

# DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA

## 2021 HUMAN RIGHTS REPORT

### EXECUTIVE SUMMARY

The Democratic People’s Republic of Korea is an authoritarian state led by the Kim family since 1949. Shortly after Kim Jong Il’s death in 2011, his son Kim Jong Un was named marshal of the country and supreme commander of the Korean People’s Army. His titles also include chairman of the Central Military Commission of the Workers’ Party of Korea, chairman of the State Affairs Commission, and supreme representative of the Korean People. In January Kim Jong Un also took the title of general secretary of the Workers’ Party of Korea, a position formerly held by Kim Jong Un’s grandfather, the late Kim Il Sung, who remains “eternal president.” The most recent national elections, held in 2019, were neither free nor fair.

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

Significant human rights issues included credible reports of: unlawful or arbitrary killings by the government; forced disappearances by the government; torture and cruel, inhuman, and degrading treatment and punishment by government authorities; harsh and life-threatening prison conditions, including in political prison camps; arbitrary arrests and detentions; political prisoners and detainees; politically motivated reprisals against individuals in another country; no judicial independence; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including violence, threats of violence, or unjustified arrests and prosecutions against journalists, and censorship; serious

restrictions on internet freedom; substantial interference with freedom of peaceful assembly and freedom of association; severe restrictions of religious freedom; serious restrictions on freedom of movement and residence within the country and on the right to leave the country; inability of citizens to change their government peacefully through free and fair elections; severe restrictions on political participation; serious government corruption; lack of investigation of and accountability for gender-based violence; significant barriers to accessing reproductive health, including coerced abortion and forced sterilization; trafficking in persons; the outlawing of independent trade unions; and the worst forms of child labor.

The government took no credible steps to prosecute officials who committed human rights abuses or corruption. The special rapporteur on the situation of human rights in the country reported that restrictions on travel due to COVID-19 preventive measures continued to limit international presence in the country and further reduce escapee arrivals. Impunity for human rights abuses and corruption continued to be a widespread problem.

## **Section 1. Respect for the Integrity of the Person**

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

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

Defector reports noted instances in which the government executed political prisoners, opponents of the government, forcibly returned asylum seekers, government officials, and others accused of crimes. The law prescribes the death penalty upon conviction for the most “serious” cases of “antistate” or “antination” crimes. These terms are broadly interpreted to include: participation in a coup or plotting to overthrow the state; acts of terrorism for an antistate purpose; treason, which includes defection or handing over state secrets; providing information regarding economic, social, and political developments routinely published elsewhere; and “treacherous destruction.” Additionally, the law allows for capital

punishment in less serious crimes such as theft, destruction of military facilities and national assets, distribution of narcotics, counterfeiting, fraud, kidnapping, distribution of pornography, and trafficking in persons. Defectors and media also reported that the government carried out infanticide or required mothers to commit infanticide if they were political prisoners, persons with disabilities, raped by government officials or prison guards, or forcibly repatriated from the People's Republic of China. Defectors continued to report many prisoners died from torture, disease, starvation, exposure to the elements, or a combination of these causes.

Nongovernmental organizations (NGOs) and press reports in the Republic of Korea (ROK or South Korea) and elsewhere indicated that those attempting to leave the country without permission could be killed on the spot or publicly executed, and guards at political prison camps were under orders to shoot to kill those attempting to escape (see also section 1.c., Prison and Detention Center Conditions, execution of children of defectors in psychiatric hospitals).

The state also subjected private citizens to attendance at public executions. A 2019 survey by the Transitional Justice Working Group (TJWG), a Seoul-based NGO, found that 83 percent of a sub-sample of 84 participants (from 610 persons interviewed) witnessed public executions in their lifetime. Defectors reported going to public executions on school field trips. The 2020 edition of the *White Paper on Human Rights in North Korea (White Paper)*, an annual report based on interviews with recent escapees and published by the Korea Institute for National Unification (KINU), a South Korean government-affiliated think tank, reported that testimonies recounted continued public and secret executions. Escapees declared the purpose of the executions was to punish offenses including drug dealing, watching and disseminating South Korean videos, and violent crimes such as murder and rape. Testimonies also stated executions were carried out for possession of Bibles, circulation of antiregime propaganda material, and superstitious activities. Although KINU noted that public executions appeared less frequent in recent years, the practice continued. According to online newspaper *Daily NK*, in April 2021 a man in Wonsan, Kangwon Province, was executed by firing squad in front of a crowd of 500 for illegally selling South Korean movies, dramas, and music videos in violation of the December 2020 antireactionary

ideology law (see also section 2.a.). In November 2021 Radio Free Asia (RFA) reported that a man in North Hamgyong Province who smuggled the South Korean Netflix drama *Squid Game* into the Democratic People's Republic of Korea (DPRK or North Korea) and sold it on flash drives was sentenced to death, also by firing squad.

In December 2021 the TJWG reported in the *Mapping Killings under Kim Jong-un* study that escapee interviews and satellite imagery of Hyesan, Ryanggang Province, pointed toward a state strategy to stage public executions at the local airfield and other locations away from the China border and from residential areas, and to monitor the crowds for recording equipment, in order to prevent information on the executions from leaking outside the country. The six-year study also reported numerous interviewee statements that “secret killings continue to take place in North Korea.”

During the year media reported large troop deployments from the “Storm Corps” special forces unit and the Seventh Corps to the border with China, and “repeated shootings by troops along some stretches of the border,” as the DPRK implemented an August 2020 “shoot-to-kill” order in a buffer zone near the border to prevent transmission of COVID-19 into the country. Media further reported that in early January 2021, border guards shot and injured or killed locals participating in five incidents of defection or smuggling along the border in North Pyongan Province, and in early February, a soldier and his girlfriend were shot and killed by border guards in Chasong County, Chagang Province, as they tried to cross the river into China. On August 11, 2021, border patrol troops shot and killed a man, reportedly a member of a labor brigade who had deserted his unit, along the Yalu River in Hyesan, Ryanggang Province. On September 30, the Storm Corps shot and killed a local man they discovered attempting to return to Hoeryong, North Hamgyong Province, after visiting a relative in China. On August 23, 2021, three UN rapporteurs expressed concern and requested clarification of the shoot-to-kill order. The rapporteurs acted after the TJWG asked the United Nations to press the government regarding the order. In October 2021 the Office of the UN High Commissioner for Human Rights (OHCHR) termed the order “alarming.” In September 2020 media had reported the order was caused by fear due to a COVID-19 outbreak, and that a photograph of an August 2020 poster had been published

describing a 1,100- to 2,200-yard buffer zone between the DPRK and China with the warning that any person making an unauthorized entry into the country “shall be shot unconditionally.” In response to the COVID-19 pandemic the government continued to heighten restrictions, border closures, and government-sponsored threats and killings during the year.

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

## **b. Disappearance**

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

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

During the year there was no progress in the investigation into the whereabouts of 12 Japanese citizens believed to have been abducted by the government in the 1970s and 1980s. As of July 2021, the website of Japan’s National Police Agency indicated 873 missing Japanese citizens were suspected of being kidnapped by the DPRK.

South Korean government and media reports noted the government also kidnapped other foreign nationals from locations abroad in the 1970s and 1980s. The government continued to deny its involvement in the kidnappings. Tomas Quintana, the UN special rapporteur on the situation of human rights in the country, reported the ROK officially recognized 516 South Korean civilians

abducted by regime authorities since the end of the Korean War, with thousands more unaccounted for. ROK NGOs estimated that 20,000 civilians abducted by the government during the Korean War remained in the country or had died.

Authorities took no steps to ensure accountability for disappearances.

