017-07-03; NKHR2017000119 2017-11-20; NKHR2018000081 2018-07-30; NKHR2019000041 2019-07-01; NKHR2019000075 2019-08-26.

1295_ NKHR2017000045 2017-07-03.

repeatedly made to undergo strip searches every time their cases were transferred to another institution. Cases have been reported in which testifiers have witnessed or heard of incidents where forcibly repatriated female defectors who were pregnant to Chinese men were forced to undergo an abortion.[1296] Cases of sexual violence at detention facilities have also been reported. A North Korean defector testified that she was sexually assaulted by a correctional officer (*gyehowon*) when she was in an MPS holding center (*jipkyulso*) in July 2016 and she wanted to die because of this.[1297]

In recent surveys, it has been reported that North Korean defectors who are repatriated after fleeing to China receive relatively lenient punishment compared to those who are caught and repatriated while attempting to enter South Korea. A North Korean defector who defected in 2019 testified that, to his/her knowledge, North Koreans caught attempting to escape to China would receive five to ten years of imprisonment while those attempting to defect to South Korea would receive life imprisonment.[1298]

There seems to be a significant number of cases in which

1296_ NKHR2017000047 2017-07-03; NKHR2017000099 2017-10-23; NKHR2017000128 2017-12-18; NKHR2017000058 2017-07-31; NKHR2017000104 2017-10-23; NKHR2017000130 2017-12-18.

1297_ NKHR2017000045 2017-07-03.

1298_ NKHR2023000008 2023-04-28

forcibly repatriated defectors offer bribes during the interrogation process to reduce the term of their sentence or be exempted from punishment.[1299] A North Korean defector who had been caught in an attempt to defect in 2016 testified that he/she was released, subject only to re-educational measures, after bribing the MSS intelligence chief of ○○ City, with 5,000 yuan.[1300] Cases have also been found in which defectors bribed law enforcement personnel to forge the contents of their interrogation documents to avoid punishment. A North Korean defector who had been forcibly repatriated from China in 2015 testified that he/she was able to reduce his/her sentence by bribing prosecutors, judges and lawyers to forge the length of time he/she stayed in China.[1301] Another North Korean defector testified that he/she had been arrested during a defection attempt in 2017 but was able to receive a relatively light sentence of one month at a labor training camp (*rodongdanryundae*) by bribing the preliminary examination officer with 3,000 yuan.[1302] As such, it seems there is a widespread practice of avoiding punishment via bribery, even among those who are caught in their attempts to defect. One testifier noted that

1299_ NKHR2017000057 2017-07-31; NKHR2017000058 2017-07-31; NKHR2017000098 2017-10-23; NKHR2017000103 2017-10-23; NKHR2017000121 2017-11-20; NKHR2017000128 2017-12-18; NKHR2019000019 2019-04-08; NKHR2019000105 2019-11-09; NKHR2019000074 2019-08-26; NKHR2023000008 2023-04-28; NKHR2023000004 2023-04-12.

1300_ NKHR2017000057 2017-07-31.

1301_ NKHR2017000005 2017-04-10.

1302_ NKHR2018000091 2018-08-27.

those without money are often unable to evade punishment.[1303]

A North Korean defector testified that he/she had been caught during an attempt to defect in January 2018 and detained at an MSS detention center (*guryujang*) but was released without a trial after his/her mother paid 7,000–7,500 yuan as a bribe. The testifier said that an attempt to defect to South Korea constitutes treason against the fatherland, which is the most serious crime.[1304] Another testifier who had worked at a detention facility until April 2019 said that he/she saw repatriated North Korean defectors being detained in the facility, and that if they were people who had been repatriated after living in China for a long period of time, they received a maximum of five years of imprisonment after trial. According to the testifier, repatriated defectors who had attempted to defect to South Korea are sent to political prison camps (*kwanliso*) after first being detained in detention centers (*guryujang*) within the Ministry of State Security, where they can try to avoid punishment by offering bribes. The testifier further claimed that if a repatriated defector's sentence is confirmed at an MPS city/county branch, avoiding punishment becomes impossible.[1305]

The MSS branches located in border areas conduct interrogations

1303_ NKHR2017000026 2017-05-08.
1304_ NKHR2020000020 2020-07-04.
1305_ NKHR2020000035 2020-09-05.

on repatriated defectors to verify information such as their personal information, home address, time and frequency of river-crossings, and activities after river-crossing (e.g., whether the defectors have contacted South Koreans or Christians or attempted to go to South Korea and whether they have connections with human trafficking or watched pornography or South Korean video recordings). After being interrogated at MSS branches in border areas, repatriated defectors are sent either to the MPS detection center (*guryujang*) or to provincial holding centers (*jipkyulso*) in the border areas. Under North Korean criminal procedures, there should be a preliminary examination in which prosecutors establish the facts of a crime and indict or exonerate the suspect. During the preliminary examination, prosecutors ask those who have been repatriated to describe in detail the purpose of their border-crossing and activities in China. During this phase, investigators use beatings, abusive language and threats, and induce people to report the activities of other repatriated defectors during their stay in China by telling them that their sentence would be reduced.

(B) Imposition of Punishment

It has been found that since Kim Jong Un came to power, punishment for repatriated defectors has been greatly strengthened,[1306] and more defectors are sentenced to correctional labor punishment rather than labor training punishment.[1307] A

North Korean defector who defected in 2019 reported that, until 2019, forcibly repatriated defectors were sentenced to two to three years of correctional labor punishment and those who were caught while serving in the military for having attempted to defect were sentenced to 10 years of imprisonment. However, it has been reported that the level of punishment can be reduced through bribery.[1308]

In particular, testimony was collected stating that those whose stay in a third country after illegal border-crossing is three months or longer are subject to aggravated punishment because this situation is classified as a "serious case" under paragraph 2 of the provision on the crime of illegal border-crossing.[1309] People sentenced to correctional labor punishment for the charge of illegal border-crossing are mostly imprisoned at Jeongeori *Kyohwaso* in North Hamgyeong Province and Gaecheon *Kyohwaso* in South Pyeongan Province.[1310] In particular, it has been found that around 70% of convicted prisoners in Jeongeori *Kyohwaso* are imprisoned for the charge of illegal border-crossing.[1311] Many testifiers said that those who attempt to

1306_ NKHR2017000001 2017-04-10; NKHR2017000002 2017-04-10; NKHR2017000067 2017-08-28.

1307_ NKHR2012000151 2012-07-24.

1308_ NKHR2023000021 2023-08-04

1309_ NKHR2017000005 2017-04-10.

1310_ Dong-ho Han *et al.*, *Prison Camps in North Korea*, pp. 10–12.

1311_ *Ibid.*, p. 14.

escape to South Korea are punished as political criminals,[1312] and there was even testimony stating that defectors who are caught heading to South Korea would be unconditionally shot to death.[1313] A North Korean defector in his/her 50s who defected in 2019 said that, from fall 2018, MSS agents came to every People's Unit (*inminban*) meeting and said, "defectors are traitors, and they can be sentenced to death."[1314]

It has been found that the overall punishment of forcibly repatriated defectors has been recently reinforced. In the past, North Korean people who defected to China and were repatriated were sentenced to correctional punishment for a period that corresponds to the length of their stay in China, but the punishment has recently been strengthened so that repatriated defectors are sentenced to prison terms that are twice as long as the period of their stay in China.[1315] A North Korean defector in his/her 20s who defected in 2019 testified that punishment for defection has strengthened from around 2015, and while those charged with defecting to China were previously sentenced to serve time in labor training camps (*rodongdanryeondae*), they are

1312_ NKHR2015000031 2015-02-10; NKHR2017000007 2017-04-10; NKHR2017000039 2017-06-05; NKHR2017000111 2017-11-20; NKHR2017000112 2017-11-29; NKHR2017000130 2017-12-18; NKHR2019000048 2019-07-01; NKHR2019000101 2019-10-21; NKHR2023000003 2023-04-11.

1313_ NKHR2019000007 2019-04-08.

1314_ NKHR2019000019 2019-05-07.

1315_ NKHR2016000072 2016-05-17.

now all sentenced to two or three years of correctional labor punishment.[1316] A North Korean defector in his/her 20s who defected in 2018 testified that he/she was forcibly repatriated after defecting to and staying in China for three months in 2015 and was sentenced to one year of correctional labor punishment, but these days, people who defect even only for a day are sentenced to one year of correctional labor punishment.[1317]

During the Kim Jong Il era, there were cases in which defectors who had voluntarily returned to North Korea were only sentenced to educational measures instead of criminal punishment. However, under the Kim Jong Un regime, even voluntary returnees are subject to harsh punishment.[1318] According to a testifier who had defected twice in 2007 and 2014, voluntary returnees were not punished in 2007 under Kim Jong Il, but when the testifier voluntarily returned in 2014, he/she was not forgiven and investigations were carried out in a harsh manner.[1319]

1316_ NKHR2019000039 2019-07-01.
1317_ NKHR2019000043 2019-07-01.
1318_ NKHR2016000131 2016-06-09.
1319_ NKHR2016000148 2016-09-06.

Table V-3 Cases of Punishment for Defectors

Testimonies	Testifier ID
The testifier's son-in-law was caught in his attempt to defect in Yanggang Province in September 2015 and was sent to the MSS provincial bureau. The testifier was later told that he was sent to Suseong *Kyohwaso* (political prison camp) in Chongjin.	NKHR2018000123 2018-10-22
The testifier heard that a 33-year-old man who had been forcibly repatriated was sentenced to two years of correctional labor punishment in 2016. The testifier was told that this person had to have an operation as he ate needles to kill himself at a detention center (*guryujang*).	NKHR2019000093 2019-10-21
In 2016, the testifier's son defected from North Korea but was caught within six hours and forcibly repatriated. He was sentenced to three months of labor training punishment but was released after only one month because he paid bribes.	NKHR2019000096 2019-10-21
The testifier was caught after attempting to defect from North Korea in January 2018 and was detained in an MSS detention center (*guryujang*). However, the testifier was released without a trial as his/her mother paid 7,000-7,500 yuan as a bribe.	NKHR2020000020 2020-07-04
In 2017, the testifier's daughter who defected was caught in Kunming, China and forcibly repatriated to North Korea. To the testifier's knowledge, his/her daughter was sent to a prison camp (*kyohwaso*) without a trial or an official verdict.	NKHR2023000014 2023-07-26

(C) Punishment for Defector Families

Since Kim Jong Un took office, the surveillance and punishment of defectors' families have tightened as part of strengthening control over defection.[1320] It appears that cases occur in which the entire family is either deported or sent to a political prison camp (*kwanliso*).[1321] A North Korean defector

1320_ NKHR2019000008 2019-04-08; NKHR2019000038 2019-06-15; NKHR2019000031 2019-06-03; NKHR2019000092 2019-10-21.

1321_ NKHR2017000038 2017-06-05; NKHR2017000039 2017-06-05; NKHR2017000072

who defected in 2016 testified that a father and daughter who had lived in his/her neighborhood were forcibly repatriated from China in 2015, and all the remaining family members were forcibly deported to Unheung County, Yanggang Province.[1322]

However, many testifiers have stated that the number of cases in which defector families are actually punished or deported has decreased recently due to the overwhelming number of defectors.[1323] It is said that, particularly in border regions, it is practically impossible to punish or deport all defector families because there are too many who have a defector in their family. A North Korean defector testified that, in Hyesan, people are not punished for having a defector in the family because there are many defector families in the city; nevertheless, the testifier said that people holding official positions may be removed from their positions and be punished for being family members of defectors.[1324]

In recent surveys, many testimonies have reported that the monitoring and crackdown on defectors' families are still being carried out.[1325] A North Korean defector who defected in 2019

2017-08-28; NKHR2019000046 2019-07-01.

1322_ NKHR2019000046 2019-07-01.

1323_ NKHR2017000077 2017-08-28; NKHR2017000085 2017-09-25; NKHR2017000092 2017-09-25; NKHR2019000012 2019-04-20; NKHR2019000074 2019-08-26; NKHR2019000078 2019-09-25; NKHR2019000087 2019-10-05.

1324_ NKHR2023000001 2023-04-07.

1325_ NKHR2020000012 2020-06-15; NKHR2020000013 2020-06-15; NKHR2020000014

testified that he/she had been monitored by many people, including MSS agents, while living in North Korea because his/her father was residing in South Korea. According to the testifier, he/she bribed the Ministry of State Security using money originally from his/her father in South Korea, and the Ministry of State Security instructed him/her not to defect to South Korea.[1326]

Moreover, many testimonies have been collected stating that having a defector in the family could prevent people from getting a desired job, entering a school they wanted to attend, or getting promoted at work. A North Korean defector who defected in 2019 testified that it was impossible for him/her to join the military or the Party because of his/her defector mother who entered South Korea in 2007, and her defection records made it difficult for him/her to achieve anything he/she wanted in his/her life. However, the testifier said that there were no restrictions on marriage.[1327] A defector in his/her 50s who defected from North Korea in 2019 testified that his/her older brother was a renowned judge but had difficulty being promoted above the level of a general judge because his daughter had defected.[1328] A North Korean defector in his/her 40s who defected in 2019 said that in

2020-06-15; NKHR2020000024 2020-07-06; NKHR2020000028 2020-07-06; NKHR2021000008-2 2022-05-26; NKHR2022000006 2022-05-25; NKHR2022000020 2022-06-18; NKHR2023000015 2023-07-27 and many other testimonies.

1326_ NKHR2023000015 2023-07-27.

1327_ NKHR2020000017 2020-07-04.

1328_ NKHR2019000108 2019-11-18.

2016, his/her older brother was expected to get promoted to become a Party secretary but was not promoted as it was found that there was a defector in the family.[1329] In other words, while judicial punishment has weakened, there are indirect restrictions imposed on families of defectors such as social discrimination.

Table V-4 Cases of Punishment for Defector Families

Testimonies	Testifier ID
In 2015, a father and daughter who had defected to China were forcibly repatriated, and all the remaining family members were forcibly deported to Unheung County, Yanggang Province.	NKHR2019000046 2019-07-01
The testifier was caught during a travel permit check conducted in 2016 on his/her way to his/her grandmother's in Hoeryong, North Hamgyeong Province. When interrogators discovered that the testifier's mother was a defector, they accused the testifier of attempting to defect and detained him/her at the Ministry of State Security for a month.	NKHR2017000054 2017-07-31
A testifier who defected in 2019 testified that he/she had been monitored by a neighbor who was an MSS informer since his/her mother defected and went missing in 2011. The testifier said that the informer did not search his/her house, but he threatened that he would send the testifier to a labor training camp (*rodongdanryundae*) unless he/she offered some money.	NKHR2020000029 2020-07-06
A testifier who defected in 2019 said that the father of a friend who defected with the testifier had two of his houses confiscated and was sent to a labor training camp (*rodongdanryundae*), and the testifier's father received the same punishment. The testifier heard that Kim Yo Jung instructed the authorities to confiscate the houses of defector families and send defector families to labor training camps (*rodongdanryundae*) or sentence them to correctional labor punishment.	NKHR2020000021 2020-07-06

1329_ NKHR2019000009 2019-04-08.

D. Human Trafficking

International and national laws prohibit human trafficking, emphasizing its inhuman nature. In addition, a substantial number of human rights organizations engage in the monitoring of human trafficking activities and have launched international promotional campaigns to eradicate human trafficking. According to the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (hereinafter the Protocol on Human Trafficking), human trafficking means "the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." In the provision, the meaning of exploitation is very important, which includes "the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." Human trafficking is different from human smuggling in that exploitation continues to occur even after the arranged illegal border-crossing.[1330]

(1) Organized Human Trafficking

As the number of illegal border-crossings by North Korean residents rapidly increased, organized rings of human traffickers began to appear, earning profits by trafficking North Korean defectors. There have been many incidents in which these ring members sought to capture North Koreans around train stations or markets in China for sale. There are several stages to this form of human trafficking. Organized human trafficking involves many people, such as those who lure women along the North Korean border, those who pick up women on the Chinese side of the border, and those who keep female North Korean defectors in hiding in certain places and arrange their sales. In the process, the transaction cost is expected to increase at every stage. As organized human trafficking began to occur, the practice of selling North Korean defectors spread to the inner areas of China's three northeastern provinces, which are far away from the border. In most cases, North Korean women are the target of human trafficking, but North Korean men have also been traded to remote areas of China where labor is scarce.

As North Korean defectors stay in China for longer periods of time, some defectors illegally residing in China become involved in the trafficking of fellow North Korean defectors. For example,

1330_ Norma Kang Muico, "An Absence of Choice: The Sexual Exploitation of North Korean Women in China," *Anti-Slavery International* (2005), p. 3.

there seem to be cases in which female North Korean defectors living with Chinese men involved in human trafficking turn over other female defectors to Chinese men or adult entertainment establishments to make money. It has been found that brokers trade female North Korean defectors to Chinese men, telling each woman that she can contact them if she does not like the man or has difficulties living with him, and if the female defector contacts them for help, the brokers would move and sell her to another area to make a profit. A woman in her 20s who defected in 2015 testified that she had been traded as many as four times in China, and whenever she wanted to run away from the man she had been forced to marry, she would ask for help from a "*Chosun*" woman (i.e., a woman from North Korea) from Chongjin, who was a broker who connected her to a new man.[1331]

In the past, there were many cases in which North Korean defectors were sold abroad by human traffickers without realizing it. A North Korean defector who was 16 when he/she was traded in 2015 testified that he/she was trafficked on his/her way to China to earn money.[1332] Another North Korean defector said that his/her daughter, who only wanted to stay in China for a few months with her friend to earn money, was trafficked in 2017.[1333]

1331_ NKHR2019000061 2019-07-29.
1332_ NKHR2020000031 2020-08-03.
1333_ NKHR2020000028 2020-07-06.

In this regard, a North Korean defector who defected in 2019 said that the cost of defection for defectors themselves was relatively low in the past because defection brokers made a profit by selling the defectors to human traffickers without telling the defectors that they would be sold.

Conversely, there have been testimonies reporting that the cost of defection has increased to as much as 17 million South Korean won per person. The North Korean defectors who paid this amount for their defection said that they were clearly aware that they were going to South Korea and that the cost of defection has significantly increased because, today, North Korean people who attempt to flee North Korea personally pay the cost for the border-crossing to brokers, who no longer receive cash or valuables from human traffickers in exchange for the defectors.

It has been reported that defection brokers no longer trade North Korean defectors to human traffickers because the risk of helping people to cross the border has increased considerably due to the tightened border control and because punishment for human trafficking has been strengthened in China. According to North Korean defectors who defected in 2019, North Korea's border control and China's punishment for human trafficking seem to have been strengthened since 2018 with Kim Jong Un's visit to China. The testifiers said that Chinese people do not dare to engage in human trafficking because they would be sentenced to five years imprisonment for each person they traffic, and the

sentence would increase to 10 years for trafficking two people, 15 years for trafficking three people, and so forth.[1334] The testifiers also said that Chinese people involved in human trafficking were merely fined in the past, but they are now subject to long-term imprisonment, which indicates that there is a greater risk for Chinese human traffickers and the legal system against them has become more strict.

Recently, cases have been reported in which North Korean women pursue marriages with Chinese men through brokers as a strategy to escape from North Korea. Research indicates that brokers arranging marriages between female North Korean immigrants and Chinese men are recognized as matchmakers, while brokers affiliated with Han Chinese criminal groups who sell female North Korean immigrants to other places rather than arranging marriages with Chinese men are identified as human traffickers.[1335] A North Korean defector who defected in 2019 reported that, around 2016–2017, he/she saw his/her female friends defecting to China by choice with help from brokers. The testifier said that there were many cases in the past in which human traffickers recruited North Korean women by deception but, nowadays, many North Korean women willingly escape North Korea to go to China.[1336]

1334_ NKHR2022000014-3 2022-08-31; NKHR2022000015-3 2022-08-31.

1335_ Kyunghee Kook, "'I Want to Be Trafficked so I Can Migrate!': Cross-Border Movement of North Koreans into China through Brokerage and Smuggling Networks," 676–1 *The ANNALS of the American Academy of Political and Social Science*, Vol. 1, No. 676 (2018).

(2) Human Rights Violations of Trafficked Female Defectors

With China's industrialization, women in rural areas began to migrate into cities or foreign countries such as South Korea to earn money. As a result, there is an increased demand for women as marriage partners or objects to satisfy sexual desires in Chinese society. Due to such demand, female North Korean defectors are often traded as live-in partners of Chinese men. It seems that most North Korean women are taken to Chinese men without knowing to whom they have been sold. However, some of them knowingly ask brokers to help them cross the border in order not to bear the cost of river-crossing. In addition, cases have been found in which some voluntarily decided to be sold because they realized that trafficking is the only way to escape North Korea due to the tightened control on defection under the Kim Jong Un regime.[1337]

Whereas there are cases in which female North Korean defectors who have been forced into marriage with Chinese men continue to live with their Chinese partners for a long period of time, a significant number of female defectors appear to flee to other regions as their marriage encounters trouble due to sexual abuse, violence, drinking or gambling. When a Chinese husband

1336_ NKHR2023000015 2023-07-27.

1337_ NKHR2017000033 2017-06-15; NKHR2017000094 2017-10-23; NKHR2018000033 2018-05-08.

desires to continue the relationship with a North Korean woman, he would make various efforts, such as helping the woman obtain a residence permit or providing financial help to the woman and her family. There are cases in which women who have crossed the border without help from a trafficking broker choose to live with Chinese men as life in China is difficult. In these cases, their married life does not appear to be much different from the situation of women in forced marriages. Unable to speak Chinese, North Korean women find it impossible to get a job in a restaurant or in any public place. Thus, they come to realize that there is no other alternative than to enter a common-law marriage with Chinese men to avoid being caught. In one case, a North Korean woman managed to run away after being trafficked and forced into marriage only to find herself in a relationship with another Chinese man because it was the only way for her to survive in China.[1338] Cases have also been found in which female North Korean defectors who have been traded in China are forced to provide sexual services at karaoke bars and adult entertainment establishments.[1339]

Meanwhile, it has become more difficult to find human trafficking agents in North Korea as the crackdowns against them have strengthened. Many testimonies have been collected stating

1338_ NKHR2017000065 2017-07-31.

1339_ NKHR2017000066 2017-08-28; NKHR2019000043 2018-12-25.

that human traffickers are publicly executed or imprisoned in political prison camps (*kwanliso*).[1340] There was also testimony reporting that while human trafficking is still active in Hoeryong and Musan County, North Hamgyeong Province, it has decreased substantially in Onsong County due to intensified crackdowns.[1341]

E. Evaluation

Overseas defectors, especially those in China, who are forcibly repatriated to North Korea are often deprived of their right not to be tortured or receive inhuman treatment during the investigation, trial, and punishment process in holding centers (*jipkyulso*), detention centers (*guryujang*), labor training camps (*rodongdanryundae*), and prison camps (*kyohwaso*). North Korean defectors who have attempted to go to South Korea or contacted Christians during their stay in China are publicly executed or imprisoned in political prison camps (*kwanliso*), which constitutes a violation of the right to life and the right to a fair trial. Forced abortions of forcibly repatriated female defectors who become pregnant in China and the trafficking of North Korean women also represent serious human rights violations.

1340_ NKHR2017000009 2017-04-10; NKHR2017000010 2017-04-10; NKHR2017000067 2017-08-28; NKHR2017000103 2017-10-23; NKHR2017000113 2017-11-20; NKHR2017000134 2017-12-18; NKHR2018000057 2018-07-02; NKHR2018000105 2018-10-01; NKHR2019000048 2019-07-01.

1341_ NKHR2015000171 2015-12-01.

North Korea's border control and crackdowns on defection have been continuously strengthened due to the impact of COVID-19. Similarly, border control on the Chinese side has also tightened. The bribes that must be paid by forcibly repatriated North Korean defectors to avoid punishment have skyrocketed, and the success rate of re-defection appears to have decreased dramatically. In addition, monitoring and crackdowns on defectors' families continue to be carried out. With the intensified efforts in epidemic prevention due to COVID-19, overall border controls against border-crossing attempts and the smuggling of goods in border regions have been tightened, and punishment for these activities has become more severe. With the recent reopening of the North Korea–China border, there is growing concern that the implementation of the North Korean Crowd Reporting Act of 2019 and the Chinese Land Borders Law of 2021 in relation to the defection of North Korean people may lead to human rights violations. Moreover, there are also concerns about possible human rights violations that may arise in the large-scale forced repatriation of North Korean defectors detained in Chinese facilities.

The problem of human rights violations of North Korean defectors can be ultimately solved by a policy change by North Korean authorities. In addition, the North Korean judicial, trial and correctional systems should be improved to comply with relevant international standards. The Chinese government should

also reconsider its policy of forcibly repatriating North Korean defectors, taking into account the human rights violations that occur during the forced repatriation process.

3
Overseas Workers

North Korea has dispatched workers to over 40 countries, including China and Russia. The exact number of workers dispatched overseas is not available, but after the strengthening of sanctions against North Korea in 2017 and before the outbreak of COVID-19, it was estimated that approximately 40,000 workers have been sent to Russia and over 100,000 workers to China alone.[1342] North Korea has sent a large number of workers overseas to earn foreign currency. The money coming into North Korea through these dispatched workers was estimated to be around hundreds of millions of dollars per year. As part of the sanctions against North Korea's nuclear and missile tests, the UN Security Council placed restrictions on issuing new work authorizations to North Korean workers in the jurisdiction of its Member States through Resolution 2375 adopted on 11 September

1342_ In October 2015, the National Intelligence Service of South Korea reported to the National Assembly Intelligence Committee that the number of North Korean workers working overseas was approximately 58,000. "North Korea sent 80,000 workers on a mission to earn foreign currency despite the risk of being tainted with capitalism," *JoongAng Ilbo*, 10 November 2015.

2017, and decided through Resolution 2397 of 22 December 2017 that North Korean workers staying in the jurisdictions shall be repatriated within 24 months from the date of the adoption of the resolution. As a result, the number of overseas North Korean workers is estimated to have significantly decreased. However, it is also assumed that some of these workers have not yet returned to North Korea due to border closures following the COVID-19 pandemic.[1343]

With respect to overseas North Korean workers, concerns have been raised that workers are used as a means of earning foreign currency and their human rights are not sufficiently protected. In this chapter, the current human rights situation for overseas North Korean workers is analyzed based on defector testimonies.

