

Comprehensive Report



• Detention Facilities



• Right to Food



In the **Kim Jong Un** Era

Are Human Rights in North Korea Improving?



• Vulnerable Groups



• Right to Health

Comprehensive Report
(2023)



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• Right to Health

Wootae Lee
Kyu-Chang Lee
Eunlee Joung
Yongwoo Na



Korea Institute for
National Unification

The content of this report is based on the opinion's of
the authors and do not necessarily reflect of the official
opinion of the Korea Institute for National Unification.

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In the Kim Jong Un Era

Are Human Rights in North Korea
Improving?

I

Introduction



I. Introduction

The Democratic People's Republic of Korea (hereinafter DPRK) has one of the worst human rights records in the world and the egregious human rights violations in the country continue to date. The international community has long expressed concerns and urged North Korea to address such violations. In particular, the United Nations (hereinafter UN) General Assembly has adopted resolutions on North Korean human rights each year for 18 consecutive years from 2005 — up to 2022. In addition, the UN Special Rapporteur on North Korean Human Rights, a position first established in 2004, reports on the status of North Korea's human rights to the UN Human Rights Council and the General Assembly. The Commission of Inquiry (hereinafter COI) on Human Rights in the DPRK was also established in March 2013 to undertake a detailed fact-finding survey on human rights violations in North Korea and publish relevant reports. As the year 2023 marks the 10th anniversary of the launch of the COI, various measures are currently under discussion in the international community to draw global attention to North Korean human rights issues. At the national level, the United States (hereinafter US) enacted the North Korean Human Rights Act in 2004, while Japan legislated the Law Concerning Measures to Address the Abductions Issue and Other North Korean Human Rights Violations by North Korean Authorities in 2006. South Korea likewise enacted its North Korean Human Rights Act in 2016, and the European Union (hereinafter EU) has continued to co-sponsor a UN draft resolution condemning North Korea's human rights violations. More recently, the Yoon Suk Yeol government has set enhancing human rights in North Korea as a major policy agenda as part of his initiative to achieve a denuclearized, peaceful, and prosperous Korean Peninsula.

North Korea has labeled the international community's persistent attempts to raise awareness of its human rights issues as a political conspiracy by the US and hostile forces seeking to overthrow its political and social system. It is also strongly opposed to the international community's efforts to file criminal charges against Kim Jong Un for human rights violations committed in North Korea, calling it an insult to the supreme dignity. While the North continues to vehemently resist pressure from the international community on its human rights issues, it has taken steps to improve human rights for vulnerable groups, including women, children, and persons with disabilities. However, while the DPRK has accepted and legislated its own version of international human rights norms, human rights violations remain a commonplace reality in the DPRK.

According to recent testimonies by North Korean defectors, the human rights situation in North Korea during the Kim Jong Un era is still deplorable, although some improvements have been made. For example, some testimonies claim that although public executions still take place under the Kim Jong Un regime, cases of torture and abuse in detention facilities have declined. In addition, intensive investment in the education sector and towards the vulnerable has been made, leading to improvements in terms of relevant facilities and treatment. However, the lives of many North Koreans have been aggravated following the outbreak of COVID-19 as a result of strengthened social controls alongside food and health issues under the pretext of disease control and prevention.

Against this backdrop, this report will provide an overview of changes in the human rights situation in North Korea since Kim Jong Un came to power over a decade ago. By shedding light on the overall status of human rights in North Korea during the Kim Jong Un era, the report aims to expand a consensus both at home and abroad on the gravity of human rights violations in North Korea. In addition, this report provides basic materials for the international community

to assist its efforts and implement countermeasures to improve human rights in North Korea.

Considering the difficulties of obtaining reliable information due to a lack of raw data pertaining to North Korea and inconsistencies between testimonies, this report ensures as much objectivity as possible by utilizing in-depth interviews with North Korean defectors carried out by the Korea Institute for National Unification (hereinafter KINU) between 2012 and 2022 as well as data from international organizations. This report includes a comprehensive report on human rights in North Korea in the Kim Jong Un era alongside 4 detailed reports on judicial rights encompassing detention facilities and the trial process, the right to food, the right to health, and the rights of vulnerable groups, including women and children.

II

The International Community's Efforts to Improve Human Rights in North Korea and Its Response



II. The International Community's Efforts to Improve Human Rights in North Korea and Its Response

1. Accountability Measures and Human Rights Sanctions, and Stronger Response from the DPRK

Since Kim Jong Un came to power, UN-led activities to ensure accountability have been the most predominant aspect of the international community's efforts to improve the human rights situation in North Korea. In the COI report released on 17 February 2014 on human rights in North Korea, the key issue was to determine whether the findings constitute reasonable grounds to pursue accountability. The COI report concludes that crimes against humanity have been committed and are ongoing today (upon the publication of the report) in the DPRK.¹⁾ Since the termination of COI mission, the UN has taken follow-up measures to ensure accountability. First, the UN Human Rights Office of the High Commissioner (hereinafter OHCHR) opened its office in Seoul on June 23, 2015. Second, OHCHR appointed a group of independent experts on accountability. Third, the OHCHR Seoul office established "Information and Evidence Repository on the DPRK" to gather and preserve data to promote accountability.²⁾ Fourth, the UN High Commissioner for Human Rights presented and updated the report "Promoting accountability in the Democratic People's Republic of Korea" in

1) UN Doc. A/HRC/25/63 (7 February 2014), paras. 74 ~ 79; UN Doc. A/HRC/25/CRP.1 (7 February 2014.), paras. 1166 ~ 1210.

2) United Nations Human Rights Office (Seoul), "United Nations Human Rights Office (Seoul): Promoting Accountability in the Democratic People's Republic of Korea," <<https://seoul.ohchr.org/index.php/ko/node/9>> (Accessed 1 February 2023.).

2019 and 2021, respectively,³⁾ and the OHCHR Seoul office held a workshop with the theme of “Navigating Avenues for Accountability in the DPRK” (8 Dec. 2021)⁴⁾ as part of the UN’s ongoing efforts to promote accountability. Meanwhile, the UN Security Council discussed the North Korean human rights situation at its formal meetings from 2014 to 2017 and behind closed doors from 2020 to 2022.

As part of their work to improve the human rights situation in North Korea, the US, the United Kingdom (hereinafter UK), and the EU have imposed sanctions on North Korean officials and entities responsible for human rights violations. The US government has sanctioned perpetrators of human rights violations in North Korea in accordance with the North Korea Sanctions and Policy Enhancement Act of 2016, which was enacted in 2016, and Executive Order 13722, which was issued on 16 March 2016. Pursuant to these regulations, the US government has introduced economic sanctions such as US entry bans, asset freezes, and transaction bans on 32 individuals including Kim Jong Un and Kim Yo Jong and 13 entities. The EU and the UK have imposed sanctions on North Korea as part of their actions to sanction human rights violations worldwide. On 22 March 2021, the EU designated 11 persons and 4 entities of 6 countries as sanctions targets under the Global Human Rights Sanctions Regime, which was adopted on 7 December 2020, and Jong Kyong Thae (Minister of State Security), Ri Yong Gil (Minister of Social Security) and the Central Public Prosecutors’ Office of North Korea were on the list.

The EU has extended its human rights sanctions on North Korean officials and entities until 8 December 2023. The UK government enacted the Sanctions and Anti-Money Laundering Act in 2018 and the Global Human Rights

3) UN Doc. A/HRC/40/36 (7 March 2019); UN Doc. A/HRC/46/52 (11 January 2021.).

4) Kim, Soo-Am, “Trends in the International Community’s North Korean Rights Approach and Policy Directions,” Korea Institute for National Unification Online Series CO 22-19 (2022), p. 2.

Sanctions Regulations in 2020. Based on these laws, the UK included 47 persons and 2 entities of 4 countries in its sanctions list on 6 July 2020, and North Korean entities such as the Ministry of Public Security (now called Ministry of People's Security) Correctional Bureau and Ministry of State Security Bureau 7 were among them for human rights abuses in political prison camps.

After the release of the COI report, North Korea responded by asserting that human rights are state rights. By relating human rights to sovereignty, North Korea has rebuffed the international community's demand for accountability and human rights sanctions, regarding the international actions raising North Korean human rights issues as "an act of insulting its supreme dignity, an attempt to topple the regime, and a direct challenge to its system." On 20 November 2019, North Korea enacted the Law on Countermeasures.⁵⁾ This law enumerates what the regime considers to be unfriendly acts, and "an act of insulting the Republic's dignity" (Article 3) is the first on the list. Sanctions for such unfriendly acts include severing economic, cultural, or even diplomatic ties (Article 4), as well as travel bans and economic sanctions such as asset freezes, which are found in US, EU, and UK legislation on human rights sanctions. The enactment of the Law on Countermeasures indicates that the DPRK has been moving to take legislative actions, going beyond mere rhetoric, in response to the international community's findings on human rights violations, accountability efforts, and human rights sanctions. The Criminal Law of the DPRK (revised on 17 May 2022) states that an act of insulting the dignity of the Republic is punishable by up to capital punishment (Article 64). This is a provision newly added to the previous Criminal Law (revised on 22 July 2015).

5) More details on North Korean laws cited in this report can be found on the collection of North Korean laws on the National Intelligence Service website.

Figure II-1

Imposed Sanctions on North Korean Institutions and Individuals for Human Rights Violations



2. The International Community's Emphasis and Promotion of Information Dissemination Activities in the DPRK and Its Ideological and Information Control

In July 2018, the US Congress renewed the North Korean Human Rights Reauthorization Act of 2017, making the law effective through 2022 and extending financial support for private groups that provide broadcasting to North Korea (Section 4).⁶⁾ The renewed Act also provides for new means of distributing information such as USB, micro SD cards, audio players, video

⁶⁾ North Korean Human Rights Reauthorization Act of 2017.

players, mobile phones, Wi-Fi, wireless Internet and other types of Internet connections and wireless communications, and other electronic mediums (Section 5). On 23 December 2022, the US Senate passed the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021.⁷⁾ The key elements of the law include sanctions, such as blocking of property and visa revocation, on any foreign person who engaged in or was responsible for censorship by the government of North Korea or the Workers' Party of Korea (Section 5), as well as promotion of freedom of information and countering censorship and surveillance in North Korea (Section 7). On 16 April 2021, the Tom Lantos Human Rights Commission held an unprecedented public hearing on human rights in South Korea and discussed the issue of South Korea's anti-Pyongyang leafleting ban. In its 2021 Country Reports on Human Rights Practices, the US State Department mentioned Seoul's revisions to the Development of Inter-Korean Relations Act made on 29 December 2020 and related investigations after the revised law took effect in the section on freedom of expression.⁸⁾ In his 2021 report on the situation of human rights in North Korea submitted to the UN Human Rights Council, former Special Rapporteur on the situation of human rights in the DPRK Tomás Ojea Quintana expressed concern about the revised Development of Inter-Korean Relations Act, which provides for the prohibition of and punishment for the flying of leaflets, and recommended a review of the legislation.⁹⁾

While the international community keeps emphasizing and working to disseminate information to North Korea to help promote its information access, the North Korean regime has been strengthening its laws and regulations on ideological and information control. On 19 June 2013, the Workers' Party of Korea (hereinafter WPK) revised the Ten Principles for the Establishment of the

7) Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2021.

8) 2021 Country Reports on Human Rights Practices: Republic of Korea, pp. 7~8.

9) UN Doc. A/HRC/46/51 (2 July 2021), para. 41.

Party's Unitary Ideology System, introduced in 1974, into the Ten Principles for the Establishment of the Party's Unitary Leadership System. Six months later in December 2013, the execution of Jang Song Thaek took place, and a reign of terror followed thereafter. Then came the enactment of the Reactionary Ideology and Culture Rejection Act(2020), the Youth Education Security Act(2021), Act for Commemoration on Revolutionary Historic Site(2021), and the Pyongyang Standard Language Protection Act(2023). The Reactionary Ideology and Culture Rejection Act reportedly states acts of introducing, distributing, watching or browsing South Korean movies or recordings are subject to death penalty.

Table II-1

Death Penalty Provisions under the Reactionary Ideology and Culture Rejection Act¹⁰⁾

	Violations under the provisions	Punishment
Article 27	Importing or distributing any South Korean movie, recording, compilation or book	Unlimited-term correctional labor punishment or death penalty
	Organizing or promoting collective viewing or browsing of any South Korean movie, recording, compilation or book	Death penalty
Article 28	Importing or distributing a large number of recordings, compilations or books from any enemy country, or distributing them to multiple people, or organizing or promoting collective viewing or browsing them	Unlimited-term correctional labor punishment or death penalty
Article 29	Importing or distributing a large number of pornographic recordings or books, photos or paintings, or distributing them to multiple people, or organizing or promoting collective viewing or browsing of them	Death penalty

10) Han, Myung Sub, "A Study on North Korea's Reactionary Ideology and Culture Rejection Act," *Studies on North Korean Law*, Vol. 27 (2022), pp. 117 ~ 118. (The table is an edited version of the one from the source.)

3. Human Rights Promotion Activities in the DPRK through Humanitarian Aid and Development Cooperation

By adopting Resolution 2321 in 2016, the UN Security Council decided that the DPRK Sanctions Committee (1718 Committee) may decide on a case-by-case basis, exemptions to activities sanctioned by the resolutions.¹¹⁾ This has been reiterated in UN Security Council resolutions on sanctions against North Korea adopted later on.¹²⁾ In August 2018, the DPRK Sanctions Committee adopted Guidelines for Obtaining Exemptions to Deliver Humanitarian Assistance to the DPRK.¹³⁾ In his 2022 report on the situation of human rights in North Korea presented at the 49th session of the UN Human Rights Council, former Special Rapporteur Tomás Ojea Quintana recommended that the UN Security Council review sanctions to ensure the sanctions regime refrain from affecting the lives of North Korean people negatively.¹⁴⁾

On 1 September 2016, the UN Country Team in North Korea, composed of humanitarian bodies, and North Korea agreed to adopt the Strategic Framework for Cooperation between the UN and the DPRK 2017-2021 (hereinafter UNSF).¹⁵⁾ In the UNSF, the UN Country Team and North Korea identify four strategic priorities: food and nutrition security; social development services; resilience and sustainability; and data and development management.¹⁶⁾ In addressing the four priorities, the UNSF adopts a holistic approach and a human rights-based approach.¹⁷⁾

11) UN Doc. S/RES/2321(2016), para. 46.