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

The law prohibits torture or inhuman treatment, but many sources reported these practices continued. Numerous defector accounts and NGO reports described the use of torture by authorities in several detention facilities. Methods of torture and other abuse reportedly included severe beatings; electric shock; prolonged periods of exposure to the elements; humiliations such as public nakedness; confinement for up to several weeks in small “punishment cells” in which prisoners were unable to stand upright or lie down; being forced to kneel or sit immobilized for long periods; being hung by the wrists; water torture; and being forced to stand up and sit down to the point of collapse, including “pumps,” or being forced to repeatedly squat and stand up with their hands behind their back (see also section 1.a.).

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

A 2020 report from the OHCHR catalogued numerous allegations of beatings, torture, and sexual violations against women who were forcibly repatriated after seeking to flee the country to find work, usually in neighboring China. KINU’s *White Paper* for 2020 reported that children repatriated from China underwent torture, verbal abuse, and violence including beatings, hard labor, and hunger. On January 11, 2021, the OHCHR reported that beatings, stress positions, psychological abuse, forced labor, denial of medical care and sanitation and hygiene products, and starvation all combined to create an atmosphere of severe mental and physical suffering in detention, exacerbated by extremely poor living conditions. The report added that multiple credible accounts of such abuse provided reasonable grounds to believe that officials “have inflicted and continue to intentionally inflict severe physical and/or mental pain upon detainees in custody.” The December 2021 TJWG *Mapping Killings under Kim Jong-un* study

reported testimonies describing “inhumane treatment” of the accused immediately before their executions; violence used to deny their dignity and serve as a warning to the public; public statements denouncing the accused as a threat to society, to justify the violence directed at them including torture, execution, and corpse desecration; and victims’ family members compelled to watch them being executed.

Physical abuse by prison guards was systematic. Reports from the South Korea-based NGO Database Center for North Korean Human Rights 2020 *White Paper on Human Rights* stated that in some prisons authorities held women in separate units from men and often subjected the women to sexual abuse. The *White Paper* added that women defectors who were forcibly repatriated suffered significantly worse sexual assaults and abuse in prisons and jails than did other women.

Reports from previous years attributed rape to the impunity and unchecked power of prison guards and other officials. OHCHR reporting noted that, contrary to international human rights standards that require women prisoners to be guarded exclusively by female prison staff to prevent sexual violence, female escapees reported they were overseen almost exclusively by male officers. In the same report, survivors alleged widespread sexual abuse at holding centers (*jipkyulso*) and pretrial detention and interrogation centers (*kuryujang*) by secret police (*bowiseong*) or police interrogators, as well as during transfer between facilities.

An October 2020 report by Human Rights Watch (HRW) entitled *Worth Less Than An Animal: Abuses and Due Process Violations in Pretrial Detention in North Korea* stated the pretrial detention system was opaque, arbitrary, violent, and lacked any semblance of due process. Individuals in pretrial detention reportedly endured brutal conditions and were routinely subjected to systematic torture, sexual violence, dangerous and unhygienic conditions, and forced labor.

On July 14, China forcibly repatriated approximately 50 North Korean refugees to the DPRK, prompting fear among human rights organizations that the repatriated individuals, and more than 1,000 North Koreans still detained in China and at risk of forcible return, faced the prospect in the DPRK of forced labor, imprisonment, sexual violence, and torture (see also section 1.e., Politically Motivated Reprisal).

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

### **Prison and Detention Center Conditions**

Prison conditions were harsh and life-threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care. NGO, defector, and press reports noted the government operated several types of prisons, detention centers, and camps, including forced labor camps and camps for political prisoners. NGO reports documented six types of detention facilities: *kwanliso* (political penal-labor camps); *kyohwaso* (correctional or re-education centers); *kyoyangso* (labor-reform centers); *jipkyulso* (collection centers for low-level criminals); *rodong danryeondae* (labor-training centers); and *kuryujang* or *kamok* (interrogation facilities or jails). According to KINU's *White Paper* for 2020, the Ministry of State Security administered *kwanliso* camps, and either it or the Ministry of Social Security administered the other detention centers.

NGOs reported varying numbers of political prisons. According to a 2020 report by the HRNK, the government operated six *kwanliso*: Camps 14, 15, 16, 18, and 25, as well as Choma-bong Restricted Area. According to KINU's most recent estimate in 2013, there were between 80,000 and 120,000 prisoners in the *kwanliso*. The NGO NK Watch estimated that 135,000 political prisoners continued to be held in four political prison camps between September 2019 and July 2020. Defectors claimed the *kwanliso* camps contained unmarked graves, barracks, worksites, and other prison facilities. KINU identified the five *kwanliso* facilities as Gaecheon (Camp 14), Yodok (Camp 15), Hwaseong/Myonggan (Camp 16), Bukchang (Camp 18), and Chongjin (Camp 25).

*Kwanliso* camps consisted of total-control zones, where incarceration is for life, and may include "revolutionary" or re-education zones from which prisoners may be released. Those whom the state considered hostile to the government or who committed political crimes reportedly received indefinite sentencing terms in political prison camps. In many cases the state also detained all family members if one member was accused or arrested. According to KINU's *White Paper* for 2020, children were allowed to leave camps after rising numbers of defectors made it difficult to send entire families to political prison camps. The 2020 *White Paper*



contained testimony indicating that in some cases, only parents were detained while children were released. In other cases children were detained in psychiatric hospitals and executed there. The government continued to deny the existence of political prison camps.

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

In August media reported that the government had ordered preliminary work for constructing “specialized quarantine facilities” to replace the local inns, nursing homes, and other makeshift facilities where individuals confined with suspected COVID-19 symptoms failed to receive proper treatment. These makeshift facilities lacked medicine and adequate food, and individuals in them often died of hunger and cold. The same month media reported the government was “believed to be confining violators of quarantine rules in ‘total control zones,’” camps of “lifetime imprisonment” where inmates were subjected to forced labor in mines and lumber camps.

Defectors noted they did not expect many prisoners in political prison camps and the detention system to survive. Detainees and prisoners consistently reported violence and torture. Defectors described witnessing public executions in political prison camps. According to defectors, prisoners received little to no food or medical care in some places of detention. Sanitation was poor, and former labor camp inmates reported they had no changes of clothing during their incarceration and were rarely able to bathe or wash their clothing. The South Korean and international press reported that the kyohwaso re-education through labor camps held populations of up to thousands of political prisoners, economic criminals, and ordinary criminals. A 2020 HRNK report entitled *North Korea’s Long-Term Prison Labor Facility Kyohwaso Number 1, Kaechon* postulated that the government may have operated more than 20 kyohwaso. That report, which relied on extensive analysis of satellite imagery, estimated the population of Kyohwaso Number 1, located near Kaechon in South Pyongan Province, at 2,000 to 6,000 prisoners.

Another 2020 report by the HRNK entitled *North Korea’s Long-Term Prison*

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

On July 22, 2021, an HRNK report, *North Korea's Long-Term Prison Labor Facility Kyohwaso Number 8, Sunghori*, stated that the facility was located approximately 16 miles east of Pyongyang and held 2,000 prisoners who mined coal. Using satellite imagery, the HRNK determined that two elements of the facility were within 1,200 feet of six small mining operations with a "well-used trail" leading directly there – "strong indications" that prisoners were used for mining operations. A former prisoner told the HRNK that due to the proximity of the mine, parts of the floor were so hot it was impossible to walk on, and that one day when an export unit connecting doll eyelashes for export to China failed to reach its quota, women in the unit had to kneel on the hot part of the floor, causing their skin to burn within five minutes. The prisoner reported that five or six inmates died from the heat during her imprisonment.