A. Discriminatory Selection Process

Every individual has the right to work so as to live a life of dignity. The right to work contributes to the survival of both the individual and his/her family, constitutes an inseparable and inherent part of human dignity, and is essential to realizing other

1343_ According to Li and Nah, Chinese businessmen involved in trading with North Korea, approximately 100,000 North Korean workers were estimated to have stayed in China during COVID-19 (KINU Advisory Meeting, 4 September 2023). On the other hand, while there were approximately 30,000 to 40,000 North Korean workers in Russia before the strengthening of sanctions in 2017, it is presumed that most of them have returned to North Korea after the sanctions were tightened and only around 3,000 currently remain in Russia. NKHR2023000022 2023-08-10.

human rights.[1344] Article 6, paragraph 1 of the ICESCR stipulates that its States Parties shall "recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right." As a State Party to the ICESCR, North Korea has an obligation to protect the rights prescribed in the Covenant.

However, in North Korea, workers' freedom of occupation is substantially restricted as labor is in principle assigned according to the state labor supply plan. The freedom to choose one's occupation is restricted even for workers who voluntarily apply to be dispatched overseas. In North Korea, being dispatched abroad has been perceived as a rare opportunity to earn foreign currency,[1345] and thus, many North Korean residents wish to be dispatched to overseas workplaces. However, the opportunity to work abroad has been granted mostly to those with a good family background (*todae*) and, since Kim Jong Un came to power, this opportunity has been offered mostly to those with the financial capacity to pay bribes.

First of all, one needs to have a good family background (*todae*) and background (*songbun*) to be dispatched to overseas workplaces.[1346] In particular, people who have relatives residing

1344_ UN CESCR, "Social and Cultural Rights (CESCR), General Comment No. 18: The Right to Work (Art. 6 of the Covenant)," 6 February 2006, para. 1.

1345_ NKHR2017000007 2017-04-10; NKHR2018000022 2018-04-09.

in foreign countries are excluded from selection. A North Korean defector who had worked at a clothing factory that produced clothes for export until 2019 said that, although he/she wanted to be dispatched to China to work as a clothing technician, his/her application was rejected because he/she had relatives in South Korea.[1347] In addition, many overseas workers' previous place of work was in Pyongyang or other large cities.[1348] In this respect, it has been found that the opportunity to be dispatched abroad is often granted to those who have good social status and are from the middle class or above in terms of economic capacity.

In addition, it has been reported that, due to the risk of defection, those with family members who can serve as potential hostages are selected to be dispatched overseas. For example, there was testimony stating that it is difficult for construction workers under the age of 27 to be dispatched overseas and that construction workers who are 27 or older may be dispatched overseas only when they are married and have children.[1349] It is said that, as an exception, doctors dispatched overseas are allowed to live with their families, but their children are forced to return to North Korea when they reach the age to enter college because they are believed to be easily susceptible to ideological influence.[1350]

1346_ NKHR2020000014 2020-06-15.
1347_ NKHR2022000015-3 2022-08-31.
1348_ NKHR2022000035 2022-09-02.
1349_ NKHR2022000005-2 2022-08-03.

It appears bribes must be paid at every stage of the selection process. A North Korean defector who had been dispatched to a city in Russia for five years from 2015 to 2019 to work at construction sites testified that his/her selection process involved five steps, and he/she had to pay bribes at each step that eventually amounted to a total of over 500 dollars, which he/she did not consider a large sum.[1351] According to the testifier, he/she first had to obtain a letter of recommendation from the Party Committee of the enterprise he/she was affiliated with, and he/she paid 200 dollars to the Party secretary as a bribe. After obtaining a letter of recommendation from the enterprise, she/she then underwent an in-depth screening conducted by the Overseas Placement Department under the Cadre Division of the Central Committee of the KWP in the second step. He/she had to submit various documents so that the authorities could conduct background checks on him/her and his/her family and relatives and, although the preparation of the required documents has to be done by the staff of the Overseas Placement Department, they often pass the work on to the applicants who do not have access to these documents, forcing them to pay bribes to the relevant officers to have the documents prepared. According to the testifier, the size of the bribe is approximately 50 dollars in rural

1350_ NKHR2022000035 2022-09-02.

1351_ *Ibid.*

areas and approximately 20 dollars in Pyongyang. The testifier then underwent an interview with the executive staff of the Overseas Placement Department for the final decision. At this point, applicants usually offer approximately 50 dollars to the executive staff as a bribe. In the fourth stage, the testifier underwent a physical examination. According to the testifier, applicants who do not have any health issues still pay approximately 20 dollars to the hospital as a bribe, and those who have health issues pay approximately 100 dollars to pass the examination. In the final step, the testifier had to obtain the executive staff's signature on the relevant documents, which was required to have his overseas placement approved by the Central Party. At this stage, applicants usually offer an additional 50 dollars to obtain this signature.

However, it is said that applicants pay the most amount of money to be placed in their desired destinations. For example, construction workers prefer to be dispatched to Middle Eastern countries such as Kuwait because they are more likely to earn significantly more money in these countries. It is said that, for example, North Korean workers dispatched to Kuwait can earn approximately 30,000 dollars in three years, while those dispatched to Russia earn approximately 3,000 dollars during the same period of time, and accordingly, workers have to offer 5,000 dollars as a bribe to be placed in Kuwait. Meanwhile, the size of the bribes required differs depending on the types of work North

Korean workers are involved in. While a North Korean defector whose spouse was a doctor said that he/she had offered 5,000 dollars as a bribe to work abroad because doctors are expected to make relatively more money when dispatched abroad,[1352] a North Korean defector who had worked in the sewing industry said that he/she had paid approximately 300 dollars to be dispatched to China as a seamstress.[1353] It has been found that the size of the bribes required differs depending on the workers' position. With respect to North Korean people who want to be dispatched to construction sites, those who are expected to be dispatched as ordinary workers must pay approximately 500−700 dollars while those who are expected to be dispatched to an executive position must pay at least 20,000 dollars as a bribe in the screening process.[1354] In addition, it has been found that the size of the bribes required grows as the number of times the workers are dispatched to overseas workplaces increases. For example, a North Korean defector who defected in 2020 testified that he/she had paid around 200 dollars to obtain a letter of recommendation from the affiliated institution for his/her first overseas deployment, but he/she had to pay 700 dollars for his/her second overseas deployment. According to the testifier, North Korean workers applying for their second overseas deployment

1352_ NKHR2022000005-2 2022-08-03.

1353_ NKHR2022000015-3 2022-08-31.

1354_ NKHR2022000035 2022-09-02.

are more likely to be selected than those applying for their first because the authorities can demand more money from the former in the belief that those who have overseas deployment experience are more likely to be financially capable to pay a larger bribe and because a complex administrative procedure is not necessary given that all of the required documents are already available. The testifier said that the opportunity to work abroad largely depends on the ability to offer bribes. Although they are exceptions, some cases have been recorded in which people were dispatched abroad without paying bribes.[1355] According to a North Korean defector who had worked as an employee at an overseas restaurant from 2019 to 2022, North Korean people intending to work at an overseas restaurant can be deployed to one without paying bribes as long as they pass a background check and physical examination.[1356] Furthermore, North Korean defectors who had been dispatched overseas to work as interpreters in 2017 and 2019, respectively, testified that they had been deployed abroad without paying bribes due to the urgent needs of their affiliated institutions at the time.[1357]

As such, the importance of family background (*todae*) and the prevalence of bribery in the selection process for overseas

1355_ NKHR2018000043 2018-06-04.

1356_ NKHR2023000024 2023-09-08.

1357_ NKHR2023000022 2023-08-10; NKHR2023000023 2023-08-29.

workers deprive people of the fair opportunity to seek a livelihood by working overseas. In particular, the qualifications based on background (*songbun*) and family background (*todae*) and economic capacity that are considered in the selection process violate the right to equality, which prohibits all kinds of discrimination based on social background, birthright, property ownership or other status. It has been found that as a result, the freedom to choose an occupation is not guaranteed for North Korean people. Moreover, factors such as whether the workers have close family members residing in North Korea are considered in the selection process to prevent overseas dispatched workers from defecting from their workplaces. The consideration of such requirements could also serve as an obstacle for people in choosing jobs based on fair opportunity according to one's abilities. However, a North Korean defector who had lived in an African country with his/her doctor spouse from 2014 to 2019 testified that the qualifications to work abroad have been relaxed since Kim Jong Un came to power; now, people without Party membership are allowed to apply for work deployment overseas and workers dispatched overseas are permitted to take their children abroad. Nevertheless, the testifier also said that being financially capable is an important factor in the selection of overseas dispatched workers.[1358]

1358_ NKHR2022000005-2 2022-08-03.

B. Excessive Working Hours

It appears that the level of labor undertaken by North Korean workers dispatched overseas is more intense than that of the work carried out by workers of other nationalities, and this has served as a major reason why overseas workplaces prefer North Korean workers. A North Korean defector who had been dispatched overseas in 2020 described some of the characteristics of North Korean construction workers dispatched overseas.[1359]

First, the daily working hours of North Korean workers are much longer than those of workers from other countries. For example, while construction workers from Uzbekistan go to work at 8 am, have a two-and-a-half-hour lunch break from 11:30 am and finish their work at 5 pm, North Korean workers work from 7 am to 1 or 2 am the following day and, when a deadline approaches, North Korean workers work without any sleep. Second, North Korean workers go to work even in bad weather. For instance, whereas Russian workers do not work in the winter because of bad weather, North Korean workers in Russia broke this common practice by continuing to work in the winter. Moreover, North Korean workers dispatched to Kuwait work non-stop day and night while Kuwaiti workers consider it cruel to make people work between 11 am to 3 pm when the temperature

1359_ NKHR2022000035 2022-09-02.

is excessively high. Third, North Korean workers work at a faster pace than workers of other nationalities. North Korean workers work at a very fast pace; when given the same amount of work, they are able to complete it twice as fast compared to workers from other countries. Of particular note is that the quality of the work produced by North Korean workers at such a fast working pace is not low. This is possible because those who produce work that fails to pass a construction inspection have their wages docked; accordingly, North Korean workers do their best to pass the required inspections. On the other hand, workers from other countries are not as desperate to produce work that can pass construction inspections because failure to do so does not affect them as much.

These characteristics demonstrate that overseas North Korean workers work excessively long hours for a long period of time. At most overseas construction sites, North Korean enterprises that have signed a subcontract with local companies directly manage dispatched North Korean workers, and in many cases, North Korean enterprises violate local labor regulations to expedite the work.

A North Korean defector who had worked at a construction site in Russia until the end of 2019 said that he/she worked from 8 am to 10–11 pm and could not rest on weekends. According to the testifier, he/she was given two days off a month at the discretion of the manager.[1360] A North Korean defector who had worked as

an employee at an overseas restaurant until 2022 also testified that his/her work started at 8 in the morning and he/she arrived home after work at 1 or 2 am the following day.[1361] As a result of overwork, accidents frequently occur in overseas workplaces, and, in the event of an accident, the North Korean official in charge of managing overseas North Korean workers is burdened with high costs in handling it. Testimony was collected reporting that the money borne by the North Korean official in charge is used as hush money for local police rather than for compensation for the North Korean workers involved in the accident.[1362] In addition to the cases of excessive labor, cases have also been reported in which wages were not paid to overseas workers.[1363]

C. Money Submitted to the State and Misappropriation of Wages by Middle Managers

As described above, it appears that while overseas North Korean workers suffer from excessive labor in poor working environments, they do not seem to receive a fair amount of wages corresponding to their work. Two factors are believed to be at play in this respect.

1360_ NKHR2020000049 2020-11-28.
1361_ NKHR2023000024 2023-09-08.
1362_ NKHR2023000022 2023-08-10.
1363_ NKHR2023000024 2023-09-08.

First, it is possible that North Korean workers are given relatively lower wages than those from other countries. For example, North Korean workers deployed to China tend to take on low-wage labor-intensive jobs that most Chinese people avoid getting into, such as the sewing and processing of fishery products. Moreover, North Korean workers dispatched to Russia take on downstream construction jobs because upstream construction jobs are available only to Russian nationals.[1364]

A second and more important factor is that overseas North Korean workers are required to send back a part of their wages to the state as the "state planned quota" and to their affiliated North Korean enterprise. While the amount payable to the state and their affiliated North Korean enterprise may vary depending on the sector they work in, North Korean workers submit a substantial part of their wages to the state and their affiliated enterprise, and it is said that sometimes the money payable to their affiliated enterprise is much higher than that required for the state planned quota.

The wages of a North Korean worker are issued as follows. First, a portion of the wages goes to the state to fulfill the state planned quota. This represents a significant proportion and the

1364_ Exceptional cases have been reported in which North Korean workers dispatched to economically or technologically lagging African countries to work as technical instructors receive higher wages than local workers. NKHR2023000023 2023-08-29.

amount is often set on a flat-rate basis and in U.S. dollars, thus imposing a heavy burden on the workers. According to a North Korean defector who had worked in Russia until 2022, because the amount an overseas dispatched worker must submit to the state is fixed, the amount the worker fails to provide becomes a debt for the worker and, if the local currency depreciates against the U.S. dollar, the burden on the worker increases proportionally.[1365] The amount assigned to the state planned quota includes a portion that goes to the oversight institution for the enterprise that made the placement of the North Korean worker at the local company in the host country possible. For example, if the North Korean enterprise with which the worker is affiliated is under the oversight of North Korea's Capital Construction Committee, the Capital Construction Committee receives part of the wages of the worker. Finally, a considerable proportion of the wages is often pocketed by middle-level officials of the North Korean enterprise, considerably reducing the share that goes to the overseas worker. A North Korean defector who had worked in Moscow until 2022 said that the head of his/her work unit in charge of the local construction project was heavily involved in the embezzlement of per capital payments for each worker and described the situation as follows:

1365_ NKHR2023000022 2023-08-10.

"For instance, if the unit price for plastering per square meter is 200 rubles, the head of the work unit informs the workers that the unit price is 120 rubles and pockets the remaining 80 rubles. Because each worker covers approximately 30 square meters per day, the work unit head can pocket 2,400 rubles per day for each worker. Because 20,000 rubles is approximately 300 dollars, if the work unit head supervises 20 workers, he/she can pocket 6,000 dollars per day. Given that the workers work 365 days a year without a break for even ten days, the amount becomes enormous over the course of a year. If a worker earns 13 million North Korean won in five years, the work unit head who supervises 20 workers can earn the same amount in one month."[1366]

Furthermore, it seems that a considerable amount is embezzled by middle-level officials through daily expenses such as food expenses for the overseas workers, as described in the following testimony:

"Workers cannot freely go to the market to buy food. The work unit head buys the food for them, charging each of them 6,000 rubles per month while spending only 3,000 rubles on groceries. This way, the work unit head pockets 3,000 rubles per person per month. When it comes to cigarettes, the work unit head buys cheap 50-ruble cigarettes from the market and charges each worker 100 rubles. Because alcoholic beverages are expensive and the workers cannot afford them, the work unit head buys medical alcohol and dilutes it with water to give to the workers. The workers do not know the price because they are not free to go out."[1367]

1366_ *Ibid.*

1367_ *Ibid.*

Since labor-related contracts are mostly negotiated between the manager dispatched from a North Korean enterprise and the local company, many North Korean overseas workers do not know the exact amount of their wages and the amount they have to submit to the state. Nevertheless, the approximate amount workers dispatched overseas had to submit to the state can be estimated by examining defector testimonies, and it has been found that a significant portion of the profits goes to the North Korean enterprise with which the worker is affiliated. According to the testimony of a North Korean defector, the distribution of profits is such that the state takes 10% of the total profits, the Capital Construction Committee takes 30%, the North Korean enterprise takes 50%, and the worker concerned takes 10%, with the North Korean enterprise taking the largest portion of the profits. Another North Korean defector said that those dispatched to an executive position within a North Korean enterprise receive as much as 1 million dollars, which is far more than the bribes that must be paid in the selection process for executive staff.[1368] In addition, it has been found that a significant proportion of the workers' wages is used to pay for "social tasks."

A testifier who had worked as a construction worker in Russia until the end of 2019 testified that he/she had to submit 600 dollars a month, which was equivalent to the monthly income of a

1368_ NKHR2022000035 2022-09-02.

well-paid Russian worker.[1369] Moreover, a testifier who had worked as a doctor in an African country between 2018 and 2019 testified that dispatched doctors had to submit 600 dollars a month per person, but they were exempt from this for the first three months after their arrival.[1370]

It seems that the fact that a substantial portion of their wages must be submitted to various entities imposes a considerable burden on overseas workers. It appears that as a result, while there were people who had earned a substantial amount of money while working abroad, there were also many people who had not earned much. The testifier who had worked as a construction worker in Russia and had to submit 600 dollars a month said that he/she only received approximately 230 dollars a month as an actual salary.[1371]

Testimonies have been collected reporting that some of the money deducted to be submitted to the state seems to have been pocketed by middle managers and officials instead. There were even cases in which the workers did not receive wages that were recorded in the book of accounts due to embezzlement by middle managers.[1372]

1369_ NKHR2020000049 2020-11-28.
1370_ NKHR2020000018 2020-07-04.
1371_ *Ibid.*
1372_ NKHR2023000024 2023-09-08.

D. Monitoring and Control by North Korean Authorities

Workers dispatched from North Korea live under the management of North Korean enterprises that have signed a contract with local companies. The North Korean enterprises provide workers with interpreting services and accommodations and assume the role of their managers. Most overseas North Korean workers live in groups in areas close to their workplaces, and they are mostly found to be in poor living conditions. A North Korean defector who had worked as a construction worker in Russia from 2015 to 2019 testified that, although Russian law prohibits workers from living in accommodation without drinking water or toilet facilities, many North Korean workers dispatched to Russia lived in containers in poor conditions because the Russian police, in collusion with North Korean enterprises, turned a blind eye toward the situation[1373] According to the testifier, each container cost approximately 100 dollars a month, and workers from other countries used containers only as a temporary resting place because the interior gets extremely cold during winter and extremely hot during summer, with a restriction that only two to four people should use one container at a time. On the other hand, overseas North Korean workers lived in these

1373_ NKHR2022000035 2022-09-02.

containers to save on housing costs, and each container was shared by as many as 12 workers. According to the testifier, the poor hygiene conditions in these containers were the most serious problem; he/she said that the containers were so poorly managed that it was impossible for people to sleep through the night in the containers because of bed bugs. Some testified that the workers had prepared their meals on their own,[1374] and some said that they had paid about 30 dollars a month for meals, which were of poor quality.[1375] Given the characteristics of worksites, it cannot be concluded that these forms of living indicate that organizational life is forced upon overseas dispatched workers or constitute arbitrary or illegal intervention on an individual's right to housing. Construction workers carrying out additional work were able to find separate housing and live on their own. The possibility of living in separate housing depends on the type of work the worker is engaged in. However, it is true that such ways of living restrict the possibility of individual activities as they essentially induce people to carry out daily activities in assigned groups.

What is more worrisome regarding the possible breach of personal privacy is the daily life surveillance and mutual monitoring system implemented by officials dispatched by the

1374_ NKHR2020000005 2020-05-15.
1375_ NKHR2020000050 2020-11-28.

North Korean authorities. North Korean authorities operate a centralized-control system even at overseas workplaces.

Overseas North Korean workers are monitored by MSS agents or managers of their affiliated North Korean companies who are dispatched with them. However, some North Korean defectors have reported recent cases in which Life Review Sessions (*saenghwalchonghwa*) were held only as a formality. A North Korean defector who had worked as a construction worker in Russia for five years until 2019 said that the president of the North Korean company he had been affiliated with did not hold Life Review Sessions (*saenghwalchonghwa*) and instead told the workers to complete the necessary paperwork for the sessions to pretend that they participated because he/she thought that it would be more reasonable to spend the time earning more money than holding these sessions.[1376] In addition, it is said that MSS agents or managers inspect overseas workers' belongings two to three times a week and that workers are not allowed to possess mobile phones.[1377] A testifier said that even workers who lived in separate housing for additional work were frequently monitored via phone call. According to the testifier, the president of the company prohibited those who had not answered phone calls the day before from carrying out additional work.[1378] There was also

1376_ NKHR2022000035 2022-09-02.
1377_ NKHR2023000024 2023-09-08.

testimony indicating that the testifier did not write any specific details in his/her letters since it was 100% certain that all letters exchanged with his/her family would be censored by the Ministry of State Security.[1379] Those who engage in deviant behavior can be punished or forcibly repatriated to North Korea. Listening to South Korean radio and watching South Korean TV programs are punished most severely.[1380]

However, there appear to be cases in which the aforementioned rules are not strictly observed. A testifier who had been dispatched to Russia from 2013 to the end of 2019 testified that his/her company prevented the workers from using a mobile phone, but the workers secretly used mobile phones, and these phones were not censored. The testifier also said that he/she secretly watched numerous YouTube videos, including the 2018 Inter-Korean Summit, and listened to South Korean music through YouTube.[1381] There also was testimony stating that no Life Review Sessions (*saenghwalchonghwa*) were actually held and that the dispatched MSS agents did not care much about holding them and told the workers to fill out some documents for possible inspections.[1382]

1378_ NKHR2022000035 2022-09-02.
1379_ NKHR2020000049 2020-11-28.
1380_ NKHR2023000024 2023-09-08.
1381_ NKHR2020000049 2020-11-28.
1382_ NKHR2020000050 2020-11-28.

It is known that workers dispatched overseas are restricted from going beyond their worksites alone.[1383] In addition, it is said that North Korean workers are in principle prohibited from contacting outside people, and only worksite managers and interpreters have the authority to do so.[1384]

E. Risk of Being Subject to Forced Labor

Article 8, paragraph 3 of the ICCPR prohibits forced labor, which refers to "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."[1385] Here, the term "penalty" includes deprivation of rights or privileges and is not limited to criminal penalties.[1386]

Whether the labor of overseas North Korean workers constitutes "forced labor" can only be determined by examining various contexts in detail. Regarding whether the labor is voluntary, which is the primary criterion in establishing forced labor, it is difficult to regard the labor of overseas North Korean workers as

1383_ North Korean defector ○○○, 4 October 2016, interviewed in Seoul.

1384_ Aeliah Lee and Chang-ho Lee, *The Reality and Human Rights of North Korean Workers in the Maritime Province of Russia* (Seoul: KINU, 2015), p. 35; NKHR2023000023 2023-08-29.

1385_ Convention Concerning Forced or Compulsory Labour, No. 29 (1930), Article 2, paras. 1-2.

1386_ Sarah Joseph and Melissa Castan, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary*, 3rd edition (Oxford: Oxford University Press, 2013), p. 324.

labor that is forced under the threat of punishment and thus involuntarily provided. This is because testimonies suggest that most workers were dispatched overseas on a voluntary basis and that they offered bribes to be selected.[1387] When asked about the motivation for their application, North Korean defectors who had been dispatched overseas answered, regardless of the time of their dispatch, that they had the expectation that they would be able to earn money if they went abroad.[1388] When asked about the autonomy to suspend or terminate work, testifiers said that while requests to take a break on the grounds of excessive labor are not accepted, it is possible to terminate one's work if the worker wishes to return to North Korea for health reasons. A North Korean defector who had worked as a construction worker in Russia until the end of 2019 testified that those who were physically unable to continue their work were sent home as arranged by the manager.[1389] In view of such circumstances, it could be understood that North Korean people are not necessarily forced to work at overseas workplaces and overseas North Korean workers are not necessarily forced into labor.

However, the International Labour Organization (hereinafter ILO) views that even such voluntary dispatch and work can also

1387_ NKHR2020000049 2020-11-28.

1388_ NKHR2020000049 2020-11-28; NKHR2023000022 2023-08-10; NKHR2023000023 2023-08-29; NKHR2023000024 2023-09-08.

1389_ NKHR2020000049 2020-11-28.

be regarded as forced labor if certain indicators that point to a possible forced labor case exist, such as debt bondage, withholding of wages, retention of identity documents and abuse of vulnerability.[1390] As described above, overseas North Korean workers live in groups and are prohibited from external contact, and their identity documents (passports, etc.) are seized and retained by the manager sent by North Korean authorities. As it became difficult to dispatch workers abroad due to sanctions against North Korea, cases occurred in which overseas North Korean workers whose contract period had expired and who wished to return to North Korea were forced to continue working overseas. This practice can also be considered under the category of forced labor.[1391]

In addition, most North Korean workers abroad start their overseas life with debts as they have to reimburse expenses such as flight costs and visa fees. As a result, they are required to work for several months to repay the costs associated with their dispatch. A North Korean defector who had worked as a

1390_ ILO, "ILO Indicators of Forced Labour-Special Action Programme to Combat Forced Labor," 2012, 〈www.ilo.org/forcedlabour〉 (Accessed 10 October 2023). The ILO presented 11 indicators of forced labor that include not only labor that is forced under coercion or the threat of penalty, which is derived from the definition of forced labor, but also other indicators that can be regarded as potentially involving forced labor. These include (i) abuse of vulnerability, (ii) deception, (iii) restriction of movement, (iv) isolation, (v) physical and sexual violence, (vi) intimidation and threats, (vii) retention of identity documents, (viii) withholding of wages, (ix) debt bondage, (x) abusive working and living conditions, and (xi) excessive overtime.

1391_ NKHR2020000049 2020-11-28; NKHR2022000035 2022-09-02.

construction worker in Russia until the end of 2019 testified that in addition to the assigned state planned quota, he/she had to pay about 1,000 dollars for airfare and railroad fares.[1392] Such circumstances could lead overseas North Korean workers into forced labor.

As such, control over workers' lives imposed by managers sent by North Korean authorities, confiscation of workers' identity documents, and debt that automatically incurs in the process of workers' overseas travel function as factors that place overseas North Korean workers into situations where they have no choice but to continue their work against their will, despite whether the workers have voluntarily applied to work abroad.

F. Increased Burden of the State Planned Quota Due to COVID-19

According to recent surveys, it appears that not many North Korean workers who resided abroad during COVID-19 have been directly affected by the disease in terms of work. For example, a North Korean defector who had been dispatched to an African country until 2022 said that his/her workplace did not consider COVID-19 to be a serious issue and its operation had not been halted due to COVID-19.[1393] A North Korean defector who had

1392_ NKHR2020000049 2020-11-28.
1393_ NKHR2023000023 2023-08-29.

been dispatched to Russia until 2022 reported that his/her workplace had been closed between May and July 2020 due to Russia's tightened quarantine policy adopted soon after the outbreak of COVID-19, but it operated normally except for these two months.[1394] On the other hand, according to the testimony of two Chinese businessmen, because North Korean workers dispatched to China work in a controlled environment to begin with, paradoxically, the amount of work assigned to North Korean workers increased during COVID-19.[1395] Some workplaces were reported to have been affected by quarantine measures implemented by the host country or characteristics of the affiliated industry. For example, a North Korean defector who had worked at an overseas North Korean restaurant until 2022 testified that business was bad during the COVID-19 pandemic, so the employees had to make and sell boxed lunches on the streets, which was burdensome.[1396] On the other hand, testimonies have been collected indicating that living conditions for North Korean overseas workers actually improved during COVID-19. A North Korean defector who had worked at a construction site in Moscow until 2022 stated that, previously, the workers had to live in a poor-quality building temporarily built on the construction site but, during COVID-19, they were moved to a

1394_ NKHR2023000022 2023-08-10.