12) UN Doc. S/RES/2371(2017), para. 26; UN Doc. S/RES/2375(2017), para. 26; UN Doc. S/RES/2397(2017), para. 25; UN Doc. S/RES/2397(2017), para. 25.

13) Guidelines for Obtaining Exemptions to Deliver Humanitarian Assistance to the Democratic People's Republic of Korea.

14) UN Doc. A/HRC/49/74 (March 2022), para. 52.

15) DPRK & UN Country Team, *Strategic Framework for Cooperation between UN and the DPRK 2017-2021* (2016), p. 4, p. 9.

16) *Ibid.*, p. 8.

In her first report on the situation of human rights in North Korea since taking office, Special Rapporteur on the situation of human rights in the DPRK Elizabeth Salmón emphasized that mechanisms of accountability alone were insufficient to improve the human rights situation in North Korea and that accountability and cooperation should be pursued in parallel. Then, the Special Rapporteur added that she would help raise awareness of the complementarity of accountability and cooperation.¹⁸⁾

4. The International Community's Emphasis on a Human Rights-based Approach to the Issues of Separated Families and Detained Abductees in the DPRK

The issue of separated Korean families has been an important subject of discussion at the UN General Assembly and the Human Rights Council. As the separated family members were aging, with the number of victims who died without being united growing, the UN Security Council and the UN General Assembly have raised their sense of urgency on the separated family issue in North Korean human rights resolutions adopted since 2015 and 2018, respectively - by changing their wording from the “urgency” to “urgency and importance” of the separated family issue, and from “bringing attention to” to “stressing” the urgency and importance.¹⁹⁾ In his 2016 report on the situation of human rights in North Korea submitted to the UN Human Rights Council, former Special Rapporteur Tomás Ojea Quintana stressed that the separation of families should be seen as a human rights violation.²⁰⁾ In 2016, the OHCHR Seoul office published a report titled *Torn Apart: The Human Rights Dimension*

17) *Ibid.*, pp. 8~9.

18) UN Doc. A/77/522 (13 October 2022), para. 34.

19) Han, Dong-ho *et al*, *The Yoon Suk Yeol administration's unification and North Korea policies: directions for national tasks* (Seoul: Korea Institute for National Unification, 2022), pp. 140~143.

20) UN Doc. A/HRC/31/70 (19 January 2016), para. 13.

of the Involuntary Separation of Korean Families. On 23 December 2022, the US Congress enacted the Divided Families Reunification Act. This law states that the US government should consult with the government of South Korea for the reunion of Korean American families with family members in North Korea and that the Special Envoy for North Korean Human Rights Issues of the US Department of State should regularly consult with representatives of Korean Americans who have family members in North Korea with respect to efforts to reunite families (Section 2). It is also noteworthy that the UN has been paying attention to Korean Prisoners of War (hereinafter POWs) since Kim Jong Un took the reins. In its 2021 North Korean human rights resolutions, the UN General Assembly expressed concern over the violations of human rights of unrepatriated POWs for the first time.²¹⁾ The 2022 iteration of the UN General Assembly Resolution on North Korean human rights includes identical phrases²²⁾, albeit lacking specific recommendations, compared to other human rights issues.

In adopting the 2017 Resolution on the situation of human rights in North Korea, the UN General Assembly pointed out that North Korea was a Party to the Vienna Convention on Consular Relations, urging the state to provide citizens of other countries detained in the country freedom of communication with, and access to, consular officers in accordance with the Convention, and any other necessary arrangements to confirm their status and to communicate with their families.²³⁾ The same wording has been included in North Korean human rights resolutions adopted thereafter by the UN General Assembly and the Human Rights Council, as well as the reports of Special Rapporteur on the situation of North Korean human rights submitted since, to the General Assembly and the Human Rights Council.

21) UN Doc. A/RES/76/177 (10 January 2022), preamble. *Noting with concern* the allegations of continued violations of the human rights of unrepatriated prisoners of war and their descendants,

22) UN Doc. A/RES/77/226 (9 January 2023), preamble.

23) UN Doc. A/RES/72/188 (19 January 2018), para. 15 (g).

5. The DPRK's Selective Acceptance and Cooperation on Human Rights Issues

Under Kim Jong Un's reign, North Korea has been relatively cooperative on the human rights of women, children, and persons with disabilities, contrary to the rebuttal and disapproval of issues of accountability and human rights sanctions. North Korea's such conflicting attitudes are evident in how it deals with the accession to and ratification of international human rights conventions and the obligation to submit reports under such conventions, the acceptance of recommendations from UN Member States in the Universal Periodic Review (hereinafter UPR), the separated family issue, and the right of foreigners to consult a consular officer while in detention and their release. North Korea's legislation on human rights also reflect this stance. As mentioned earlier, the DPRK has enacted the Law on Countermeasures and revised the Criminal Law, labeling the international community raising human rights issues as an act of insulting its dignity, and established laws to strengthen its control of ideology and information access. At the same time, however, it has enacted laws to protect human rights. The Act on Prevention of Batteries, which was enacted in 2021, is a case in point. North Korea also established human rights organizations such as National Committee for the Implementation of International Human Rights Treaties (2015) and the Academy of Social Science Human Rights Research Institute (2016).

Table II-2

Conflicting Attitudes of North Korea under Kim Jong Un toward Human Rights Issues

	Not accepted or Not implemented	Accepted or Implemented
Human Rights Conventions	<p>Not Signed:</p> <ul style="list-style-type: none"> • International Convention on the Elimination of All Forms of Racial Discrimination • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment • Rome Statute of the International Criminal Court 	<ul style="list-style-type: none"> • Signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (10 Nov. 2014) • Withdrew reservations to two clauses of the Convention on the Elimination of Discrimination against Women (23 Nov. 2015) • Ratified the Convention on the Rights of Persons with Disabilities (6 Dec. 2016)
Submission of reports	<p>Not Submitted:</p> <ul style="list-style-type: none"> • Reports on the implementation of the International Covenant on Civil and Political Rights not submitted since the submission of the 2nd periodic report (20 Mar. 2000) • Reports on the International Covenant on Economic, Social and Cultural Rights not submitted since the submission of the 2nd report (12 Apr. 2002) 	<ul style="list-style-type: none"> • Submitted the combined 2nd to 4th periodic reports on the Convention on the Elimination of Discrimination against Women (11 Apr. 2016) • Submitted the combined 5th to 6th reports on the Convention on the Rights of the Child (13 May 2006) • Submitted the first report on the Convention on the Rights of Persons with Disabilities (19 Dec. 2018)
Protection of vulnerable groups		<ul style="list-style-type: none"> • Extended maternity leave (30 Jun. 2015) • Identified “to consolidate gender equality and rights of all women and girls” as one of the national goals in Voluntary National Review (VNR) (Jun. 2021)

		Not accepted or Not implemented	Accepted or Implemented
		*Rejected proposals of visits by the UN Special Rapporteur on the situation of human rights in the DPRK and the US Department of State Special Envoy for North Korean Human Rights Issues	• Accepted a proposed visit by the UN Special Rapporteur on the rights of persons with disabilities (May 2017)
Separated families		• Failed to implement the Pyongyang Joint Declaration of September 2018, where the two sides agree to fundamentally resolve the issue of separated families	• Held a reunion of separated families (20 Aug. 2018) according to the Panmunjom Declaration for Peace, Prosperity and Unification of the Korean Peninsula of 2018
Detainees		• Rejected South Korean citizens' request for the exercise of the right to consult a consular officer • Detained six South Korean citizens	• Guaranteed the right to consult a consular officer for US and Canadian nationals and released all of them
UPR recommendations	1st (2009)	15 recommendations noted and 65 rejected	81 recommendations accepted and 6 partially accepted
	2nd (2014)	58 recommendations noted and 93 rejected	113 recommendations accepted and 4 partially accepted
	3rd (2019)	56 recommendations noted and 74 rejected	132 recommendations accepted

In the Kim Jong Un Era

Are Human Rights in North Korea
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III

The Reality of Human Rights



III. The Reality of Human Rights

1. Political and Civil Rights

A. Public Executions

The deprivation of life by the state authorities must be strictly confined and limited by law. Even if it is considered legal under the domestic law of the state concerned, extrajudicial, summary, or arbitrary execution is prohibited in accordance with international human rights norms. Public executions in North Korea have been used as a means of social control by inciting fear and the perception that deviant behavior leads to severe punishment.

(1) Regions where Public Executions are held

Accounts of public executions often come from border regions including Hyesan, Hamheung and Chongjin, mainly due to the fact that the majority of interviewees had lived in border regions. North Hamgyeong Province and Yanggang Province accounted for the majority of North Korean defectors that were interviewed. Public executions also took place even in the capital Pyongyang, primarily from 2013 to 2015 during the early days of Kim Jong Un's reign. This is believed to be an outcome of power consolidation and fear politics that followed Kim's rise to power. In addition to the general community, public executions were also conducted in detention facilities. Testimonies report that an inmate who was caught during an escape attempt was publicly executed in April 2016, while fellow inmates who did not wish to view the execution were told that their release dates would be postponed if they did not attend the execution.

(2) Reasons for Public Executions

Since Kim Jong Un took office, low-ranking officials, including junior Party secretaries and managers of cooperative farms, have been publicly executed for irregularities and policy failures as well as disobedience of Kim Jong Un's orders or policies of the WPK. In 2014, four officers, including a military division chief, were publicly executed following their expulsion from the Party and relief of their duties for violating an order from Kim Jong Un forbidding beatings in the military. A North Korean defector testified that the manager and the Party secretary of the Daedonggang Terrapin Farm were publicly shot to death for committing acts against the Party, disobeying the teachings and instructions of the Supreme Leader (*Suryeong*) and corruption in 2015. The public execution of a person related to Jang Song Thaek was also witnessed.

Religious activities are regarded as anti-state crimes subject to public executions. Two women were executed for spreading Christianity, and another woman was executed for distributing anti-regime leaflets after a public trial in Gilseongpo, North Hwanghae Province in 2015. In addition, two people were publicly executed for possessing the Bible in Pyeongseong, South Pyeongan Province in 2018.

Public executions have been carried out as punishments for theft and the smuggling of state property and goods considered important by the authorities. Specific cases include public executions of those that smuggled special steel into China and stole food set aside for rations. In another case, famous “gangsters” in Pyongyang that stole items from a high-ranking official of the Guard Command on the subway were executed as these included a confidential document (Goods list of accommodations for guests (*chodaeso*) run by the Guard Command).

Witnesses have also described public executions of perpetrators of violent

crimes that attracted significant public attention. Between 2014 and 2015, a criminal who abducted a child in Hyesan, Yanggang Province, was publicly executed by firing squad on Kim Jong Un's orders. A woman who ran a prostitution business and worked as a madam, was executed sometime between 2014 and 2015. A man was also executed by firing squad for murder in the military town of Jangsaeng in 2018. In one case, the Central Court publicly released a suspect's personal information and criminal acts (sexual assault of minors) and carried out a public trial followed by execution by firing squad after articulating the provisions of law based on which the execution was ordered. In January 2018, the son of the Party chief secretary of Onsong County, North Hamgyeong Province was murdered. The North Korean authorities regarded this incident as an exceptional case as a member of a soldier's family had been killed, and mobilized a crowd at the scene of the shooting of the perpetrator. A North Korean defector who witnessed the public execution on 31 January 2018 said they were unable to sleep properly for more than a week afterwards.

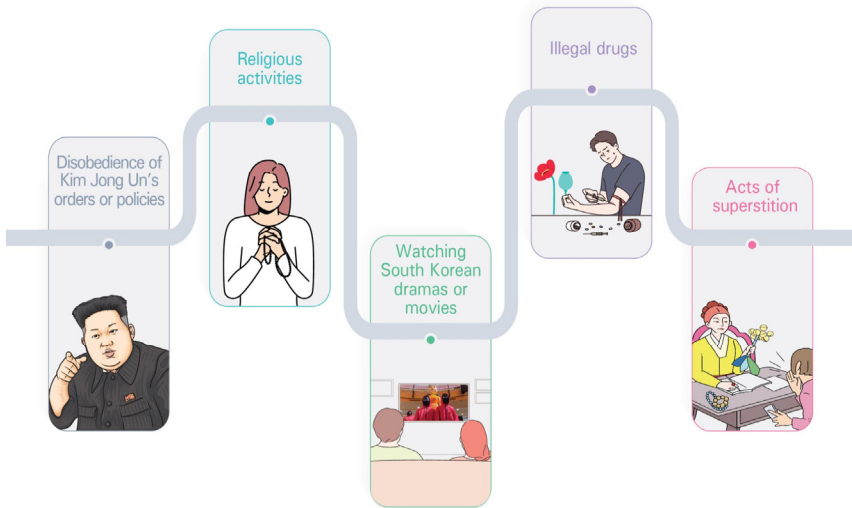
Since Kim Jong Un took power, the DPRK has continuously tightened ideological control and control of access to information over its people, resulting in public executions for watching video recordings. Testimonies about public executions related to narcotics have also been continually collected. In 2014, one person was shot dead at a square in Chongjin, North Hamgyeong Province on charges of distributing South Korean dramas and trafficking drugs. In 2014, two men were shot to death for distributing South Korean movies and providing a venue for prostitution, respectively, in Yeonbong-dong, Hyesan, Yanggang Province. In October 2014, three men were shot to death at an airfield in Yeonbong-dong, Hyesan, Yanggang Province for distributing South Korean video recordings. In March 2015, five men in their 30s to 40s were shot to death in Pyeongseong, South Pyeongan Province after an open trial for

watching South Korean video recordings and trading narcotics. In 2017, a man was shot to death at an airfield in Yeonbongdong, Hyesan, Yanggang Province for distributing South Korean video recordings. In February 2017, around 20 people were shot to death in Byeoksong County, South Hwanghae Province, for watching and distributing South Korean video recordings and trading narcotics. North Korea added the death penalty as the statutory penalty for crimes related to the cultivation of opium and manufacturing of narcotics when revising the Criminal Law of 2013. In addition, when the Criminal Law was revised in 2022, the number of provisions including drug-related charges was increased from four to eight, and among them, three provisions stipulated death penalty for drug-related charges – adding one more provision. North Korea also passed the Law on Prevention of Drug-related Crimes on 1 July 2021. Given such legislation on drug control, public executions related to narcotics are expected to continue in North Korea going forward.