On November 3, 2021, the HRNK, announcing another report, *North Korea's Long-term Prison-Labor Facility, Kyohwaso No. 3, T'osong-ni*, noted that both satellite imagery and interviewee testimony indicated prisoners were "forced to work in agricultural production as well as in some light manufacturing, likely including clothing and bicycles." The report included a satellite image from March 2021 that it termed "somewhat unique" in showing "what are most probably three groups of prisoners in formations of different sizes outside the main prison entrance and in the nearby support area," where "what appear to be numerous stacks of grain" stood adjacent to the formations, supporting testimony that prisoners were used to work nearby agricultural fields. The HRNK executive director stressed that the facility's location in Sinuiju city, just across the Yalu River from Dandong, China, was of great importance "to both the illicit border trade fueling North Korea's informal markets and the routes followed by North

Koreans who attempt to escape.” He added that “under the pretext of COVID prevention,” the government was “cracking down hard” on both markets and attempted escapes.

On December 22, 2021, the HRNK, announcing the publication of *North Korea’s Political Prison Camp, Kwanliso No. 14, Update 1*, stated that the entire camp was believed to be a “total control zone,” where prisoners were never eligible for release. “Based on the physical security measures observed,” most individuals inside the camp perimeter were prisoners. According to satellite imagery analysis, prisoners maintained the agricultural fields, orchards, and livestock. Forced to work in logging and manufacturing wood products, they were also dispatched as forced labor at light industrial facilities and mines. The report cited testimony from several interviewees that prisoners were routinely treated with brutality and received limited food rations.

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

**Physical Conditions:** Nutrition, hygiene, and the medical situation inside prison camps were dire, according to KINU’s 2020 *White Paper*. There were no statistics for deaths in custody, but defectors reported deaths were commonplace as the result of summary executions, torture, lack of adequate medical care, and starvation. The 2014 UN Commission of Inquiry (UNCOI) report cited an “extremely high rate of deaths in custody,” due to starvation and neglect, arduous forced labor, disease, and executions.

Political prisoners faced significantly harsher conditions than the general prison population. In July media reported that the number of inmates in political prisons had increased since March 2020 from an estimated 209,000 to approximately 232,400. KINU’s 2020 *White Paper* noted political prisoners were often forced into hard labor, which one defector of Camp 18 stated led to 10 deaths a year at the camp from overwork. Defectors reported that in Camp 14, prisoners worked 12 hours a day during the summer and 10 hours a day during the winter, with one day

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

Authorities often detained juveniles along with their families and reportedly subjected them to torture and abuse in detention facilities.

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

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

#### **d. Arbitrary Arrest or Detention**

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

##### **Arrest Procedures and Treatment of Detainees**

The law limits detention during prosecution and trial, requires arrest by warrant,

and prohibits forced confessions. The application of these provisions was not verified.

Members of the security forces arrested and reportedly transported citizens suspected of committing political crimes to prison camps without trial. According to one South Korean NGO, the Ministry of Social Security handled criminal cases directly without the approval of prosecutors, reportedly to bypass prosecutorial corruption. An NGO reported that, by law, investigators could detain an individual for investigation for up to two months. Nonetheless, the HRNK reported Ministry of State Security or Ministry of Social Security units interrogated suspects for months on end. No functioning bail system or other alternative for release pending trial exists.

There were no restrictions on the government's ability to detain and imprison persons or to hold them incommunicado. Family members and other concerned persons reportedly found it virtually impossible to obtain information on charges against detained persons or the lengths of their sentences. According to defector reports, families were not notified of arrest, detention, or sentencing. Judicial review or appeals of detentions did not exist in law or practice. According to an opinion adopted in 2015 by the UN Working Group on Arbitrary Detention, family members have no recourse to petition for the release of detainees accused of political crimes, since the state may deem any such advocacy for political prisoners an act of treason against the state and petitioning could result in the detention of family members. No information on detainees' access to a lawyer was available.

**Arbitrary Arrest:** Arbitrary arrests reportedly occurred. According to the 2020 report of the UN secretary-general on human rights in the country, arbitrary arrests appeared to be carried out in a widespread and systematic manner. According to KINU's 2020 *White Paper*, arbitrary arrest commonly occurred for political crimes, attempting to enter the ROK, and engaging in religious activities, as well as for watching or distributing foreign media.

Six South Korean prisoners (Jung-wook Kim; Kuk-ji Kim; Chun-kil Choi; Won-ho Kim; Hyun-chul Ko; and Jin-woo Ham) were believed to remain in detention in the DPRK, some of them incarcerated for as long as eight years.

### **Detainee’s Ability to Challenge Lawfulness of Detention before a Court:**

According to defectors there was no mechanism for persons to challenge the lawfulness of detention before a court. The October 2020 HRW report, *Worth Less Than An Animal*, termed the pretrial detention and investigation system “opaque,” with an “apparent presumption of guilt” and no provisions for judicial review of detention at the investigation or preliminary examination stages. The report cited descriptions by former detainees of systematic torture, dangerous and unhygienic conditions, and forced labor during the investigation process.

### **e. Denial of Fair Public Trial**

The constitution states courts are independent and must carry out judicial proceedings in strict accordance with the law; however, an independent judiciary did not exist. According to KINU’s *White Paper* for 2020, there were many reports of bribery and corruption in the investigations or preliminary examination process and in detention facilities, as well as by judges and prosecutors in the trial stage. In October 2020 HRW reported treatment of individuals in pretrial detention often depended on access to connections and money.

### **Trial Procedures**

Little information was available on formal criminal justice procedures and practices, and outside access to the legal system was limited to trials for traffic violations and other minor offenses. Public trials were sometimes held for crimes such as violation of the December 2020 antireactionary ideology law aimed at curtailing South Korean cultural influence (see also section 2.a.).

The constitution contains elaborate procedural protections providing that cases should be public, except under circumstances stipulated by law. The constitution also states the accused has the right to a defense, and when the government held trials, it reportedly assigned lawyers. Some reports noted a distinction between those accused of political, as opposed to nonpolitical, crimes and claimed the government offered trials and lawyers only to the latter. The Ministry of State Security conducted “pretrials” or preliminary examinations in all political cases, but the courts conducted trials. Some defectors testified that the ministry also conducted trials. KINU’s *White Paper* for 2020 cited defector testimony that

imprisonment in political prison camps was decided exclusively by the ministry, regardless of trial. There was no indication that independent, nongovernmental defense lawyers existed. There were no indications authorities respected the presumption of innocence.

According to the 2014 UNCOI report, “the vast majority of inmates are victims of arbitrary detention, since they are imprisoned without trial or on the basis of a trial that fails to respect the due process and fair trial guarantees set out in international law.” A 2020 OHCHR report focusing on cases from 2009-2019 stated that women forcibly repatriated from China to North Korea were imprisoned without due process or a fair trial, then subjected to egregious human rights abuses such as sexual violence, forced abortion, infanticide, forced labor, and detainment in overcrowded prisons with dangerous conditions.

By law the state dismisses criminal cases against persons younger than age 14. The state applies public education in case of a crime committed by a person older than 14 and younger than 17, but little information was available regarding how the law was applied.

### **Political Prisoners and Detainees**

Although no information was available regarding the total number of political prisoners and detainees, KINU’s *White Paper* for 2020 reported the state detained between 80,000 and 120,000 in the kwanliso political penal-labor camps.

Incarceration in a kwanliso was in most cases for life and in many cases included three generations of the prisoner’s family. NGOs and media reported political prisoners were subject to harsher punishments and had fewer protections than other prisoners and detainees.

According to the OHCHR report of October 8, 2021, escapees said anyone believed to be a threat to the political system and the country’s leadership – those who tried to reach the ROK, or those who engaged with Christians, brokers, or traffickers who helped individuals reach the ROK – were sent to kwanliso, where they endured “inhumane conditions without access to adequate food, clean water and sanitation and subjected to mistreatment, including beatings that often amount to torture.” The OHCHR report also noted that political prisoners were denied

contact with the outside world, and their families were unable to determine their fate or whereabouts.