1395_ Li and Nah (KINU Advisory Meeting, 4 September 2023).

1396_ NKHR2023000024 2023-09-08.

normal accommodation facility because the construction site was closed due to Russia's tightened quarantine controls that even cut the site's electricity supply; the testifier said that it was good to be able to take a break from work during that period.[1397] Of note is that, in this reported case, the workers including the testifier were able to move to a normal accommodation facility due to the decision of the local company that hosted them.

Testimonies have been collected reporting that the burden on overseas North Korean workers increased during COVID-19 as the amount of money workers were required to submit to the state as well as food expenses did not decrease, thus debt piled up while they were unable to work. A North Korean defector who had worked in Moscow until 2022 testified that the assigned state planned quota that he/she was unable to pay during the two months his/her workplace was closed reached 80,000 dollars, and he/she did not receive wages until he/she made the payment. The testifier also said that, consequently, many workers who contracted COVID-19 only took a day or two off and continued working regularly unless they were seriously ill.[1398] In addition, testimonies have been collected indicating that wages decreased and labor intensity increased for overseas North Korean workers. A North Korean defector who had worked as an employee at an

1397_ NKHR2023000022 2023-08-10.

1398_ *Ibid.*

overseas North Korean restaurant until 2022 testified that the restaurant's temporary closure due to the local quarantine measures ultimately led to a heavier workload for the workers because they had to make up for lost time. The testifier also reported that the monthly salary of 150 dollars was reduced to 50 dollars due to COVID-19. According to the testifier, what was particularly challenging for the workers was the need to sell boxed lunches on the streets in temperatures above 50°C to make up for the restaurant's poor business, and these lunches were expensive compared to the income level of the local residents.[1399] There were also exceptional cases. A North Korean defector who had been dispatched to an African country testified that he/she received stable wages during COVID-19.[1400] However, it appears that this was possible because the testifier and other workers who had been dispatched to the country were mainly individuals in high-ranking technical positions to whom relatively favorable treatment was given. Moreover, there was testimony reporting that the imposition of social tasks, one of which was to make additional financial contributions for COVID-19 quarantine measures or construction projects in Pyongyang, persisted during the COVID-19 pandemic.[1401] This demonstrates that the Non-Tax Burden Prevention Law adopted and amended at the

1399_ NKHR2023000024 2023-09-08.
1400_ NKHR2023000023 2023-08-29.
1401_ NKHR2023000022 2023-08-10.

SPA Presidium on 4 July 2020 and 25 February 2021, respectively, to prevent the collection of extraneous non-tax payments from North Korean people is not strictly adhered to in practice.

Furthermore, it appears that sufficient measures have not been taken regarding epidemic prevention. While there were cases in which overseas workers were able to use diagnostic kits to determine whether they were infected with COVID-19,[1402] there also were cases in which overseas workers were diagnosed based only on their symptoms because diagnostic kits were not available, could not do anything but take some medicine and wait for the symptoms to subside, because they were unable to visit local hospitals, or instead seek treatment from North Korean doctors dispatched from North Korea.[1403] There was also testimony stating that overseas North Korean workers seemed to be under considerable stress because they were unable to contact their families for a long period of time amid intensifying surveillance and that some workers actually developed mental health issues as a result.[1404]

1402_ NKHR2023000023 2023-08-29.

1403_ NKHR2023000022 2023-08-10.

1404_ Li and Nah (KINU Advisory Meeting, 4 September 2023).

G. Evaluation

In North Korea, being dispatched abroad has been perceived as a lucrative opportunity, and thus, many North Korean residents have wished to be dispatched to overseas workplaces. It has been reported that, since Kim Jong Un came to power, the importance of Party membership as a selection qualification for overseas workers has decreased, but the opportunity to work abroad is still granted mostly to those with a good family background (*todae*) and the financial capacity to pay bribes. This discrimination has led to the violation of the right to equality in the process of selecting overseas dispatched workers.

Workers dispatched abroad through such processes seem to face various difficulties in the destination countries. First, workers often suffer from excessive labor. Moreover, it has been found that a substantial portion of their wages earned from such hard labor is siphoned off not only by the state but also by other institutions, and the portion of wages misappropriated by middle managers is not insignificant and should not be overlooked. In addition, overseas North Korean workers are deprived of privacy as they live in groups under the monitoring and control of North Korean authorities with their identity documents taken away from them. It has also been found that there is a possibility that overseas North Korean workers are placed in a forced labor situation as they have to pay debts that inevitably incur in the

process of their overseas travel.

Since the second half of 2017, the number of overseas North Korean workers is estimated to have significantly decreased as the dispatching of North Korean workers has been prohibited as part of the sanctions against North Korea. However, it seems that there are still North Korean workers illegally staying abroad. In particular, testimonies have been collected reporting that, during COVID-19, the working conditions for North Korean workers dispatched abroad were influenced to different degrees depending on the host country's quarantine policies and that the money workers were required to submit to the state remained unchanged while the intensity of labor increased and wages decreased for overseas workers. Despite the enactment of the Non-Tax Burden Prevention Law in 2020, it appears that social tasks continued to impose an extraneous burden on overseas North Korean workers, exacerbating the workers' hardships during the COVID-19 pandemic. In addition, it has been reported that intensified surveillance of overseas North Korean workers and their inability to communicate with their families in North Korean for an extended period of time added to the workers' mental fatigue.

It is expected that North Korea will again actively send its workers abroad once sanctions are lifted. Therefore, it would be necessary to continue collecting information on the human rights situation for North Korean workers abroad and finding ways to improve the human rights situation of overseas North Korean workers.

4

Separated Families and Special Separated Families

The issues surrounding separated families and special separated families, a category that includes the families of abductees, detainees, and Korean War POWs, can be categorized as humanitarian issues subject to the application of international humanitarian law. At the same time, they are also human rights issues to which international human rights law applies. Therefore, it can be said that they are pressing issues that call for urgent solutions regardless of the ups and downs in inter-Korean relations.

A. Separated Families

(1) Current Status

The term “separated families” refers to family members who are living separately in South and North Korea, including relatives up to third cousins, and current or former spouses.[1405] The causes

of family separation vary depending on the circumstances of the times, including the division of the Korean Peninsula, voluntary defection to the South or North, abduction or joining of the Korean Volunteer Army (hereinafter KVA) during the Korean War, repatriation to the North from Japan, the failure or inability to return after the signing of the Armistice Agreement, abduction to North Korea, detainment, and defection from North Korea.

The Ministry of Unification, the Korean Red Cross, and the Committee for the Five Northern Korean Provinces have jointly established and operated the Integrated Information System for Separated Families. As of 30 September 2023, there was a total of 133,708 registered members of separated families, with 40,161 surviving and 93,547 deceased. Approximately 66.3% of the surviving members were aged 80 years or older. With each year passing, the surviving separated family population is aging, and the number of deceased members is increasing.

1405_ Article 2 of Act on Inter-Korean Confirmation of the Life or Death of Separated Families and Promotion of Exchange.

Table V-5 Registered Separated Family Members (as of September 2023)

Year	Registered (persons)	Survivors (persons)	Deceased (persons)
2010	128,461	82,477	45,984
2011	128,668	78,892	49,996
2012	128,779	74,836	53,943
2013	129,264	71,480	57,784
2014	129,616	68,264	61,352
2015	130,808	65,674	65,134
2016	131,143	62,631	68,512
2017	131,344	59,037	72,307
2018	133,208	55,978	77,221
2019	133,370	52,730	80,640
2020	133,406	49,452	83,954
2021	133,619	46,215	87,404
2022	133,675	42,624	91,051
2023.9.	133,708	40,161	93,547

Source: Prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2023), 〈https://reunion.unikorea. go.kr/reuni/home/pds/reqststat/view.do?id=364&mid=SM00000129&limit=10&eqDataDiv=REQUEST&eqIndex=0&page=1〉 (Accessed October 10, 2023).

Table V-6 Surviving Members of Separated Families (as of September 2023)

Category	90 years or older	80–89 years old	70–79 years old	60–69 years old	59 years or younger	Total
Persons	12,152	14,475	7,451	3,825	2,258	40,161
Percentage (%)	30.3	36.0	18.6	9.5	5.6	100

Source: Prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2023), 〈https://reunion.unikorea. go.kr/reuni/home/pds/reqststat/view.do?id=364&mid=SM00000129&limit=10&eqDataDiv=REQUEST&eqIndex=0&page=1〉 (Accessed October 10, 2023).

Table V-7 Surviving Members of Separated Families: Those Aged 80 or Above (as of September 2023)

Category	2016	2017	2018	2019	2020	2021	2022	2023.9
Survivors (persons)	62,631	59,037	55,987	52,730	49,452	46,215	42,624	40,161
80 years or older (persons)	37,259	36,499	34,546	33,318	31,810	30,148	27.949	26,627
Percentage (%)	59.5	61.8	61.7	63.2	64.3	65.3	65.6	66.3

Source: Prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2023), 〈https://reunion.unikorea. go.kr/reuni/home/pds/reqststat/view.do?id=364&mid=SM00000129&limit=10&eqDataDiv=REQUEST&eqIndex=0&page=1〉 (Accessed October 10, 2023).

On 25 March 2009, South Korea enacted the Act on the Confirmation of Life or Death and Promotion of Exchanges of Inter-Korean Separated Families (hereinafter the Inter-Korean Separated Families Act) for the purpose of providing for the matters necessary to verify the life and death of separated family members and promote exchanges between the two Koreas. The Act entered into force on 26 September 2009[1406] and was amended on 28 March 2023 to designate 13 August on the lunar calendar (two days before *Chuseok*) as Separated Families' Day to promote the verification of the survival or death of separated family members, encourage exchanges between South and North Korea, and raise awareness about the issue of separate families (Article 12–2).

1406_ The Inter-Korean Separate Families Act was partially amended on 22 May 2013, and the amended Act entered into force on 23 November 2013.

The Inter-Korean Separated Families Act stipulates that surveys be conducted to determine the current status and exchanges between the separated families (Article 6, paragraph 1). Accordingly, the Ministry of Unification and the Korean Red Cross jointly conduct an extensive survey every five years on the current status of separated families. The first survey was carried out in 2011, followed by the second survey in 2016 and the third survey in 2021. In the third survey, accurate personal data for 47,004 survivors (45,850 people living in South Korea and 1,154 people living abroad) who have applied to find their family members in the North were reviewed.[1407]

Moreover, from September to November 2023, the Ministry of Unification conducted a survey on the status of separated families in North America. Although the status of the surviving separated family members residing overseas had already been reviewed in the third joint survey conducted in 2021, the 2023 survey was carried out for a more accurate understanding of their situation.

In addition, after the Inter-Korean Separate Families Act was partially amended in 2013 to include a new provision on DNA testing to confirm family relationships of separated families, from 2014 to 2022, the South Korean government conducted tests on a

1407_ Ministry of Unification, "Findings of the 2021 Survey of Separated Families," 9 December 2021, <https://www. unikorea.go.kr/unikorea/news/release/?boardId=bbs_0000000000000004&mode=view&cntId=54938&category=&pageIdx=> (Accessed 10 October 2022).

total of 71,205 genetic samples, including blood, saliva, and hair, from 26,682 people. A plan to genetically test more than 1,000 people (2,700 samples) was scheduled for 2023.

Table V-8 Status of Genetic Testing to Confirm Family Relations of Separated Families (as of September 2023)

Tests	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total
No. of Tests	3,261	10,274	10,030	1,178	11,245	17,390	10,999	2,726	4,102	71,205

Source: Separated Families Division, Ministry of Unification (as of 30 September 2023).

(2) Human Rights Issues

(A) Infringement on the Right to Family Unification

Separated families live without the knowledge of whether their family members are still alive, without the opportunity to exchange letters, and without the freedom to reunite with their family members. In other words, separated families are deprived of their family rights guaranteed under international humanitarian law. The Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 (hereinafter Geneva Convention (IV)) specifically stipulates the protection of family rights.[1408]

1408_ICRC, "Geneva Convention Relative to the Protection of Civilian Persons in Time of War," (12 August 1949).

Table V-9 Provisions on Family Rights in the Geneva Convention (IV)

Article 27, paragraph 1	Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. (The rest is omitted)

At the time of the Korean War in 1950, South and North Korea were not Parties to the Geneva Convention (IV). South Korea signed the Convention on 16 August 1966, and North Korea signed the Convention on 27 August 1957. However, soon after the outbreak of the Korean War, the President of the ICRC stated that both South and North Korea are entitled to the benefits of the Convention even if they are not signatories. On 5 July 1950, South Korean President Syng-man Rhee pledged that his government would observe all provisions of the Geneva Convention (IV). On 13 July 1950, the North Korean authorities also sent an official letter to the UN Secretary-General accepting the proposition of the ICRC. Consequently, the Geneva Convention (IV) became legally binding for both South and North Korea since the Korean War.[1409]

The right to family unification of separated families, which is recognized by international human rights law, is also being violated. Among family rights, the right of a family to live

1409_ Seong-ho Jhe, "A Study on Kidnapping Civilians in Time of War in International Humanitarian Law Perspective: Especially Focused on North Korea Abduction of South Koreans during the Korean War," *Seoul International Law Study*, Vol. 1, No. 18 (2011), p. 200.

together is referred to as the "right to family unification" or "right to family reunification." The UDHR and other international human rights treaties stipulate that men and women of full age have the right to marry and form a family, and the family is entitled to protection by the state.[1410] Moreover, a family is expanded with the birth of a child. Article 9 of the CRC stipulates that a child shall not be separated from his/her parents against his/her will. The right to family unification is a concept that derives from the right to marry and form a family and the right of children not to be separated from their parents. Family rights and the right to family unification are also stipulated in the Constitution of both South and North Korea. The South Korean Constitution stipulates that "marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of sexes, and the state shall do everything in its power to achieve that goal" (Article 36, paragraph 1). The North Korean Constitution stipulates that "marriage and family shall be protected by the state. The state shall take deep interest in consolidating the family, which is the basic unit of social life" (Article 78). In order to realize the right to family unification, the South Korean government has made efforts to resolve the issues

1410_ Article 16, paragraph 3 of the UDHR; Articles 17 and 23 of the ICCPR; Article 5 (d) (iv) of the International Convention on the Elimination of All Forms of Racial Discrimination; Article 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHRFF); and Article 17, paragraph 2 of the American Convention on Human Rights (ACHR).

surrounding separated families through various measures, such as inter-Korean Red Cross meetings and ministerial-level talks. A family reunion event for separated families was held at Mount Geumgang (Geumgangsan) in August 2018, and at the third Inter-Korean summit held in September of the same year, the two Koreas agreed that resolving the issue of separated families would be a priority. However, a permanent meeting place for the reunion of separated families has not been established, and exchanges and reunions of separated families have not taken place. In 2021, in addition to the existing 13 centers in cities including Seoul, Gwangju and Busan, the South Korean government established seven new regional video reunion centers in Uijeongbu, Wonju, Gangneung, Hongseong, Cheongju, Jeonju and Andong. However, the video reunion of separated families did not take place. In addition, in September 2022, the South Korean Minister of Unification Kwon Young-se proposed to North Korea inter-Korean talks on the issue of separated families, but the North did not respond to the proposal. Accordingly, from 2019 to September 2023, there have been no government-level exchanges between separated families, including confirmation of survival/death, exchange of letters, reunion meetings in South or North Korea, and video reunions.

Table V-10 Exchanges between Separated Families at the State Level

(Unit: Cases/(Persons))

Year	Confirmation of Survival/ Death	Exchange of Letters	Reunion Meetings in South Korea	Reunion Meetings in North Korea	Video Reunions
1985–2003	963 (19,096)	8 (679)	331 (2,700)	735 (2,817)	–
2004	681 (5,007)	–	–	400 (1,926)	–
2005	962 (6,957)	–	–	397 (1,811)	199 (1,323)
2006	1,069 (8,314)	–	–	594 (2,683)	80 (553)
2007	1,196 (9,121)	–	–	388 (1,741)	278 (1,872)
2008	–	–	–	–	–
2009	302 (2,399)	–	–	195 (888)	–
2010	302 (2,176)	–	–	191 (886)	–
2011–2012	–	–	–	–	–
2013	316 (2,342)	–	–	–	–
2014	–	–	–	170 (813)	–
2015	317 (2,155)	–	–	186 (972)	–
2016–2017	–	–	–	–	–
2018	292 (1,996)	–	–	170 (833)	–
2019	–	–	–	–	–
2020	–	–	–	–	–
2021	–	–	–	–	–
2022	–	–	–	–	–
2023.9.	–	–	–	–	–
Total	6,400 (59,563)	8 (679)	331 (2,700)	3,426 (15,370)	557 (3,748)

Source: Prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2023), 〈https://reunion.unikorea. go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129〉 (Accessed 10 October 2023).

In view of the urgency of resolving the issue of separated families, the South Korean government has been preparing for the revitalization of inter-Korean exchanges and producing a series of "video letters" of South Korean families to be delivered to their families in the North even after their death. A total of 1,010 video letters were produced in 2019, followed by 1,001 videos in 2020 and 1,004 videos in 2021. A total of 1,001 video letters were scheduled to be produced in 2022, and more than 1,000 video letters were planned to be produced in 2023.[1411]

In addition to government-level exchanges, the South Korean government has continuously provided support to private-level exchanges between separated families. The government enacted the "Guidelines on the Support of Expenses for Exchanges between Separated Families" and has provided expenses necessary for various projects, such as the confirmation of life or death of separated family members, reunion of separated families, and exchange of letters. However, private-level exchanges between separated families also decreased significantly in 2020. Since 2020, there have been a total of 12 exchanges of letters (4 in 2020, 3 each in 2021 and 2022, and 2 in 2023), while no cases of the confirmation of life/death for separated families or family reunions have been reported. As such, private-level exchanges are barely maintained.

1411_ Separated Families Division, Ministry of Unification (as of 30 September 2022).

Table Ⅴ-11 Exchanges between Separated Families at the Civilian Level

(Unit: Cases)

Year	Confirmation of Survival/Death	Exchange of Letters	Reunions
1990–2006	3,667	10,680	1,614
2007	74	413	55
2008	50	228	36
2009	35	61	23
2010	16	15	7
2011	3	21	4
2012	6	16	3
2013	9	22	3
2014	6	11	5
2015	4	26	1
2016	6	43	3
2017	10	46	1
2018	7	36	1
2019	2	16	1
2020	–	4	–
2021	–	3	–
2022	1	3	–
2023.9.	–	2	–
Total	3,896	11,646	1,757

Source: Prepared in reference to the Ministry of Unification, Integrated Information System for Separated Families (as of 30 September 2023), 〈https://reunion.unikorea. go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129〉 (Accessed 10 October 2023).

(B) Social Discrimination against Families of Those Who Had Fled to South Korea

North Korean residents whose family members had fled to South Korea and became separated families appear to be barred from joining the Party or the military and are discriminated against in college admissions and marriage. In addition, family members of those who had fled to South Korea are subject to constant surveillance by North Korean authorities. For example, a

North Korean defector who defected in 2016 testified that since it became known through a 2006 program of finding separated families in South Korea that his/her paternal grandfather is still alive in South Korea, the testifier had been followed and monitored by the authorities for 10 years, and this had made him/her decide to defect in 2016.[1412]

Discrimination based on a specific social status, such as being a family member of a person who had fled to South Korea, may constitute a violation of the ICCPR and the ICESCR. Article 2, paragraph 1 of the ICCPR and Article 2, paragraph 2 of the ICESCR prohibit discrimination of any kind.

Table V-12 Cases of Discrimination against Separated Families in North Korea

Testimonies	Testifier ID
The testifier had a bad family background *(todae)* as his/her spouse's grandfather was a traitor who had fled to South Korea and his/her uncle is an overseas resident. The testifier's spouse joined the military in 2005 but was not promoted. Moreover, as the testifier's grandfather went missing during the Korean War and the testifier's cousin defected to South Korea and had a press conference, all relatives of the testifier were sent to political prison camps (*kwanliso*).	NKHR2016000021 2016-01-26
The testifier's family background (*todae*) was bad because his/her father's family had been labeled as a family of traitors having a family member who had fled to South Korea. The testifier's father's family had been deported from Pyongyang in the 1960s. The testifier's older brother could join the military only after he paid bribes, and the testifier's son joined the military but could not enter the school for military officers. People with bad family backgrounds (*todae*) are severely restricted.	NKHR2016000041 2016-04-05

1412_ NKHR2017000084 2017-09-25.

Testimonies	Testifier ID
The testifier had been under the surveillance of North Korean authorities and subjected to social discrimination all his/her life because his/her maternal grandfather is a traitor who had fled to South Korea. The testifier had no choice but to marry a person who does not have a good family background (*todae*) because of the perception that "birds of a feather flock together."	NKHR2017000032 2017-06-05
The testifier's entire family was forcibly deported to Geumsan, Yanggang Province since the testifier's grandfather had moved to the U.S. during the Korean War. The testifier was born in Geumsan.	NKHR2018000025 2018-04-09
The testifier's entire family was forcibly deported to Anju, South Pyeongan Province in 1976 since the testifier's grandfather and uncle had fled to South Korea during the Korean War. The testifier was born in Anju.	NKHR2018000085 2018-08-11

B. Abductees and Detainees

(1) Current Status

(A) South Koreans Abducted during the Korean War

Korean War abductees are defined as South Korean citizens, excluding military personnel, who resided in South Korea during the Korean War (25 June 1950–27 July 1953) and who were forcibly taken to North Korea against their will, where they were detained or compelled to stay.[1413] The estimates for the number of South Koreans abducted to North Korea during the Korean War differ significantly between the seven relevant lists discovered to date. Nevertheless, it is estimated that several

1413_ National Memorial for Abductees during the Korean War, "Who Are the Korean War Abductees?," <https://www.abductions625.go.kr/home/dta01/dta01_01.jsp> (Accessed 9 September 2023).

thousand people (possibly rising to above 100,000) were forcibly taken to North Korea. It is only possible to make incomplete estimations of the number of abductees based on the following lists: a list of abducted Seoul citizens prepared by the Statistics Bureau of South Korea's Ministry of Public Information in 1950 (2,438); a list of people abducted during the Korean War published by the Statistics Bureau of South Korea's Ministry of Public Information in 1952 (82,959); a list of abducted persons by the Police Headquarters of the Ministry of Internal Affairs in 1954 (17,940); the Missing Civilians List compiled by the Korean Red Cross in 1956 (7,034); and the List of Missing Civilians compiled by the Ministry of National Defense in 1963 (11,700).[1414] It would be easier to confirm abduction when the same name appears on different lists, but there are many abductees who are not listed on any of them. There are even cases in which the same person appears on a list of South Koreans abducted to North Korea and a list of people who had fled to the North (1952, Ministry of Public Information).

1414_ In addition to these lists, there is a list of persons abducted during the Korean War (2,514) published by the Family Association for the Korean War Abducted Persons, which was founded in September 1951. The Association has compiled the list based on the registry of its members who have registered themselves since the Second Battle of Seoul on 28 September 1950. Korean War Abductees' Family Union (KWAFU), "Korean War Abductee List – Abductees' Database," 〈http://www.kwafu. org/korean/directory.php〉 (Accessed 22 September 2023).

Table V-13 Number of South Koreans Abducted during the Korean War

Category	Compiled by	Year	Number of Abductees	Existence of the List
List of Abducted Seoul Citizens	Statistical Bureau, Ministry of Public Information	1950	2,438	○
List of Persons Abducted during the Korean War	Statistical Bureau, Ministry of Public Information	1952	82,959	○
List of Abducted Persons during the Korean War	Police Headquarters of the Ministry of Internal Affairs	1952	(126,325)	×
List of Persons Abducted during the Korean War	Statistical Bureau, Ministry of Public Information	1953	(84,532)	×
List of Persons Abducted Due to Circumstances of the Korean War	Police Headquarters of the Ministry of Internal Affairs	1954	17,940	○
Missing Civilians List	Korean Red Cross/Statistical Bureau, Ministry of Public Information	1956	7,034	○
List of Missing Civilians	Ministry of National Defense	1957	11,700 –	Vol. 1 ○ Vol. 2 ×

Source: Website of the Committee on Fact-Finding of Korean War Abductions and Restoration of the Reputation of the Victims, "Information Board – Current Status of South Koreans Abducted during the Korean War," 〈http://www. abductions625.go.kr/home/dta/dta01/dta01_ 02.jsp〉 (Accessed 22 September 2023).

It has not been officially confirmed whether anyone who had been forcibly abducted to the North during the Korean War has returned to South Korea. Although the number of wartime South Korean abductees is very large, none of them have been able to return on their own. The reasons are as follows. First, it appears that a large number of these wartime abductees were killed as they did not cooperate with the North, and some of them also lost their

lives in the process of wartime mobilization (e.g., military service and labor). Second, since the onset of the food shortage, a large number of North Korean people defected to South Korea, but none of them included the wartime abductees, perhaps because most of them are in their senior years, or they may have chosen not to reveal to their North Korean family that they had been forcibly abducted during the war.

The Committee to Find the Truth of Damage from North Korea's Abduction during the Korean War and Recover the Honor of Victims, which officially launched on 13 December 2010, collected 5,375 reports of wartime abductees over five years from 2011 to 2015 and, after excluding duplicate and withdrawn cases, officially confirmed that 4,777 South Koreans were abducted during the Korean War.

Table V-14 Decisions on Status of Alleged Abduction Cases (Unit: Cases)

Decision as Abductions	Decision as Non-Abductions	Impossible to Determine	Total
4,777	138	460	5,375

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

(B) Post-War Abductees

A total of 3,835 South Koreans have been abducted to North Korea since the cease-fire that ended the Korean War. It is known that some of them have been held by the North Korean authorities against their will based on their utility, taking into consideration

their physical condition and educational background.[1415] Of the 3,835 post-war abductees, a total of 3,319 have returned to South Korea, with 3,310 (86.5%) repatriated to South Korea after being held for six months to a year, and nine defecting from North Korea after 2000. As of September 2023, there were seven surviving returning post-war abductees because two of them have passed away. As of September 2022, the total number of abducted South Koreans still detained in North Korea was estimated to be 516.