Acts of superstition may also end with public executions. A North Korean defector testified that crackdowns on acts of superstition were intensified in 2018 with public executions in the process. A North Korean defector heard that public executions were held while policy control over acts of superstition was implemented between 2018 and 2019. Another testimony indicated that public executions took place in 2019 for acts of superstition.

The International Covenant on Civil and Political Rights (hereinafter ICCPR) prohibits the sentence of death penalty for crimes committed by persons under 18 years of age and executing pregnant women. In previous surveys, some non-compliant cases were noted, but such cases have not been documented in recent surveys.

Figure III-1 Reasons for Public Executions



(3) Public Executions as an Opportunity to Highlight Kim Jong Un's Generosity

The DPRK has used public executions as an opportunity to underline Kim Jong Un's generosity. Such occasions were primarily noteworthy during the early days of Kim Jong Un's reign when rehabilitation opportunities were granted to accomplices of crimes while masterminds were executed. While sentencing a defendant for possession of impure video recordings in 2013, a judge was said to read out an instruction from Kim Jong Un, and stated that "I declare you innocent because our Great Leader Kim Jong Un told me to start your sins with 0(zero)." In another case from 2013, the mastermind of a prostitution-related case was executed while the rest of the gang had their sentences commuted and were released.

(4) Shift to Executions in Secret

KINU has collected testimonies reporting a decrease in public executions in North Korea. The specific time of this transition differs from testimony to testimony. A North Korean defector who defected in 2019 said public executions have no longer existed since 2008. Another testifier who defected in 2019 also claimed that public executions have disappeared since 2008. Another North Korean defector who defected in 2019 testified that there has been no public execution after he/she had witnessed public shootings between 2012 and 2013. A North Korean defector who defected in 2019 reported his/her last public executions between 2015 and 2016 and has not seen any since 2018. The decrease in public executions in the DPRK is believed to be attributable to the continued international condemnation. A North Korean defector testified that public executions have not been carried out following heavy criticism by the UN. However, given the falling number of defectors to South Korea since Kim Jong Un took power, the testimonies cannot decidedly attest to the reduction in public executions due to limited information. Public executions still do exist in North Korea. It was reported that a public execution took place for an act of superstition in 2019. Radio Free Asia reported that in October 2022, two teenagers were executed in North Korea for watching and selling South Korean films and dramas in Hyesan, Yanggang Province, and another teenager was also put to death for murdering his stepmother.²⁴⁾ According to a Daily NK source in Kangwon Province, a man in his 50s was publicly executed for making illegal drugs in Wonsan in September 2022.²⁵⁾ In addition, a pattern was identified that public executions are increasingly replaced by executions in secret or closed-door executions. Testimonies have been collected that secret executions

24) "North Korea publicly executes 2 teenagers for distributing South Korean movies," *Radio Free Asia*, 12 December 2022., <https://www.rfa.org/korean/in_focus/humanitarian-12022022112041.html> (Accessed 14 February 2023).

25) "Public executions still exist in the DPRK...Residents tremble with fear," *DAILYNK*, 11 November 2022., <<https://www.dailynk.com/20221107-5/>> (Accessed 14 February 2023).

were conducted, instead of public executions, for political crimes ('reactionary words', espionage related to South Korea, an insult to the Supreme Leader (*Suryeong*)) since Kim Jong Un took office. A North Korean defector who defected in 2019 testified that a woman in his/her neighborhood, who worked as a broker aiding North Korean defectors, was shot to death in secret around 2014.

B. Torture and Inhuman Treatment in Detention Facilities

In North Korea, there are several types of detention facilities, including holding centers (*jipkyulso*), detention centers (*guryujang*), labor training camps (*rodongdanryundae*), disciplinary labor centers (*rodonggyoyangdae*) and labor prison camps (*kyohwaso*), which are run by the Ministry of State Security (hereinafter MSS) and the Ministry of Social Security. Holding centers (*jipkyulso*) are a place of investigation and detention for travelers who have left their designated travel area or traveled beyond the duration of their authorized travel dates, homeless children, those whose cases are pending and defectors who have been forcibly repatriated. Detention centers (*guryujang*) are where criminal suspects are detained for investigation before trial. Labor training camps (*rodongdanryundae*) are where those sentenced to labor training punishment (from six months to one year) by the court and disciplinary labor centers (*rodonggyoyangdae*) are where those sentenced to re-educational labor discipline (from 5 days to 6 months) as an administrative penalty are detained. Prison camps (*kyohwaso*) are a place for detaining those who have been sentenced to correctional labor punishment by courts.

In the process of handling criminal cases before trial and in the process of executing punishment after trial, North Koreans suffer from violence and cruel treatment alongside poor nutritional, sanitary and medical conditions in detention facilities. It is found that many detainees die from these factors.

(1) Decrease in Torture, Cruel Treatment, Forced Labor and Death Following the Publication of the COI Report

It is understood that the North Korean authorities have continuously issued an order to ban human rights violations in detention and correctional facilities since 2013. For example, a North Korean defector who went through a preliminary examination in a branch of the Ministry of People's Security (hereinafter MPS) in 2013 testified that a preliminary examination officer showed explanatory guidelines on laws, which include Kim Jong Un's order not to beat inmates and violate human rights as he pursues "law politics." In addition, a North Korean defector who was imprisoned by the Ministry of State Security in 2017 testified that a correctional officer (*gyehowon*) said "Good for you that the law became favorable as the world makes a noise about human rights. If you had disobeyed last year, I would have punished and beaten you, but now I don't even lay a finger on you." It is presumed that these modifications reflect the authorities' mindfulness of the international community's stronger call for improvements in human rights in North Korea in the wake of the establishment of the COI in 2013 and the release of the COI report in 2014.²⁶⁾

Since then, cases have been collected indicating raised awareness, such as recognizing and responding to torture and harsh treatment in detention facilities as human rights violations. A testifier who had been detained in an MSS detention center (*guryujang*) in Hyesan, Yanggang Province, in May 2017, testified that he/she did not experience cruel treatment because "North Korea was hit hard by accusations of human rights violations at the time." Multiple testimonies collected during surveys conducted in 2018 and 2019 substantiate that they heard Kim Jong Un issued an order not to beat inmates in labor

26) In issuing a report in February 2014, the COI stated that that violators of crimes against humanity should be criminally liable for their acts, and, to this end, suggested the UN Security Council could refer the North Korean situation to the International Criminal Court (ICC) or establish an ad hoc tribunal. UN Doc. A/HRC/25/63 (7 February 2014), para. 87; UN Doc. A/HRC/25/CRP.1 (7 February 2014), para. 1218.

training camps (*rodongdanryundae*), and beatings by MPS officers actually decreased or there were no beatings at all. A North Korean defector who was put in a labor training camp (*rodongdanryundae*) in Samjiyeon twice in 2014 and 2016 testified that they witnessed the phrase “Prohibit human rights abuses” in 2016, unlike in 2014.

There has been testimonies that claim that detainees whose sentences have not been confirmed are not forced into labor. A North Korean defector who had worked at a detention center (*guryujang*) in April 2019 testified that a person confined in a detention center (*guryujang*) before trial was considered as “a person whose sentence is pending” and that detention centers (*guryujang*) did not impose forced labor. A testifier who had been detained and investigated in an MSS detention facility between late 2017 to early April 2018 said that there was no exploitation of labor.

Another testimony also conveyed that the number of deaths in detention facilities decreased. This North Korean defector testified that an average of three to four deaths per month occurred when he/she was imprisoned in a prison camp in Gaecheon, South Pyongan Province in 2015, but the death toll declined after an order was made to better treat inmates, such as allowing more family visits.

Act on Prevention of Batteries enacted in 2021 imposes penalties such as unpaid labor, demotion, and dismissal if a social security agency (Ministry of Social Security) or other legal institutions fail to clamp down on and immediately investigate beatings after receiving reports of such cases, or if they commit beatings in the process of conducting their duties (Article 22). This law is believed to have reflected the changing reality of the DPRK such as reduced torture and harsh treatment in detention and correctional facilities and labor bans on unconvicted prisoners.

(2) Continued Torture and Cruel Treatment

Violence and cruel treatment of detainees such as beating and forcing them to remain in a fixed posture (stress position) have continued in the Kim Jong Un era. A North Korean defector testified that he/she was investigated by the MSS county branch in Onsong County, North Hamgyeong Province, for human trafficking in February 2015 and was frequently beaten in the investigation process. The defector testified that there were also people whose bodies were bruised and whose flesh was decayed when they left since they were beaten with a club. A North Korean defector was investigated for eight days in May 2016 at an MSS holding center (*jipkyulso*) in Samjiyeon, Yanggang Province. The defector was bruised all over his/her body after being beaten up for not admitting the fact that he/she had attempted to go to South Korea. The beating was even worse for his/her father as he lost all his teeth, and the blood vessels in his eyes burst. A North Korean defector who had been detained in Hamheung *Kyohwaso* in South Hamgyeong Province in 2016 recalled that he/she made artificial eyelashes in a work unit and was beaten on his/her legs when the work was not completed as planned. Another testimony has been collected that he/she was forced to maintain a fixed posture and was beaten with a wooden stick with a nail for making a slight movement, and suffered severe wounds on his/her back in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province. A North Korean defector who had been imprisoned in the MSS provincial holding center (*jipkyulso*) in Yanggang Province in 2018 testified that he/she was forced to remain in a fixed posture and even a slight movement, such as scratching, was not allowed. A North Korean defector, who worked in a detention center in April 2019, testified that a “person under trial” was treated the same as a prisoner and suffered cruel treatment such as maintaining a stress position. If one moves slightly as maintaining a fixed posture is so physically burdensome, correctional

officers grab his/her head and hit it against the wall and beat him/her. Another testimony has been collected that even an old person over 70 was subject to cruel treatment such as repeatedly sitting and standing if he/she did something wrong. Male detainees are said to be beaten more frequently than female detainees.

There were also cases in which MPS officers did not directly beat the inmates. A North Korean defector testified that an MPS officer even ordered a cell chief to beat other inmates in order not to touch them because they were dirty. Another testimony claimed that inmates were forced to commit self-harm, such as hitting their heads against the wall.

(3) Forced Labor

Excessive and forced labor still takes place in holding centers (*jipkyulso*). A North Korean defector testified that if a holding center (*jipkyulso*) needed labor force, inmates were imprisoned longer than the set period. A North Korean defector who had been detained in a holding center (*jipkyulso*) in Ranam District in Chongjin, North Hamgyeong Province in 2015 said he/she was mobilized for labor to produce precast pavers around 15~16 hours per day. A North Korean defector who was detained in Nongpo holding center (*jipkyulso*) in Chongjin, North Hamgyeong Province in August 2017, testified that he/she was mobilized for labor at a cement factory. Another testifier said he/she did farm work, construction work and livestock work from 5 am to 8 pm when detained in a different holding center (*jipkyulso*) in the same city.

Cases of forced labor at the training camp have also been continuously collected in labor training camps (*rodongdanryundae*). A North Korean defector disclosed that he/she was forced to engage in a very harsh labor of building a river bank with stones on a river called Hongdansu in Daehongdan county in 2013, while another North Korean defector testified that he/she witnessed a labor training camp inmate who chanted slogans while doing

construction work to build apartments at dawn in Yongseong district, Pyongyang in 2014. A North Korean defector testified that he/she was sentenced by the MPS city branch of Samjiyeon to be imprisoned in the Samjiyeon labor training camp (*rodongdanryundae*) for a month and was mobilized to perform various kinds of work including papering walls, building fences for the MPS building, hardening the ground for the city stadium in Samjiyeon and weeding. According to his/her testimony, he/she was accompanied by a supervisor whenever he/she was leaving the camp. A North Korean defector, who was imprisoned in a labor training camp (*rodongdanryundae*) in Hoeryong from February to May 2019, testified that he/she cut trees at a forestry workshop and reclaimed the vacant land in Hoeryong.

(4) Poor Nutrition, Sanitation and Health Care and Deaths

The state of nutrition, sanitation, and health care of inmates and those detained in prison camps was also found to be dreadful, resulting in many deaths in prison camps (*Kyohwaso*). Many inmates died due to a fever in Jeongeori *Kyohwaso* in the winter of 2010, and an infectious disease in Hamheung *Kyohwaso* as confirmed by a 2014 survey. A testifier who had been detained in Gaechon *Kyohwaso* twice in 2008 and 2015 said that although violence and cruel treatment decreased significantly, nothing improved in terms of nutrition, sanitation and health care within the seven-year period. Meals consisted only of lumps of corn and beans, and thus, inmates were only able to subsist by relying on food brought by their families during visitation. However, only a few inmates had families visiting them while being detained. A North Korean defector testified that he/she witnessed two prisoners die from illness, uterine cancer and spondylitis tuberculosa respectively, while serving their sentences in Hamheung *Kyohwaso* in 2016. They died without receiving any treatment as the prison camp (*kyohwaso*) did not provide medical assistance.

In addition, the state of nutrition, sanitation and health care in labor training camps (*rodongdanryundae*) still seems dire. A North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Samjiyeon, Yanggang Province in August 2016, testified that though the camp provided three meals a day, it was very difficult to endure the hunger as the detainees were only served boiled corn and dried radish soup. Another North Korean defector, who had been detained in a labor training camp (*rodongdanryundae*) in Onsong County, North Hamgyeong Province for two months from March 2015, testified that corn rice, clear soybean soup and salted dried radish soup were provided as meals.

Holding centers are no exception to the failing state of nutrition, sanitation, and health care in holding centers (*jipkyulso*). A North Korean defector, who had been detained in a holding center (*jipkyulso*) in Hyesan, Yanggang Province for a month from April 2014, testified that all he/she ate was pieces of corn as a meal and he/she was required to work even when he/she had a fever. Another North Korean defector, who had been imprisoned in a holding center (*jipkyulso*) in Hyesan in 2014, testified that corn and dried radish soup were served as meals, and as the portions were so small, all prisoners felt hungry.