On May 15, 2021, Lee Han-byoel, a human rights activist in Seoul who fled the DPRK in 1999, told media that the last clear sighting of her brother, Le Se-il, was in 2009, when he was in custody after attempting to escape. Seeking more information concerning him a few years ago, she got only a “second-hand glimpse; he was apparently still in a prison camp in North Hamgyong Province, near the country’s borders with China and Russia. Since then, no word.”

The government considered critics of the regime to be political criminals. Reports from past years described political offenses as including attempting to defect to South Korea or contacting family members who had defected to South Korea, sitting on newspapers bearing Kim Il Sung’s or Kim Jong Il’s picture, mentioning Kim Il Sung’s limited formal education, or defacing photographs of the Kims. The 2014 UNCOI report noted that many “ordinary” prisoners were, in fact, political prisoners, “detained without a substantive reason compatible with international law.”

## **Politically Motivated Reprisal against Individuals Located Outside the Country**

**Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence:** According to a 2020 report by the Hudson Institute, the DPRK’s kidnappers in recent years focused on China, where they abducted South Korean citizens who helped North Korean refugees while “China looks the other way.” In February 2021 media reported a statement by the ROK Ministry of Unification that 42 North Korean defectors had gone missing in the previous five years and a defector’s observation that in some cases there was “strong suspicion of abduction or other foul play” by the DPRK Ministry of State Security.

According to RFA, in October 2021 Kim Jong Un “ordered the extraterritorial arrest of an armed border guard” who had fled across the border to China. Stationed in Musan County, North Hamgyong Province, the guard escaped across the Tumen River to Jilin Province on September 30. Following a failed two-week manhunt on the North Korean side of the river, the escape was reported to the



central government, Kim gave the order, and the Military Security Command dispatched an arrest team to China, while requesting cooperation from Chinese border forces and police. Military authorities reportedly treated the escape of a soldier “with an automatic rifle and about 30 rounds of ammunition” as “a political case.” At year’s end there was no indication whether the border guard was captured.

**Threats, Harassment, Surveillance, and Coercion:** The government attempted to target, harass, and threaten defectors and other perceived enemies outside the country. Media reported in 2018 that Kim Jong Un ordered government agencies to exert greater pressure on family members of defectors to pressure them to return home. Defectors reported that family members in the country contacted them to urge their return, apparently under pressure from government officials. Other defectors reported in 2020 that they received threatening calls and text messages, presumably from the government.

In May 2021 South Korean officials arrested a North Korean spy, Song Chun-son (also known as Song Mo), on charges of helping the DPRK Ministry of State Security in violation of South Korea’s National Security Act. She confessed to operating in the ROK for approximately three years, coercing defectors to return to the DPRK to support the regime’s political agenda. Caught by DPRK authorities in 2016 while helping North Korean defectors in the South transfer cash remittances to their relatives in the North, she reportedly was pressured into working as an undercover agent for the Ministry of State Security before staging her own defection to the ROK two years later. During her trial Song admitted she had given a DPRK secret police agent, Yon Chol-nam, the telephone number of a defector she knew living in the ROK and had asked the defector to help Yon, claiming he was her husband and was assisting North Korean families reach their defector relatives in the South. With the defector’s unwitting assistance, Yon had located three other defectors in the South, put their North Korean relatives on the telephone with them, and persuaded one of them to return to the North, where he later appeared on television as part of the government’s propaganda operations. On November 30, Song was sentenced to three years in prison.

The DPRK also harassed its own diplomats and other officials abroad, amplifying financial demands on them, tightening restrictions on them, and directing threats

against those who ignored the restrictions. In August 2021 RFA reported the government had banned its trade representatives in China from making money on the side, ordering punishment of those who defied the ban for betraying the Workers' Party of Korea (WPK) and Kim Jong Un. Finding themselves stranded in China without income after the DPRK closed the China border and suspended all trade in January 2020 to counter the pandemic, they had taken temporary jobs such as delivering food for Chinese restaurants to support themselves. North Korean trade workers in Dalian and Dandong, Liaoning Province, China, confirmed that DPRK investigations of them and their interpreters were under way in both locations. Earlier in the year, according to an RFA report, the DPRK had ordered the impoverished trade workers to pay "loyalty funds" in advance of the annual April 15 "Day of the Sun" celebrating the birth anniversary of regime founder Kim Il Sung.

The DPRK made similar demands on workers it dispatched to Russia to earn foreign cash. In June 2021 RFA reported an order from DPRK authorities to North Korean workers in Vladivostok and St. Petersburg, whose "loyalty funds" payments had continued after the pandemic sharply increased their work hours and cut their income, to increase their loyalty contributions to fund construction of 50,000 homes to alleviate a housing shortage in the North Korean capital. The order prompted complaints not only from the workers but also from low-level party secretaries and security officers dispatched to watch over them. As expressed by a source, "The money they earn has come from dangerous work during the pandemic which takes a physical and psychological toll on them, and most of it had already been going to loyalty funds. Now the authorities are making them pony up for construction in Pyongyang .... No one can accept this."

**Efforts to Control Mobility:** The government restricted the movement and access to other fundamental freedoms of North Korean workers in China and Russia, with the complicity of local authorities, and often involving methods and agents of the DPRK Ministry of State Security. Although most countries previously employing North Korean workers responded to international pressure and UN sanctions to cease using them by the end of 2019, China and Russia continued the practice, including employment of forced labor. On November 17, 2021, the UN General Assembly Third Committee adopted a resolution expressing concern regarding

“the exploitation of workers sent abroad” by the DPRK “to work under conditions that reportedly amount to forced labor.”

In November 2020 the *Guardian* disclosed its investigation had revealed that hundreds of North Koreans, mostly women, were secretly employed by factories in Dandong, China, across the Yalu River from North Korea, as forced labor. They worked for up to 18 hours a day with no days off and under constant surveillance, manufacturing personal protective equipment for export as worldwide demand for items like isolation gowns and protective overalls spiked during the pandemic. Approximately 70 percent of their wages were reportedly passed by North Korean factory managers to the DPRK. It was, the *Guardian* reported, “a mutually beneficial arrangement, with Chinese factories getting a cheap and compliant workforce and the North Korean regime receiving millions of dollars in return.” During 2021 indications of North Korean labor in Dandong, including forced labor, continued. RFA reported that as of March an estimated 2,000 to 3,000 North Korean workers remained in and near Dandong, working in textiles, electronics, accessories, and quarantine product manufacturing, as well as seafood processing and agriculture. In November Reitmans Ltd., a major Canadian retailer of women’s clothing, broke off its business relationship with the Dandong Huayang Textiles and Garments Company following the disclosure of evidence in a Canadian Broadcasting Corporation investigation that their factory was using North Korean forced labor. Earlier in the year, a foreign government blocked the importation of goods from that factory on suspicion it used North Korean forced labor.

On December 9, 2021, *Daily NK* reported that DPRK authorities, concerned regarding potential defections by North Korean workers forced to extend their sojourns abroad due to North Korea’s border closures, were “exerting increasingly cruel surveillance and controls” over these workers. On December 4, authorities reportedly issued an order calling for strict surveillance and regular reports on workers who often complained, whose movements were “suspicious,” or who wanted to “abandon the Fatherland and escape” to prevent their alleged shortcomings from “turning into actual crimes.” The order called for the arrest of those who tried to escape and their return to the country in accordance with “Ministry of State Security repatriation procedures.” According to a North Korean

defector who had worked in Russia, all workers there knew that the “Ministry of State Security’s repatriation procedures” meant breaking the legs of would-be defectors and repatriating them in wheelchairs. A high-ranking source in the DPRK reportedly verified that Chu Kyong Chol, a North Korean worker in Russia who attempted to defect, was repatriated in an anesthetized state with injured Achilles tendons after his arrest by a Ministry of State Security team sent to Russia.