Table V-15 Current Status of Post-War Abductees (Estimated) (Unit: Persons)

Category		Total	Fishermen	Staff of Korean Airlines	Soldiers/ Policemen	Others	
						Domestic	Foreign
Abducted to North Korea		3,835	3,729	50	30	6	20
Returned	Repatriated	3,310	3,263	39	-	-	8
	Defected	9	9	-	-	-	-
Remaining in North Korea		516	457	11	30	6	12

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

1415_ According to ○○ Lee, a former abductee who had returned to South Korea, 27 crew members of boats Bongsan No. 21 and No. 22 had been transferred from Haeju to Pyongyang and underwent interrogations to ascertain whether they were spies. In the process, North Korean authorities selected seven healthy and educated (high school or above) crew members and provided them special training in Chongjin. The North released the rest of the crew back to South Korea.

Table V-16 Number of Detained Abductees by Year (Unit: Persons)

Year	Number of Detained Abductees	Cumulative Total	Year	Number of Detained Abductees	Cumulative Total
1955	10	10	1973	8	429
1957	2	12	1974	30	459
1958	23	35	1975	28	487
1962	4	39	1977	4	491
1964	16	55	1978	4	495
1965	20	75	1980	1	496
1966	19	94	1985	3	499
1967	52	146	1987	13	512
1968	133	279	1992	1	513
1969	20	299	1995	1	514
1970	36	335	1999	1	515
1971	20	355	2000	1	516
1972	66	421			

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

Table V-17 Current Status of Abducted Persons Who Have Returned to South Korea

Name	Date of Abduction	Occupation	Date of Return	Note
○○ Lee	29 April 1970	Crew member, Bongsan No. 22 (fishing boat)	26 July 2000	
○○ Jin	12 April 1967	Crew member, Cheondae No. 11	30 October 2001	Deceased
○○ Kim	24 November 1973	Chief engineer, Daeyoung	23 June 2003	
○○ Go	17 August 1975	Crew member, Cheonwang	12 July 2005	
○○ Choi	17 August 1975	Crew member, Cheonwang	16 January 2007	
○○ Lee	17 August 1975	Crew member, Cheonwang	10 September 2007	
○○ Yoon	2 July 1968	Crew member, Geumyung	9 January 2008	
○○ Yoon	17 August 1975	Crew member, Cheonwang	26 February 2009	Deceased
○○ Jeon	28 December 1972	Crew member, Odaeyang No. 61	5 September 2013	

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

Based on the Act on the Compensation and Assistance for Victims Abducted to North Korea enacted in 2007, victims of post-war abductions who have returned to South Korea are entitled to a re-settlement grant and support from the government. The Committee on the Compensation and Assistance for Victims Abducted to North Korea established in 2007 had received a total of 461 applications as of December 2021. The Committee on the Compensation and Assistance for Victims Abducted to North Korea held 57 meetings up to 2023, recognized 438 cases, and paid approximately 15 billion won in consolidation payments, settlement and housing support, and compensation.

Table V-18 Application and Receipt of Consolidation Payments, etc. for Returning Abductees by Year

(Unit: Case)

Category		2008	2009	2010	2011	2013	2015	2017	2019	2020	2021	Total
Consolidation Payment	Applied	232	99	97	0	0	1	0	2	7	0	438
	Paid	181	129	82	24	0	1	0	2	7	0	426
Settlement and Housing Support	Applied	7	1	0	0	1	0	0	0	0	0	9
	Paid	3	5	0	0	1	0	0	0	0	0	9
Compensation	Applied	0	8	4	0	1	0	0	0	0	1	14
	Paid	0	1	0	0	0	0	1	0	0	1	3
Total	Applied	239	108	101	0	2	1	0	2	7	1	461
	Paid	184	135	82	24	1	1	1	2	7	1	438

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

Table V-19 Decisions on Consolidation Payments, etc. for Returning Abductees

Category	Number of Applications	Cases of Disbursement	Amount (1 million won)
Consolidation Payment	438	426	13,211
Settlement and Housing Support	9	9	1,773
Compensation	14	3	261
Total	461	438	15,245

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

Table V-20 Meetings of the Committee on the Compensation and Assistance for Victims Abducted to North Korea

Category	2007	2008	2009	2010	2011	2013	2014	2015	2016	2019	2020	2021	2023	Total
No. of Meetings	1	11	11	11	6	2	2	3	2	2	2	2	2	57

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

(C) Detainees

As of September 2023, six South Korean nationals, including the three missionaries Jeong-uk Kim, Guk-gi Kim, and Chun-gil Choi and three other individuals who defected from North Korea, are detained in North Korea. Jeong-uk Kim, Guk-gi Kim, and Chun-gil Choi are known to have been tried on the charge of espionage and sentenced to unlimited-term correctional labor punishment. To date, North Korea has not disclosed whether the six South Korean nationals are alive or dead or where they are being detained.

Table V-21 Current Status and Trial Results for South Koreans Detained in North Korea

(as of September 2023)

Name	Occupation	Date of Arrest	Date of Trial	Charges (Grounds for Detainment)	Punishment	Note
Jeong-uk Kim	Missionary	Oct. 2013	-	Informant spy - Criminal Law Articles 60 (conspiracy to overturn the state), 64 (espionage), 62 (anti-state propaganda and agitation), and 221 (illegal border-crossing)	Unlimited-term correctional labor punishment (30 May 2014)	
Guk-gi Kim	Missionary	Oct. 2014	-	Informant spy - Criminal Law Articles 60 (conspiracy to overturn the state, 64 (espionage), 65 (clandestine destruction), and 221 (illegal border-crossing)	Unlimited-term correctional labor punishment (23 Jun. 2015)	
Chun-gil Choi	Missionary	Dec. 2014	-	Informant spy - Criminal Law Articles 60 (conspiracy to overturn the state), 64 (espionage), 65 (clandestine destruction), and 221 (illegal border-crossing)	Unlimited-term correctional labor punishment (23 Jun. 2015)	
○○○	-	May 2016 (estimated)	-	Kidnapping of North Korean orphans	-	North Korean defector
○○○	-	March 2016 (estimated)	-	-	-	North Korean defector
○○○	-	March 2016 (estimated)	-	-	-	North Korean defector

Source: Abductees Response Team, Ministry of Unification (as of 30 September 2023).

North Korea has refused to accept the South Korean government's notice of repatriation for the South Korean detainees and has consistently rejected the government's request

to confirm the status of South Korean detainees and to discuss the detainees' consular protection, which has been extended through international organizations and related countries. In November 2017, the National Human Rights Commission of Korea sent a letter to the UN Secretary-General requesting a UN-level investigation to secure the safety and prompt repatriation of the six South Korean nationals detained in North Korea. Subsequently, in June 2018, the issue of the South Korean detainees was raised with North Korea at the high-level inter-Korean talks held in June 2018. However, North Korea only mentioned that the matter was under consideration by relevant institutions, and no follow-up actions have been taken since then.

The annual Country Report on Human Rights Practice published by the U.S. Department of State stated that six South Koreans are believed to be detained in North Korea, some of whom have been imprisoned for as long as nine years.[1416] International cooperation has also been carried out for the six South Korean detainees. At a trilateral summit between South Korea, the U.S., and Japan held in November 2022, the leaders of the three countries reaffirmed a shared commitment for the immediate release of the South Korean citizens detained in North Korea and, at a South Korea–U.S. summit in April 2023 and a

1416_ U.S. Department of State, "2022 Country Reports on Human Rights Practices: Democratic People's Republic of Korea 2022 Human Rights Report," p. 13.

trilateral summit between South Korea, U.S., and Japan in August 2023, the leaders agreed to "strengthen cooperation to [⋯] resolve the issues of abductions, detainees, and unrepatriated prisoners of war."

(2) Human Rights Issues

(A) Infringement of the Right to a Fair Trial and the Right to Consular Access

The rights of the South Koreans detained in North Korea have been violated during the trial process in the following ways.

First, as a formality, the North Korean authorities inform foreigners detained in North Korea of their right to receive legal assistance from an attorney. However, in most cases, detained foreigners do not request an attorney because they suspect that North Korean attorneys will not provide any substantive aid. In the case of Euna Lee, who has been detained in North Korea since 2009, North Korean officials had informed her of her right to legal assistance, but she declined the offer because she was convinced that no North Korean attorney would stand at her side and properly defend her.[1417] Kenneth Bae, who has been detained in North Korea since 2012, also declined legal assistance.[1418]

1417_ Euna Lee, *The World is Bigger Now* (New York: Broadway Books, 2010), p. 187.

1418_ *Korean Central News Agency*, 9 May 2013.

For the three South Koreans whose trial results were made public, whether they received legal assistance remains unknown because related information has not been released. Putting detained foreigners in a situation where they have to give up receiving assistance from a lawyer during the trial process is a violation of the right to legal representation as stipulated in Article 14, paragraph 3 (b) of the ICCPR and ultimately violates the overall right to a fair trial.

Second, trials of detained foreigners are always under the jurisdiction of the Central Court as the court of first instance, the decisions of which are final and cannot be appealed. The reason seems to be that there is a political desire to quickly close these cases considering the impact they may have on the North Korean people. However, concluding a case based on the decision from the first instance trial violates one's right to a fair trial because all individuals are entitled to the right to appeal (Article 14, paragraph 5 of the ICCPR). With respect to the three of the six South Korean nationals detained in North Korea who were sentenced to the severe penalty of unlimited-term correctional labor punishment at the first instance trial, the fact that only the results of their first instance trial have been disclosed demonstrate that their right to appeal is likely to have been infringed.

Third, the right of detained foreigners to consult a consular officer while in detention is arbitrarily restricted. Article 36, paragraph 1 of the Vienna Convention on Consular Relations

stipulates that, when a national of a sending state is in prison, custody, or detention within the consular district of a receiving state, upon the request of the national, the authorities of the receiving state shall inform the consular post of the sending state of the facts without delay, and any communication addressed to the consular post shall be forwarded without delay. In the process of investigation and trial, the right to consultation with a consular officer is very important for protecting the human rights of individuals. The right to consular access is a right of individuals and also of a state recognized by customary international law.[1419] The International Court of Justice (hereinafter ICJ) has ruled that the Vienna Convention on Consular Relations is a codification of existing customary international law on consular relations.[1420]

1419_ICJ, "LaGrand Case (Germany v. U. S. A.)," *Judgement of 27 June 2001*, para. 89, para. 128 (3).

1420_ICJ, "Case Concerning United States Diplomatic and Consular Staff in Tehran (USA v. Iran)," *ICJ Reports 1980* (24 May 1980), p. 24 (para. 45).

Table V-22 Regulations on the Right to Consular Access in the Vienna Convention on Consular Relations

Article 36, paragraph 1	With a view to facilitating the exercise of consular functions relating to nationals of the sending State: (a) consular officers shall be free to communicate with nationals of the sending State and to have access to them. Nationals of the sending State shall have the same freedom with respect to communication with and access to consular officers of the sending State; (b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph.

However, North Korea restricts the right to consular access in an arbitrary manner; that is, it grants the right in some cases but not in others. With no established consular relations between the U.S. and North Korea, Sweden provides consular responsibilities as a protecting power for the U.S. North Korea allowed meetings between the Swedish ambassador and two female American reporters, Euna Lee and Laura Ling, on 30 March, 15 May, 1 June, and 23 June 2009. Representatives of the Swedish embassy in North Korea were also present at the trial for Aijalon Mahli Gomes.[1421] In the case of Kenneth Bae, it was reported that the Swedish embassy was notified of his detention and that he was able to meet with the consul.[1422] However, while he was detained

1421_ *Korean Central News Agency*, 7 April 2010.

1422_ *Voice of America*, 1 June 2013.

in a prison camp (*kyohwaso*) for foreigners located near Pyongyang and negotiations for his repatriation were held, there were times when the exchange of letters through the embassy was restricted and meetings with embassy representatives were restricted without notification.[1423] Otto Frederick Warmbier, who died in June 2017, met with representatives of the Swedish embassy once on 2 March 2016; however, subsequent meetings were not granted. Canadian pastor Hyun-soo Lim had his first consultation with a Canadian diplomat on 18 December 2015, two days after he was sentenced to unlimited-term correctional labor punishment. Since the Kenneth Bae incident, foreigners' right to consular access has been restricted.[1424]

Meanwhile, the six South Korean nationals currently detained in North Korea are not guaranteed the right to consular access. Because the right to consular access is not guaranteed, it has not even been confirmed that the detained South Koreans are still alive. This restriction on the right to consular access ultimately violates the right to a fair trial stipulated in Article 14 of the ICCPR, which must be guaranteed not only for nationals but also for foreigners.

1423_ Kenneth Bae, 7 November 2016, interviewed in Seoul.

1424_ "Treatment of the Americans detained in North Korean worsens…The longest blocking of consular access," *Voice of America*, 8 August 2016; "The U.S. Department of State failed to detect the location of Americans detained in North Korea…Consular access blocked for one year and three months," *Voice of America*, 3 June 2017.

(B) Infringement on the Right to Family Unification

As with separated families, abductees and detainees also suffer from human rights issues related to family unification, letter exchanges and family reunions. In this regard, abductees, detainees, and Korean War POWs are also categorized as special separated families.

Since the inter-Korean summit in 2000, the South Korean government has continuously raised the issue of abductees and Korean War POWs to North Korea. North Korea, however, has never acknowledged the existence of South Korean abductees and POWs, seeking to avoid drawing attention to these issues. At the 2012 and 2013 working-level, inter-Korean Red Cross meetings, the South Korean government proposed to solve the issue of Korean War POWs and abducted South Koreans together with the issue of reunion of separated families. However, the only confirmation it received at the 19th reunion for separated families held in February 2014 at Mount Geumgang (Geumggangsan) resort was that two of the South Koreans who had been abducted during the Korean War, whose whereabouts were requested by the South, were dead. In the 20th reunion of separated families held in October 2015, Geon-mok Jeong, a fisherman abducted in the Odaeyangho (a South Korean trawler) incident in 1972, reunited with his mother living in South Korea.[1425] In the inter-Korean family reunion held in August 2018, the survival or death of 21 Korean War POWs and abductees was confirmed, and

12 people from six South Korean families were reunited with their family members residing in the North. After the 2000 inter-Korean summit and up until the end of 2018, the survival or death of 133 South Korean abductees and POWs has been confirmed. During the same period, 60 cases of family reunions were held.[1426] In 2020, on the 70th anniversary of the outbreak of the Korean War, the OHCHR urged North Korea to repatriate those it had abducted during and after the Korean War.[1427] North Korea's active cooperation is required to verify the status of abductees and to allow them to communicate and reunite with their relatives in South Korea.

(C) Forcible Transfer and Detention

The abduction of civilians during the Korean War by North Korea constitutes a serious violation of Article 49 of the Geneva Convention (IV), which prohibits forced transfer of civilians. At the time, this was already an established norm under customary international law.[1428] Moreover, the Geneva Convention (IV) in

1425_ *Yonhap News Agency*, 24 October 2015.

1426_ Ministry of Unification, *2019 Unification White Paper* (Seoul: Ministry of Unification, 2019), p. 184.

1427_ OHCHR, "UN experts urge DPRK to repatriate abductees on 70th anniversary of the Korean War," 25 June 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25998> (Accessed 28 January 2021).

1428_ Min-jeong Jeong, "Analysis of the Issues of Abductees and Korean War POWs from the Perspective of International Laws," in *Abduction and Enforced Disappearances by North Korea*, eds., Center for North Korean Human Rights Research (Seoul: KINU, 2015), p. 93.

principle prohibits the detention of civilians by a state (Article 79).

Table V-23 Provisions on Forced Transfer and Detention in the Geneva Convention (IV)

Article 49	Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. (The rest is omitted)
Article 79	The Parties to the conflict shall not intern protected persons, except in accordance with the provisions of Articles 41, 42, 43, 68 and 78.

(D) Enforced Disappearance

Abduction of civilians by North Korean authorities is closely related to enforced disappearances. An enforced disappearance is a serious issue in that it violates various human rights on multiple levels. In other words, committing enforced disappearances not only infringes upon the rights of individuals in and of itself but also violates various civil, political, economic, social and cultural rights as it tends to entail inhuman treatment such as torture as well as deprivation of rights, such as the right to health and education.[1429]

Since 1950, North Korea has systematically abducted nationals of other countries as part of its state policy and refused their repatriation. The COI estimates that victims of enforced

1429_ OHCHR, Enforced or Involuntary Disappearance, Fact Sheet No. 6/Rev.3. (2009); Ku-youn Chung, "Emergence and Spread of the Concept of Enforced Disappearances," in *Abduction and Enforced Disappearances by North Korea*, eds., Center for North Korean Human Rights Research (Seoul: KINU, 2015), requoted on p. 7.

disappearances far exceed 200,000 people, including children.[1430] The majority of the enforced disappearances were carried out to exploit abductees' labor and technology for North Korean authorities, and some victims were deployed for espionage and terrorist activities. Women abducted from Europe, the Middle East and Asia were forcibly married to men from other countries.[1431]

North Korea, however, has strongly denied the existence of enforced disappearances. The Korean Air Abductees' Families Committee (hereinafter the Families Committee) has registered with the UNHCR Working Group on Enforced or Involuntary Disappearances (hereinafter WGEID) cases of abductees of the Korean Airlines (KAL) incident who have not yet returned: Won Hwang (17 June 2010), Dong-gi Lee (8 October 2010) and Jeong-woong Choi (8 November 2010).[1432] In this regard, North Korea has responded that "the cases of three people who have not returned do not constitute enforced disappearances" and "there is not a single case in North Korea which constitutes enforced or

1430_ UNHRC, "Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea," (2014), para. 64.

1431_ *Ibid.*

1432_ In 1969, a Korean Airlines plane carrying 50 persons (four crew members and 46 passengers) was hijacked. On 14 February 1970, North Korea repatriated 39 passengers to South Korea, but did not return seven of the passengers and all four crew members. The WGEID established by the resolution of the UN Commission on Human Rights (currently UN Human Rights Council) receives and reviews the cases of disappearances submitted by families of victims of enforced disappearances or by civil organizations, and notifies the countries suspected of abduction to conduct investigations on such cases and report the results.

involuntary disappearance and detainment against their will." On 13 February 2020, the WGEID sent a letter to North Korea urging the North Korean authorities to repatriate 11 people who were forcibly disappeared in the KAL hijacking incident of 1969.[1433] In addition, the Working Group on Arbitrary Detention (hereinafter WGAD) issued a statement of opinion on Won Hwang. The WGAD stated that it transmitted to North Korea on 17 July 2019 the allegations it has collected regarding the current situation of Hwang – that he is under house arrest with heavy security and is in a situation where his rights protected under the ICCPR are not guaranteed. On 26 August 2019, North Korea submitted its response in which it stated that there is no one in North Korea "who has been forcibly detained against his or her will." Convinced that Hwang is a South Korean citizen who is staying in North Korea against his will, the WGAD urged North Korea to immediately release Hwang and take action to provide reparations. However, North Korea argues that such arguments and demands by the WGAD are malicious and stereotypical political plots against the country.[1434]

Moreover, in its 2020 report on enforced disappearances submitted to the UNHRC, the WGEID included North Korea on a list of countries that require urgent attention.[1435] The WGEID

1433_ OHCHR, "UN experts urge North Korea to repatriate 11 abducted from plane hijack 50 years ago," 13 February 2020.

1434_ UN Doc. A/HRC/WGAD/2019/69 (2020).

reported that it had requested a visit to North Korea for the first time on 22 May 2015 and for the second time on 11 March 2020.[1436] The WGEID has determined that there are a total of 404 outstanding cases of enforced disappearance concerning North Korea, which represents an increase of 42 compared to 2022.[1437] The WGEID sent one urgent appeal and four allegation letters to North Korea, but North Korea has not responded to any of them.[1438] Of the 404 outstanding cases, 60 involved female victims.[1439] In its 2022 report, the WGEID voiced serious concern over the continued practice of the forced repatriation of North Korean nationals from other countries and expressed its regret about "the persistent lack of cooperation from" the North Korean authorities.[1440]

Among the forcibly disappeared, there must be people who were abducted through physical coercion or false persuasion, and there must be also those who voluntarily entered North Korea. In any case, however, their right to leave North Korea has been violated as a result, and thus, it can be said that all of them are victims of enforced disappearance. Moreover, such people have been deprived of the right to freely move within North Korea and

1435_ UN Doc. A/HRC/45/13 (2020), para. 27.
1436_ UN Doc. A/HRC/54/22 (2023), p. 24.
1437_ *Ibid.*, p. 9.
1438_ *Ibid.*
1439_ *Ibid.*, p. 27.
1440_ *Ibid.*, p. 15.

the right not to receive torture and cruel or inhuman treatment. All those who were forcibly disappeared live under strict surveillance and are deprived of education or employment opportunities.[1441] In the 2014 Resolution on North Korean human rights adopted after the publication of the COI report, the UNHRC condemned the organized abduction, refusal of repatriation, and subsequent enforced disappearance of people by North Korea,[1442] and urged North Korean authorities to allow abducted or forcibly disappeared people to return immediately to their countries of origin.[1443] Since then, numerous UNHRC resolutions on North Korean human rights have expressed concerns about enforced disappearances.[1444]

(E) Use of Abductees by North Korean Authorities

Some of the abducted South Koreans were used in broadcasts delivered to South Korea or in espionage training. Two Korean Airlines flight attendants, Kyung-Hee Sung and Kyung-sook Chung, have been used in broadcasts sent to South Korea. In addition, South Korean abductees were also used as instructors for North Korean espionage agents to the South. According to the testimony of a North Korean defector who entered South Korea in

1441_ UN Doc. A/HRC/25/63 (2014), para. 68.
1442_ UN Doc. A/HRC/RES/25/25 (2014), para. 2 (f).
1443_ *Ibid.*, para. 3 (f).
1444_ UN Doc. A/HRC/RES/49/22 (2022), para. 1 (g), para. 2 (h).

1993, about 20 unidentified abductees from South Korea had worked as spy instructors at the "Center to Revolutionize South Korea" located in Yongseong District in Pyongyang. This center, which is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South, replicates parts of South Korea, and is designed to teach and train graduates of the Kim Jong Il Political Military College (renamed in 1992) on how to adjust to life in South Korea. In addition, North Korea has made some South Korean abductees work in anti-South Korea operations. According to the testimony of a former abductee/fisherman who defected and returned to South Korea in June 2006, some of his colleagues were engaged in anti-South Korea operations after undergoing a period of special training. The testifier himself admitted to having received espionage training.[1445]

However, it is presumed that other abductees who were of no useful value to North Korean authorities have been detained in political prison camps (*kwanliso*) for a certain period of time. Amnesty International stated in its special report "New Information on Political Prisoners in North Korea" published in 1994 that some of the detainees in political prison camps (*kwanliso*) are South Korean abductees. The special report

1445_ North Korean defector ○○○, 7 January 2004, interviewed in Seoul.

specifies the names of abductees who are presumed to have been detained in the now-defunct political prison camp (*kwanliso*) at Seungho-ri until 1990. Moreover, in January 1999, the National Intelligence Service of South Korea reported that 22 South Korean abductees, including Jae-hwan Lee, are detained in political prison camps (*kwanliso*).

C. Korean War POWs

(1) Current Status

The term "Korean War POWs" refers to those members of the South Korean Armed Forces detained in enemy countries who are unable to return to South Korea. At the time of the Korean War Armistice, the UN Command estimated that approximately 82,000 members of the South Korean Armed Forces were missing. However, only 8,343 Korean War POWs were repatriated during three rounds of prisoner exchanges held between April 1953 and January 1954. Accordingly, it is estimated that many Korean War POWs remain detained in North Korea.[1446]

Starting with the late Lieutenant Chang-ho Cho who returned to South Korea in 1994, other Korean War POWs have continued to

1446_ Ministry of National Defense, *2012 Defense White Paper* (Seoul: Ministry of National Defense, 2012), p. 110.

return to South Korea. As of September 2023, a total of 80 Korean War POWs have returned to South Korea, and there are about 430 family members of Korean War POWs who are still alive. An absolute majority of former Korean War POWs who have returned to South Korea are from North Hamgyeong Province. This is because most of the Korean War POWs had been assigned to work at coal mines in the region. No Korean War POWs have returned since 2011 due to the aging Korean War POWs and the strengthened border patrols and surveillance under the Kim Jong Un regime.[1447]

Table V-24 Status of Returning Korean War POWs by Year

(Unit: Persons)

Year	Returning POWs	Cumulative Total	Year	Returning POWs	Cumulative Total
1994	1	1	2005	11	59
1997	1	2	2006	7	66
1998	4	6	2007	4	70
1999	2	8	2008	6	76
2000	9	17	2009	3	79
2001	6	23	2010	1	80
2002	6	29	2011–2023	–	80
2003	5	34	Total		80
2004	14	48			

Source: Ministry of National Defense (as of 30 September 2023).

1447_ Ministry of National Defense, *2022 Defense White Paper* (Seoul: Ministry of National Defense, 2022), p. 101.

Table V-25 Detention Sites for POWs in North Korea (Including the Deceased)

Province/ Category	North Hamgyeong Province	South Hamgyeong Province	North Pyeongan Province	South Pyeongan Province	Yanggang Province	Jagang Province	North Hwanghae Province	South Hwanghae Province	Gangwon Province	Total
Number of Persons	60	9	0	3	4	1	1	1	1	80
Percentage (%)	75.0	11.25	0.0	3.75	5.0	1.25	1.25	1.25	1.25	100

Source: Arms Control and Non-Proliferation Policy Division, Ministry of National Defense (as of 30 September 2023).

(2) Human Rights Issues

(A) Infringement on the Right to Family Unification

As is the case for separated families and abductees, Korean War POWs suffer from human rights violations related to family unification, letter exchanges and family reunions. The UN Command had repeatedly requested North Korea, through the United Nations Command Military Armistice Commission, to solve the issue of non-repatriated Korean War POWs, starting from immediately after the mutual exchanges of Korean War POWs took place in accordance with the Armistice Agreement until the 1960s. However, North Korea has maintained its position that they have returned all Korean War POWs to the Neutral Nations Supervisory Commission and that there is not a single Korean War POW forcibly detained in North Korea.[1448]

1448_ Ministry of National Defense, *2012 Defense White Paper,* p. 110.