The state of nutrition, sanitation and health care has not been improved much in detention centers (*guryujang*). A female defector, who had been detained in the MSS county detention center (*guryujang*) in Onsong County, North Hamgyeong Province in February 2015, testified that crusty overcooked rice, kimchi and bean sprouts were provided as meals, and as spoons were not provided, she had to make a spoon with a plastic bag. A North Korean defector, who had been in a detention center (*guryujang*) around 2018 and 2019, testified that a handful of corn and salt water were provided as meals, and the quality was so bad that even dogs would not eat them.

When inmates died from infectious diseases or malnutrition within detention facilities, the authorities did not notify their families of the death. The dead bodies were sent to their family but incinerated at Mount Bulmang (*Bulmangsan*). A testifier said that his/her mother, who was detained in Gaechon *Kyohwaso* having been sentenced to 13 years of correctional labor, died from illness in December 2014, and the prison camp (*kyohwaso*) did not hand over the body to the family but disposed of it on its own. There was an exceptional case where one died of a disease, and the family was notified of the fact and the body was delivered to the family in a labor training camp (*rodongdanryundae*). Such cases have not been reported in the case of prison camps (*kyohwaso*).

C. Political Prison Camps

The North Korean authorities run political prison camps called *kwanliso*. They have used political prison camps as a means of control to maintain the regime, which has continued even in the Kim Jong Un era. Inmates are exposed to severe and grave human rights violations to the extent that these political prison camps are deemed the epitome of human rights violations.

(1) Reasons and Cases of Imprisonment

Those who criticize the North Korean system or defame the Supreme Leader are bound to be incarcerated in political prison camps (*kwanliso*). A North Korean defector testified that he/she always spoke carefully so as not to be accused of being a ‘reactionary.’ A North Korean defector who defected in 2018 testified that those who opposed or criticized Kim Jong Un were locked up in political prison camps (*kwanliso*). Another testifier who defected in 2019 reported that those who distorted Kim Jong Un’s words or distortedly executed his orders were put in political prison camps (*kwanliso*).

Those who were caught receiving money from South Korea or making phone calls to South Korea were also sent to political prison camps (*kwanliso*). A North Korean defector testified that a 33-years-old woman in Yanggang Province was caught receiving and delivering money from South Korea in 2016, and her husband, who had been in service at a key bureau in the regime, was discharged from his position as his wife was sent to a political prison camp (*kwanliso*).

It has been identified that those who commit human trafficking are usually put behind bars of prison camps (*kyohwaso*), but those who commit organizational human trafficking or trafficking related to South Korea are confined in political prison camps (*kwanliso*). A North Korean defector testified that a woman who was in the same Women's Union with the testifier was arrested for trafficking 70 people in 2015 and sent to a political prison camp (*kwanliso*). Another North Korean defector testified that he/she heard that his/her schoolmate who lived in a border region was caught by the Ministry of State Security and sent to a political prison camp (*kwanliso*) sometime in 2015-2016 for trafficking people to China. A North Korean defector testified that a People's Unit (*inminban*) chief in Kimjongsuk County was detained in a political prison camp (*kwanliso*) for human trafficking around 2016 because he received money from South Korea in the process.

Testimonies have been collected that people were detained in political prison camps (*kwanliso*) after being caught while attempting to flee to South Korea. A North Korean defector who defected in 2018 testified that those who were caught while defecting to South Korea were put in political prison camps (*kwanliso*). Another North Korean defector who defected in 2018 also testified that those caught trying to go to South Korea were directly sent from the Ministry of State Security to the political prison camp without due process.

Testimonies have been collected that brokers helping North Korean people

defect to South Korea are sent to political prison camps (*kwanliso*). A North Korean defector testified that his/her uncle, who worked as a broker aiding North Korean defectors, was sent to a political prison camp (*kwanliso*) in 2015. A North Korean defector in his/her 50s who defected in 2017 testified that his/her sister, who was a broker for defectors, went missing after being arrested by the Ministry of State Security in 2016. The testifier said that his/her sister is assumed to have been sent to a political prison camp (*kwanliso*). Another North Korean defector testified that his/her neighbor, who was a broker for defectors, was apprehended by the Ministry of State Security for handing over the children who remained in North Korea to a Chinese broker upon request by their parents who had already defected to South Korea. The testifier said that he/she heard that the neighbor was sent to a political prison camp (*kwanliso*).

Religious activities also are subject to imprisonment in political prison camps. A North Korean defector testified that he/she heard in April 2018 that his/her relative was caught by the Ministry of State Security and sent to a political prison camp (*kwanliso*) for distributing the Bible obtained from China to North Koreans and carrying out missionary work.

It has been identified that grounds for imprisonment in political prison camps (*kwanliso*) include making phone calls to South Korea, watching South Korean movies, narcotics, engaging in human trafficking, and distributing recordings that show the reality of North Korea. A North Korean defector, whose acquaintance was sent to a political prison camp (*kwanliso*) sometime in 2015-2016, testified that calling relatives in South Korea, watching South Korean movies, narcotics and being involved in human trafficking were some of the grounds for imprisonment.

It has been identified that North Korean people are actually held in political prison camps (*kwanliso*). A North Korean defector testified that in 2013, a man in his 20s living in Bocheon County, Yanggang Province, was detained in a

political prison camp (*kwanliso*) in Myeonggan, North Hamgyeong Province for helping his family flee to South Korea. The testifier said he/she witnessed that the man was later arrested and killed after being caught escaping. Another North Korean defector testified that in 2016, a man in his 40s and his family members (mother, him, wife, and two children) living in Hyesan, Yanggang Province were found to have black money (South Korean money) and were all detained in a political prison camp (*kwanliso*) for the charge of anti-state crimes. A North Korean defector testified that his/her spouse's in-law was caught for receiving a watch in exchange for giving information about North Korea to China. According to the testifier, this was considered an act of espionage, and his/her spouse's in-law was sent to a political prison camp (*kwanliso*) in 2015. In addition, another testifier reported that he/she witnessed a local resident being sent to a political prison camp (*kwanliso*) in December 2015 as the Bible was found in his/her house.

(2) Detention Process

The legal basis and procedures for arresting suspects of political prisoners and holding them in political prison camps (*kwanliso*) are still unknown. However, it is understood that the MSS calls the shot on who to send to political prison camps (*kwanliso*) and to transfer the cases of perpetrators with offenses below the condition of political prison camps (*kwanliso*) to the Ministry of Social Security. When it comes to the punishment of political prisoners, it is believed that not only prisoners themselves but also immediate family members and relatives are sometimes subject to punishment due to guilt-by-association. A testimony indicated that when a woman and her mother were caught while defecting to South Korea in 2014, not only the woman and her mother, but also the woman's grandmother was sent to a political prison camp (*kwanliso*). There were many cases where families had been imprisoned for defecting to South Korea in the past, but the number of such cases has been on the decline as it has

become more difficult to detain an increasing number of families attempting to defect to South Korea. Testimonies have been collected that even when a whole family was imprisoned due to guilt-by-association, children were exempt from arrests. A testifier said that he/she heard that a minor of a family (presumed to be eight years old at that time) was sent to an accommodation that raises orphans. A testimony claimed that when a spouse is accused of being a political criminal, one may avoid being sent to a political prison camp (*kwanliso*) by divorcing the accused spouse.

(3) The Reality of Inmates' Human Rights

Inmates in political prison camps (*kwanliso*) are treated less than humans to the extent that they are likened to “working ants.” It has been identified that extrajudicial, summary, or arbitrary executions are carried out, and inmates suffer from excessive labor. In addition, assault and abuse are prevalent, and the state of nutrition, hygiene, and medical conditions is dismal, adding to the already immense sufferings of the inmates. It appears that family rights, one of the basic human rights, are also violated. Even parents and siblings, and husbands and wives are not allowed to stay together. Marriage and childbirth are also prohibited. Testimonies claim that husbands and wives are assigned to opposite work shifts to prevent them from having sex. From around 2015 and 2016 onwards, there has been no specific testimony by North Korean defectors on the status of human rights conditions of detainees in political prison camps (*kwanliso*), which has made it difficult to figure out the exact state of the human rights condition. However, it appears that the conditions remain largely unchanged.

However, testimonies have also been collected, which conflict with the general understanding of the human rights situation in political prisoner camps (*kwanliso*). In particular, the human rights status of No. 18 *Kwanliso* located in Bukchang County, North Hamgyeong Province (relocated to Gaecheon sometime in 2006-2007), is found to be different from that of the existing political prison camps

(*kwanliso*). This information was collected from the testimonies of three North Korean defectors who defected in 2019 and entered South Korea in 2020 after staying in total control zones with their parents. They were born in *kwanliso*, which refutes the general understanding that marriage and childbirth are prohibited in political prison camps (*kwanliso*). In addition, they testified they had attended the same school as the children of guard staffs (MPS officers) and had been educated without discrimination. They also testified that *kwanliso* had an independent judicial system and a court, a disciplinary labor center (*rodonggyoyangdae*), and a labor training camp (*rodongdanryundae*). However, it is difficult to generalize these testimonies as they were specific to No. 18 *kwanliso*.

Figure III-2 Annihilation of Human Dignity to North Korean People

Torture



Beating



Public execution



Political Prison Camp in North Korea

Forcing a fixed posture



Dire nutrition, sanitary, health care condition



Forced labor



D. Ideological and Information Control

North Korea regards ideological and information control as key elements for maintaining its regime. As a result, violations of freedom of thought and conscience, freedom of religion, freedom of expression, freedom of the press and publication and the right to access information are commonplace in the DPRK. In particular, following the strengthening of information control since Kim Jong Un took office, infringements of the right to access information have markedly increased. This leads to public executions for watching South Korean broadcasts and video recordings, torture and harsh treatment in detention and correctional facilities, and imprisonment in political prison camps.

(1) Crackdown and Punishment related to Broadcasts and Video Recordings

The North Korean authorities strictly restrict the distribution of information through videos such as illegal video recordings. In many cases, people who watch and distribute South Korean video recordings are sentenced to labor training punishment, and testimonies reporting these people are sentenced to correctional labor punishment have been steadily increasing. There were a number of testimonies indicating that those caught distributing Chinese music or video recordings are sentenced to labor training punishment, while those caught distributing South Korean dramas are sentenced to correctional labor punishment. It is said that once a person is caught during a crackdown, the authorities interrogate the person and use all means to force the person to confess who the distributor is. There was a testimony stating that being caught watching South Korean movies is punished more severely than being caught using drugs (*bingdu*). According to the testimony, the former will be sentenced to correctional labor punishment or forced deportation, or sent to a political prison camp (*kwanliso*). In particular, those who are caught with pornography

are sentenced up to 10 years of correctional labor punishment or sometimes deported. In addition, there was a testimony reporting that a proclamation was issued stating that those watching/distributing South Korean video recordings would be sentenced to death and a testimony claiming that those who are caught would be shot to death. There was also a testimony indicating that those watching South Korean dramas or video recordings would be sentenced to five years in prison in accordance with the Criminal Law which was revised in 2018. Since 2019, disciplinary actions have become even more stringent. A testimony was collected that he/she heard that a person was given seven years of correctional labor punishment for watching South Korean movies for seven hours because one hour of watching South Korean movies is subject to one year of correctional labor punishment. According to the testimony of a North Korean defector who defected in 2019, the sentence for watching South Korean video recordings is seven to ten years, but this is a lighter sentence because the punishment is getting more austere over time, such as life imprisonment or detention in political prison camps. North Korean defectors who defected in 2019 testified that if North Koreans were caught due to South Korean dramas, they went through interrogation by the Ministry of State Security, and they would even be shot to death if they were found to have professionally distributed them. This is a change from the past when the authorities turned a blind eye to watching CDs.

There are also cases where those watching/distributing South Korean video recordings avoid punishment through bribery. A North Korean defector testified that whether a person who is caught with illegal video recordings would be punished depends on whether this person could offer bribes on the spot. According to this testifier, a person who is supposed to be punished by correctional labor punishment could be released within a few days or months, and a person from a rich family could cover up the case with money. However,

a number of testimonies have been collected indicating that charges related to South Korean dramas or movies are not compromised by offering bribes. For example, a North Korean defector who defected in 2020 testified that his/her friend was caught watching a South Korean drama and was sentenced to three years of correctional labor punishment.

In addition, Group 109, a separate organization established to regulate foreign media and publications, is allowed to conduct house searches without prior notice or warrant. A North Korean defector testified that Group 109 members frequently search peoples' homes such that people are preoccupied with potential crackdowns. There were many testimonies reporting that a People's Unit (*inminban*) chief knocked on the door and MPS officers randomly visited houses to conduct home searches and crack down on impure video recordings. A North Korean defector who defected in 2019 testified that they were subject to inspections about once a month because they were a model family who conducted projects supporting People's Units (*inminban*), and Group 109 members forcibly entered if they did not open the door during crackdowns. They also testified that when people were caught, the case could merely end up being reported to the Party Committee, but in serious cases those caught would be sent to the Ministry of Social Security or the Ministry of State Security, or even expelled. A number of testimonies also claimed that they prepared North Korean videos ready to be played without delay or blocked sound and light just in case of crackdowns. Devices for viewing videos have also changed from CDs to memory sticks and mobile phone chips. While it was easier to be caught in possession of CDs in the past, one can immediately hide an SD memory card the size of a fingernail when they hear sounds from outside their door.

The level of punishment varied, including unlimited-term correctional labor punishment, labor training punishment, work at labor training camps, public execution and forced deportation. Tougher consequences were introduced

from work at labor training camps to correctional labor punishment. Compared to simple viewing, sales and distribution activities were punished more strictly. A number of testimonies were collected in 2018, reporting the level of punishment for South Korean recordings was more severe from about five years to eight to ten years of correctional labor punishment. This is presumed to be related to the enactment of the Reactionary Ideology and Culture Rejection Act in 2020 to some extent. Despite tighter crackdowns and punishments, an increasing number of North Koreans are secretly watching South Korean dramas and movies. North Korean defectors testified that they naturally compared South Korean dramas, which they described as “fantastic,” to the reality of North Korean society. They also began to contemplate what “living like a human being is” while watching South Koreans freely express their opinions and dress as they please. Defectors took note of food, clothing, and shelter, particularly houses, in South Korea, and felt as if they were trapped in cages cleaning statues and portraits of supreme leaders at home compared to South Koreans in TV dramas. When it came to their perception of South Korea while viewing South Korean dramas, a number of different opinions and insights were offered. Some claimed they did not feel that South Korea had achieved democracy and economic development, while others said they were able to increase their understanding of capitalism. In many cases, however, North Korean defectors testified that they learned about the outside world through South Korean dramas.