**Bilateral Pressure:** There were credible reports that for politically motivated purposes the DPRK attempted to exert bilateral pressure on other countries aimed at having them take adverse action against specific individuals. On November 17, 2021, the UN General Assembly Third Committee expressed concern regarding the pressure the government exerted on other states to forcibly return North Korean refugees and asylum seekers, and regarding retaliations those individuals faced once repatriated, including internment; torture; other cruel, inhuman, or degrading treatment or punishment; sexual and gender-based violence; or the death penalty. The resolution urged all states to respect the fundamental principle of nonrefoulement.

At various times since 2019, authorities in China have detained at least 52 North Korean asylum seekers in Liaoning, Shandong, Jiangsu, Yunnan, Hebei, and Jilin provinces, and in the Guangxi Zhuang Autonomous Region. These detainees were at risk of forcible repatriation to the DPRK and, if repatriated, faced the prospect of torture and other serious human rights abuses. In April *Daily NK* reported detention facilities for defectors in Dandong, Liaoning Province, were full, since police arrested increasing numbers of North Koreans who crossed the border, driven by food scarcity after the DPRK cut off cross-border trade in 2020.

On July 14, 2021, after the DPRK opened its border to forcible repatriation while maintaining the closure to regular repatriations imposed due to the COVID-19 pandemic more than a year earlier, China responded to the demand signal, repatriating approximately 50 North Korean escapees, including soldiers and air force pilots who could face severe punishment including the death penalty. HRW stated it believed that China continued to hold at least 1,170 North Koreans in detention, at risk of forcible repatriation. In August, according to an RFA report, after a long period of time in which the North Korean spouses of Chinese nationals

were treated leniently despite Beijing's commitment with Pyongyang to repatriate all illegal North Koreans found within its borders, police began "actively arresting them." Activists and human rights organizations expressed fear that the escapees repatriated in July and the others in China at risk of repatriation faced the prospect after arrival in North Korea of forced labor, imprisonment, sexual violence, or torture. The UN special rapporteur on the situation of human rights in North Korea declared that China was "challenging international law" and urged "the application of the principle of 'non-refoulement' to North Koreans who may face torture or other cruel, inhuman or degrading treatment or punishment upon repatriation."

In February 2021 RFA reported DPRK agents in Russia were offering bounties of up to \$10,000 for information leading to the arrest of escaped North Korean construction workers in Vladivostok, Nakhodka, Khabarovsk, and Ussuriysk. A source from Ussuriysk said the North Korean authorities asked Russian police to issue wanted orders for the workers who had escaped. Another source from Vladivostok said a wanted order was issued for North Korean workers who had escaped from their workplace there and "arrest operations by North Korean agents are underway." RFA noted that although the workers were screened for loyalty before their assignment abroad, some of them used the opportunity to escape the DPRK entirely by running away from their workplaces in Russia and going into hiding.

### **Civil Judicial Procedures and Remedies**

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

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

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

The constitution provides for the inviolability of person and residence and the privacy of correspondence; however, the government did not respect these provisions. The regime subjected its citizens to rigid controls. According to a 2019 HRNK report entitled *Digital Trenches: North Korea's Information Counter-Offensive*, the regime relied upon a massive, multilevel system of informants called *inminban*, which may be loosely translated as “neighborhood watch unit,” to identify critics or political criminals. Authorities sometimes subjected entire communities to security checks, entering homes without judicial authorization.

The government appeared to monitor correspondence, telephone conversations, emails, text messages, and other digital communications. Private telephone lines operated on a system that precluded making or receiving international calls; international telephone lines were available only under restricted circumstances. According to the 2020 KINU *White Paper*, defectors reported 727 cases related to the dissemination of external information, 315 cases of listening to external broadcasts, and 507 cases of inspection of communications and correspondence that led to detention or judicial punishment.

The Ministry of State Security strictly monitored mobile telephone use and access to electronic media in real time. Government authorities frequently jammed cellular telephone signals along the Chinese border to block use of the Chinese network to make international telephone calls. Authorities arrested those caught using cell phones with Chinese SIM cards and required violators to pay a monetary fine or bribe, or face charges of espionage or other crimes with harsh punishments, including lengthy prison terms. An October 2020 HRNK report entitled *Eroding the Regime's Information Monopoly: Cell Phones in North Korea* stated the number of both illegal Chinese-made cell phones and legally registered cell phones had risen sharply in recent years. Mobile networks reportedly reached approximately 94 percent of the population, although only 18 percent of the population owned a cell phone. The Ministry of State Security and other organs of the state actively and pervasively surveilled citizens, maintained arresting power,

and conducted special-purpose nonmilitary investigations.

The government divided citizens into strict loyalty-based classes known as *songbun* that determined access to employment, higher education, place of residence, medical facilities, certain stores, marriage prospects, and food rations. Individuals and families with higher *songbun* were known to receive more leniency from government authorities regarding the usage of illegal cell phones and consumption of foreign, particularly South Korean, media, television shows, and films. Some media reports suggested this leniency decreased due to the December 2020 antireactionary ideology law.

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

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

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

**Freedom of Expression:** According to the 2020 KINU *White Paper*, arrest or detention as a punishment for exercising the freedom of expression was arbitrary and in reality, expressions of political opinion that differed from those of authorities were prohibited. There were numerous instances of persons interrogated or arrested for saying something construed as negative towards the government.

South Korean culture was targeted as being antiregime. Following enactment in December 2020 of a “Law on Rejecting Reactionary Ideology and Culture,” the government cracked down on the consumption and distribution of cultural materials from the ROK, and on the expression of South Korean culture. Penalties ranged from two years of correctional labor for speaking, writing, or singing in the South Korean style; to five to 15 years for watching, listening to, or possessing films, recordings, publications, books, songs, drawings, or photographs from the ROK; to life sentences or execution for importing and distributing such materials.

In April 2021 authorities publicly executed a man by firing squad before a crowd of 500 in Wonsan, Kangwon Province, for illegally selling South Korean movies, dramas, and music videos. In May two high-school boys and four high-school girls in Nampo, South Pyongan Province, were sentenced to five years at a re-education camp for watching South Korean dramas and disseminating them to classmates. In November RFA reported that a man in North Hamgyong Province who smuggled the South Korean Netflix drama *Squid Game* into the DPRK and sold it on flash drives was sentenced to death by firing squad, while a high-school student who bought a drive received a life sentence, six other students who watched the show were sentenced to five years' hard labor, and the students' principal and homeroom teachers were fired.

KINU's 2020 *White Paper* reported that expression of political opinion differing from that of authorities, negative reference to the Kim family, and positive reference to South Korea constituted "misspeaking" and often resulted in extrajudicial detention in a kwanliso political prisoner camp.

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

COVID-19 preventive measures prohibited visits by all foreigners including journalists. Before the COVID-19 pandemic, the government carefully managed visits by foreigners, especially journalists, and at times expelled foreign journalists or denied them entry into the country. During visits by foreign leaders, authorities permitted groups of foreign journalists to accompany official delegations and file reports. In all cases the state strictly monitored journalists. Government officials generally prevented journalists from talking to officials or to persons on the street.



**Censorship or Content Restrictions:** Strict enforcement of domestic media censorship continued, with no toleration for deviation from official messages. The government prohibited listening to foreign media broadcasts except by the political elite, and violators were subjected to severe punishment. Radios and television sets, unless altered, received only domestic programming; radios obtained from abroad were altered for the same end. Elite citizens and facilities for foreigners, such as hotels, had access to international television broadcasts via satellite. The government continued attempts to jam all foreign radio broadcasts, but the HRNK's 2019 report, *Digital Trenches: North Korea's Information Counter-Offensive*, noted a proliferation of foreign broadcasting transmitters began in recent years to overwhelm the jamming effort. Officials imprisoned and punished citizens for listening to foreign radio or watching foreign television broadcasts and, in some cases, for simply owning radio or television sets able to receive nongovernment broadcasts. In May media reported that residents of Pyongyang had been ordered to report the number of television sets for each household in order to prevent watching of foreign broadcasts. Based on defector interviews conducted in 2015, InterMedia estimated as many as 29 percent of defectors listened to foreign radio broadcasts while inside the country and that approximately 92 percent of defectors interviewed had seen foreign DVDs while in the country.