The reunion of Korean War POWs and their families must be promptly carried out for humanitarian reasons and the realization of the right to family unification. With the death of four returned Korean War POWs in 2020, five in 2021, one in 2022, and two in 2023, only 12 of the 80 Korean War POWs who returned to South Korea remain alive.[1449] All of the surviving Korean War POWs are 89 years old or older, and 11 of the remaining 12 are 90 years old or older. To date, 56 Korean War POWs have been identified through reunion events for separated families, and 18 of them have met with their families.[1450]

Table V-26 Age of Surviving Korean War POWs

Age (years)/ Category	89	90	91	92	93	94	95	Total
No. of Persons	1	2	2	2	3	1	1	12
Percentage (%)	8.3	16.7	16.7	16.7	25	8.3	8.3	100

Source: Arms Control and Non-Proliferation Policy Division, Ministry of National Defense (as of 30 September 2023).

1449_ "Korean War POW who escaped from North Korea after 58 years dies at age 88," *Chosun Ilbo*, 11 December 2020; "[Obituary] Korean War POW Jae-weok Heo passes away," *Chosun Ilbo*, 4 November 2021; "Kyu-il Lee, a Korean War POW defected from North Korea dies," *Chosun Ilbo*, 13 August 2022; "Jae-bok Han, a Korean War POW who sued Kim Jong Un passes away…Now 13 surviving Korean War POWs in South Korea," *Yonhap News Agency*, 8 February 2023; "Korean War POW who defected from North Korea after working at a coal mine for 47 years passes away…Now 12 surviving Korean War POWs in South Korea," *Yonhap News Agency*, 27 July 2023.

1450_ Ministry of National Defense, *2020 Defense White Paper*, p. 253.

Table V-27 Age of Korean War POWs at the Time of Death

Age (years)/ Category	70 or younger	71–75	76–80	81–85	86 or above	Total
No. of Persons	1	4	11	23	29	68
Percentage (%)	1.5	5.9	16.2	33.8	42.6	100

Source: Arms Control and Non-Proliferation Policy Division, Ministry of National Defense (as of 30 September 2023).

(B) Forced Detainment

The Geneva Convention Relative to the Treatment of Prisoners of War of 12 August 1949 (hereinafter Geneva Convention (III)) stipulates that prisoners of war must be released or returned without delay after the cessation of hostilities (Article 118).[1451] North Korea joined the Geneva Convention (III) on 27 August 1957. Its denial of the existence of Korean War POWs and refusal to repatriate them constitute a violation of Article 118 of the Geneva Convention (III), which stipulates the release and repatriation of prisoners of war. Even under customary international law, prompt release and repatriation of prisoners of war are regarded as duties of all states.[1452] This was already an established norm under customary international law at that time.[1453]

1451_ ICRC, "Geneva Convention Relating to the Treatment of the Prisoners of War," (12 August 1949).

1452_ ICRC, *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), p. 451, requoted in Buhm-suk Baek, "Enforced Disappearances by North Korea and the Crime against Humanity," in *Abduction and Enforced Disappearances by North Korea*, eds., Center for North Korean Human Rights Research, p. 63.

1453_ UN Doc. A/HRC/25/CRP.1 (2014), para. 1143, footnote 1626.

(C) Forced Labor

According to the testimonies of North Korean defectors and returned Korean War POWs, many POWs were either forced to join the KPA during the Korean War or assigned to coal mines, enterprises and rural areas to participate in post-war rehabilitation projects between 1954 and 1956 after the Armistice Agreement had been signed. According to a U.S. Department of Defense document declassified on 12 April 2007 titled "The Transfer of U.S. Korean War POWs to the Soviet Union,"[1454] thousands of Korean War POWs were transferred to Okhotsk and other Soviet Far Eastern ports between November 1951 and April 1952 and then detained at the Kholima detention center near Yakutsk.[1455] The number of POWs transferred to the Chukchi Sea region was at least 12,000. The report also mentioned that the death toll was high due to the difficult road and airfield construction work to which they were assigned. With regard to this issue, the South Korean Ministry of National Defense announced on 18 December 2007 that it was unable to confirm or discover any evidence concerning the transfer of Korean War POWs into the Russian Far Eastern Provinces, even though it had visited Russian military

1454_ This report was written by the U.S. and Russia on 26 August 1993, as a part of the investigative activities of the "Joint U.S.-Russian Committee for POWs and MIAs," which was formed after the Cold War to confirm the status of Korean War U.S. POWs in Russia and the return of their remains.

1455_ *Yonhap New Agency*, 13 April 2007.

research institutes and conducted extensive interviews with the Pentagon personnel who wrote the report; the son of former Soviet Union general officer Seong-ho Kang, who claimed that the Korean War POWs were transferred to the Soviet Union; around 10 Korean Russian veterans, who had participated in the Korean War; former Korean War POWs who have returned to South Korea; and over 100 North Korean defectors living in Russia.

Most Korean War POWs were deployed to coal mines in North and South Hamgyeong Provinces because North Korea was in great need of manpower in their coal mines at the time, and ordinary North Koreans were reluctant to work there. It was also easy to control and conduct surveillance on those living in coal mine communities.[1456] According to a series of research studies conducted by KINU, many Korean War POWs were assigned to work and live at coal mines, including Sanghwa Coal Mine in Onsong County, North Hamgyeong Province (Hwa-sik Ahn, Kwang-yoon Woo, ○○ Jang, Seung-ro Hong, In-kong Park, Sang-jin Kim, Sang-won Shin, ○○ Choi, Sam-sik Ok, Myong-jo Bae, Bu-jae Baek, Won-mo Chung and Bok-man Lee), Musan Coal Mine (Gap-do Lee, Young-ho Kang and Hee-keun Lee), and Hakpo Coal Mine in Sechon County, Hoeryong (Yong-yeon Jang, Tae-in Ryu, ○○ Oh, Jeung-ho Lee and Soo-hwan Jeong). The

1456_ *Chosun Ilbo*, 30 April 2013.

Korean War POWs assigned to work as miners had to work 12-hour shifts. It is estimated that the number of Korean War POWs assigned to coal mines in North Hamgyeong Province had reached 1,100–1,200 at a certain point in time.

It appears that immediately after the Korean War, Korean War POWs had been detained at No. 25 *Kwanliso* in Chongjin. This *Kwanliso* had been used as a POW camp after the Korean War and was later transformed into a political prison camp (*kwanliso*).[1457] In June 1956, Korean War POWs were released from the political prison camp (*kwanliso*) after receiving People's Registration Cards, but most of them were assigned to coal mines located within the political prison camp (*kwanliso*) where they had been previously detained.

In October 2016, the two Korean War POWs (○○ Han, aged 86 and ○○ Roh, aged 91) who had defected from North Korea in 2001 filed a damages suit against North Korea and Kim Jong Un for the forced labor they endured for 47 years. The two won the lawsuit on 7 July 2020.[1458] In addition, in September 2022, five Korean War POWs filed a damages suit against North Korea. One of the plaintiffs claimed that he had worked for 51 years at the Aoji Coal Mine located in Gyeongwon County, North Hamgyeong Province, and another claimed that he had been

1457_ North Korean defector ○○○, 27 September 2012, interviewed in Seoul.

1458_ Seoul Central District Court Decision 2016Gadan5235506 decided July 7, 2020.

detained for 40 years for attempting to defect from North Korea eight times. On 8 May 2023, the court ruled in favor of the three plaintiffs,[1459] ordering North Korea to pay each of the plaintiffs 50 million won in damages.[1460]

Forced labor imposed on Korean War POWs constitutes violations of both international humanitarian law and international human rights law. First of all, it violates Articles 13, 51 and 52 of the Geneva Convention (III), which stipulates that prisoners of war must at all times be humanely treated (Article 13) and that they must be granted suitable working conditions (Article 51). Moreover, the Geneva Convention (III) prohibits labor that is dangerous or harmful to the health of a prisoner of war (Article 52). Forced labor by Korean War POWs also violates Article 8, paragraph 3 of the ICCPR, which stipulates the prohibition against forced labor, and Article 10, paragraph 1 of the ICCPR, which stipulates humane treatment to everyone deprived of liberty.

1459_ Of the five Korean War POWs who filed the lawsuit, three passed away during the litigation process. While the families of two of the three deceased Korean War POWs withdrew the lawsuit, the family of the third deceased POW inherited the case from the deceased. Consequently, the court's ruling was directed at three plaintiffs.

1460_ Seoul Central District Court Decision 2020Gadan5229294 decided May 8, 2023.

Table V-28 Provisions on Forced Labor in the Geneva Convention (III)

Article 13	Prisoners of war must at all times be humanely treated. Any unlawful act or commission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in their custody is prohibited and will be regarded as a serious breach of the present Convention. (The rest is omitted)
Article 51	Prisoners of war must be granted suitable working conditions, regarding accommodation, food, clothing and equipment. These conditions shall not be inferior to those enjoyed by nationals of the Detaining Power employed in similar work. (The rest is omitted)
Article 52	Unless it is voluntary, no prisoner of war may be employed on labor unhealthy or dangerous in nature. (The rest is omitted)

(D) Social Discrimination against Korean War POWs and Their Families

Korean War POWs and their families face social discrimination in North Korea. Cases have been reported in which Korean War POWs and their families were restricted in their choice of place of residence and jobs, and children of Korean War POWs were discriminated against in Party membership, college admissions and choosing a career.[1461] In recent surveys, testimonies of Korean War POWs and their families are rarely collected. As a result, it has not been confirmed whether the long-standing discrimination against Korean War POWs and their families has been resolved. Social discrimination against Korean War POWs and their families or relatives may constitute violations of both the ICCPR (Article 2, paragraph 1) and the ICESCR (Article 2, paragraph 2), which prohibit discrimination of any kind.

1461_NKHR2015000095 2015-05-12.

Table V-29 Cases of Discrimination against Korean War POWs and Their Families

Testimonies	Testifier ID
The testifier's uncle faced discrimination in job assignments on the grounds that the testifier's grandfather was a Korean War POW from South Korea.	NKHR2014000093 2014-07-15
The testifier's nephew/niece was accepted into the No. 5 Department of the Central Party, but this was canceled on the grounds that his/her grandfather was an exchanged POW.	NKHR2014000168 2014-10-07
The testifier's family background (*todae*) was considered very bad because his/her grandfather was a Korean War POW. Other family members faced discrimination in joining the Party, being selected as an official, and getting promotions at work.	NKHR2016000099 2016-06-14

(3) Treatment and Support for Returned Korean War POWs

Based on the Act on Repatriation and Treatment of the Republic of Korea Armed Forces Prisoners of War (hereinafter the South Korean POW Repatriation Act), the South Korean government provides all returned Korean War POWs with pensions, settlement grants, housing assistance and remunerations calculated based on the length of their stay in captivity, starting from the date they were taken prisoner and ending with the date they retired from duty after returning to South Korea. If a POW died in North Korea, special grants would be provided for the POW's spouse or children who defect from the North and enter South Korea. These special grants are provided in addition to the settlement assistance provided to North Korean defectors upon their entry into South Korea.

The Ministry of National Defense revised the South Korean POW Repatriation Act on 31 December 2008 and inserted a new provision that establishes the legal grounds for the provision of "social adjustment education" for returning Korean War POWs (Article 6–2). Since late 2008, the Ministry of National Defense has conducted special reorientation programs for returning POWs, so they can quickly adjust to life in South Korea. Returned Korean War POWs also receive professional education and psychiatric assistance offered by civilian organizations to gain the necessary skills and knowledge for their new lives.[1462] The South Korean POW Repatriation Act was revised on 22 March 2013 to improve the level of assistance and support for Korean War POWs and their families. As a result, provisions on the protection of Korean War POWs and families of Korean War POWs born in the place of detention (Article 5–2), support for employment of family members of Korean War POWs born in the place of detention (Article 15–2), support for admission to ancient palaces, etc. (Article 15–3), and respectful treatment for Korean War POWs (Article 15–4) were newly added. Furthermore, the Act was amended on 27 March 2015 to introduce a new provision for financial assistance for the return of the remains of Korean War POWs (Article 15–2) to provide support for the expenses incurred when repatriating the remains of Korean War POWs who died at the detention site.[1463]

1462_ Ministry of National Defense, *2012 Defense White Paper*, p. 112.

Table V-30 Residence of Returning Korean War POWs (Including the Deceased)

Region/ Category	Seoul	Incheon	Gyeonggi	Gangwon	Daejeon	S. Chung-cheong	N. Chung-cheong	Daegu	N. Gyeong-sang
No. of Persons	22	1	20	5	2	0	1	4	6
Percentage (%)	27.5	1.3	25.0	6.3	2.5	0.0	1.3	5.0	7.5

Region/ Category	Busan	Ulsan	S. Gyeong-sang	Gwangju	S. Jeolla	N. Jeolla	Jeju	Total
No. of Persons	5	2	6	1	3	2	0	80
Percentage (%)	6.3	2.5	7.5	1.3	3.8	2.5	0.0	100

Source: Arms Control and Non-Proliferation Policy Division, Ministry of National Defense (as of 30 September 2023).

Table V-31 Residence of Surviving Korean War POWs

Region/ Category	Seoul	Incheon	Gyeonggi	Gangwon	Daejeon	S. Chung-cheong	N. Chung-cheong	Daegu	N. Gyeong-sang
No. of Persons	5	0	5	1	0	0	0	1	0
Percentage (%)	41.7	0.0	41.7	8.3	0.0	0.0	0.0	8.3	0.0

Region/ Category	Busan	Ulsan	S. Gyeong-sang	Gwangju	S. Jeolla	N. Jeolla	Jeju	Total
No. of Persons	0	0	0	0	0	0	0	12
Percentage (%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100

Source: Arms Control and Non-Proliferation Policy Division, Ministry of National Defense (as of 30 September 2023).

1463_ The establishment of the provision for financial assistance for the return of the remains of Korean War POWs in the South Korean POW Repatriation Act in 2015 resulted in the rearrangement of the provisions that were added in 2013. Accordingly, Article 15-2 was renumbered to Article 15-3, Article 15-3 was renumbered to Article 15-4, and Article 15-4 was renumbered to Article 15-5.

D. Evaluation

Separated families, abductees, detainees, and Korean War POWs are humanitarian issues to which international humanitarian law applies and, at the same time, they have the characteristics of human rights issues to which international human rights law applies. As for separated families, their family rights are being infringed upon in violation of international humanitarian laws (Article 27 of the Geneva Convention (IV)). The six South Korean nationals currently detained in North Korea have experienced serious violations of their rights to a fair trial and consular access. North Korea has failed to observe its obligations under various international agreements, such as the ICCPR, which stipulates the right to legal assistance during the trial process and the right to appeal, and the Vienna Convention on Consular Relations, which guarantees the right to consular access and to guarantee the said rights of its people. North Korea should first guarantee consular access for the South Korean nationals detained in North Korea so that their status can be verified and uphold the rights of these detainees protected by the international community to ensure they receive a fair trial.

Moreover, the right to family unification is being violated in terms of separated families, abductees, detainees, and Korean War POWs, i.e., the right of a family not to be subjected to arbitrary or unlawful interference (Article 17 of the ICCPR) and

the right to form a family and be protected by society and the state (Article 23 of the ICCPR). In order to realize the right to family unification for these people, the accurate status of these people must be fully confirmed, family reunions must be regularly held, and the scale of family reunions must be expanded. During the third cycle of the UPR in 2019, South Korea urged North Korea to implement the commitment it has made at several inter-Korean summits to resolve the issue of separated families,[1464] and North Korea stated in response that it would accept such a request.[1465] Indeed, special separated families, such as Korean War POWs and post-war abductees were able to meet during the 15 August 2018 National Liberation Day family reunion. However, from 2019 to September 2023, no progress was made in matters of exchanges between separated families.

The war-time abduction and detention of civilians by North Korea constitute violations of Articles 49 and 79 of the Geneva Convention (IV), which prohibit forced transfer and detention of civilians. Moreover, North Korea's denial of the existence of Korean War POWs and its refusal to repatriate them violate Article 118 of the Geneva Convention (III), which stipulates the release and repatriation of prisoners of war. Furthermore, forced labor imposed on Korean War POWs violates the right to humane

1464_ UN Doc. A/HRC/42/10 (2019), para. 126.149.
1465_ UN Doc. A/HRC/42/10/Add.1 (2019), para. 9 (a).

treatment (Article 13), the right to appropriate work conditions (Article 51), and the right not to be used for labor that is harmful to health or dangerous (Article 52) specified in the Geneva Convention (III), as well as the right not to be forced into labor (Article 8) and the right to receive humane treatment when deprived of liberty (Article 10) provided for in the ICCPR. In addition, social discrimination against families of those who have fled to South Korea and Korean War POWs and their families may constitute violations of Article 2 of the ICESCR and Article 2 of the ICCPR, which stipulate that discrimination must be prohibited. Meanwhile, it has been found that there are a substantial number of victims of enforced disappearances among those who had been abducted to North Korea. In its 2019 UPR, North Korea promptly rejected the recommendations related to abductees, Korean War POWs, and enforced disappearances.[1466]

In order to make progress in resolving the issues of separated families, abductees, detainees, and Korean War POWs, such issues must be addressed separately from the political situation between the South and the North. North Korea should positively review the recommendations made by the international community, and actively engage in dialogues and negotiations with the South Korean government so that the issues raised can be fundamentally resolved.

1466_ UN Doc. A/HRC/42/10 (2019), para. 127, para. 127.30, para. 127.31, paras. 127.51–127.53.

5
Disasters

North Korean authorities regard disasters as major obstacles to the country's development. Since Kim Jong Un came to power, North Korea has promoted science and technological development, particularly the advancement of technology related to weather observation and prediction, to emphasize efforts to mitigate damage from natural disasters.[1467] As such, North Korea has made the effort to develop its disaster response management capabilities.

In this regard, North Korea adopted the Law on Disaster Prevention, Rescue and Recovery (hereinafter the Disaster Prevention Law) on 27 June 2014. Prior to the Law's enactment, the authority and responsibilities related to disaster response and management were scattered between different institutions. The Disaster Prevention Law is the framework legislation for disasters that reflects the four phases of disaster management that are

1467_ "A proud achievement in realizing scientific weather forecasting," *Rodong Sinmun*, 23 May 2016.

widely accepted within the international community and that comprehensively outlines the relevant rights and obligations.[1468] Despite the enactment of this framework law, North Korea's disaster management system operates on the understanding that the residents themselves should make the effort to minimize possible damage under the principle of self-reliance, and there is a focus on educating people about countermeasures to be taken in the event of disaster rather than on crisis/disaster prevention.[1469]

In response to the demand for appropriate and effective response measures to address the urgent national crisis that arose from the outbreak of COVID-19, North Korea amended and supplemented the Disaster Prevention Law twice in April and November 2020 to institutionalize these measures. The Disaster Prevention Law stipulates in detail the organization and role of the National Non-Permanent Disaster Prevention Measures Committee as the control tower for disaster prevention and management and clarifies responses to emergencies, disasters, and crises. North Korea also amended and supplemented the Law on Prevention of Epidemics in August 2020 to respond to COVID-19, which created an unprecedented infectious disease crisis, and separated the provisions for emergency quarantine

1468_ Yongwoo Na *et al.*, *Necessity and Progress Directions for Establishment of the South-North Korean Disaster Co-Management System* (Seoul: KINU, 2021), pp. 104-106.

1469_ *Ibid.*, p. 111.

from the Law to enact the Emergency Quarantine Law. The Emergency Quarantine Law has been amended and supplemented several times to stipulate in more detail the establishment of the maximum emergency quarantine system and legal responsibilities for violations of emergency quarantine regulations. In particular, the Law contains a separate provision for the legal responsibilities for violations of emergency quarantine regulations and 13 criminal punishment provisions. The maximum statutory punishment applicable to North Korean people who seriously violate emergency quarantine measures is the death penalty (Articles 69, 72 and 73).

In October 2022, North Korea adopted the Crisis Response Law to establish a unified command system for prompt responses to emergencies, crises, and national disasters caused by epidemics, health-related issues, and natural disasters and to build a material and technological foundation for its crisis response. In summary, North Korea has introduced systematic and institutionalized response measures for various disasters and crises.

Table V-32 North Korean Laws on Disasters

Category	Relevant Laws	
	Adoption/Latest Amendment	Laws
Emergency Crisis Response	6 October 2022*	Crisis Response Law
Disaster Prevention	27 June 2014/26 November 2020	Law on Disaster Prevention, Rescue and Recovery
Epidemic Response	5 November 1997/22 August 2020	Law on Prevention of Epidemics
	22 August 2020/ 15 November 2022*	Emergency Quarantine Law
Weather	9 November 2005	Weather Law
	12 July 2018/4 August 2023*	Weather and Floodgate Law
Air Pollution	11 July 2012/26 July 2020	Air Pollution Prevention Law
Radioactive Materials	29 August 2011	Radioactive Contamination Prevention Law
Forests	11 December 1992/ 24 August 2021	Forest Law
Water Resources	18 June 1997/8 October 2020	Water Resources Law
Rivers	27 November 2002/24 July 2013	River Law
Oceans	22 October 1997/4 August 2023*	Marine Pollution Prevention Law
Nature Conservation	25 November 2009/24 July 2013	Law on Nature Protection Area
	29 April 1977/16 June 1999	Land Law
	9 April 1986/30 April 2021	Environmental Protection Law
Earthquakes and Volcanic Activities	29 August 2011/ 15 November 2022*	Law on Prevention of Earthquake and Volcano Disasters and Rescue Operations

*Adoption and amendment confirmed through media reports (original text not reviewed).

Since Kim Jong Un took office, North Korea has acknowledged its insufficient disaster response capabilities and has sought support and cooperation from the international community. In this context, North Korea specifically mentioned in the National Strategy for Disaster Risk Reduction 2019–2030 submitted to the UN in 2019[1470] and its 2021 VNR Report that frequent natural disasters are the key obstacles to North Korea's implementation of SDGs.[1471]

North Korea's lack of response capabilities for disasters is a problem that cannot be easily solved in the short term due to a lack of technical, financial and professional resources. Due to the limited availability of resources for its disaster response, North Korea focuses primarily on glorifying the image of the Supreme Leader (*Suryeong*) as a benevolent leader to prevent social unrest. In addition, it uses the military and forcibly mobilizes residents for damage recovery.

In this chapter, major issues related to human rights violations in North Korea during disasters are discussed.

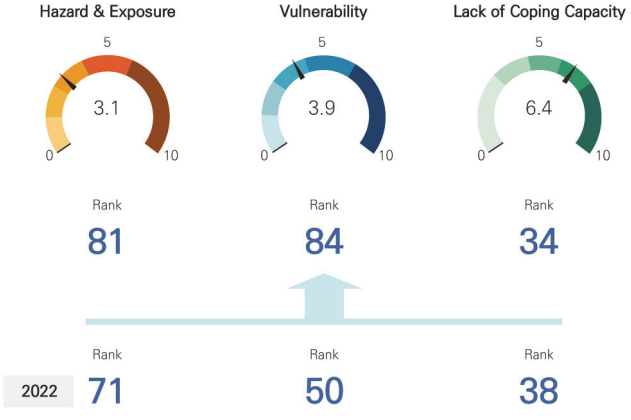
1470_ DPRK, *National Strategy for Disaster Risk Reduction 2019–2030* (2019), pp. 1–36.

1471_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda," p. 6, p. 13, p. 15.

A. North Korea's Poor Disaster Management Capabilities

Despite the emphasis on the necessity and importance of crisis/disaster response, North Korean authorities lack the sufficient capacity to manage and respond to disasters. The level of North Korea's disaster management capabilities can be verified to some extent using recently published international studies.

Figure Ⅴ-2 Indicators for North Korea's Crisis Management for 2023



Source: Reconstructed based on INFORM, "INFORM RISK COUNTRY PROFILE 2023 SCORES: North Korea," 〈https:// drmkc.jrc.ec.europa.eu/inform-index/INFORM-Risk/Country-Risk-Profile〉 (Accessed 11 August 2023); INFORM, "INFORM RISK COUNTRY PROFILE 2022 SCORES: North Korea," 〈https://web. jrc.ec.europa.eu/dashboard/INFORMRISK/?no-header=1&v-vISO3=AFG&no-scroll=1〉 (Accessed 6 September 2022).

According to the 2023 survey by the Index for Risk Management (hereinafter INFORM), which aims to provide

objective indicators for the assessment of the risk of humanitarian crises and disasters in countries worldwide, North Korea is at medium risk for humanitarian crises and disasters.[1472] While North Korea was ranked 65th out of the 191 countries surveyed in terms of overall crisis/disaster risk, it scored 6.4 points for its "Lack of Coping Capacity," ranking in the bottom 34th in terms of the lack of crisis/disaster response capabilities.[1473] North Korea's overall crisis/disaster management capacity has improved compared to the previous year, with some improvement in terms of its "Hazard & Exposure" and "Vulnerability." However, it is worth noting that the country's crisis/disaster coping capacity has weakened. This suggests that, even with fewer natural and social disasters and a reduction in socioeconomic vulnerability, North Korea's resilience to crises and disasters will not improve if the national-level institutional crisis/disaster management and infrastructure do not function properly.

1472_ INFORM, "INFORM COUNTRY RISK PROFILE 2023 SCORES: North Korea," <https://drmkc.jrc.ec.europa.eu/inform-index/INFORM-Risk/Country-Risk-Profile> (Accessed 11 August 2022).

1473_ The maximum score for the scale is 10, with higher scores indicating a lower management capacity. INFORM, "KOREA DPR, Eastern Asia, INFORM Country Risk Profile, Version 2017," <https://drmkc. jrc.ec.europa.eu/inform-index> (Accessed 11 August 2022), requoted in Ye Joon Rim & Kyu-chang Lee, *Improving Disaster Cooperation for North Korea* (Seoul: KINU, 2017), p. 62; INFORM, "INFORM RISK COUNTRY PROFILE 2023 SCORES: North Korea," <https:// drmkc. jrc.ec.europa.eu/inform-index/INFORM-Risk/Country-Risk-Profile> (Accessed 11 August 2022).

Figure V-3 People Affected by Crises in 2022



Source: Reconstructed based on Development Initiatives, *Global Humanitarian Assistance 2022* (Bristol: Development Initiatives, 2022), 〈https://devinit.org/documents/1193/GHA2022_Digital_v8_DknWCsU.pdf〉 (Accessed 11 August 2023), p. 22.

The Global Humanitarian Assistance Report 2022 published annually by Development Initiatives stated that the severity of the crisis in North Korea is high, and there are over 10 million people in North Korea who are facing a humanitarian crisis.[1474]

While assessment of the level of crisis/disaster in North Korea varies somewhat depending on the institution that conducts the evaluation, it remains true that North Korean people have consistently faced various threats, depriving them of the

1474_ Development Initiatives, *Global Humanitarian Assistance Report 2022* (Bristol: Development Initiatives, 2022), p. 22, 〈https://devinit.org/documents/1193/GHA2022_Digital_v8_DknWCsU.pdf〉 (Accessed 11 August 2023).

opportunity to enjoy a safe life.