(2) Crackdown and Punishment related to Mobile Phones

Other restrictions are imposed for information control purposes. For example, wiretapping and security check functions are installed on mobile phones to prevent information leakage. While the number of mobile phones circulated in North Korea has increased, most of the calls made are domestic calls. North Korea has newly installed facilities producing electronic jamming

signals and officials carry wiretapping equipment with them. Moreover, surveillance of mobile phones is carried out at all times by inspectors, the Ministry of State Security and Group 109 members. There was a testimony reporting that the list of mobile phone users within a workplace must be submitted when the inspectors monitor a workplace. Both mobile and fixed-line phones are registered and managed by the Ministry of State Security. Shops are operated by the state, so only one mobile phone is allowed per person. A number of testimonies have been collected reporting that people have no choice but to use a North Korean phone as they may be immediately tracked when using a Chinese phone. A North Korean defector testified that after he/she was caught using a Chinese phone by the Ministry of State Security Bureau 111 who intercepted phone calls, the inspectors searched his/her house without a warrant, and but escaped punishment by chewing a SIM card and offering bribes in 2018. The ways in which North Korean people evade crackdowns have also diversified. Testimonies have been collected that people usually hid his/her mobile phone and went to a mountain or the top of an apartment to make brief phone calls, used WeChat installed on Chinese smartphones, or exchanged text messages and deleted them immediately.

Items subject to crackdowns on the use of mobile phones include the content of text messages and calls and media storage. Also, South Korean ringtones and text messages with South Korean style of vocabulary are subject to crackdowns. A North Korean defector whose child went to school in 2020 testified that as the number of students possessing mobile phones has increased, the school inspected students' mobile phones every morning to check if impure video recordings or South Korean songs were stored on them. Many North Korean defectors who defected in 2019 testified that crackdowns have been intensified. They are mainly carried out by MPS agents, but train crews also censor mobile phones, which makes North Koreans undergo frequent crackdowns. If a person

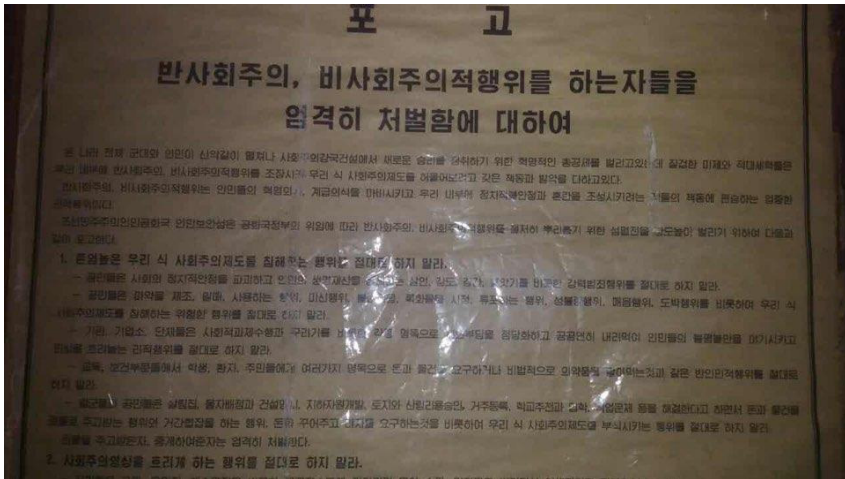
is caught three times by the Ministry of State Security using radio wave detectors, he/she would be given correctional labor punishment. If one has prohibited movies, strange Figures or prohibited entertainment stored in his/her mobile phone, MPS officers censor him/her, give him/her correctional labor punishment or send him/her to labor training camps (*rodongdanryundae*). A testifier said that since people were caught so frequently, they even said “A mobile phone or whatever is in my pocket is not mine.”

Punishments vary depending on the situation and the purpose of phone calls. A number of testifiers said they were able to have their sentences reduced or avoid punishment through bribery. The younger generation, who use mobile phones more in general, are often caught during crackdowns, and in severe cases, given correctional labor punishment, but they often cover up their cases with bribes. University students are punished at school if they are caught having non-socialist songs, videos, and paintings on their mobile phones, but rich children can get away with it with a considerable sum of money. A North Korean defector who defected in 2019 testified that he/she was sent to an MPS city/county branch after being caught by an inspector, and when he/she begged forgiveness, he/she was blatantly told to bring 100 yuan. On the other hand, people were subject to severe punishment if they were caught making remittances to China for the purpose of making phone calls with someone in South Korea and other countries or making phone calls defect to South Korea. For example, a testimony has been collected that the North Korean authorities have imposed punishment for at least one to five years for the use of mobile phones for remittance-related work as an anti-state crime since December 2015. <Figure III-3> below is the North Korean authorities’ proclamation announcing that anti-socialist and non-socialist acts are subject to strict punishment. The proclamation reads that those watching or distributing “impure video recordings,” videos containing South Korean dramas or songs, or engaging in

capitalist economic activities such as lending money and receiving interest will face strict punishment.

Figure III-3

Proclamation in the DPRK Announcing the Strict Punishment for Anti-socialist and Non-socialist Acts²⁷⁾

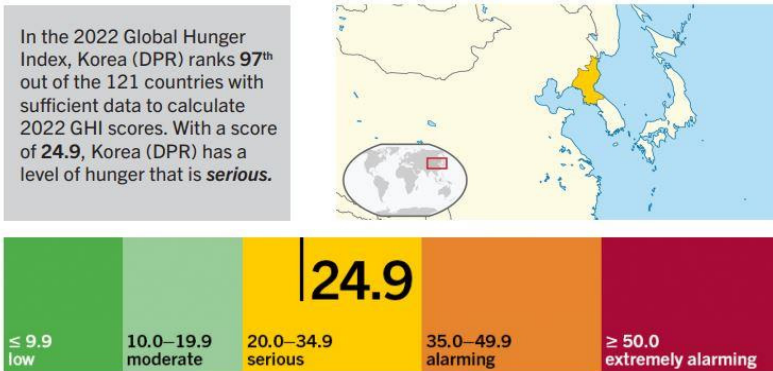


2. Economic, Social and Cultural Rights

A. Right to Food

The right to food is a fundamental right directly related to the right to life. Individuals are the agent to exercise this right, but the agent that has obligations to respect, protect and fulfill the right to food is the state. According to the International Covenant on Economic, Social, and Cultural Rights (hereinafter ICESCR), States Parties are obliged to take steps to achieve progressively the full realization of the right to adequate food and ensure for everyone under its jurisdiction access to the minimum essential food to ensure their freedom from hunger.²⁸⁾

27) Newsis, 2018.4.25. (Photo=Newsis)

Figure III-4 Global Hunger Index 2022: Korea (DPR)²⁹⁾**GLOBAL HUNGER INDEX 2022: KOREA (DPR)**

However, reports on the food situation in the DPRK published by international organizations indicated that North Koreans are not guaranteed a chance to access the least amount of food essential for survival. According to the Global Hunger Index 2022, North Korea has a level of hunger that is serious, ranking 97th among 121 states with a score of 24.9. This index shows the severity of the food situation in North Korea.³⁰⁾

In addition, according to the State of Food Security and Nutrition in the World 2022 jointly published by the Food and Agriculture Organization (hereinafter FAO), the International Fund for Agricultural Development (hereinafter IFAD), the United Nations International Children's Emergency Fund (hereinafter UNICEF), the World Food Program (hereinafter WFP) and the World Health Organization (hereinafter WHO), 10.7 million or about 41.6% of the North Korean population were undernourished between 2019 and 2021, an increase of about 2.6

28) CESCR, "General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)," para. 14.

29) Concern World Wild, *Global Hunger Index 2022*, <<https://www.globalhungerindex.org/pdf/en/2022/Korea-DPR.pdf>> (Accessed February 7, 2023).

30) *Ibid.*

million from 8.1 million and an increase of 8%p from 33.8% in 2004~2006.³¹⁾

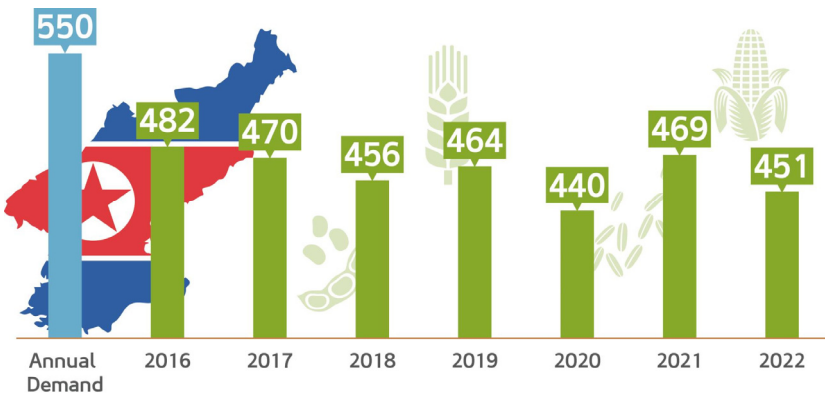
Severe starvation and undernourishment that have persisted under the Kim Jong Un era are mainly attributed to insufficient food production. However, there are other complicated factors at play that aggravate food shortages in the DPRK including unfair and unreasonable food rations, difficulties of small plot farming, a self-rescue measure to supplement unstable food rations, and failure of food production policies and excessive food requisitions by the state amid food shortages.

(1) Unstable Food Supply and Demand in the DPRK

North Korea's grain production in 2022 is estimated to be 4.51 million tons, a decrease of 180,000 tons from 4.69 million tons in 2021, and overall grain production has been on the decline since 2016. In particular, North Korea has been unable to secure food in a stable manner as grain production has fluctuated every year since 2019 (See Figure III-5).

Figure III-5 Grain Production in the DPRK: 2016~2022³²⁾

(Unit: 10,000ton)



31) Food and Agriculture Organization of the United Nations (FAO), *The State of Food Security and Nutrition in the World*, <<https://www.fao.org/3/cc0639en/online/cc0639en.html>> (Accessed February 7, 2023).

32) Compiled by the author based on data from the Rural Development Administration.

North Korea's annual grain demand is estimated to be about 5.5 million tons. Since 2016, the average production of all grains including rice, wheat, corn, and barley, is estimated to be about 4.6 million tons - a lack of about 1 million tons every year to meet its demand. One million tons of food is equivalent to the amount of food consumed by all North Koreans for more than two months, which demonstrates that North Koreans are not guaranteed the right to food due to insufficient food supplies every year.

The continued decline in North Korea's grain production is attributed to poor weather conditions, lack of oil and equipment due to sanctions, and the suspension of aid to the North due to its border closure during the COVID-19 pandemic. However, as aforementioned, the fundamental cause of food shortages in North Korea is not only related to challenges in securing food due to natural disasters and external factors, but also to internal factors, such as unreasonable and insufficient rationing, inefficient food production policies, as well as excessive food requisitions.

(2) Discriminatory and Unstable Food Rations

North Korea introduced the rationing system, in which the state systematically distributes consumer goods and food to the people, in order to address shortages in food and consumer goods during its formative years. It has since utilized the system as a major means of managing the planned economy and maintaining social control. However, according to recent testimonies by North Korean defectors, even though North Korea officially maintains the rationing system, the system has not been functioning properly as food rations are provided in a differential and discriminatory manner.

Food rations provided by the state are neither sufficient nor constant, and since the benefits are centered mainly on specific occupational groups such as party officials and MSS agents, it has not helped address food shortages suffered

by ordinary residents at all. Indeed, multiple North Korean defectors who defected in 2016 testified that distribution was not carried out regularly, but in an intermittent or temporary manner in many cases. According to a testifier, who defected from North Korea in 2019, party officials receive the largest amount, followed by the order of MSS agents, prosecutors, and MPS officers.

Ordinary residents who have not received proper food rations at the state level turn to their factories and enterprises for food rations. However, the amount of rations differs among workers depending on how much each business earns. Enterprises that provide relatively satisfactory rations include enterprises operating military supply factories and mines and those earning foreign currency. In the case of the military industry, rations are stably provided compared to factories and enterprises in other sectors because the industry serves as the basis for maintaining the North's economic system and regime. On the other hand, the quality and quantity of rations for the mining industry have declined due to food shortages and international sanctions. Regarding enterprises earning foreign currency, the rations condition seems to be relatively fine. A North Korean defector who defected in 2019 testified that his/her mother was an executive at an export factory, and his/her family was given 50kg of rice every month, which was sufficient for his/her family to live on. A North Korean defector who defected in 2018 testified that her husband was employed by a joint venture company with China, and food rations were provided regularly. The testifier said she received one container of oil (5kg) every month, and received about three cubic meters of firewood once in spring and fall.

An increasing number of testimonies have been collected reporting that except for certain enterprises including military supply factories, and businesses earning foreign currency, food rations were not provided at all or decreased in other general enterprises. A number of testimonies also reported that there was no food ration at all from enterprises. A North Korean defector who defected in

2017 testified that he/she had never heard about rations not only in his/her enterprise but also from workers of other enterprises. A testifier who defected in 2019 said he/she worked at an honored veteran's factory, and potatoes were rationed, but he/she did not take them because of the bad quality – rot with sprouts inflicting stomach aches.

Since the military is an important foundation for maintaining the regime in the DPRK, the military is granted priority in receiving rations, and the food situation of those in the military is better than that of the general population at large. However, even though the military is granted such priority, ordinary soldiers are not given sufficient food rations due to rampant corruption such as embezzlement by higher-ranking military officers. Testimonies have been collected reporting soldiers stole food from civilians due to insufficient food rations in the military. A North Korean defector who defected in 2015 testified that he ordered soldiers to steal crops or go to private houses to steal subsidiary food because otherwise one could not lead a life in the military. A North Korean defector who defected in 2018 testified that soldiers were told to steal. They were ordered to loot private houses for crops or subsidiary food. This testimony indicates that their superiors ordered soldiers to engage in stealing food from civilians.