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

### **Internet Freedom**

Internet access was limited to high-ranking officials and other designated elites, including selected university students. The Korea Computer Center, which acts as the government's gatekeeper to the internet, granted access only to information it deemed acceptable, and employees constantly monitored users' screens.

A tightly controlled and regulated intranet was reportedly available to a growing group of users centered in Pyongyang, including an elite primary school; selected research institutions, universities, and factories; and a few individuals. The NGO Reporters without Borders reported some email access existed through this internal network. Government employees sometimes had limited, closely monitored access

to email accounts. The HRNK reported that the government installed monitoring programs on every smartphone and tablet that, among other things, logged every webpage visited and randomly took undeletable screenshots.

The government continued its attempt to limit foreign influence on its citizens. Individuals accused of viewing or possessing foreign films were reportedly subjected to imprisonment and possibly execution, an effort expanded following the passage of the antireactionary ideology law in December 2020 (see also section 2.a., Freedom of Expression). The 2020 *White Paper* also reported that the number of persons executed for watching or distributing South Korean video content online increased in recent years, with additional reports of correctional labor punishment. In 2019 the HRNK reported the government's introduction of a file watermarking system on Android smartphones and on personal computers that added a user- or device-specific data string to the end of the filename of any media file each time it was shared.

The HRNK reported that younger individuals preferred foreign digital video content to foreign radio broadcasts.

The government sought to prevent the importation of South Korean popular culture, especially television dramas. According to media and NGO reports, police could search homes to enforce restrictions on foreign films. According to the HRNK, the government added a software-based censorship program known as the "signature system" to all domestic mobile telephones. This system made it impossible to view foreign media on mobile phones. Mobile phones were randomly inspected physically for illegal media, and a history of all activity on the device was available for export upon inspection through monitoring software called TraceViewer.

### **Academic Freedom and Cultural Events**

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

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

## **b. Freedoms of Peaceful Assembly and Association**

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

### **Freedom of Peaceful Assembly**

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

### **Freedom of Association**

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

## **c. Freedom of Religion**

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

## **d. Freedom of Movement and the Right to Leave the Country**

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

**In-country Movement:** The government restricted freedom of movement for those lawfully within the state. Those who violated travel regulations were subject to warnings, monetary fines, or forced labor. Only members of a very small elite class and those with access to remittances from overseas reportedly had access to personal vehicles. Security checkpoints on main roads at entry and exit points

from every town hampered movement. KINU's *White Paper* for 2020 reported that individuals were able to move more freely within their own province, because the use of bribery to circumvent the law became more widespread. An increasing number of persons traveled without a permit, only to pay a bribe when caught.

The government reportedly forced the internal exile of some citizens.

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

Due to fears regarding the spread of COVID-19, media and NGOs reported, the government tightened in-country movement restrictions, making internal movement even more difficult since March 2020. NGOs, foreign diplomats, and UN agency personnel were not allowed to leave Pyongyang except for their final departure from the country. This severely hampered foreign observers' already extremely limited ability to monitor human rights and humanitarian aid conditions in the country.

**Foreign Travel:** The government restricted foreign travel. The government issued almost no exit visas for foreign travel, which were only available to officials and trusted businesspersons, artists, athletes, academics, and workers.

The government did not allow emigration, and media and NGOs reported that due to fears of importing COVID-19, it continued to tighten security on the border, dramatically limiting the flow of persons crossing into China with and without required permits. NGOs reported strict patrols, surveillance of residents of border areas, and a crackdown on border guards who may have been aiding border crossers in return for bribes. On April 15, 2021, the Asia advocacy director at HRW testified that the situation was "especially worrying." In the context of COVID-19, he declared, Kim Jong Un "appears to be using the pandemic to further entrench his already firm grip on power" by placing harsh new controls on food distribution, stopping all information flows into the country, and closing the China border. The advocacy director warned that with reported shortages of food and basic supplies, "serious concerns have been raised about mass famine." On

December 16, 2021, HRW reported that “under the pretext of protecting the population” against COVID-19, Kim Jong Un had “isolated the country more than ever.” Kim had imposed “unnecessary and extreme measures that far exceed the impact of the Security Council sanctions,” blocking almost all unofficial and official trade, increasing surveillance to prevent information or people from entering or leaving the country, using forced labor to build up the economy, and creating “an artificial food and humanitarian crisis.”

The law criminalizes defection and attempted defection. Individuals, including children, who cross the border with the purpose of defecting or seeking asylum in another country are subject to a minimum of five years of “labor correction.” In “serious” cases, the state condemns asylum seekers to indefinite terms of imprisonment and forced labor, confiscation of property, or death. According to KINU’s *White Paper* for 2020, most repatriated defectors were detained at kyohwasos in Jeongeori, North Hamgyong Province, or Gaechon, South Pyongan Province.

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

According to the South Korean Ministry of Unification website, the number of defectors arriving in the ROK remained nearly the same from 2017 (1,127) to 2018 (1,137), dropped slightly in 2019 (1,047), and plummeted in 2020 (229) and during the year (63, provisional figure).

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

## **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **f. Protection of Refugees**

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

**Access to Asylum:** The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection for refugees. The government did not grant refugee status or asylum. No information was available on any government policy or provision for refugees or asylum seekers and the government did not participate in international refugee fora.

## **Section 3. Freedom to Participate in the Political Process**

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

### **Elections and Political Participation**

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

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

**Participation of Women and Members of Minority Groups:** Although the law affords women equal right to vote and hold political office, few women were

elected or appointed to senior government positions. As of 2016 women constituted approximately 3.1 percent of members and 2.8 percent of alternate members of the Central Committee of the WPK and held few key WPK leadership positions. In 2020 media reported the appointment of a woman, Pak Myong Sun, to the WPK Central Committee Political Bureau, the party's highest-level body, and as director of a WPK Central Committee department. In October Kim Jong Un's sister, Kim Yo Jong, was appointed a member of the State Affairs Commission. She previously served on the Political Bureau but was not listed among the members after the party congress in January. Among approximately 20 party departments and offices, one was headed by a woman. The 2014 UNCOI report indicated 10 percent of central government officials were women.

The country is racially and ethnically homogeneous. There were officially no minority groups.

## **Section 4. Corruption and Lack of Transparency in Government**

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

**Corruption:** Corruption was reportedly widespread in all parts of the economy and society and endemic in the security forces. KINU's *White Paper* for 2020 reported widespread corruption within the judicial system, including in detention facilities, prison camps, and trials; some individuals believed that the goal of crackdowns on the use of mobile phones was "not 'punishment' but 'money,'" and many testified that when records of international calls, videos, books, and songs from foreign countries were found in the mobile phone's internal data, bribery could avert punishment beyond loss of the mobile phone. In *Freedom in the World 2021: North Korea*, Freedom House reported that small-scale local markets were a "prime target" of corrupt police officers who solicited bribes from the operators, detaining those who could not pay, and that market participants also paid bribes to supervisors at their official workplaces to avoid discipline or imprisonment for abandoning their state-assigned roles.

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

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

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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

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

**The United Nations or Other International Bodies:** The government continued to refuse to cooperate with UN representatives in the human rights field. The government prevented the UN special rapporteur from visiting the country to carry out his mandate, which it continued to refuse to recognize, and did not respond to his requests to visit the country. As the UN secretary-general's report on the situation of human rights in the country noted, COVID-19 preventative measures made it impossible for international organizations and most diplomats to continue operating inside the country. As a result there was a significant decline in first-hand knowledge available to the international community concerning the human rights situation in the country.