In addition, the COVID-19 pandemic has demonstrated that a country's ability to respond to a public health crisis, such as the spread of an infectious disease, is also an important factor in protecting its citizens. North Korea's response and management capabilities for health security threats are also considered to be ineffective.

Figure Ⅴ-4 2021 Global Health Security Index Scores for North Korea



Source: NTI, *GHS Index 2021*, p. 245 〈https://www.ghsindex.org/wp-content/uploads/2021/12/2021_GHSindexFullReport_Final.pdf〉 (Accessed 6 September 2022).

According to the 2021 Global Health Security (GHS) Index released by the Nuclear Threat Initiative (hereinafter NTI) in December 2021, the overall 2021 GHS Index score for North Korea was 16.1 out of 100, which ranked the country 193rd out of 195 countries.[1475] Although the ranking remained unchanged

1475_ Because the GHS Index is released every 2–3 years, the most recently published data (2021) was used. NTI, *GHS Index 2021*, p. 245. 〈https://www.ghsindex.org/wp-content/uploads/ 2021/12/2021_GHSindexFullReport_Final.pdf〉 (Accessed 6 September 2022).

compared to 2019, the score decreased from 17.5 in 2019.[1476] In terms of individual categories, North Korea scored worse in 2021 compared to 2019 for four categories: Prevention, Detection & Reporting, Emergency Response, and the Health System. However, North Korea has shown some improvement in terms of Compliance with International Norms and the Risk Environment. Nevertheless, North Korea's overall GHS Index score has declined between 2019 and 2021, and it continues to remain well below the global average.

B. Infringement of the Right to Work and the Right to Food Due to Disasters

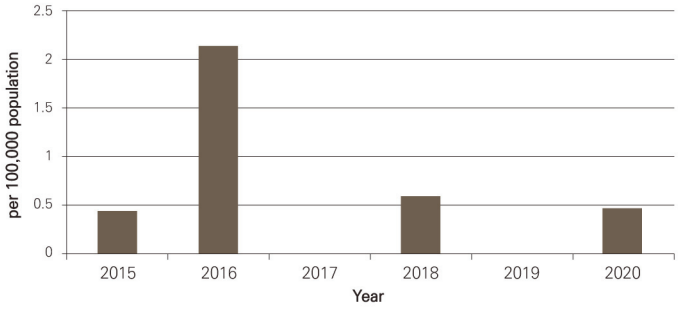
During a disaster, North Korean authorities provide certain relief measures for those affected but, due to the lack of necessary resources, North Korea's disaster resilience is too low to ensure a prompt and adequate response and the introduction of effective recovery measures.

In its 2021 VNR report, North Korea stated that the number of deaths and missing persons attributed to disasters is 0.47 per 100,000 people and highlighted that it has been implementing the 2019–2030 National Disaster Risk Reduction Strategy.[1477]

1476_ *Ibid.*

1477_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," p. 40.

Figure V-5 Number of Deaths and Missing Persons Attributed to Disasters per 100,000 People



Source: DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development" p. 40.

However, due to North Korea's low disaster resilience and difficult food situation, it is difficult for North Korean people to lead a healthy and safe life and exercise their basic rights in the event of a disaster.

It appears that in the event of a disaster, North Korean authorities provide some relief measures, such as housing or relief goods, for affected residents but, at the same time, they place non-coercive and coercive pressure on people to contribute to the authorities' efforts to provide labor or goods for damage recovery.

Conflicting testimonies have been collected regarding government-led relief measures. Some testifiers have reported that the authorities provide relief goods, including food, in the event of a natural disaster (e.g., flooding), but some testifiers have claimed that the state or the Party does not provide any notable relief measures for natural disasters. Taking these testimonies into

consideration, it seems that government-led relief measures are implemented differently depending on the type and/or location of the disaster. It appears that, while the authorities are able to employ various relief measures for region-specific disasters such as flooding that require urgent intervention, they find it difficult to implement effective measures (e.g. food support) for climate events such as drought because their impact extends across the entire country. This issue is examined in detail here based on defector testimonies.

First, it appears that North Korean authorities fail to take any measures when a severe drought occurs, and thus North Korean residents inevitably have to overcome difficulties on their own.

A North Korean defector who defected in 2019 testified that the crop harvest was not good due to drought in 2018, but he/she did not receive any state support.[1478] Another North Korean defector who defected in 2019 also testified that, although droughts occur frequently, there is no support provided by the authorities, and North Korean children have classes in the morning and go to fetch water for farming in the afternoon. The testifier also said that when the crop production was very low in 2017 due to an extended period of high temperatures that lasted for about 40 days, there was no support from the state.[1479] A North Korean

1478_ NKHR2019000055 2019-07-29.
1479_ NKHR2020000040 2020-10-31.

defector who defected in 2023 testified that, in the event of a drought, all members of the Women's Union were mobilized to supply water to farms and do farm work in the morning and evening, but there was no support from the state.[1480]

On the other hand, it has been reported that North Korean authorities provide some relief measures in the event of flooding, such as providing housing, food, and daily necessities. A North Korean defector who defected in 2021 said that he/she was told that, when severe flooding hit Eunpa County and Geumcheon County, North Hwanghae Province, in July 2020, causing villages to be submerged, Kim Jong Un deployed construction units and provided food to the affected regions.[1481] A North Korean defector who defected in 2019 reported that, when Chongjin was hit hard by floods in 2017–2018, the authorities provided intensive support. According to the testifier, the KPA was deployed to construct buildings, all residents were mobilized for damage recovery, and various institutions and enterprises took responsibility for supplying food for those who were mobilized and for covering the construction costs.[1482]

A North Korean defector who defected in 2018 testified that the state provided free housing when flooding occurred in Wonsan in

1480_ NKHR2023000061 2023-07-29.
1481_ NKHR2023000013 2023-06-01.
1482_ NKHR2023000019 2023-08-02.

2017,[1483] and a North Korean defector who defected in 2017 testified that when severe flooding occurred in July 2012, he/she received approximately 5kg of noodles and rice from the state.[1484]

A North Korean defector who defected in 2020 testified that he/she heard that when flooding occurred in Musan in 2016, people from all over North Korea, particularly soldiers and enterprise employees, came to Musan to help to build houses, and each affected household was given 50kg of rice.[1485] A North Korean defector who defected in 2019 said he/she knows that when flooding hit North Hamgyeong Province in 2016, the state provided support to build houses, rationed food, and supplied daily necessities.[1486]

A North Korean defector who defected in 2018 testified that whenever flooding occurred, temporary relief measures, such as 15 days' worth of food rations, were introduced upon request by his/her People's Unit (*inminban*) to the city and, when severe flooding hit his/her hometown in 2017, he/she received free food from the state.[1487]

However, it appears that these measures by the authorities are implemented only in a perfunctory manner. A North Korean

1483_ NKHR2019000062 2019-07-29.
1484_ NKHR2018000019 2018-04-09.
1485_ NKHR2021000021 2021-10-17.
1486_ NKHR2021000029 2021-11-23.
1487_ NKHR2019000062 2019-07-29.

defector who defected in 2019 said that, while the state provided some supplies, such as food and used clothes, when his/her neighborhood was flooded due to heavy rains, this assistance was only for show and was provided only to some areas.[1488] Another North Korean defector who defected in 2019 recalled that, when major flooding occurred in 2013, building frames for damaged houses was the only measure taken by the authorities.[1489] Another North Korean defector testified that there was a case in which a family who lived in a house built by the authorities after a flood in 2016 died due to smoke that was possibly caused by improper construction.[1490]

A North Korean defector who defected in 2019 stated that, when natural disasters such as floods occurred in North Korea, individuals in charge of the affected regions, not the authorities, provided support and conducted damage recovery to the best of their abilities.[1491] Another North Korean defector who defected in 2019 reported that he/she had never witnessed the North Korean government attempting to resolve the problem when disasters occurred; according to the testifier, enterprises in the affected regions mobilized people to carry out recovery work, such as building houses for the residents of disaster-stricken areas.[1492]

1488_ NKHR2023000017 2023-07-31.
1489_ NKHR2022000042-2 2023-07-31.
1490_ NKHR2022000018-2 2023-08-01.
1491_ NKHR2023000015 2023-07-27.

Table V-33 Cases of Support for Disasters

Testimonies	Testifier ID
The testifier received approximately 5kg of noodles and rice when severe flooding occurred in July 2012.	NKHR2018000019 2018-04-09
When flooding occurred in 2016, the authorities mobilized the military to build houses for the residents of the flood-damaged areas.	NKHR2018000099 2018-10-01
The state provided free housing when flooding occurred in Wonsan in 2017. Whenever flooding occurred, temporary relief measures, such as 15 days' worth of food rations, were introduced upon request by the testifier's People's Unit (*inminban*) to the city. When severe flooding hit the testifier's hometown in 2017, he/she received free food from the state.	NKHR2019000062 2019-07-29
When flooding occurred in 2016, those living in the flood-hit areas were given food by the state. Shock troops (*dolgyeogdae*) and soldiers were mobilized to build 20-30 apartment buildings for affected residents; they worked day and night and it took only two months to erect all of the buildings.	NKHR2019000057 2019-07-29
When disasters occurred, the state did not provide any solutions; instead, enterprises in the affected regions mobilized people to build houses for the residents of disaster-stricken areas.	NKHR2023000012 2023-05-30
When Chongjin was hit hard by floods in 2017-2018, the KPA was deployed to construct buildings and residents were mobilized for damage recovery.	NKHR2023000019 2023-08-02
The testifier was told that, when severe flooding hit Eunpa County and Geumcheon County, North Hwanghae Province, in 2020, causing villages to be submerged, Kim Jong Un deployed construction units and provided food to the affected regions.	NKHR2023000013 2023-06-01

In the event of a disaster, North Korean authorities mobilize ordinary residents and the military for damage recovery. Cases have also been reported in which the authorities semi-coercively

1492_ NKHR2023000012 2023-05-30.

demanded citizens to provide relief goods.

A North Korean defector who defected in 2019 testified that the basic policy of the North Korean authorities is to mobilize the military for disaster recovery, while Party units and enterprises are required to provide relief goods such as clothing. According to the testifier, the food rations were not sufficient.[1493]

Another North Korean defector who defected in 2018 said that when flooding occurred sometime in 2016–2017 in Chongjin and Hoeryong, the state mobilized the KPA to build houses and provided daily necessities for affected residents, and the testifier remembers that people were told to provide some cash and items such as clothes and plates as relief goods, so the testifier him/herself provided some cash in 2017.[1494] A North Korean defector who defected in 2019 testified that, in the event of a major disaster, his/her workplace, People's Unit (*inminban*), and school compelled him/her to offer a predetermined amount of cash, which he/she was told would be used to support the damaged areas.[1495]

1493_ NKHR2021000002 2020-08-13.
1494_ NKHR2021000011 2021-09-10.
1495_ NKHR2023000020 2023-08-04.

Table V-34 Cases of the Collection of Relief Supplies for Disasters

Testimonies	Testifier ID
When flooding occurred in North Hamgyeong Province in 2016, Kim Jong Un used television broadcasts to call on all people to provide relief supplies, and accordingly, people in cities including Chongjin sent sacks of corn to flood-stricken areas in North Hamgyeong Province.	NKHR2019000057 2019-07-29
When flooding occurred in Musan in 2017, people were forced to provide support items, so the testifier offered some clothes and blankets.	NKHR2018000105 2018-10-01
The testifier had never seen any action taken by the authorities to restore flood-stricken areas. When flooding occurred in Musan, individual regions, enterprises and People's Units (*inminban*) provided relief goods.	NKHR2018000104 2018-10-01
When flooding occurs, each People's Unit (*inminban*) instructs people to provide support. There is no coercion, and people voluntarily offer clothes and certain items. The testifier him/herself provided some clothes.	NKHR2020000047 2020-11-28
There were instances where the testifier's workplace, People's Unit (*inminban*), and school compelled him/her to offer a predetermined amount of cash, which he/she was told would be used to support the damaged areas.	NKHR2023000020 2023-08-04

A North Korean defector who defected in 2018 said that people are systematically mobilized to work in rural areas damaged by droughts or flooding. The testifier said that, in particular, students are frequently sent to drought-hit rural areas to help people fetch water and are forced to participate in "weeding battles" during weeding seasons.[1496] A North Korean defector who defected in 2019 said that, when he/she was a high school student, there were times when he/she was told to participate in flood recovery efforts and went to flood-hit regions after school to clear away rocks.[1497]

1496_ NKHR2022000007 2022-05-25.

A North Korean defector who defected in 2018 testified that, when flooding occurs, North Korea's policy priority is providing housing and various supplies including furniture for the residents of flood-stricken areas, and people are instructed by Party organizations such as the Ministry of State Security and security institutions to donate support items for flood victims. The testifier said that he/she provided some cash so these organizations could buy the supplies needed.[1498]

A North Korean defector who defected in 2019 said that, whenever flooding occurred, the head of the People's Unit (*inminban*) the testifier was affiliated with called on the members to provide support for flood-hit residents, and then the people voluntarily offered support items, which were delivered to the neighborhood (*dong*) office, together with a list of people who provided items prepared by the People's Unit (*inminban*) head.[1499]

While North Korea avoided disclosing the damage caused by natural disasters in the past, it is now more active in sharing with the international community the extent of damage in the search for attention and support from other countries. Defector testimonies have confirmed that North Korean residents are aware of relief support provided by the international community, such as

1497_ NKHR2023000008 2023-04-28.
1498_ NKHR2021000005 2020-08-20.
1499_ NKHR2021000017-2 2022-05-26.

the UN. A North Korean defector who defected in 2019 said that if a disaster occurs in North Korea, the authorities no longer hide the fact and openly admit that they obtain support from the UN.[1500] Another North Korean defector who defected in 2019 testified that he/she had received food sent by the UN when he/she experienced flooding.[1501]

A North Korean defector who defected in 2016 testified that, when the state delivered rice to the people of flood-stricken areas, these people knew that the rice was actually provided by the UN.[1502] Another North Korean defector who defected in 2016 also testified that, when heavy flooding took place in August 2016, he/she received supplies including some seafood, blankets and spoons, which were of great help, and he/she knew that the supplies had been provided by the UN.[1503]

In addition, North Korean authorities have been making efforts to highlight the image of Kim Jong Un as a benevolent leader who cares for the people by actively engaging in disaster relief and recovery.[1504] However, the authorities' forcible mobilization of

1500_ *Ibid.*

1501_ NKHR2023000008 2023-04-28.

1502_ NKHR2017000006 2017-04-10.

1503_ NKHR2018000118 2018-10-22.

1504_ In 2020, in response to severe floods that hit North Korea, Kim Jong Un personally visited and inspected flood-hit areas on eight occasions, including (i) Daecheong-ri in Eunpa County, North Hwanghae Province (6–7 August), (ii) areas in South Hwanghae Province affected by Typhoon Bavi (reported on 28 August), (iii) areas in South Hamgyeong Province affected by Typhoon Maysak (5 September), (iv) a flood recovery site in Daecheong-ri in Eunpa County,

residents to participate in these government-led relief or recovery activities infringes upon the North Korean people's right to freedom of labor.

A North Korean defector who defected in 2019 said that, when floods struck Musan, the entire military was mobilized and various People's Units (*inminban*) participated in repairing the flood damage. According to the testifier, shock troops (*dolgyeogdae*) under the Women's Union were particularly active in restoration activities, and he/she heard that the houses built by these shock troops (*dolgyeogdae*) for affected residents whose houses had been destroyed were far better than the ones the residents had lived in before the flooding.[1505] A North Korean defector who defected in 2020 testified that floods frequently occur in North and South Hamgyeong Provinces and, whenever a flood occurs, employees from individual enterprises are selected and sent to flood-stricken areas to participate in recovery activities, which include the building of houses for those whose houses have been destroyed.[1506]

North Hwanghae Province (reported on 12 September), (v) a flood recovery site in Gangbuk-ri in Geumcheon County, North Hwanghae Province (reported on 15 September), (vi) Gimhwa-gun, Gangwon Province (reported on 2 October), (vii) Geomdeok District in South Hamgyeong Province (reported on 14 October), and (viii) Sinpo and Hongwon County in South Hamgyeong Province (reported on 15 October). Ministry of Unification, "Weekly Report on North Korea No. 1571 (22–28 May 2021)," <https:/ /nkinfo.unikorea.go.kr/nkp/argument/argumentList.do> (Accessed 14 August 2023).

1505_ NKHR2021000017-2 2022-05-26.

1506_ NKHR2022000022 2022-06-21.

A North Korean defector who defected in 2022 testified that, when heavy floods struck Hoeryong and Samjiyeon and nearby Chinese regions in 2016, he/she was mobilized to participate in restoration activities. According to the testifier, factory enterprises and various organizations gathered food and sent it to Hoeryong, and the testifier was told by a relative living in Hoeryong who was affected by the floods that the relative was given clothing, food, and a new house. Also, the testifier said that, in the event of a disaster, people can learn about it through disaster broadcasts, and it is mandatory for people to participate in restoration activities. The testifier recalled the routine implementation of preventive measures due to frequent occurrences of bird flu and hepatitis C infections, and said he/she remembers employees of local clinics visiting schools to ensure that students and teachers wash their hands with liquid disinfectant.[1507]

Acknowledging that deforestation has aggravated the impact of floods in North Korea, North Korean authorities have emphasized the importance of forest restoration since Kim Jong Un took office. In this regard, North Korea declared 2015 as "the first year of a forest restoration campaign" and implemented the National Forest Restoration Plan.[1508] However, to gain economic benefits,

1507_ NKHR2022000025 2022-06-23.

1508_ On 26 February 2015, Kim Jong Un announced the slogan, "Let the entire Party, the whole army and all the people conduct a vigorous forest restoration

North Korean people tend not to comply with the relevant measures implemented by the government for forest restoration and protection. A North Korean defector who defected in 2020 testified that, in Kimhyeongjik County, there were many people, including the testifier him/herself, who grew crops in paddy fields in the mountains and, despite crackdowns, the testifier continued farming without paying much attention to them.[1509]

According to a North Korean defector, there are many more tree nurseries in North Korea compared to the past, more trees are being planted in North Korea, and military training for soldiers tends to be postponed for one to two months so that they can be mobilized for tree planting.[1510] A North Korean defector who defected in 2019 testified that North Korean people agree with the government policy on forest restoration, but they tend to uproot the trees to use the land to grow crops.[1511] A North Korean defector who defected in 2019 said that a policy was implemented instructing people not to cultivate paddy fields, and North Korean soldiers and students are often mobilized to plant trees such as

campaign to cover the mountains of the country with green woods," and established re-forestation and forest protection projects as key tasks. "[Editorial] The forest restoration campaign is the greatest patriotic undertaking for the wealth and development of the motherland and the prosperity of future generations," *Rodong Sinmun*, 28 February 2021.

1509_ NKHR2023000038 2023-05-27.

1510_ North Korean defector ○○○, 5 October 2021, interviewed in Seoul; Yongwoo Na *et al.*, *Necessity and Progress Directions for Establishment of the South-North Korean Disaster Co-Management System*, p. 84.

1511_ NKHR2021000017-2 2022-05-26.

acacia.[1512] Another North Korean defector testified that, since the commencement of the forest restoration campaign under the Kim Jong Un regime, there has been an increased emphasis on tree planting at the testifier's school compared to the Kim Jong Il era, but the campaign has had little effect due to a lack of knowledge and techniques.[1513] A North Korean defector who defected in 2019 reported that, although the relevant organizations provided plans for planting seedlings, they were not effective for forest development because people still did not plant them in the appropriate manner, which often resulted in nearly half of the seedlings dying, and people cultivating paddy fields in the mountains continued to uproot trees.[1514]

It has been reported that the forest restoration policy led by the central government has adversely affected the food supply for ordinary North Korean people. A North Korean defector who defected in 2019 testified that, while he/she had been able to secure food through personal farming under the Kim Jong Il regime, Kim Jong Un has prohibited people from cultivating hillside fields for crops.[1515] Another Korean defector said that the food situation worsened with the commencement of the tree-planting movement in 2015 because the authorities began to

1512_ NKHR2023000012 2023-05-30.
1513_ NKHR2023000008 2023-04-28.
1514_ NKHR2023000019 2023-08-02.
1515_ NKHR2019000052 2019-07-20.

retrieve land from citizens to plant trees.[1516] Another North Korean defector who defected in 2019 testified that, in North Korea, people who do not have personal vegetable gardens used to procure food by cultivating small plots of land in the nearby mountains but, after Kim Jong Un came to power, the policy to plant trees in the mountains according to specified standards was issued, which resulted in a decrease in the amount of cultivable land.[1517]

C. Violation of the Right to Freedom of Movement and the Right to Life Due to COVID-19

In January 2020, following the outbreak of COVID-19 at the end of 2019, the North Korean government promptly introduced a border closure policy to prevent the spread of COVID-19 into its territories by strictly controlling the movement of both people and goods. This measure has impeded North Korean people's freedom of movement and residence.

Moreover, the adoption of the Emergency Quarantine Law in August 2020 has made it possible for North Korean authorities to violate not only the right to movement but also the right to life of North Korean people. The Emergency Quarantine Law amended and supplemented in October 2021 provides for various criminal

1516_ NKHR2019000074 2019-08-26.
1517_ NKHR2019000042 2019-07-01.

penalties that may be imposed on North Korean people who violate quarantine measures. The issue lies in three of the 13 punishment provisions (i.e., Article 69 on negligence in executing an order, ordinance, decision, or instruction related to an emergency quarantine measure; Article 72 on negligence in imposing border closure and land, sea, and air blockade; and Article 73 on interfering with the implementation of an emergency quarantine measure), which stipulate that the maximum statutory punishment applicable to the offender is the death penalty. These excessive provisions contravene the principle of proportionality under international human rights norms and infringe upon the right to life of the North Korean people.[1518] A North Korean defector who defected in 2023 testified that people who violated quarantine measures were publicly executed.[1519]

In response to the COVID-19 pandemic, North Korean authorities have exerted efforts to prevent the transmission of the disease by providing personal hygiene education on COVID-19. A North Korean defector who defected in 2020 testified that, in late January and early February 2020, the authorities instructed

1518_ It has been reported that the Emergency Quarantine Law, which was amended and supplemented on 19 October 2021, has undergone two additional revisions on 31 May and 15 November 2022. However, the analysis in this survey was made based on the provisions of the 2021 Emergency Quarantine Law because the text of the latest amended version of the Law has not been released yet.

1519_ NKHR2023000055 2023-07-22.

people to wear masks and sanitize their hands to prevent the spread of COVID-19, directed people to regularly wash their hands at home, and sprayed disinfectant on people on the streets or in the market. According to the testifier, people who are employed in companies are well aware of the symptoms of COVID-19 because their companies provided the necessary education, but the testifier him/herself did not know much about the disease because he/she was unemployed when he/she lived in North Korea. The testifier added that the People's Unit (*inminban*) he/she was affiliated with taught him/her about the disease.[1520] In addition, a North Korean defector who defected in 2021 said that, when he/she was in North Korea, the authorities emphasized the importance of physical distancing in preventing the spread of COVID-19, patrol officers routinely patrolled the streets, and the Party informed people of COVID-19 rules through People's Unit (*inminban*) meetings.[1521]

Conflicting testimonies have been collected regarding the introduction of relevant measures by the government for infectious diseases. While some testifiers have reported that the state does not take action in response to the outbreak of an infectious disease, other testifiers have claimed that the relevant authorities take measures to prevent the spread of infectious diseases.

1520_ NKHR2021000021 2021-10-17.
1521_ NKHR2021000012 2021-09-13.

A North Korean defector who defected in 2019 testified that, when an infectious disease such as bird flu broke out, People's Units (*inminban*) notified their members about the disease and restricted the distribution of items such as eggs.[1522] Another North Korean defector who defected in 2019 testified that, when an infectious disease breaks out, only those who get ill are allowed to stay home and rest, and people who do not have money are likely to die from the disease.[1523] A North Korean defector who defected in 2020 said that even the military suffers from poor sanitation, and the testifier had seen soldiers catching scabies, chickenpox, and tuberculosis.[1524]

A North Korean defector who defected in 2019 testified that, in North Korea, local hospitals and clinics are primarily in charge of conducting medical examinations, imposing disease control measures, and administering vaccinations, but there are not enough facilities for confirmed patients.[1525] Another North Korean defector who defected in 2019 testified that, when an epidemic broke out in 2018, people from the local clinic visited the testifier's home to disinfect the entire house and give him/her a lot of disinfectant.[1526]

1522_NKHR2023000012 2023-05-30.
1523_NKHR2021000001 2021-08-13.
1524_NKHR2021000019 2021-10-15.
1525_NKHR2021000002 2021-08-13.
1526_NKHR2021000007 2021-09-06.

Testimonies have been collected claiming that North Korean authorities have systematically and successfully responded to infectious diseases. Taking these testimonies into consideration, it is assumed that North Korea's infectious disease response system operates differently depending on the affected region.

A North Korean defector who defected in 2019 said that the infectious disease response system is well established in North Korea and, because of this, he/she was able to receive information about disease control measures from various sources, including the school, the People's Unit (*inminban*), and workplaces of the testifier's parents.[1527] In addition, a North Korean defector who defected in 2018 testified that, during the outbreak of Severe Acute Respiratory Syndrome (hereinafter SARS), the testifier was informed of basic infection control measures, instructed to temporarily close down the factory and not to eat poultry meat such as chicken and turkey, and told to participate in a meeting held by the head of his/her People's Unit (*inminban*) where he/she received information about SARS and the measures taken by the government regarding the disease; the testifier added that he/she did not receive masks or medicine.[1528]

In addition, some testimonies have been collected regarding the COVID-19 situation in North Korea. A North Korean defector

1527_ *Ibid.*

1528_ NKHR2021000020 2021-10-16.

who defected in early 2021 testified that there was no confirmed case of COVID-19 in North Korea up until he/she entered South Korea.[1529] A North Korean defector who defected in 2020 said that he/she was told that no one had been infected with COVID-19 until around April 2022, but the disease spread across the country soon thereafter.[1530] A North Korean defector who defected in 2019 reported that he/she had been told that there were people exhibiting symptoms similar to COVID-19 even before the authorities officially announced the outbreak of COVID-19 in North Korea.[1531]

A North Korean defector who defected in 2023 stated that, when he/she contracted COVID-19 while living in North Korea, he/she was unable to purchase medicine from private pharmacies and had to obtain a doctor's prescription from a sanitation office, and it took two days to receive the prescribed medicine. According to the testifier, the price of the medicine he/she was prescribed was originally 250 North Korean won per tablet in the market but rose to 500 North Korean won per tablet, and Piovex, which had been sold for 500 North Korean won per tablet before COVID-19, was sold for as much as 5,000 North Korean won per tablet during COVID-19.[1532]

1529_ NKHR2022000030 2022-07-22.
1530_ NKHR2022000022 2022-06-21.
1531_ NKHR2023000020 2023-08-04.
1532_ NKHR2023000061 2023-07-29.