In addition, a testimony from a North Korean defector reported that the food situation has worsened in the DPRK as its export was blocked from 2017 onwards due to sanctions, resulting in a decrease or a complete suspension of food rations. In the case of mines, there was a testimony claiming that rations were not provided as sanctions impeded the export of iron ore to China from 2017 and the export of dried mushrooms and pine nuts, doing damage to merchants. In addition, a testimony was collected that these sanctions made it difficult for North Koreans to smuggle items from China. As a result, North Korean residents have suffered shortages of rice and supplies, living a much harder life.

(3) Difficulty of Small Plot Farming

With rationing systems of the state and enterprises out of order, North Koreans cultivated various forms of small plots such as vegetable gardens and paddy fields to make up for the insufficient ration amount. They mainly cultivate corn, beans and potatoes, and vegetables such as red peppers, cucumbers and cabbage as supplementary food. In general, North Koreans use small plot farming as a way of getting food for themselves or their families, but in some cases, they use it for economic purposes, such as selling crops to marketplaces (*jangmadang*) to make a living. A North Korean defector who defected in 2016 testified that he/she used a vegetable garden to produce about a ton of corn, consumed some, and then sold the remainder in a marketplace (*jangmadang*) to buy oil and clothes. A testifier who defected from North Korea in 2019 testified that he/she planted cabbage, eggplants, tomatoes, red peppers, cucumbers, and garlic on 400-500 *pyeong* of a vegetable garden. Until 2015, the price of vegetables had been financially satisfactory, but since then, the price dropped. So, he/she was not able to earn even small amount of money. During the Kimchi-making season in the fall, he/she could make a considerable sum. This testimony indicates that small plot farming has become part of the private economy beyond a means of supplementing food shortages in the DPRK.

Multiple testimonies have been collected reporting that many North Koreans engage in small plot farming such as vegetable gardens and paddy fields, but they are not allowed to farm as they want but must pay fees for land use to the state. However, considering fees vary, including 10, 69 or 100 won per *pyeong*, it seems the state-fixed rate for such fee does not exist. In addition, securing food has become increasingly difficult as farmland available for small plot farming has decreased due to the re-forestation project that began in earnest under the Kim Jong Un regime. In particular, the state designated 2015 as the initial year of the battle for forestry restoration. A North Korean defector who defected in 2019

testified that as the tree planting campaign was launched in earnest in 2015, the food situation in the DPRK even worsened as farmlands used by the North Korean residents were repurposed for tree planting. Another North Korean defector testified that since the launch of the recent forestry revolution (a project of using mountains for tree planting and not for farming), it has become more difficult for individuals to engage in private farming and make ends meet. This testimony indicates that the North Korean authorities' forestry restoration policy has aggravated the difficulty North Koreans have in securing food. (See Figure III-6)

Figure III-6

Decrease in Mountainside Plots Due to the Forest Restoration Policy (2014/2020)³³⁾



(4) The Failure of Food Production Policy

The North Korean authorities have been operating the so-called farmland responsibility management system since 2014. This system

33) Park, Joo-won, "Climate Change PRPPRKRResponse Issues in the Forest Sector and Inter-Korean Forest Cooperation Plan," *Seminar on Joint Climate Change Response through Inter-Korean Cooperation*, (2021), as cited in: Kang, Ho-sang, "Inter-Korean Forest Ecosystem Cooperation through International Cooperation," *KEI North Korean Environment Review*, (2021), p. 31.

subdivides the existing production team system as part of a plan to reform the farmland system by modifying the management of cooperative farms. The farmland responsibility management system is designed to increase food rations by subdividing the existing team system of cooperative farms and distributing excess agricultural products at a certain rate between the state and farmers.

Testimonies from North Korean defectors indicate that the original purpose of the farmland responsibility management system was well adhered to during its initial phase, contributing to improving the right of individuals to food. However, farmland distribution became increasingly unfair over time and fertilizer was not supplied properly after distribution, while harvest targets were too lofty for farmers. As a result, many North Koreans became wary of engaging in farming activities. In addition, multiple testimonies note that even though crops were supposed to be divided by granting 30% to the state and 70% to farmers, failure to abide by this rule meant that farmers were given smaller portions. As such, these testimonies describe the ineffectiveness of the system due to corruption. A North Korean defector who crossed the border in 2019 said, “The crops were supposed to be divided by granting 30% to the state and 70% to farmers. But in reality, farmers received no more than 1%. Considering all sorts of costs such as fertilizer, oil and labor, there was virtually no distribution at all as almost farmers went emptyhanded. However, the system continued to operate in this way.” A North Korean defector who defected in 2014 also claimed, “In order to receive high quality land during the distribution of farmland by the authorities, one had to pay bribes.” Another who defected in 2019 complained that arable land was claimed by the People’s Unit (*inminban*) chiefs or team (*bunjo*) leaders, while unproductive land was given to ordinary farm workers.

(5) Excessive Food Requisitions

In addition to insufficient food supplies, the right to food in North Korea has been severely impacted by excessive food requisitions under various pretexts such as rice for the military and so-called “patriotic rice.” To begin with, North Koreans are generally obligated to submit rice to the state, and those who fail to do so in a timely manner are excluded from food rations. As such, they have no choice but to provide rice against their will. A North Korean defector who defected in 2019 testified, “It was difficult to meet the demand even if we offered all of our monthly rations to satisfy the various demands of not only the enterprise, but also the Youth League, the Workers’ Alliance, Party organizations and the People’s Unit (*inminban*).” Another defector who left the North in 2012 testified, “Although the requirements of the state are heavy, if one fails to offer rice as demanded, he/she will be excluded from the distribution of crops in the fall. After this mandatory requisition, less than a third of the rationed food is all that remains.” Such statements indicate that excessive mandatory requisitioning by the North Korean authorities has further aggravated the severity of the food situation in the DPRK.

The North Korean authorities claim that food requisitions are voluntary. However, testimonies by defectors claim that a failure to satisfy the official requisition quota leads to threats and sanctions. North Korean defectors who escaped the North in 2017 stated that they were threatened with house searches if they failed to deliver patriotic rice (*aegukmi*) - a ‘patriotic campaign to donate rice’. If they were unable to carry out their orders to provide rice for the military at the end of the year, they were instructed to buy the rice to donate. These testimonies suggest that food requisitions are far from voluntary acts by North Koreans.

(6) Natural Disasters and the Impact of COVID-19

In addition to various internal problems in North Korea including the rationing system, food production policies and mandatory requisitions, North Korea's food shortages have been further aggravated by external factors such as natural disasters and COVID-19. First of all, the foundation of agricultural output in North Korea has been significantly damaged due to frequent natural disasters such as droughts, floods and typhoons annually, while crop output and yields suffer as disaster recovery operations are carried out inadequately (See Table III-1). In order to increase food production which is in short supply, irrigation and drainage systems must be established to mitigate the damages caused by droughts or floods. However, crop production has yet to increase due to a lack of such infrastructure in North Korea.

Table III-1

The Occurrence of Major Natural Disasters in the DPRK:
2012-2021³⁴⁾

Year	Natural Disasters	Affected Areas	Damage
2012	Floods and landslides caused by Typhoon (Bolaven)	South Pyeongan Province, South Hwanghae Province, North Hwanghae Province, Gangwon Province	Casualties: 53 killed, 45 missing Farmland damage: 101,000ha
2013	Floods	Jagang Province, South Pyeongan Province, North Pyeongan Province, Gangwon Province, North Hwanghae Province, South Hamgyeong Province	Casualties: 28 killed, 18 missing Farmland damage: 13,340ha
2014	Long draught (18 months)	South Hwanghae Province, North Hwanghae Province	Farmland damage: 80% of rice paddies in South Hwanghae, Province and 58% of rice paddies in North Hwanghae Province

34) Compiled by the author based on the Korea Rural Economic Institute (2020), the COVID-19 pandemic and the trend of food supply and demand in the DPRK.

Year	Natural Disasters	Affected Areas	Damage
2015	Floods caused by Typhoon (Goni)	South Pyeongan Province, North Hwanghae Province, South Hwanghae Province, North Hamgyeong Province, Jagang Province	Casualties: about 40 killed, or missing, about 5,240 homes damaged
2016	Floods	North Hamgyeong Province	Casualties: 138 killed, 400 missing Farmland damage: 27,000ha
2017	Drought	South Pyeongan Province, North Pyeongan Province, South Hwanghae Province, North Hwanghae Province	Farmland damage: 50,000ha
2018	Drought	Gangwon Province, North Hwanghae Province, South Hwanghae Province	Farmland damage: 9,900ha
2018	Floods caused by Typhoon (Soulik)	South Hwanghae Province, North Hwanghae Province, Gangwon Province, South Hamgyeong Province	Casualties: more than 10,000 victims
2019	Floods caused by Typhoon (Lingling)	South Pyeongan Province, North Pyeongan Province, South Hwanghae Province, North Hwanghae Province	Casualties: 5 killed, Farmland damage: 46,200ha
2020	Floods	North Hwanghae Province, Gangwon Province	Casualties: 22 killed, 4 missing Farmland damage: 22,000ha
2021	Floods	South Hamgyeong Province, North Hamgyeong Province	Casualties: more 1,300 flood victims Farmland damage: 4,000ha

The ongoing COVID-19 pandemic has also had an adverse impact on the food situation in North Korea. Despite suffering from chronic food shortages, North Korea imposed a border blockade in 2020 following the outbreak of COVID-19 which completely obstructed human mobility and exchanges of goods with the outside world. As a result of the border blockade measures, trade with China was suspended leading to decreased food imports and growing difficulties when it comes to carrying out trade activities, exacerbating the country's fiscal foundation to purchase food from overseas. As COVID-19 spread across North Korea in May 2022, stringent lockdown and blockage measures were imposed, leading to restrictions of movement and greatly hampering agricultural activities as a result of difficulties pertaining to labor input. In addition, as the North Korean authorities ordered the sudden closure of the majority of marketplaces (*jangmadang*) to prevent the spread of COVID-19, residents lost their main source of income as well as places at which to purchase food and other daily necessities. With the closure of the marketplaces (*jangmadang*), North Koreans formed so-called “grasshopper markets” to trade food that are generally located on the fringes of general markets in back alleyways and roadsides to avoid crackdowns by the authorities. As these markets are frequently shutdown during crackdowns and then reopened, product prices tend to be high.

Following a steep drop of food production and transactions due to the COVID-19 lockdown, it appears that the number of deaths from hunger has surged in the DPRK. Prior to COVID-19, testimonies from North Korean defectors who witnessed incidents of starvation were on the decline. However, many people have reportedly died from starvation in Kaesong and Hamgyeong Province, underscoring the severity of food shortages in North Korea.

In response to critical food shortages, North Korea is said to have enacted the

so-called Anti-Deception Act to crack down on corruption during crop distribution. Worsening food shortages have inevitably resulted in increased corruption during the purchase and distribution of crops, such as concealing the true volume of crop harvests and crop theft by individuals. In response, the North Korean authorities reportedly discussed measures to combat corruption during the purchase and distribution of crops at a meeting of the Political Bureau of the WPK Central Committee held on September 25, 2022. North Korea's strict crop management denotes the gravity of the food crisis in the DPRK.

The North Korean authorities' border blockade measures to curb the intrusion of COVID-19 have also had an adverse impact on the international community's aid activities, resulting in a reduction of food aid. According to the WFP's Annual Food Distribution, the provision of food aid to North Korea plunged to 16,590 tons in 2020 and 6,079 tons in 2021, down from 24,841 tons in 2019 prior to the pandemic.³⁵⁾ As such, natural disasters and external factors such as the COVID-19 pandemic coupled with North Korea's domestic issues have aggravated food shortages in the country.

B. Right to Health

The Right to health, which is an indispensable and fundamental right to lead a human life, is very important not only as a right closely related to all other basic human rights such as the rights to food, housing, education, life and non-discrimination, but also as a prerequisite to enjoy these rights in society. In particular, enjoying a health life is essential as it has an impact not only on individuals' employment and education, but also on their socioeconomic status across generations.

35) *Radio Free Asia*, 2022.9.2. <https://www.rfa.org/korean/in_focus/humanitarian-09022022152614.html> (Accessed February 7, 2023).

With a view to guaranteeing the right to health, the North Korean health care system is largely divided into the right to receive medical treatment free of charge, preventive medicine and the District Doctor System. In particular, free medical care system is a socialist welfare system the DPRK is proud of, and North Korea emphasizes preventive medicine in consideration of its health and medical infrastructure.

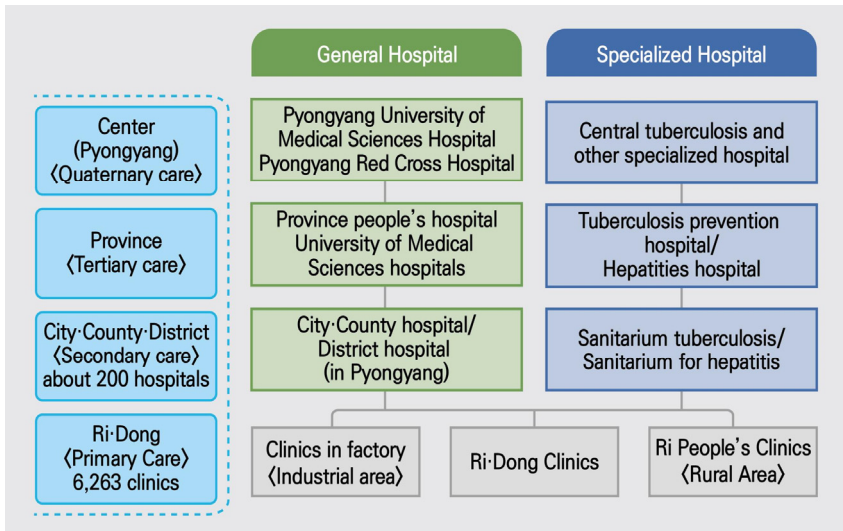
Since Kim Jong Un took office, he has been protecting the right to health for North Korean residents by emphasizing the modernization of medical institutions, improving the quality of medical services, as well as establishing a remote medical service system (telemedicine). However, the health care situation of North Koreans is still poor, and they are not living healthy life.