In March 2021 the Human Rights Council cited its deep concern regarding the



“systematic, widespread and gross human rights violations in the Democratic People’s Republic of Korea that, in many instances, constitute crimes against humanity, and about the impunity of perpetrators.”

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

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The government criminalized rape of women but not rape of men. Rape is punishable by “reform through labor” for up to five years; if the assailant “commits a grave offense,” a term of more than 10 years; and if the rape was “particularly grave,” a life term or the death penalty. No information was available on how effectively the law was enforced. The 2014 UNCOI report found the subjugation of inmates and a general climate of impunity created an environment in which guards and other prisoners in privileged positions raped female inmates. This was reconfirmed in OHCHR reporting on women who attempted to flee the country, were forcibly repatriated, and finally escaped for good. The women testified they had been subjected to widespread, systemic sexual violence while detained after repatriation. The 2018 HRW report *You Cry at Night but Don’t Know Why* cited endemic sexual and gender-based violence and detailed cases of sexual assault or coerced sexual acts by men in official positions of authority between 2011 and 2015.

When cases of rape came to light, the perpetrator often escaped with mere dismissal or no punishment. For example, HRW reported a 2009 case in which a woman arrested for illegally fleeing the country was raped by a police chief. After she told her lawyer, the lawyer refused to mention it during her trial, saying nothing would be done and that the woman could be punished more severely for bringing it up. As noted in the KINU *White Paper* for 2020, the law prohibits domestic violence, but both KINU and the UN Committee on the Elimination of All Forms of Discrimination against Women expressed concern that the government took no protective or preventive measures against such violence.

Defectors continued to report violence against women was a systematic problem both inside and outside the home. The *White Paper*, however, noted some recent testimonies that domestic violence was decreasing as the economic power of women increased.

**Sexual Harassment:** Despite the law defectors reported the populace generally accepted sexual harassment of women due to patriarchal traditions. They reported there was little recourse for women who had been harassed. Defectors also reported lack of enforcement and impunity enjoyed by government officials made sexual harassment so common as to be accepted as part of ordinary life. According to the 2020 KINU *White Paper*, authorities repeatedly stated there was no sexual harassment problem in the workplace, suggesting willful ignorance on the part of the government.

**Reproductive Rights:** NGOs and defectors reported state security officials subjected women to forced abortions for political purposes, to cover up human rights abuses and rape, and to “protect” ethnic purity, and not for population control. Cases of infanticide were also reported.

Vulnerable populations were not always able to provide informed consent to medical treatment affecting reproductive health. The KINU *White Paper* for 2020 described testimony of forced sterilization of persons with nanocormia, a form of dwarfism.

KINU’s report for 2020 described the testimony of a substantial number of female North Korean defectors who, following forcible repatriation from abroad, were subjected to “uterus examinations” in detention centers and holding centers, specifically, “examination ... conducted during the body search process to find money, secret letters or secret documents.”

According to one 2020 NGO report on menstrual health, menstruation carries social stigma. Sanitary pads were available but remained costly to many, and most women used home-made reusable cloth pads. Lack of adequate menstrual hygiene limited women’s social inclusion and ability to travel and work.

There was no information on what sexual and reproductive health services (including emergency contraception), if any, the government provided to survivors

of sexual violence.

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

## **Systemic Racial or Ethnic Violence and Discrimination**

The country is racially and ethnically homogeneous and officially there are no minority groups. The small Chinese community and a few ethnic Japanese in total number less than 1 percent of the population, and there are no laws to protect members of racial or ethnic minorities or groups from violence and discrimination. In *Freedom in the World 2021: North Korea*, Freedom House reported that members of the ethnic Chinese population had “limited options for education and employment.”

The HRNK testified that officials treated women returning from China who were pregnant with half-Chinese babies as “impure”, and that the officials commonly used racial slurs while forcibly performing abortions or committing infanticide.

## **Children**

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

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

available to those outside the total-control zones.

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

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

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

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

**Sexual Exploitation of Children:** The minimum age of consensual sex is 15. The law prohibits the commercial sexual exploitation of children. Because many girls and young women attempted to flee repressive conditions, poverty, and food shortages for their own survival or the betterment of their families, 2019 international media reports and the 2014 UNCOI report noted they were often subjected to sexual exploitation by traffickers. Traffickers promised these young girls jobs within the country or in China but instead exploited them in forced marriages, domestic servitude, or commercial sex. In its 2019 publication *Inescapable Violence: Child Abuse within North Korea*, the Seoul-based NGO People for Successful Corean Reunification documented endemic child abuse,

including child sexual abuse, in schools, homes, camps, orphanages, and detention centers.

**Infanticide:** A 2020 OHCHR report stated that infanticide occurred. The HRNK also testified that officials sometimes killed the babies of women repatriated from China.

**Displaced Children:** According to NGO reports, there were numerous street children. The HRNK reported in 2020 that while not all were orphans, some were abandoned due to economic difficulties or escaped abusive family situations. Displaced children were forced to survive by begging and stealing at local markets or in front of train stations. On October 8, 2021, the OHCHR reported that orphans and street children were vulnerable to child labor, including deployment to “shock brigades” for extended periods without pay (see also section 7.c.).

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

*Daily NK*, an online newspaper operating in the ROK, reported children at boarding schools for orphans received inadequate nutrition and that staff stole food to pay school debts.

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

such as carrying stones rather than being cared for and protected in orphanages.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

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

## **Trafficking in Persons**

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

## **Persons with Disabilities**

Persons with disabilities could not access education or health services on an equal basis with others. While the law mandates equal access to public services for persons with disabilities, the government did not provide consistent support for them. Although the government claims the law meets the international standards of rights for persons with disabilities, in a 2016 survey by the ROK-based National Human Rights Commission of Korea, 89 percent of defectors reported there was no consideration for persons with disabilities. The UN special rapporteur on the rights of persons with disabilities visited the country for the first time in 2017 and noted most infrastructure, including newly constructed buildings, was not accessible to persons with physical disabilities. There was no information on whether authorities provided government information and communication in accessible formats.

NGO reports and KINU's 2020 *White Paper* stated that while the government on balance treated veterans with disabilities well, escapees often described support for veterans with disabilities as inconsistent and only at a perfunctory level. The government reportedly provided no support to other persons with physical and

mental disabilities. In some cases authorities sent persons with disabilities from Pyongyang to internal exile, quarantined them within camps, and forcibly sterilized them. On October 8, 2021, the OHCHR expressed concern regarding the expulsion of such persons from Pyongyang to isolation in “restricted areas or to facilities in other cities.”

Persons with disabilities experienced discrimination in accessing public life. Traditional social norms condoned discrimination against persons with disabilities, including in the workplace (see also section 7.d.). On October 8, 2021, the OHCHR stated that children with disabilities were vulnerable to isolation from society and expressed concern regarding “a lack of available disaggregated data on the situation of children with disabilities, including those living in State institutions.” The UN Committee on the Rights of the Child repeatedly expressed concern, most recently in 2017, regarding de facto discrimination against children with disabilities and insufficient measures taken by the state to ensure these children had effective access to health, education, and social services. KINU’s 2020 *White Paper* evaluated the provision of special education to children with disabilities as poor.

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

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

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Workers do not have the right to form or join independent unions, bargain collectively, or strike. No information was available regarding labor organizations other than those created and controlled by the government. While the law stipulates employees working for foreign companies may form trade unions and foreign enterprises must provide conditions for union activities, the law does not protect workers who might attempt to engage in union activities from employer retaliation, nor does it provide penalties for employers who interfere in union activities. The constitution stipulates the freedom of assembly for citizens, but this right was not protected in practice. Unlawful assembly may result in five years of correctional labor.