While it is widely known that regional blockade measures have been implemented by North Korean authorities following the outbreak of COVID-19 to strictly control the movement of people within North Korea, some testifiers have reported that movement between regions has not been completely prohibited.

A North Korean defector who defected in 2023 testified that after the authorities officially acknowledged the outbreak of COVID-19 in North Korea in May 2022, they imposed a complete restriction on movement and prevented people from going anywhere. The testifier said that, while inter-city and inter-provincial travel had already been restricted, the authorities even banned inter-county movement after the official acknowledgement of the outbreak, although this ban did not last long and was lifted in July 2022. The testifier added that anyone who has traveled to regions other than his/her place of residence is required to undergo mandatory quarantine in a remote location in the mountains.[1533]

A North Korean defector who defected in 2021 said that he/she heard that, in response to the COVID-19 pandemic, the North Korean authorities had closed down the customs offices to block the movement of people and goods, instructed all North Korean companies in China to shut down, and quarantined people who had been in close contact with Chinese people for 45 days. The

1533_ *Ibid.*

testifier said that he/she thinks the North Korean authorities have imposed strict control measures to prevent the transmission of COVID-19.[1534] A North Korean defector who defected in 2019 reported that, according to what he/she has heard, people's movement had been strictly controlled to the extent that a 6 p.m. curfew was imposed and workplaces and schools were closed, and while people had already been required to carry a travel permit for inter-provincial travel, people had to obtain a travel permit even for inter-county travel during COVID-19, with noncompliance resulting in imprisonment at a labor training camp (*rodongdanryundae*) or detention center (*guryujang*).[1535] Another North Korean defector who defected in 2019 testified that he/she was told that, during the COVID-19 pandemic, people's movement from a city to a county had been restricted.[1536]

A North Korean defector who defected in 2021 testified that people's movement outside their place of residence, particularly to the border and areas bordered by the enemy (*jeonyeonjidae*), has been strictly controlled and, as a result, one of his/her neighbors who had earned money by working as a plasterer in a city near the border returned home because he/she was no longer able to stay there; the testifier added that people were even

1534_ NKHR2021000021 2021-10-17.
1535_ NKHR2023000020 2023-08-04.
1536_ NKHR2023000054 2023-07-09.

prohibited from going out to the sea.[1537] A North Korean defector who defected in 2023 said that, due to COVID-19, he/she was unable to engage in fishing activities and his/her boat became practically unusable.[1538]

It appears that, although the North Korean authorities' strict regional blockades have increased the economic difficulties faced by North Korean people, no support was given by the state or the Party.

A North Korean defector who defected in 2021 testified that he/she experienced financial difficulties during the pandemic and lived on his/her savings. According to the testifier, prices for food rose during the COVID-19 period; rice prices rose from 3,500 North Korean won to 4,000 North Korean won, pork prices doubled, prices for batteries rose more than five-fold, and prices for domestic red pepper powder and imported seasoning also increased. In addition, prices for goods imported from China rose two- to three-fold. The testifier also said that, while people were allowed to visit markets, they were prohibited from eating food on the market streets, and the number of market stands and the number of products sold at these stands decreased because imports from China had been halted.[1539]

1537_ NKHR2022000030 2022-07-22.
1538_ NKHR2023000055 2023-07-22.
1539_ NKHR2022000030 2022-07-22.

D. Evaluation

In the event of disasters, maintaining daily living becomes a challenge for the people living in affected regions. Since Kim Jong Un came to power, North Korea has recognized the importance of its disaster response and management and has made an effort to improve its response and management capabilities through the enactment and systematization of the relevant laws and regulations. However, it appears that North Korean authorities are unable to effectively respond to disasters due to a lack of appropriate technology, infrastructure, and financing.

Defector testimonies have confirmed that the level of North Korea's disaster response varies depending on the type of disaster and the affected region. It has been found that North Korea's disaster response and management is more effective for floods than droughts because floods are region-specific. In the event of a flood, North Korean authorities provide support to affected areas by mobilizing soldiers or residents for damage recovery and sending necessary supplies. In addition, forest restoration projects, which have been implemented to prevent future disasters, have negatively impacted the livelihood of the North Korean people, especially by restricting the food supply for ordinary residents.

The outbreak of COVID-19 has led to the adoption of stricter border closure by North Korean authorities. In addition, it has

been reported that North Korean authorities imposed stringent regional blockades in May 2022 following reports of the first confirmed COVID-19 cases in the country. In the event of infectious diseases, the North Korean people's right to freedom of movement is severely infringed upon. These measures imposed by North Korean authorities not only restrict the movement of North Korean people but also pose a threat to their right to work and even the right to life. Moreover, considering that conflicting testimonies have been collected regarding the introduction of relevant measures by the government in response to infectious diseases, it is assumed that North Korea's infectious disease response system operates differently depending on the affected region.

Fortunately, if a disaster occurs in North Korea, unlike in the past, North Korean authorities openly admit its occurrence both to its people and to the international community. It is assumed that the purpose of this openness is to elicit support and cooperation from the international community.

6

Discrimination and Inequality

The UDHR stipulates that "all are equal before the law and are entitled without any discrimination to equal protection of the law" (Article 7). The ICESCR and the ICCPR also prohibit "all kinds of discrimination." The right to equality is closely related to the prohibition of discrimination. Non-discrimination, together with "equality before the law" and "equal protection of the law without discrimination," constitute the basic principle of the protection of human rights.[1540] The situation in North Korea regarding discrimination based on background (*songbun*) and class, which are the characteristics of the North Korean system, is examined in this chapter. Classification based on background (*songbun*) and class is a covert discrimination system that infringes on North Korean people's right to equality and affects the lives of North Korean people, including admission to the Party, enlistment in the

1540_ UNHRC, "CCPR General Comment No. 18: Non-discrimination," 10 November 1989, para. 1.

military, entrance to schools, employment, promotion, marriage and residence.

Table V-35 International Human Rights Norms against Discrimination

Article 7 of the UDHR	All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
Article 2, paragraph 2 of the ICESCR	The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
Article 2, paragraph 1 of the ICCPR	Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.
Article 26 of the ICCPR	All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

A. Continued Discrimination Based on Background (*Songbun*) and Class

Article 2 of the ICCPR stipulates that all individuals within the territory of a State Party shall not be discriminated against based on “distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Article 2 of the ICESCR also

stipulates that there shall not be "discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." As such, international human rights norms stipulate equal protection by law for everyone without discrimination of any kind, and particularly prohibit discrimination based on arbitrary and customary divisions, such as those based on social origin, birth or class.

Article 65 of the North Korean Constitution that stipulates "all citizens shall have equal rights in all spheres of state and social life" clearly guarantees equal rights without discrimination. In reality, however, a unique social classification system based on background (*songbun*) or family background (*todae*) exists, according to which all residents are discriminatorily treated. After liberation from Japanese colonial rule, North Korea carried out a series of citizen registration projects to divide its people into three classes and 56 categories and also separately into 25 types of background (*songbun*).[1541] North Korea proclaims that it defines

1541_ It had been previously understood that there were three classes in North Korea: the core class, the wavering class, and the hostile class. However, it has been confirmed by the *Reference Book for Citizen Registration Projects (Strictly Confidential)* published in 1993 by the Ministry of Social Security Press that in North Korea, people are divided into three classes–the basic masses, the complex masses and remnants of the hostile class–which are then subdivided into 56 categories and also separately into 25 types of background (*songbun*). Sang-son Kim and Sang-hui Lee, *Reference Book for Citizen Registration Projects (Strictly Confidential)* (Pyongyang: Ministry of Social Security Press 1993). Based on this information, In-ae Hyun's "A Study of North Korea's Resident Registration System," (M.A. dissertation, Ewha Womans University, 2008) was published.

one's background (*songbun*) "accurately on the basis of extensive research on the economic conditions at the time of his/her birth, the family background (*todae*) of his/her family and its influence, his/her own social and political activities, the particularities of [the] nation's historical development and class relations, and class policies that the Party has implemented at each phase of the Revolution."[1542] Background (*songbun*) is divided into two types − personal and social − and serves as basic data for determining people's classes.[1543] There are three classes: the basic masses, the complex masses and the remnants of the hostile class. Finally, there are 56 categories under these three classes.

1542_ In-ae Hyun, *Ibid.*, p. 25.

1543_ One's personal background is determined by the profession that his/her parents had for the longest period of time from his/her time of birth to the point in time when he/she entered a social occupation. If the parents had several jobs for similar periods of time, the child's personal background is defined by what had the most significant impact on the child's development of values. Social background, on the other hand, is determined by the profession that one has had for the longest period of time. Likewise, if he/she had several jobs for similar periods of time, the one that had the most significant impact on his/her values will become the basis of the person's social background.

Table V-36 North Korea's Classification of Residents by Class and Background (*Songbun*)

Class and Background (*Songbun*)		Categories (56 in total)
Three Classes	Basic masses	1. Revolutionaries; 2. Families of revolutionaries; 3. Bereaved families of revolutionaries; 4. Honored veterans wounded in service; 5. Honored veterans wounded in action; 6. Persons who have met Suryeong (*jeobgyeonja*); 7. National heroes; 8. Persons of merit; 9. Discharged soldiers; 10. Families of the war dead; 11. Families of civilians who died during the war; 12. Families of patriots who sacrificed for socialism; 13. Others (members of the core masses, including those who have long worked faithfully and played a leading role, always committed to serving the Party at the revolutionary guard post entrusted to them by the Party; and workers, farmers, soldiers and intellectuals with sound class background, family circumstances and socio-political activities)
	Complex masses	1. Draft dodgers from the KPA; 2. Deserters from the KPA; 3. Repatriated soldiers; 4. Repatriated citizens; 5. Those who cooperated with reactionary groups; 6. Those who served in Japanese organizations before liberation; 7. Liberated soldiers (non-repatriated South Korean POWs); 8. Discharged construction workers; 9. Defectors to the North; 10. Personnel associated with No. 10 Guerilla Operations Area; 11. Personnel associated with Geumgang School; 12. Former political prisoners; 13. Religious personnel; 14. Families of traitors who have fled to South Korea; 15. Families of the executed; 16. Families of arrestees; 17. Families of former political prisoners; 18. Families of non-repatriated North Korean POWs; 19. Families of defectors overseas; 20. Families of landowners; 21. Families of rich farmers; 22. Families of comprador capitalists; 23. Families of pro-Japanese collaborators; 24. Families of pro-American collaborators; 25. Families of evil religious personnel; 26. Families of factionalists; 27. Families of those complicit with factionalists; 28. Families of spies; 29. Families of agricultural foremen; 30. Families of entrepreneurs; 31. Families of merchants
	Remnants of the hostile class	1. Landowners; 2. Rich farmers; 3. Comprador capitalists; 4. Pro-Japanese collaborators; 5. Pro-American collaborators; 6. Evil religious personnel; 7. Factionalists; 8. Those complicit with factionalists; 9. Spies; 10. Agricultural foremen; 11. Entrepreneurs; 12. Merchants

Class and Background (*Songbun*)	Categories (56 in total)
Backgrounds (*Songbun*) (25 in total)	1. Revolutionaries; 2. Professional revolutionaries; 3. Laborers; 4. Soldiers; 5. Farmhands; 6. Poor farmers; 7. Farmers; 8. Farm managers; 9. Mid-sized farmers; 10. Better-off mid-sized farmers; 11. Agricultural foremen; 12. Rich farmers; 13. Landowners; 14. Office workers; 15. Students; 16. Craftsmen; 17. Foremen; 18. Small- and mid-sized entrepreneurs; 19. Converted businessmen; 20. Entrepreneurs; 21. Petitbourgeois; 22. Small and mid-sized merchants; 23. Merchants; 24. Religious personnel; 25. Those who served in Japanese organizations before liberation

Source: In-ae Hyun, "A Study of North Korea's Resident Registration System," pp. 31-35.

North Korean authorities use this class and background (*songbun*)-based classification system to strictly control the people; any movement between classes is also controlled in a very closed manner. One who makes a brilliant achievement, for example, may see his class upgraded from "remnants of the hostile class" to "the complex masses," but it is virtually impossible to climb all the way up to "the basic masses" either from "remnants of the hostile class" or "the complex masses." Those in the "remnants of the hostile class" and "the complex masses" face discriminatory treatment across the entire span of their social life, including their occupation, education, residence and military duties. The problem is that such discriminatory treatment occurs in the form of guilt by association on both horizontal and vertical levels.

In North Korea, discrimination based on guilt by association is mostly directed towards those with experience as South Korean

civil police agents after liberation, families of Korean War POWs, families of returnees from Japan and those with records of family members escaping to South Korea. First of all, North Korea treats separated families as part of the complex masses, categorized into "traitors who have fled to South Korea" or "families of traitors who have fled to South Korea." They are still denied their basic rights or face various disadvantages due to the "wrongdoings" of their ancestors under Japanese colonial rule or during the Korean War. It is said that the children of those who fled to South Korea during the Korean War and people from families of Korean War POWs subject to prisoner exchange cannot even dream of becoming officials; for women, the best thing to happen would be being able to work at a factory and marrying well.[1544] A testifier said that his/her family was deported from Gangwon Province where they used to live to Onsong County, North Hamgyeong Province for the reason that his/her grandfather had been a landowner before liberation.[1545]

Discrimination based on guilt by association is serious against people involved in important political incidents in North Korea. A North Korean defector who defected in 2019 said that his/her father had been involved in the *Kapsan* Faction incident in the 1960s, and as a result, he/she lived under surveillance for over 30

1544_ NKHR2022000003 2022-05-19.
1545_ NKHR2014000015 2015-01-27.

years and could not enter university.[1546] Another North Korean defector who defected in 2019 also said that his/her entire family was forcibly deported to Yanggang Province due to a relative's involvement in a sectarian incident called the "Kim Chang-bong incident" in the 1960s. As his/her family was accused of being a reactionary family, the testifier was seriously discriminated against since birth, and although the false accusation was cleared in the early 1970s and the relative was reinstated as an honored veteran of war, the testifier could only work as a clerk.[1547]

In addition, there are separate medical facilities used only by Party officials and those working in political agencies such as the Ministry of State Security or the Ministry of Social Security, and differences exist between these people and the general population in terms of access to medical facilities and treatment.[1548] As such, discrimination based on background (*songbun*) and family background (*todae*) still continues today. In this regard, the UNHRC report on North Korea of the UPR in 2019 expresses serious concern in light of the continuous reports of human rights violations such as discrimination based on background (*songbun*).[1549]

According to recent testimonies, it has been found that, since

1546_ NKHR2019000069 2019-08-26.

1547_ NKHR2019000074 2019-08-26.

1548_ NKHR2021000026-2 2022-05-18; NKHR2022000008 2022-05-27; NKHR2022000016 2022-06-11; NKHR2022000023 2022-06-22; NKHR2023000005 2023-04-13; NKHR2022000030-2 2023-05-04; NKHR2023000018 2023-08-01.

1549_ UN Doc. A/HRC/WG.6/33/PRK/2 (2019), p. 3.

Kim Jong Un came to power, discrimination based on family background (*todae*) has been somewhat mitigated compared to the past with the increasing influence of economic power on people's social life.[1550] However, discrimination based on background (*songbun*) and class is an undeniable reality in North Korea. Discrimination is taking place not only in public areas of one's life including appointment as an official, admission to the Party, entrance to college and job placement, but also in private areas such as marriage.

First, one's background (*songbun*) and class play a significant role in being able to join political agencies such as Party organizations, the Ministry of State Security or the Ministry of Social Security as an official. A North Korean defector who defected in 2018 testified that deputies for the SPA, chairmen of various management committees, and Party secretaries typically have favorable backgrounds (*songbun*).[1551] Another North Korean defector who also defected in 2018 said that, because his/her father was a returnee from a foreign country, the testifier could not enter Kim Il-sung University, could not join agencies under the Ministry of State Security, and could not become a Party worker but only an administrative worker.[1552] A North

1550_ NKHR2020000011 2020-06-15 and many other testimonies.

1551_ NKHR2022000002 2022-05-18.

1552_ NKHR2019000011 2019-04-20.

Korean defector who defected in 2019 said that people must have a good background (*songbun*) to obtain desirable jobs, such as those in the Party and the Ministry of Social Security, and clear discrimination exists against those with undesirable background (*songbun*) in terms of job placements and promotions.[1553] A North Korean defector who defected in 2019 testified that he/she was able to join the military but faced restrictions on advancing to high-ranking positions because he/she had a friend who went missing.[1554]

In contrast, a North Korean defector who defected in 2019 testified that he/she could have served in the Supreme Guard Command because he/she had a good family background (*todae*) because his/her grandfather participated in the Korean War as a military officer and because there was no one in his/her family who was sent to a prison camp (*kyohwaso*) or defected to South Korea.[1555] Another North Korean defector who defected in 2018 testified that one's background (*songbun*) plays a significant role in being able to be appointed as an official. According to the testifier, he/she was not appointed as an official because one of his/her relatives − although he/she was not a direct relative − had been sent to a prison camp (*kyohwaso*) for distributing South

1553_ NKHR2023000019 2023-08-02.
1554_ NKHR2023000010 2023-05-15.
1555_ NKHR2019000086 2019-10-05.

Korean movies.[1556] A North Korean defector who defected in 2021 testified that family background (*todae*) is still considered important for certain jobs, including MPS officers, Party workers, and City or Provincial Party Committees workers.[1557] A testifier said that discrimination based on background (*songbun*) and class was still prevalent in 2019, and positions in the Ministry of State Security, MPS city/county branches, and the Border Security Command are for people with a favorable background (*songbun*) because these positions offer a higher earning potential. The testifier added that, in 2019, in Bocheon County, Yanggang Province, cases of family background (*todae*)-based discrimination occurred regarding Party membership and the recruitment of administrators for front-line border areas.[1558] As such, while family background (*todae*) does not matter much in one's daily life, it remains unchanged that family background (*todae*) plays the most significant role in appointing officials.[1559]

Second, there were many testimonies indicating that from the mid/late 2000s, people with economic power could join the Party, enter a college or be selected as a lower-level official even if they had an unfavorable background (*songbun*) and class. A testifier said that whereas the influence of family background (*todae*)

1556_ NKHR2022000006 2022-05-25.
1557_ NKHR2022000030-2 2023-05-04.
1558_ NKHR2023000015 2023-07-27.
1559_ NKHR2020000011 2020-06-15.

was 100% in the past, it seems to have decreased to about 50% today.[1560] Many testimonies have been collected revealing that although the influence of family background (*todae*) cannot be said to have completely disappeared, family background (*todae*) is not the most important factor in college admissions, job placements and marriage.[1561] It is said that people whose parents are officials are more likely to be recommended for college admissions and can easily enter college.[1562] A North Korean defector who defected in 2019 testified that, in the military, the children of military officers are often assigned to more comfortable positions, while the children of ordinary residents, workers, and farmers are mainly assigned to construction sites.[1563] It is also said that, although work ability is considered important in workplaces, bribery acts as the deciding factor.[1564] A North Korean defector who defected in 2019 claimed that, while one must have served in the military and have a favorable family background (*todae*) in order to be appointed as an official, the most important factor is money.[1565] There was testimony reporting that, while the situation differs depending on the military unit, regardless of their family background (*todae*),

1560_ *Ibid.*

1561_ NKHR2020000035 2020-09-05 and many other testimonies.

1562_ NKHR2022000022 2022-06-10; NKHR2023000015 2023-07-27.

1563_ NKHR2023000008 2023-04-28.

1564_ NKHR2022000002 2022-05-18.

1565_ NKHR2022000034 2022-08-08.

people are able to be assigned to their preferred units such as artillery, infantry, and cavalry by paying bribes.[1566] A North Korean defector who defected in 2019 testified that, unlike in the past when one's background (*songbun*) played a significant role, today, even joining the Party is possible as long as one had sufficient financial resources.[1567] A North Korean defector who defected in 2019 said that his/her spouse's family background (*todae*) was very bad because his/her father-in-law was involved in the *Kapsan* Faction incident in the 1960s, but the testifier's spouse could join the Party by handing over 350kg in pigs in 1997, which was the time of the Arduous March.[1568] Another North Korean defector who defected in 2016 testified that his/her father who was originally from Pyongyang was forcibly deported to Yanggang Province due to faults of the grandfather and elder uncle but did not experience difficulties caused by his/her family background (*todae*) in the military, graduation from college or working as a manager.[1569]

The level of discrimination based on background (*songbun*) and class in college entrance differs between central universities and local universities. Such difference is found between central universities including Kim Il-sung University, People's Economy

1566_ NKHR2023000021 2023-08-04.
1567_ NKHR2023000018 2023-08-01.
1568_ NKHR2019000069 2019-08-26.
1569_ NKHR2019000044 2019-07-01.

College and Pyongyang University of Foreign Studies and general local universities at the provincial/city level. While people with an unfavorable family background (*todae*) can still enter general local universities based on their ability, people cannot enter central universities without a good family background (*todae*), regardless of their abilities.[1570] A North Korean defector who defected in 2019 said that the background (*songbun*) of students who are enrolled at university is documented, and there is no problem entering a general university unless the applicant is from a family of pro-Japanese collaborators.[1571] The influence of family background (*todae*) has gradually decreased in job placements as well. As such, discrimination based on family background (*todae*) and one's origin has been somewhat eased, but personal background still exerts a significant influence on one's entire life in North Korean society.

A North Korean defector who defected in 2019 testified that under the Kim Jong Un regime, one still needs to have a good family background (*todae*) to join the provincial or city KWP or become a teacher, and those with an unfavorable family background (*todae*) give up applying for good jobs.[1572] Another North Korean defector who defected in 2019 also said that

1570_ NKHR2014000015 2015-01-27.
1571_ NKHR2023000005 2023-04-13.
1572_ NKHR2019000016 2019-05-07.

discrimination based on background (*songbun*) or class is common, and people are subject to discrimination not only in joining the Party or appointment as an official but also in being dispatched overseas.[1573] Under the Kim Jong Un regime, many private companies have been established; however, even in the trade sector, those without a good family background (*todae*) cannot run a company.[1574] Families of those sent to political prison camps (*kwanliso*) are considered to have a bad personal background and are discriminated against in terms of joining the Party, earning a promotion or entering marriage. A North Korean defector who defected in 2018 testified that because his/her uncle had been sent to a prison camp (*kyohwaso*) after being caught selling CDs, his/her spouse, who had done well at school, served in the military, and even joined the Party, experienced limitations in pursuing the work he/she wanted to do.[1575] A North Korean defector who defected in 2019 even said that his/her father and brother had a difficult social life because the testifier's grandfather committed suicide.[1576] In addition, it appears that having a family member who has defected from North Korea affects one's social advancement. A North Korean defector who defected in 2019 testified that those with a defector as a family member who lives

1573_ NKHR2019000031 2019-06-03.
1574_ NKHR2019000108 2019-11-18.
1575_ NKHR2022000002 2022-05-18.
1576_ NKHR2020000028 2020-07-06.

in South Korea are restricted in terms of their military service and experience difficulties in joining the Party.[1577] Another testifier stated that his/her father had to give up his occupation as a bookkeeper at a company and became a laborer after it was discovered that one of his friends had defected to South Korea.[1578]

Third, although one's family background (*todae*) or background (*songbun*) still has influence in private areas such as marriage, the influence of economic power has gradually increased. A North Korean defector who defected in 2019 testified that his/her family began to face discrimination after his/her uncle participated in a family reunion for separated families and, as a result, the testifier's nephews/nieces could not become Party workers after graduating from college and the testifier's child could not work at Department No. 5 in the Central Party despite being selected several times. The testifier also said that it was difficult for his/her child to get married because he/she has relatives in South Korea.[1579] A North Korean defector who defected in 2018 said that, when it comes to marriage or finding a prospective spouse, preference is given to individuals with a favorable background (*songbun*).[1580] A North Korean defector

1577_ NKHR2023000015 2023-07-27.
1578_ NKHR2023000014 2023-07-26.
1579_ NKHR2022000014 2022-06-10.
1580_ NKHR2023000009 2023-05-10.

who defected in 2016 said that people consider money (economic power) as important as background (*songbun*) or family history when choosing a potential spouse to eliminate obstacles to future opportunities.[1581] Another North Korean defector who defected in 2018 also said that these days people consider economic power more than background (*songbun*) in marriage.[1582]

B. Discriminatory Assignment of Residential Area

North Korean people are assigned residential areas or forcibly deported based on their background (*songbun*) and class. In North Korea, those with an unfavorable background (*songbun*) and class are primarily those formerly from South Korea or those who once belonged to the landowner or capitalist class, and the authorities have concerns that they may escape from North Korea because of their admiration for South Korea. For this reason, North Korean authorities limit the areas of residence for these people to prevent escape. For example, people with unfavorable backgrounds (*songbun*) are not allowed to live in Pyongyang, Nampo, near the coast, and areas bordered by the enemy (*jeonyeonjidae*).

The North Korean authorities discriminate against people based on their background (*songbun*) and class more strictly regarding

1581_ NKHR2019000048 2019-07-01.
1582_ NKHR2019000011 2019-04-20.

residence in Pyongyang. The city is divided into central Pyongyang and surrounding districts, and the surrounding districts are further divided into protective zones, satellite cities and farming areas (Article 7 of the Law for the Management of Pyongyang of 2014). In order for a North Korean to live in Pyongyang, he/she must file for residence registration in accordance with the procedures and methods set by the Cabinet (Article 30). In addition, one has to acquire residence approval from relevant authorities in order to move into central Pyongyang from surrounding districts (Article 31). Residents of Pyongyang are required to uphold honor as citizens of the capital city, and those who violate the legal order will have their Pyongyang citizenship cards rescinded by the authorities (Article 32). Discrimination even exists between those living in central Pyongyang and those living in surrounding districts. For example, those living in certain surrounding districts, such as Yongseong District, are allowed to pass through central Pyongyang but cannot get a job there.[1583] The authorities strictly examine the background (*songbun*) and class of individuals when granting permission to live in Pyongyang. Even those living in Pyongyang are divided into three groups by background (*songbun*) and class, based on which discriminatory treatment is given. Groups 1 and 2 constitute about 80–90% of Pyongyang residents who have no

1583_ NKHR2018000037 2018-05-08.

problems in terms of background (*songbun*), while Group 3 includes Koreans repatriated from Japan, those who had formerly lived in South Korea, and those who have missing family members, accounting for 10–20% of the city's population.