(1) Accessibility of Medical Facilities and Services

The right to health for North Koreans is directly affected by how conveniently they can access medical facilities and services. The key factors that determine the accessibility include whether public health and basic medical facilities are properly provided, a sufficient number of medical staff are secured, and the smooth supply and purchase of medicines are ensured.

The DPRK's public health care institutions consist of four levels—at the neighborhood and village level, and the city and county level, the provincial and direct-controlled municipality level and the central level. Hence, a patient can visit a nearby clinic or higher-level medical institutions if necessary. A North Korean defector, who had worked as a doctor in Pyongyang until 2018, testified that medical institutions range from general clinics to district hospitals, city hospitals, university hospitals and general hospitals under the North Korean health care system.

Figure III-7

North Korea's Medical Facilities and Medical Service Delivery System³⁶⁾

In terms of access to medical facilities and services, North Korean residents' accessibility to medical institutions seems to be relatively fine. In particular, primary medical institutions, which are clinics in neighborhoods and villages, are relatively small in size but easily accessible by North Korean residents as they are set up in most regions. However, secondary and tertiary medical institutions are more difficult to use depending on regions and living standards. In particular, residents living in rural or mountainous areas have much limited access to central tertiary hospitals. In particular, the North Korean authorities still use the policy of forcibly relocating residents to remote mountainous areas based on their background (*songbun*) or for political purposes. Such restrictions on the right to freedom of movement violate the right of residents to lead a healthy life.

36) Ministry of Public Health(2014); Hwang, Na-mi, "The status and recent trend of health care in the DPRK," (August 31, 2018.), as cited in: Lee, Min-joo, "The status of health care system in the DPRK," *Bio Economy Brief*, Issue 51, (Seongnam: Korea Bio-economy Research Center, 2018, 2018), p. 1.

A North Korean defector who defected in 2018 testified that there were clinics in each neighborhood and village, and another North Korean defector who defected in 2018 also said that there were clinics in his/her neighborhood where he/she went to see doctors. The testifier added that if one was in a serious condition, he/she was given a referral letter to be sent to a higher-level hospital. However, the quality of clinics appears to be quite mediocre. A North Korean defector testified, “Clinics were in each village, but doctors’ skills and medical services were poor.”

Figure III-8 Tertiary Hospital in the DPRK³⁷⁾



North Koreans consider material payment for medical services as a token of gratitude, a show of appreciation and etiquette rather than “bribery.” However, this payment is mandatory to some extent because North Koreans believe they would not receive quality medical services if they do not pay doctors. Due to the expanded marketization in the Kim Jong Un era, dependency on private

37) *Rodong Sinmun*, March 2, 2022. (Photo=*News1*)

medical services has further increased. For example, it is a common practice to provide medical staffs with some cash or treat them with meals for their troubles during treatment or surgery.

A North Korean defector who defected in 2018 said that he/she paid 200 yuan to have his/her daughter hospitalized for an appendectomy in April 2018, and additionally, he/she personally had to buy the gauze and medical gloves to be used in the hospital and provide firewood for heating. Another defector who defected in 2019 testified that he/she visited an otolaryngologist twice for ear and head pain sometime in July and August 2019 and did not pay for the treatment on his/her first visit, but paid 3,000 North Korean won as a token of gratitude on his/her second visit. According to the testifier, the doctor told him/her first that he/she must show some appreciation. A North Korean defector who defected in 2018 said that even though hospital treatment is free of charge, one needs to give cigarettes or 5~10 yuan for quicker treatment. North Korean defectors who defected to North Korea in 2019 also testified that he/she had to pay 50 yuan for the surgery of appendicitis, which frequently occurred in children, and 100~200 yuan for major surgeries such as enterobrosia to a surgeon.

It can be viewed that individuals inevitably bear these costs as the state's support for medical institutions is insufficient, and medical personnel does not receive proper wages or rations. In the absence of a medical insurance system, requiring individuals to fully bear the cost of medical services, would inevitably lead to a decrease in vulnerable groups' access to medical services. In fact, it has been confirmed from defector testimonies that patients without money would suffer more and even die as they do not receive medical services. A North Korean defector in his/her late 40s who defected in 2018 testified that a woman in her 40s who belonged to the same People's Unit (*imminban*) as him/her suffered from uterine cancer and died because she could not afford the medical cost of 300 yuan. A defector who defected in 2018 testified that one of his/her

neighbors was a breast cancer patient, and she suffered and died as she could not visit the hospital or use medicines due to economic difficulties.

Another problem is that a gap still exists in the physical accessibility to medical facilities based on one's political and social status. The primary and secondary health care systems, which are used by ordinary residents, have largely collapsed, but medical treatment departments used by officials are operating relatively well. According to a testifier who defected in 2018 claimed that there are medical treatment departments dedicated to Party officials, and doctors and nurses working there are selected based on their competency, looks and physical. Another North Korean defector who defected in 2019 testified that there are special inpatient rooms only for officials in city and provincial hospitals. North Korean defectors who defected from North Korea in 2019 testified that there were "medical care departments" called first medical care department, second medical care department, etc. in large hospitals such as city hospitals and provincial hospitals, where officials were treated. Another North Korean defector who defected in 2019 said that party officials who came to medical care departments personally brought high-quality North Korean medicines with them and received treatment.

(2) Deterioration in the Quality of Public Health Care and Increasingly Common Private Medical Practices

Despite the free medical care system in place, it appears from defector testimonies that North Koreans do not receive sufficient medical services at public medical facilities. The quality of medical services provided by medical personnel in public medical institutions is very poor. Medical workers in medical institutions are incompetent, and most medical facilities are either outdated or ill-equipped. Persistent economic woes since Kim Jong Un's reign have led to the collapse of the public health care system. Given the situation in

medical institutions, North Korean people prefer to use private health care services. If it is not a serious condition that requires surgeries, patients prefer to visit private doctors or pharmacies, which are more affordable and accessible in their neighborhood. When people are sick, need treatment or buy medicines, they also commonly visit private doctors or retired doctors.

A North Korean defector who defected in 2019 testified that North Koreans do not go to the hospital unless they need surgery, and another North Korean defector who defected in 2019 also said he/she visited a private doctor for treatment when he/she was sick, and received a checkup, and purchased medicine from the private doctor.

North Koreans prefer to see private doctors because they distrust public medical institutions due to their ineptness or outdated medical equipment. A North Korean defector who defected in 2019 testified that his/her father ran a private clinic, and he was very skilled that sometimes he cured illnesses that could not have been treated even at hospitals. The testifier said that people in the neighborhood came to his/her father instead of visiting a hospital. A North Korean defector who defected in 2019 testified that she went to a maternity hospital due to bloody vaginal discharge around 2015, and was diagnosed with pregnancy and prescribed with antibiotics even though she had menstruated several days ago. The testifier said that she lost trust on hospitals and rarely went to hospitals since then. A North Korean defector who defected in 2019 had worked as a nurse in North Korea, and she testified that doctors with many clinical experiences left their titles at hospitals and treated patients at home, who visited them by word of mouth and paid for their treatment.

In particular, North Koreans have a low trust for medical staff. One of the factors appears that the North Korean authorities failed to systematically educate medical personnel under Kim Jong Un's reign. A North Korean defector who

defected in 2019 testified that hospital doctors are poorly skilled as there is nothing given to them by the state and that many people go to private doctors because they have better skills. The testifier also said he/she believes nurses working at hospitals are also poorly skilled. Another North Korean defector who defected in 2019 testified that people's confidence in doctors' skills is low in North Korea, saying that even if one goes to medical school, he/she is often mobilized for weeding, so they think that education at medical school is provided as a mere formality and some people even purchase degrees. Indeed, a North Korean defector who defected in 2019 after working as a nurse testified that nursing schools are usually two years, but since the number of nurses is insufficient, a six-month short-term course is provided, and the testifier also became a nurse through this course.

(3) Self-reliance in the Health Care Sector and Drug Misuse

As the official medical system of that North Korean authorities is underorganized, North Korean residents tend to seek self-reliance, such as relying heavily on private medical services, as previously discussed. Under the free medical care system, medical institutions are supposed to provide medicines free of charge, but the drug supply system has not been functioning properly since the economic crisis. Thus, it has become commonplace for North Koreans to buy medicines from private homes and pharmacies. Given the situation in medical institutions, North Korean people prefer to take care of their illness with their own methods rather than visit hospitals. These methods include visiting private doctors to receive treatment and purchasing and taking medicine from pharmacies referred to by those doctors, or conducting self-diagnosis and purchasing and taking medicine from marketplaces (*jangmadang*) or private pharmacies. This trend is closely linked to the phenomenon of classification of income as marketization in North Korea spreads in the Kim Jong Un era.

A North Korean defector who defected in 2019 testified that since he/she could not afford to go to the clinic, he/she went to visit a quack doctor and a pharmacy with the doctor's diagnosis to buy medicines or treat himself or herself by buying medicines at a private pharmacy. Another North Korean defector who defected in the same year testified that he/she usually went to a hospital when he/she was sick, but only received the diagnosis from the hospital and went to a pharmacy to buy medicine and treat himself/herself.

However, private medical services such as consulting and receiving treatment from a private doctor or taking medications based on self-diagnosis also involve risks. A defector in his/her 50s who had lived in Hyesan and defected in 2019 testified that his/her daughter, who did not graduate from medical school, treated patients at home after learning from another person for 700,000 won. A North Korean defector who defected in 2015 testified that private pharmacies were run by those with money rather than those with expertise. The testifier also reported that in 2014, a person received a prescription from the 2nd People's Hospital in Hyesan, and a pharmacy run by an MPS officer's wife accidentally gave the wrong medicine, which ended up killing the person. There were testimonies that crackdowns on medical practices and medicine sales by unqualified persons have increased or strengthened in recent years. It remains doubtful how effective such measures will be.

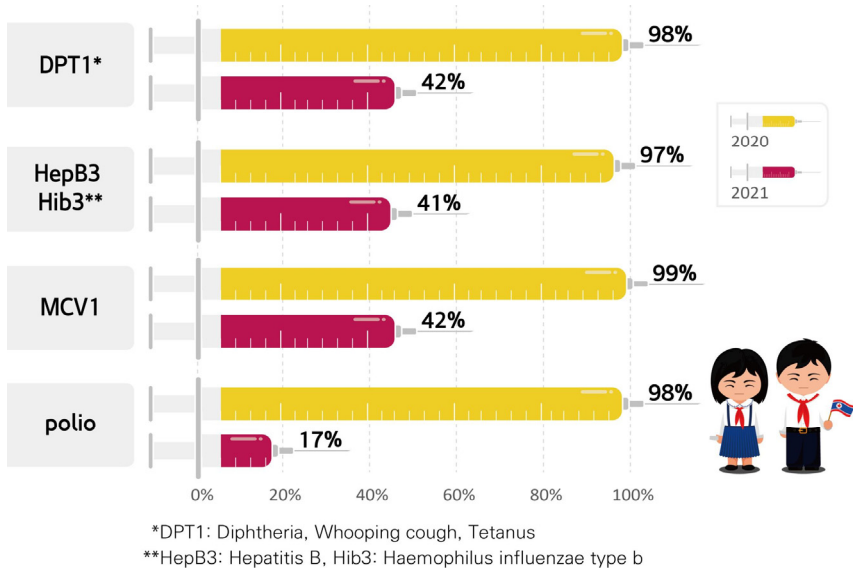
In addition, it seems that North Korean people continuously tend to use drugs (*bingdu*) and opium for treatment purposes based on incorrect medical knowledge. A number of North Korean defectors who have recently defected testified that drug use is prevalent in North Korean society.

A North Korean defector in his/her 20s who defected in 2019 testified that his/her father had kidney disease, and he used opium once or twice a month when the pain was too severe. The testifier said drugs (*bingdu*) are used not

only as painkillers but also for skincare purposes. A North Korean defector who defected in 2018 said that his/her spouse was suffering from bronchiectasis and used opium as medicine. A defector who defected in 2019 testified that his/her spouse used drugs (*bingdu*) because he/she showed the symptoms of cerebral thrombosis. A North Korean defector who defected in 2019 testified that North Koreans use drugs (*bingdu*) as antibiotics and opium as painkillers without thinking that they could be addicted to these drugs. Another North Korean defector who defected in 2019 testified that many families grow a small amount of poppy as a substitute for medicine, and that many people in their 50s or older believe that it is good for them to use opium once a month to prevent brain diseases. The testifier also said that in his/her neighborhood, drug (*bingdu*) use was so common that 70-80% of people experienced drugs (*bingdu*) at least once.

(4) The Impact of COVID-19 on the Right to Health in the DPRK

While COVID-19 had an impact on society as a whole, including North Korea's politics, society, and culture, it has had a particularly significant impact on North Koreans in terms of their right to health. One of the key pillars of North Korea's health care system is the preventive medical system. The authorities protect citizens' lives by preventing diseases before they break out, and carry out various health care projects such as quarantine and hygiene education, prioritizing the prevention of diseases rather than treatment afterwards. However, the purpose of preventive medicine is not working properly in North Korean society due to the collapse of the medical system driven by deepening economic woes and the unexpected outbreak of the COVID-19 pandemic in 2020. Of note upon the outbreak of the pandemic is that the number of vaccinations for children has significantly decreased. Insufficient vaccination in childhood due to the COVID-19 border closure would expose children to various diseases in the process of growth, adversely affecting their health going forward.