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

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

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor. The government did not enforce the law and mobilized the population for compulsory labor on construction and other projects. “Reformatory labor” and “re-education through labor,” sometimes of entire families, were common punishments for political offenses. Forced and compulsory labor in such activities as logging, mining, tending crops, and



manufacturing continued to be the common fate of political prisoners. Penalties for forced labor were not commensurate with those for other serious crimes such as kidnapping and were not applied.

The law requires all citizens of working age to work and “strictly observe labor discipline and working hours.” There were numerous reports that farms and factories did not pay wages or provide food to their workers. Forced labor continued to take place in the brick making, cement manufacturing, coal mining, gold mining, logging, iron production, agriculture, and textile industries. The Walk Free Foundation in its 2018 *Global Slavery Index* estimated that one of every 10 individuals, or approximately 2.6 million persons, in the country were in situations of modern slavery.

On July 28, 2021, the UN secretary-general reported that the economy “continues to be organized in a way that relies on the widespread extraction of forced labor, including from conscripted soldiers and the general populace, including children” (see also section 7.c.). In June RFA reported the government was forcing nearly 14,000 married women from all regions of the country to “volunteer” for farm work in South Hwanghae Province to boost food output after the 2020 suspension of border trade with China cut off food imports and the country endured a bad harvest. In July RFA reported the government forcibly mobilized married women in Ryanggang Province, near the river bordering China, to make cement blocks for the construction of a wall to prevent escape and stop the smuggling of food and other goods that had escalated after the government’s border closure caused price spikes in 2020. The schedule required those ranging “from newlywed women in their 20s to those in their 60s” to transport enough sand from the mountains each day to mix with cement and produce 10 blocks, for the wall to be built by October 10, the Party Foundation Day deadline.

According to reports from an NGO, during the implementation of short-term economic plans, factories and farms increased workers’ hours and asked workers for contributions of grain and money to purchase supplies for renovations and repairs. By law failure to meet economic plan goals may result in two years of “labor correction.” In 2019 workers who were reportedly required to work at enterprises assigned by the government received no compensation or were undercompensated by the enterprises. In 2020 women in Hyesan, Ryanggang

Province, reported that government officials required all women in the area to work daily on construction and other projects. Those physically unable to work had to pay a monetary fine, and security forces arrested evaders.

The 2019 UN report *The Price Is Rights* noted work “outside the State system, in the informal sector, has become a fundamental means to survival [but] access to work in the informal sector has become contingent on the payment of bribes.” In addition, NGOs and media reported that stricter border and internal travel restrictions, due to government fears concerning the spread of COVID-19, made it extremely difficult for persons to pursue a living through informal trading. The HRNK’s 2020 report entitled *Imagery Analysis of Kyo-hwa-so No. 12, Jongo-ri, Update 3* detailed the use of forced labor by prison officials in the production of false eyelashes.

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

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

The vast majority of North Koreans employed outside the country were in Russia and China. Workers were also reportedly in Georgia (in Abkhazia, a Russia-

occupied region), Algeria, Benin, Cameroon, Equatorial Guinea, Guinea, Indonesia, Iran, Laos, Mozambique, Republic of Congo, South Sudan, Syria, and Tanzania. While some places removed most or all of these workers during the year, reports suggested that some places either took no action or issued work authorizations or other documentation, allowing these individuals to work.

Numerous NGOs noted workers abroad were subjected to forced labor. NGO reports indicated the government managed these laborers as a matter of state policy and that they were under constant and close surveillance by government security agents. Laborers worked between 12 and 16 hours per day, and sometimes up to 20 hours per day, with only one or two rest days per month. Employers stated the average wage was 270,000 to 900,000 won per month (\$300 to \$1,000), but in most cases employing firms paid salaries directly to the government, which took between 70 percent and 90 percent of the total earnings, leaving approximately 90,000 won (\$100) per month for worker take-home pay. The state reportedly withheld some wages in certain instances until the laborers returned home after the completion of their three-year contracts. Workers reportedly worked in a range of industries, including but not limited to apparel, construction, footwear manufacturing, hospitality, information technology services, logging, medical, pharmaceuticals, restaurant, seafood processing, textiles, and shipbuilding.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits work by children younger than age 16 and restricts children 16 to 17 from working in hazardous conditions. The law criminalizes forced child labor, but observers did not know whether that included all the worst forms of child labor. There were reports that forced child labor occurred, including the worst forms of child labor. NGOs reported government officials held thousands of children and forced them to work in labor camps with their parents.

The government did not effectively enforce the law. Penalties were commensurate with those for similar serious crimes such as kidnapping but were not applied. Officials occasionally sent schoolchildren to work in factories or fields for short

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

On October 8, 2021, the OHCHR reported that orphans and street children were vulnerable to child labor, including deployment to permanent "shock brigades" for extended periods without pay. The OHCHR noted that children ages 16 and 17 were not legally protected against hazardous labor and cited August state media reporting that more than 200,000 youth league officials and members had taken part in "youth shock brigade activities" since April. Citing state media reporting in May that more than 160 orphans who graduated from secondary school volunteered to work at coal mines and farms to "repay the love the Workers' Party of Korea showed for taking care of them over the years," the OHCHR expressed concern that orphans had to volunteer to work to "repay" the care they had received from the state, which was the state's human rights obligation. The OHCHR declared that "the use of child labor involving those under 18 years of age in harmful and hazardous environments such as coal mines are considered the worst forms of child labor and are prohibited under international law."

In May state-run media reported that hundreds of children, apparently teenagers, "volunteered" to perform manual labor for the state in coal mines, factories, farms, and forests and that more than 700 orphans who had graduated from middle schools "volunteered" to work on cooperative farms, at an iron and steel complex, and in forestry, among other areas. HRW stated the reality of such "volunteer" work was "backbreaking labor under extremely harsh and dangerous conditions for long periods of time with little or no pay" that "very few people can turn down."

Children ages 16 and 17 were enrolled in military-style youth construction

brigades for 10-year periods and subjected to long working hours and hazardous work. Students suffered from physical and psychological injuries, malnutrition, exhaustion, and growth deficiencies resulting from required forced labor.

#### **d. Discrimination with Respect to Employment and Occupation**

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

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

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

#### **e. Acceptable Conditions of Work**

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

The law stipulates an eight-hour workday, although some sources reported that laborers worked longer hours, perhaps including additional time for mandatory study of the writings of Kim Il Sung and Kim Jong Il. The law provides all citizens with a “right to rest,” including one day’s rest per week (Sunday), paid

leave, holidays, and access to sanitariums and rest homes funded at public expense. No information was available, however, regarding the state's willingness and ability to provide these services.

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

**Occupational Safety and Health:** The law recognizes the state's responsibility for providing modern and hygienic working conditions. The law criminalizes the failure to heed "labor safety orders" pertaining to worker safety and workplace conditions only if the conditions result in the loss of lives or other "grave loss." Workers themselves do not have a designated right to remove themselves from hazardous working conditions. No information was available on enforcement of occupational safety and health laws.

Many worksites were hazardous, and the industrial accident rate was high. Managers were often under pressure to meet production quotas and often ignored training and safety requirements. According to reports, in March 2021 three untrained teenage workers died and several were critically injured in an industrial accident at the Sungri Motor Complex in South Pyongan Province. Also in March at least 20 individuals who were part of a "storm trooper" construction brigade died in an electrical fire at their Pyongyang jobsite.

**Informal Sector:** The informal sector is large, but there is little information on its size or composition. Many citizens depend on the informal economy for their survival as regular wages and rations are not sufficient. The informal sector has been growing rapidly, but during the year there were signs that the government increased efforts to tighten its regulatory control.

## **Endnote: Note on Sourcing**

The United States does not have diplomatic relations with the Democratic People's

Republic of Korea. The DPRK does not allow representatives of foreign governments, journalists, or other invited guests the freedom of movement that would enable them to assess fully human rights conditions or confirm reported abuses.