The discrimination between residents of Pyongyang and of other regions is also severe. First, there is discrimination with regard to freedom of residence and movement. People living in provinces need to obtain residential approval from relevant authorities to reside in Pyongyang (Article 31 of the Law for the Management of Pyongyang). Second, only citizens of Pyongyang receive Pyongyang citizenship cards, which grant them a special status that ensures better treatment than residents of other regions. Pyongyang citizenship cards are issued only to North Korean citizens aged 17 or older (Article 7 of the Citizen Registration Law. In practice, access to Pyongyang is granted in a discriminatory manner to those living in other cities or provinces as such people must undergo complicated procedures and face a variety of constraints. In contrast, it is said that Pyongyang citizens can travel more freely to other cities or provinces. Third, it is said that there is also discrimination with regard to food rations, which is discussed in III. The Reality of Economic, Social and Cultural Rights, 1. Right to Food.

Meanwhile, testimonies have been collected reporting that the movement of people from cities and rural areas has been more strictly controlled since Kim Jong Un came to power. It is said

that it was previously possible for someone from a rural area to move to a city for a job as a teacher at a university or to join the military, and a woman from a rural area could move to a city if she married a man from a city. Now, however, when a man from a city marries a woman from a rural area, he needs to move to the rural area.[1584] Moreover, in order for people from the provinces to become Pyongyang residents, they need to go through a complicated process involving five to six agencies because of their personal background, and some even get divorced due to disadvantages in job placement.[1585]

The recently imposed stricter control over movement appears to have led to a greater need for bribery. A North Korean defector who defected in 2019 testified that bribery is necessary to change one's residence or travel to another region.[1586] Another North Korean defector who defected in 2019 reported that, while traveling within a county is not difficult, one needs to offer a bribe to travel from a rural area to a city or from a border region to an inland area or to move to live in another province.[1587]

1584_ NKHR2015000052 2015-03-10.
1585_ NKHR2016000054 2016-04-19.
1586_ NKHR2023000006 2023-04-17.
1587_ NKHR2022000018-2 2023-08-01.

C. Discrimination against Ethnic Chinese and Returnees from Japan

In the past, there was a perception in North Korea that ethnic Chinese and returnees from Japan have superior economic power and enjoy more affluent lives because they have relatives in China and Japan. However, as trade between North Korea and Japan was terminated and returnees from Japan have lost their connections with Japan, the living conditions of returnees from Japan have deteriorated and how they are viewed in society is changing.[1588]

Attitudes are mixed toward the treatment of ethnic Chinese. While some have testified that ordinary North Korean people are envious of ethnic Chinese because they generally have higher economic power and enjoy comfortable lives or are able to travel relatively freely, such as visiting China with prior application,[1589] other testifiers have said that ethnic Chinese consider themselves superior because they think they are wealthier than other residents.[1590] It appears that there are two sides to the social discrimination against ethnic Chinese people in North Korea.

1588_ NKHR2020000011 2020-06-15; NKHR2020000021 2020-07-06; NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25; NKHR2023000018 2023-08-01; NKHR2023000019 2023-08-02.

1589_ NKHR2019000011 2019-04-20; NKHR2020000021 2020-07-06; NKHR2022000025 2022-06-23; NKHR2023000005 2023-04-13; NKHR2023000008 2023-04-28; NKHR2023000009 2023-05-10.

1590_ NKHR2019000111 2019-11-18; NKHR2022000005 2022-05-25.

Some of the North Korean defectors who defected in 2018 and 2019 testified that, while ethnic Chinese in North Korea are not particularly discriminated against in terms of college admission and job placement, they are discriminated against in terms of joining the Party and earning a promotion and face restrictions in being appointed as officials.[1591] A North Korean defector who defected in 2019 testified that ethnic Chinese in Chongjin attend Chinese schools and are unable to join the Party because of the nationality issue.[1592]

A North Korean defector who defected in 2017 said that his/her child could not join the Party because the testifier's parents are from China who migrated to North Korea in the 1960s.[1593] The testimony of a North Korean defector who defected in 2017 shows that discrimination against people with connections to China has been intensifying since Kim Jong Un came to power. A North Korean defector who defected in 2019 testified that children of ethnic Chinese who have a unique way of speaking are perceived as different, and ethnic Chinese often live under surveillance.[1594] A testifier whose spouse is ethnic Chinese said that while it was possible to enter college in the past, his/her

1591_ NKHR2021000026-2 2022-05-18; NKHR2022000001 2022-05-13; NKHR2022000006 2022-05-25.

1592_ NKHR2023000005 2023-04-13.

1593_ NKHR2018000017 2018-04-09.

1594_ NKHR2022000042-2 2023-07-31.

children could not enter college as the current relationship with China is sour.[1595] According to another testimony, while those with cousins in China were subject to discrimination under Kim Jong Il, the scope of people subject to discrimination was expanded to those with second cousins since Kim Jong Un came to power. Those with connections to China are not allowed to serve in military units in border areas and are dispatched to rear guard units.[1596] This case shows the discriminatory perception of North Korean authorities that those with connections to China are likely to defect from North Korea and engage in smuggling, based on which the authorities regard them as potential criminals.

Meanwhile, other defectors have stated that discrimination against returnees from Japan or those with connections to Japan is intensifying. In the past, such people were treated considerably well, but the treatment of returnees from Japan has been recently worsening, and it appears that the major reason is the weakening of such people's financial capability caused by their loss of connection to Japan.[1597] A North Korean defector who defected in 2019 testified that returnees from Japan were economically affluent during the period when trade between North Korea and Japan still occurred but, with the discontinuation of exchanges

1595_ NKHR2019000054 2019-07-29.

1596_ NKHR2016000146 2016-09-06.

1597_ NKHR2016000061 2016-05-03; NKHR2016000111 2016-07-12; NKHR2017000113 2017-11-20.

between the two countries, many of them are now poorer than ordinary residents.[1598] According to another North Korean defector who defected in 2019, those who have lost their connections to Japan are worse off compared to other ordinary North Koreans.[1599] Another North Korean defector who defected in 2019 said that there was an incident sometime in 2017–2018 where a returnee died after his/her remittance from Japan was cut off.[1600] It was also reported that a child whose father is a returnee could not become a Party worker or law enforcement personnel.[1601]

A testifier said that his/her brother-in-law, who was born in Japan and later moved to North Korea with his/her sister and graduated from a college in North Korea, was not appointed as an official and was discriminated against in the selection process.[1602] Another North Korean defector who defected in 2019 reported that returnees are eligible to work in the Ministry of Social Security but are ineligible to work in the Ministry of State Security.[1603] According to testimony, the testifier's father, who was a returnee from Japan, experienced discrimination at work, had his letters to Japan censored, and had to endure hostile

1598_ NKHR2023000019 2023-08-02.
1599_ NKHR2022000001 2022-05-13.
1600_ NKHR2023000018 2023-08-01.
1601_ NKHR2019000021 2019-05-07.
1602_ NKHR2022000013 2022-06-10.
1603_ NKHR2022000005 2022-05-25.

attitudes and accusations from the people around him.[1604] Some testifiers have reported that, under the Kim Jong Un regime, it is difficult for returnees from Japan to become officials or obtain Party membership, but they face no restrictions in terms of job placement.[1605]

D. Inequality in Cultural Rights

Everyone's right to participate in cultural life must be respected. The UDHR stipulates that "Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits" (Article 27, paragraph 1) and declares that "Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author" (Article 27, paragraph 2). It also contains a separate provision stipulating "the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay" (Article 24).

According to the General Comment by the Committee on Economic, Social and Cultural Rights on the right to take part in cultural life, there are a number of conditions that are necessary

1604_ NKHR2016000127 2016-08-09.

1605_ NKHR2023000018 2023-08-01; NKHR2023000019 2023-08-02.

for the full realization of one's cultural rights based on the principle of equality and non-discrimination.[1606] The first is availability, which means that cultural goods and services should be available for everyone to enjoy and benefit from. The second is accessibility, which means that opportunities to enjoy culture should be granted within physical and financial reach for all and without discrimination in both urban and rural areas. The third is acceptability, which means that cultural laws, policies, and strategies adopted by a State Party should be acceptable to the individuals and communities. The fourth is adaptability, which means that various measures adopted by a State Party should be flexible and respectful of the cultural diversity of individuals and communities. Appropriateness, the final condition, means that, in the process of exercising one's cultural rights, relevant human rights should be realized in a way that is respectful to the cultural rights shared by individuals and communities. The right to take part in cultural life is also stipulated in ICESCR, to which North Korea is a State Party.

1606_ UN Doc. E/C.12/GC/21 (21 December 2009), para 16. For the Korean translation of the necessary conditions, see National Human Rights Commission of Korea, *General Comments and General Recommendation by the U.N. Human Rights Treaty Bodies: General Comments by the Committee on Economic, Social and Cultural Rights* (Seoul: National Human Rights Commission of Korea, 2020), pp. 243–245.

Table V-37 Article 15 of the ICESCR

Paragraph 1	The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
Paragraph 2	The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
Paragraph 3	The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
Paragraph 4	The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

North Korea guarantees the right of individuals and communities to enjoy cultural life in its laws. First of all, Article 53 of the North Korean Constitution stipulates that the state shall provide sufficient modern cultural facilities to ensure that all workers can fully enjoy socialist culture and an emotional life. Moreover, North Korea adopted the Law on the Protection of Scenic Spots and Natural Monuments in December 1995, the Cultural Heritage Protection Law in August 2012, and the National Heritage Protection Law in June 2015. After Kim Jong Un took power, North Korea demonstrated its commitment to developing local culture at the city and county levels by enacting the Law on City and County Development in September 2021. Article 80 of the Law on City and County Development on mass

cultural and artistic activities stipulates that culture centers must be established as a base for workers' ideological and cultural education and their cultural and emotional life, while a diverse range of mass cultural and artistic activities must be promoted.

To ensure people's participation in cultural life, their enjoyment of the arts, and the sharing of the benefits of scientific advancement, North Korea has established relevant laws and facilities. In North Korea, there are numerous cultural facilities, including theaters, cinemas, museums, libraries, exhibition halls, art theaters, amusement parks, funfairs, and hot springs.[1607] Representative examples of these cultural facilities include Pyongyang Grand Theater, Moranbong Theater, Mansudae Art Theater, Kaeson Cinema, Mangyongdae Funfair in Pyongyang, Taesongsan Funfair, Kaeson Youth Park, and Yangdok Hot Spring Resort. Recently, North Korean authorities have emphasized their efforts to enhance the cultural and emotional lives of North Korean people by constructing new cultural and tourism facilities and renovating and repairing existing ones. Notable facilities include Munsu Water Park (2013), Mirim Horse Riding Club (2013), Rungna People's Pleasure Ground (2012), and Masikryong Ski Resort (2013), all of which were established under the personal attention of Kim Jong Un, who emphasized the need for

1607_ Young-jeong Park, *A Study on the Current Conditions of North Korean Arts and Culture* (Seoul: Korea Culture & Tourism Institute, 2011).

the modernization of cultural facilities.

However, defector testimonies have confirmed that disparities exist in the level of accessibility to and enjoyment of various cultural facilities between regions. A North Korean defector who defected in 2019 said that, although he/she was not able to use cultural facilities such as amusement parks due to his/her difficult economic situation, he/she heard that cultural facilities in Pyongyang are sufficiently well-equipped for people to enjoy cultural activities.[1608] Another North Korean defector who defected in 2019 said that, in Yanggang Province, there are some tourist spots such as Samjiyeon, but there are no amusement parks and almost no other cultural facilities for residents to enjoy.[1609] Another defector who defected in 2019 testified that he/she had seen a cinema in Gilju County, North Hamgyeong Province, but there were no other cultural facilities such as tourist attractions or amusement parks.[1610] A North Korean defector who defected in 2020 testified that facilities for leisure activities are scarce in rural areas in North Korea.[1611] On the other hand, there were testifiers who have used hot springs depending on the place of residence. A North Korean defector who defected in 2019 testified that a one-day trip by car from Hyesan to Mount Baekdu (Baekdusan) is

1608_NKHR2023000019 2023-08-02.
1609_NKHR2023000002 2023-04-11.
1610_NKHR2023000018 2023-08-01.
1611_NKHR2023000038 2023-05-27.

possible, and he/she had been to Dalcheon Hot Springs while living in North Korea.[1612] Another North Korean defector who defected in 2019 stated that he/she had visited Samjiyeon Hot Springs with his/her family because it was close to his/her home.[1613] Another defector who defected in 2019 testified that there were inspectors when he/she visited Gyeongseong Hot Springs, but they did not conduct accommodation inspections on those who offered them some money.[1614]

Cultural facilities relatively accessible to North Korean people are often places where the achievements of the Party are publicized, and the content accessible to the people is also limited. A North Korean defector who defected in 2019 testified that, while theaters where people can watch movies or plays exist in North Korea, all movies and plays focus on promoting the achievements of Kim Jong Il and deifying the Supreme Leaders' (*Suryeong*) revolutionary achievements, the purpose of which is to indoctrinate students.[1615] A North Korean defector who defected in 2021 testified that he/she had frequently visited Baeksong Revolutionary Historic Site, which commemorates the achievements of Kim Il Sung, because it was located approximately 4 km from his/her home; according to the testifier,

1612_ NKHR2023000004 2023-04-12.
1613_ NKHR2023000010 2023-05-15.
1614_ NKHR2022000018-2 2023-08-01.
1615_ NKHR2023000002 2023-04-11.

people take wedding photographs there because the site is well-landscaped.[1616] A North Korean defector who defected in 2019 said that he/she had been to a cinema in 2010 to watch movies but was unable to do so thereafter, and that the movies he/she watched were about regeneration via self-effort, self-reliance, and independence.[1617] A North Korean defector who defected in 2021 testified that, because there was no cinema in his/her village (*ri*), people from his/her village (*ri*) watched movies in groups at the village hall using a beam projector; the movies the testifier watched were about the revolutionary history of Kim Il Sung, the loyalty of the people to Kim Il Sung, and the sacrificial spirit of people enduring the sacrifice of their families for the sake of the state or the KWP. The testifier thought that these movies were aimed at promoting the cultural reformation of North Korean people.[1618]

It has also been found that disparities exist in accessibility to cultural life between individuals according to their economic status. A North Korean defector who defected in 2019 reported that paid ski resorts and swimming pools in Samjiyeon are accessible for those with money, but the entrance fees are expensive for ordinary residents.[1619] Another North Korean

1616_ NKHR2023000013 2023-06-01.
1617_ NKHR2023000014 2023-07-26.
1618_ NKHR2023000013 2023-06-01.
1619_ NKHR2023000015 2023-07-27.

defector who defected in 2019 testified that he/she had been to amusement parks in Pyongyang, hot springs in Yanggang Province, and Majon Report in Hamheung and, although the testifier was able to visit these places because he/she was financially comfortable due to making a sufficient living from conducting business, it must have been difficult for ordinary residents to afford these activities. The testifier said that, although the entrance fees for these places are not expensive, incidental expenses such as the cost of transportation and meals are burdensome for ordinary residents.[1620] Another defector who defected in 2019 testified that it is difficult for ordinary residents to see performances by musical bands such as the Moranbong Band.[1621] A North Korean defector who defected in 2019 testified that he/she had seen a performance by the Wangjaesan Light Music Band sometime in 2015– 2016 but had missed the opportunity to see the Moranbong Band perform in 2017; the testifier said that a ticket for the performance by the Moranbong Band was approximately 50 yuan, which he/she considered expensive. The testifier also stated that, while one needs to pay only 5–10 yuan to enjoy rides at an amusement park, they end up spending several tens of yuan when they buy food at the park.[1622] These testimonies demonstrate that the right to take part in

1620_ NKHR2023000017 2023-07-31.
1621_ NKHR2022000042-2 2023-07-31.
1622_ NKHR2023000001 2023-04-07.

cultural life is not enjoyed equally by all North Korean people.

E. Inequality in the Standard of Living

In order to lead a basic human life, it is crucial for a person to have an adequate standard of living, including food, clothing, and housing. Article 25 of the UDHR clearly outlines the right of every person to enjoy an adequate standard of living. According to the provision, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" (Article 25, paragraph 1). It also stipulates that "motherhood and childhood are entitled to special care and assistance" and that "all children, whether born in or out of wedlock, shall enjoy the same social protection" (Article 25, paragraph 2). The provision thus states that an adequate standard of living necessary for maintaining human dignity, i.e., an adequate standard of living necessary to live a human life, must be guaranteed for everyone.

The right to enjoy an adequate standard of living for oneself and one's family is also stipulated in the ICESCR. The ICESCR acknowledges the right of everyone to "an adequate standard of living for himself and his family, including adequate food,

clothing and housing" and specifies that the States Parties to the Covenant must take appropriate measures to ensure the realization of this right (Article 11, paragraph 1).

Table V-38 Article 11 of the ICESCR

Paragraph 1	The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
Paragraph 2	The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

North Korea asserts that it has a superior social system that embodies a human-centered *Juche* ideology, which is also referred to as "socialism of our style," and claims to prohibit all forms of social inequality.[1623] Furthermore, North Korea emphasizes that it guarantees its people the "right to an adequate

1623_ "The most superior social system that embodies a human-centered ideology," *Rodong Sinmun*, 19 November 2019.

standard of living" by "supplying food at giveaway prices" and providing housing "virtually free of charge."[1624]

However, North Korea's food rationing system does not function properly, and the basic resources necessary to maintain a human life, such as housing and electricity, are not sufficiently provided. In particular, the percentage of the population with proper access to electricity was reported to be only 34.6%.[1625] A North Korean defector who defected in 2019 said that, due to a lack of electricity in Hyesan, Yanggang Province, he/she watched television using solar panels imported from China and often used firewood purchased from marketplaces (*jangmadang*).[1626] Another North Korean defector who defected in 2019 testified that, in North Hamgyeong Province, electricity was supplied for a limited period of time to turn on lights, watch television, and do ironing, and the testifier used firewood for cooking and heating.[1627] A North Korean defector who defected in 2021 reported that electricity was available about 5–6 times a year, for approximately two hours each time, mainly in the summer, and there was no electricity supply during the winter.[1628] A North

1624_ DPRK Association for Human Rights Studies, *DPRK Association for Human Rights Studies Report* (Pyongyang: DPRK Association for Human Rights Studies, 2014), p. 64.

1625_ *Ibid*, p. 61.

1626_ NKHR2023000002 2023-04-11.

1627_ NKHR2023000006 2023-04-17.

1628_ NKHR2023000013 2023-06-01.

Korean defector who defected in 2019 testified that electricity was provided only for 1–2 hours on special occasions, such as when Kim Jong Un gave a New Year's speech or when a military review was held.[1629] According to other North Korean defectors who defected in 2019, electricity is supplied during national holidays and, in 2019, electricity was only available for about 20 minutes on New Year's Day (1 January) and for about half a day on the Day of the Sun (15 April) 4·15.[1630]

It has been found that North Korean people employ various methods to cope with electricity shortages depending on their economic situation. Numerous testimonies have been collected stating that ordinary residents often use sunlight chargers (i.e., solar panels) to address electricity shortages.[1631] Some testifiers have reported that they purchased electricity for extended use. A North Korean defector who defected in 2019 said that, when he/she lived in North Korea, electricity was supplied only from 7 pm to 10 pm, but people were able to use electricity 24 hours a day if they paid 2,000 North Korean won. According to another North Korean defector who defected in 2019, when electricity was needed for reasons such as refrigeration, he/she paid 50 North Korean won per month to the power distribution station for

1629_ NKHR2022000042-2 2023-07-31.

1630_ NKHR2023000018 2023-08-01; NKHR2023000019 2023-08-02.

1631_ NKHR2023000002 2023-04-11; NKHR2023000006 2023-04-17; NKHR2023000014 2023-07-26; NKHR2023000017 2023-07-31; NKHR2023000018 2023-08-01; NKHR2022000042-2 2023-07-31; NKHR2023000061 2023-07-29.

additional electricity.[1632] There was a case in which the testifier who had worked at a factory enterprise used electricity supplied to the factory,[1633] and another case where the testifier, who had worked at a factory enterprise, paid 50 yuan per month to connect the factory's power lines to his/her home to use electricity.[1634] According to a North Korean defector who defected in 2019, some North Korean people buy gas cylinders for about 100–150 yuan per cylinder as an alternative to electricity; the testifier said that, while the amount of gas contained in one cylinder can be used for a little over a month, not many people opt to this method because the price is burdensome for ordinary households.[1635]

In January 2009, North Korea adopted the Housing Law that specifies the principle of state responsibility for the provision of housing. Article 3 of the North Korean Housing Law stipulates that North Korea's socialist system is inherently required to take responsibility to resolve people's housing issues and the state must, at its own expense, construct modern houses in urban and rural areas for the people. The Law also stipulates that, with respect to housing allocation, priority must be granted to families of revolutionary martyrs, families of patriotic martyrs, families of the war dead, families of civilians who died during the war,

1632_ NKHR2023000020 2023-08-04.
1633_ NKHR2023000017 2023-07-31.
1634_ NKHR2023000019 2023-08-02.
1635_ *Ibid.*

national heroes, war veterans, honored veterans, discharged military officers, teachers, scientists, technicians, persons of merit, and innovative contributors (Article 30).

Since Kim Jong Un came to power, housing construction has been an important policy topic in discussions of how to improve the quality of life for North Korean people, along with the improvement of conditions at parks and amusement parks. At the 8th Party Congress of the KWP held in 2021, the construction of 50,000 houses in Pyongyang and 25,000 houses in Geomdeok District was proposed as part of the new five-year national economic development plan.[1636] In its 2021 VNR report, North Korea highlighted that it provides dwellings to the people free of charge and that it has been carrying out large-scale housing construction to meet the increased housing demand.[1637] Moreover, at the 6th Plenary Meeting of the 8th Central Committee of the KWP held in 2022, "rural housing construction" was emphasized as the primary important policy issue regarding housing construction.[1638] However, no testimony has been documented regarding the experience of being assigned a newly

1636_ "Let's make our capital city grand once again with the construction of 50,000 houses," *Korean Central News Agency*, 24 March 2021; "Robust promotion of housing construction in Geomdeok District," *Korean Central News Agency*, 12 May 2021.

1637_ DPRK, "Democratic People's Republic of Korea Voluntary National Review on the Implementation of the 2030 Agenda for the Sustainable Development," p. 36.

1638_ "Nationwide initiative for rural housing construction scheduled for this year in full swing," *Rodong Sinmun*, 27 June 2023.

constructed house. A North Korean defector who defected in 2019 said that, although his/her family was eligible for a priority housing allocation because one of the family members was a discharged military officer, his/her family did not apply for housing because they were not familiar with the information at the time.[1639]

Defector testimonies have confirmed that buying and selling houses is not difficult in North Korea. North Korean defectors who defected in 2019 testified that buying and selling houses and moving to a new house are not difficult in Gilju and Hyesan.[1640] A North Korean defector who defected in 2019 testified that honored veterans and discharged military officers who are assigned a newly constructed house are not allowed to sell the house immediately after its assignment, but they can sell their residency certificate (i.e., a permit to use the house) after living there for a certain period of time.[1641] Another testifier claimed that, although he/she had not been assigned state-owned housing, him/her and four other family members had lived in a 15 *pyeong* (approximately 49.6 square meters) house from 2014 to 2019 and never attempted to move to another house.[1642] According to the

1639_ NKHR2023000020 2023-08-04.

1640_ NKHR2023000018 2023-08-01; NKHR2023000001 2023-04-07; NKHR2023000002 2023-04-11.

1641_ NKHR2023000020 2023-08-04.

1642_ NKHR2023000006 2023-04-17.

testifier, at the time, a 13−15 *pyeong* house suitable for two to three people cost approximately 2 million North Korean won and an apartment unit cost approximately 20 million North Korean won.[1643] Moreover, a North Korean defector testified that moving within the same city, county or town (*eup*) is possible and those with money can even move to another city or county, but moving to Pyongyang is difficult.[1644]

It appears that North Korea has been increasing the supply of housing not only in cities but also in rural areas. However, some cases have been reported in which people's satisfaction with newly constructed houses was low due to their low completion quality and poor accessibility.[1645] In addition, there were some cases in which people did not have sufficient access to information about housing allocation. Additional observations are required to determine if there is any form of discrimination or exclusion in the supply of newly constructed houses and if housing transactions are in any way restricted.

F. Evaluation

In North Korea, discrimination based on background (*songbun*)

1643_ NKHR2023000002 2023-04-11.

1644_ NKHR2022000042-2 2023-07-31.

1645_ "Some residents in Geomdeok District refuse to move into their new houses due to poor location," *Daily NK*, 30 March 2023.

and class continues to function as a key system that creates inequality in diverse aspects of people's lives. Discrimination by background (*songbun*) and class remains unchanged with regard to admission to the Party, job placement, appointment as and promotion to an official, entrance to schools, enlistment in the military and assignment of their residential area. After Kim Jong Un came to power, the system of discrimination operated on the basis of "family background (*todae*)," on which the classification by background (*songbun*) and class is based, has been partially relaxed. However, in the midst of the intensification of corruption, injustice and the gap between the rich and poor, another form of discrimination, based on economic power, is in operation. One's background (*songbun*) plays a decisive role in appointment as an official, and it still has an influence on promotion, social treatment and relationships. Moreover, given that movement of people between Pyongyang and the provinces is still strictly controlled since Kim Jong Un came to power, and surveillance on and discrimination against ethnic Chinese and returnees from Japan continue to occur, it is difficult to say that the existing discrimination based on family background (*todae*) and background (*songbun*) has been mitigated, but rather, new forms of discrimination and inequality based on economic power coexist with the existing system of discrimination. Cultural facilities are concentrated in Pyongyang and other urban areas, and disparities exist in accessibility to cultural facilities depending on one's

economic status. Moreover, the limited supply of ideological and propaganda-driven cultural content further restricts North Korean people's right to freely enjoy culture. Given that the basic resources necessary to maintain a human life, such as housing and electricity, are not sufficiently provided, elements of inequality that limit the people's ability to enjoy an adequate standard of living continue to exist in North Korean society.

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