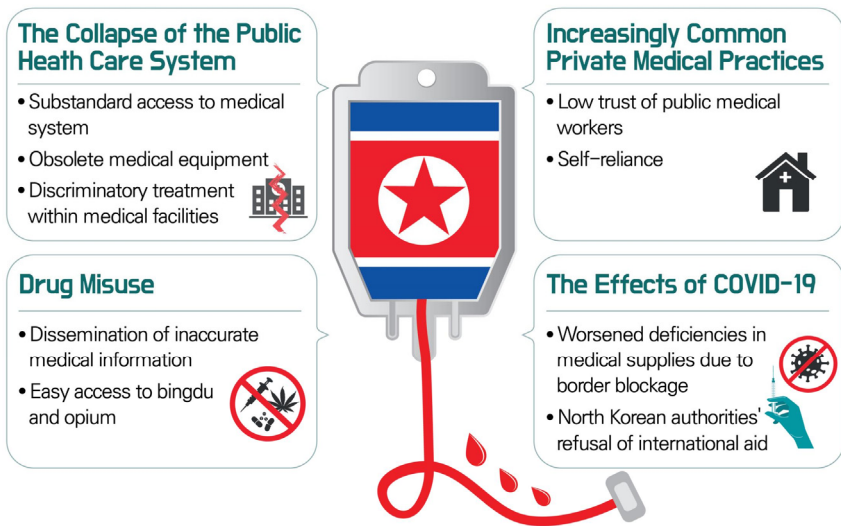
Figure III-9 Changes in Child Vaccination Rates after COVID-19

It appears that the vaccination of young children had been carried out relatively well in North Korea before the COVID-19 pandemic broke out. A defector who defected in 2019 testified that his/her child was vaccinated in 2018–2019 against diseases such as polio, tuberculosis, hepatitis, measles and typhoid at a local clinic. The WHO also reported that the vaccination rate for children in North Korea was 96–98% as of 2019.³⁸⁾ However, as the border closure continued upon the outbreak of COVID-19, it has become more difficult for the North to procure vaccines, which led to a decrease in the vaccination rate of children. According to the WHO and UNICEF in 2022, North Korea's DPT1 vaccination rate to prevent diphtheria, whooping cough and tetanus plunged from 98% in 2020 to 42% in 2021, while the hepatitis B (HepB3) and Haemophilus influenzae type b (Hib3) immunization coverage

³⁸⁾ *Ibid.*

also saw a sharp decrease from 97% to 41%, and meningococcal diseases (MCV1) coverage from 99% to 42%. The inactivated polio vaccination (IPV1) rate, which was 98% in 2020, drastically declined to 17% during the same period. The BCG vaccination for tuberculosis in children alone slightly went down from 99% to 95% during the same period.³⁹⁾

Figure III-10 Reality of the Right to Health



C. Right to Work

(1) Violation of Freedom to Choose One's Job

Article 23 of the Universal Declaration of Human Rights (hereinafter UDHR) stipulates that everyone has the right to freely choose his or her job. In North Korea, workers are not allowed to choose jobs or workspaces freely, but the

39) "Democratic People's Republic of Korea: WHO and UNICEF estimates of immunization coverage: 2021 revision," <https://cdn.who.int/media/docs/default-source/country-profiles/immunization/2022-country-profiles/immunization_prk_2022.pdf?sfvrsn=fb196045_3&download=true> (Accessed September 4, 2022.).

state assigns workers to workplaces. According to testimonies of North Korean defectors, it seems that one's will and abilities are not important factors in assigning jobs. Rather, it appears that workplace placement depends on background (*songbun*), personal connections and bribery.

A North Korean defector who left the state in 2019 testified that family background is an important factor for people to be assigned to the Prosecutors' Office, MPS city/county branches, the People's Committees and county parties and military while economic power is a determining factor for the rest of the occupations. This shows that employment in powerful institutions prioritizes one's background, and for other more general workplaces, bribery is a factor in determining whether one can be assigned to a workplace he/she prefers. However, another North Korean defector who defected in 2019 said that one can work for places they want if they pay \$2,000 to be an MPS officer, \$5,000 to be a prosecutor, and \$300 to work at a restaurant or a trading enterprise under the Kim Jong Un regime. This testimony points to the importance of bribery in landing a job in North Korea.

In North Korea, the most common example of the violation of one's right to choose his/her job is that most job placements are based on group allocation. Group allocation refers to a situation where people are forcibly and unilaterally assigned to groups, under the direction of the state and regardless of individual will, to places where there is a shortage of manpower, such as factories, coal mines and various construction sites and workplaces. School graduates and discharged soldiers have been common targets of group allocation, and they are mostly assigned to undesirable workplaces, such as mines, military supplies factories, farms and construction units. It is said that once a person is assigned to a job based on group allocation, he/she is not permitted to request placement at another workplace. That being said, one can avoid group allocation if he/she has a good background and can offer bribes.

As such, the North Korean authorities are conducting unilateral job placement without guaranteeing individual's ability and freedom of career choice according to their wishes, and it is also not easy to change jobs from deployed jobs. Even in the Kim Jong Un era, background is the most important factor for an individual to be assigned to a job he or she wants, but another inequality in job choice is increasing as the number of bribery cases to be assigned to a good job or changing jobs is on the rise.

(2) Poor Working Environment

Working conditions for workers are extremely poor, and workers are often exposed to danger. A North Korean who left the North in 2018 testified he/she wore his/her own clothes to work, and could not have expected to receive a safety helmet, and workers were required to buy every necessary safety equipment with their own money. Moreover, a North Korean defector who defected in 2019 said he/she had participated in a production unit that handled gunpowder where he/she was provided with masks and working gloves, but not a work uniform. He/she also testified that there were many cases where people developed illnesses after working for two to three years because of the harmful working environment.

Article 8 (1) of the ICESCR stipulates that State Parties must ensure the right to form and join trade unions as well as the right to strike. However, as labor unions that protect and represent the interests of workers do not exist in North Korea, basic rights for workers such as the right to organize, the right to collective bargaining and the right to collective action have not been protected. Testimonies have been collected indicating that workers' unions other than those approved by the state are banned and that people would not even try to establish one as they would be punished for it. There was also a testimony claiming that the testifier had never witnessed anyone complaining in a group about their work life throughout his/her career. As indicated, North Koreans, who are not allowed to freely

organize and join labor unions, face circumstances difficult to demand better working conditions and treatment despite being treated unfairly at workplaces.

(3) Violation of the Right to Work of Overseas Dispatched Workers

In order to understand the right to labor in the DPRK, issues related to overseas dispatched workers must be reviewed. North Korea has dispatched workers to around 40 countries including China and Russia. The reason North Korea has sent a large number of workers overseas is to earn foreign currency. The money coming into North Korea through these dispatched workers was estimated to be around hundreds of millions of dollars per year. However, the UN Security Council placed restrictions on issuing new work authorizations to North Korean workers in the jurisdiction of its Members States through Resolution 2375 adopted on 11 September 2017 as part of the sanctions against North Korea's nuclear and missile tests. It also decided through Resolution 2397 of 22 December 2017 that North Korean workers staying in the jurisdictions must be repatriated within 24 months from the date of the adoption of the resolution. Due to a series of sanctions against the DPRK, the number of overseas North Korean workers may have significantly decreased, but as North Korea closed its border due to COVID-19, a large number of workers are estimated to still stay overseas.

However, in North Korea, workers' freedom of occupation is substantially restricted as labor is in principle assigned according to the state labor supply plan. The freedom to choose one's occupation is restricted even for overseas dispatched workers. In North Korea, being dispatched abroad has been perceived as a lucrative opportunity, and thus, many North Korean residents have wished to be dispatched to overseas workplaces. However, there appears to be a tendency where such opportunity is granted mostly to those with a good family background, or particularly in the Kim Jong Un era, the ability to offer

bribes. A North Korean defector testified that most North Korean overseas dispatched workers have been either party officials or their previous place of work was in Pyongyang or other big cities. In addition, family history is usually examined up to third cousins, and in the case of married men, the wives' family is reviewed as well. In this respect, it has been identified that the opportunity to be dispatched abroad is often granted to those who have good social status and are from the middle class or above in terms of economic capacity.

Figure III-11 North Korea's Overseas Dispatched Workers⁴⁰⁾



Even though North Koreans have been dispatched overseas as they wished, they have often ended up suffering excessively long working hours, which indicated their labor rights have not been sufficiently protected. North Korean workers dispatched to overseas construction sites are often forced into excessive labor in violation of local labor regulations. A testifier who had worked at a construction site in Russia until the end of 2019 said that he/she worked from 8 am to 10 pm and could not rest on weekends. Another North Korean defector who had worked in Kuwait until 2017 testified that he/she lived a slave-like life where he/she went to work in the morning and went to bed late at night after

40) Lee, Earia *et al.*, *North Korean workers in Sakhalin, Russia* (Seoul: Korea Institute of National Unification, 2016), p. 126, p. 131.

drinking alcohol.

In addition, while overseas North Korean workers are exposed to poor working conditions, they do not seem to receive a fair amount of wages corresponding to their work. They usually receive payment including wages, from companies they belong to in North Korea, and not from overseas companies. When a North Korean company receives payment from an overseas company, the state takes 1/10, the Capital Construction Commission takes 3/10, and the overseas company takes 1/10. Thus, the wages that go to the worker is very small. There were testimonies reporting that overseas workers are not sufficiently rewarded for excessive work as they are even required to submit a substantial part of their wages as loyalty funds, Party contributions or the state planned quota. In addition, North Korean workers dispatched overseas are severely infringed on their privacy as they live in groups under the surveillance and control of the North Korean authorities, while their identification cards were confiscated throughout their stay overseas.

D. Right to Education

Article 73 of the North Korean Constitution stipulates, ‘citizens have the right to education. This right is ensured by the education system and educational policies enacted by the state for the benefit of the people.’ In addition, the Education Law, the Law on General Education and the Higher Education Law specify matters pertaining to the free compulsory education system. After Kim Jong Un came to power, North Korea enacted and amended laws and established policies in the direction of normalizing public education and improving the quality of education. In the third cycle of the UPR in 2019, North Korea reported an increase in investment in education by 8.6% of GDP as it considers education an agenda of utmost national importance. Moreover, it reported that in 2017–2018, the DPRK had established and expanded

“model schools” equipped multifunctional classrooms with multimedia devices, various laboratories and amenities, with a view to improving the quality of education.

Figure III-12

Model Schools in the DPRK⁴¹⁾

In particular, the 4th plenary session of the 8th Central Committee of the WPK in 2022 highlighted the importance of bridging the gap in educational levels between the central and peripheral regions, and between cities and rural areas.

Figure III-13

Article on the Improvement of the Educational Environment by the Rodong Simmun⁴²⁾

중앙과 지방, 도시와 농촌의 교육수준차이를 결정적으로 줄이자

○ 새 시국 교육혁명당면과 함께 우리는 중앙과 지방, 도시와 농촌의 교육수준차이를 결정적으로 줄이자는 결의에 도달했다. 지역별 교육수준차이를 줄이기 위한 사업에서 책임과 분담을 다해감으로써 달성되기를 바란다.

지역별 교육수준을 높이기 위한 사업은 우선적으로 농촌, 도서지역에 중점을 두어야 한다. 농촌지역은 인구가 적고 교육수준이 낮아 교육수준차이를 줄이기 위한 사업에서 책임과 분담을 다해감으로써 달성되기를 바란다.

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교육발달과

교육수준을 높이기 위한 사업은 우선적으로 농촌, 도서지역에 중점을 두어야 한다. 농촌지역은 인구가 적고 교육수준이 낮아 교육수준차이를 줄이기 위한 사업에서 책임과 분담을 다해감으로써 달성되기를 바란다.

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올해에도 계속 큰 힘을 넣어야 할
본보기 학교 건설

41) Rodong Simmun, 29 July 2020. (Photo=News1)

42) Rodong Simmun, January 14, 2022. (Photo=News1)

Despite additional investment in education under Kim Jong Un's reign, North Korean defectors testified that educational conditions in North Korea are still mediocre.

(1) The Gap in the Educational Environment among Regions and Schools

Availability in education means that the minimum conditions necessary for education should be met. Article 7 of the North Korean Education Law stipulates, "The State shall systematically increase investment in education and reinforce support for education by guaranteeing a smooth educational environment."

In addition, since Kim Jong Un took office, North Korea has poured in policy efforts to invest in the education sector, improving the level of amenities and educational facilities in schools to some extent, but the gap among regions and schools remains. A North Korean defector testified that such a gap appears even within schools in Pyongyang depending on the situation that individual school is faced with, and students are sometimes required to pay for the installation of computer labs and sports facilities. Another testimony reminisced that although there was a computer lab at the school, its use was limited by electricity shortage.

In addition, only about 56% of schools in North Korea are known to have water facilities, pointing to the inequality even in the level of basic drinking water and sanitation facilities among regions and schools.⁴³⁾ In fact, multiple North Korean defectors conveyed that sanitary conditions in schools were miserable, restrooms were mostly located outside of school buildings with no hand-wash basin installed. In short, even though the North Korean authorities have increased investment in education under the Kim Jong Un regime, the improvement in the educational environment has not been felt across the country yet, and the gap in educational facilities among regions and schools still

43) UNICEF, *Analysis of the Situation of Women and Children in the Democratic People's Republic of Korea*, (Pyongyang: UNICEF, 2019), p. 81.

exists. As a result, North Korean students are still educated in unfavorable academic settings.

(2) Poor Treatment of Teachers

In North Korea, teachers live in precarious conditions owing to the state's foul treatment of teachers, inflicting adverse repercussions on the overall educational environment in the DPRK. First of all, North Korean teachers often turn to small plot farming or side jobs such as after-school private tutoring due to livelihood insecurity as they receive little or no wages at all. A North Korean defector who defected in 2015 said, "Since teachers did not receive wages/remuneration, they often engaged in small plot farming work and often mobilized students for farming." A North Korean defector who defected in 2016 testified, "Parents mainly take responsibility for teachers' livelihood, and particularly, parents of class leaders and devoted parents financially supported teachers by hiring them as after-school private tutors."

Parents in North Korea tend to think that they should be responsible for teachers' livelihoods for fear of any negative impact of teachers' insecure livelihoods on their children's school life. and teachers also ask parents for money as gifts due to economic difficulties. A North Korean defector who left the North in 2017 said, "My husband was a teacher, and teachers don't receive any wages at all but receive little more than a few potatoes several times a year. So, student executives, including class leaders, are often responsible for teachers' livelihoods." Another North Korean defector said, "Because teachers had a standard of living inferior to those with other occupations, division representatives had to send 500 yuan, class leaders 250 yuan, and ideology group representatives 100 yuan to their teachers. I hired a private tutor because I thought that would be better than sending money to school." One testimony pointed that as teachers were seriously underpaid, no one was willing to be a teacher. While the regime pursues active

education policies since Kim Jong Un took office, it disproportionately focused on improving school facilities, no progress has been made in the treatment of teachers. This issue has become a major cause for the lack of quality education in the DPRK.

(3) The Discrepancy between the System and the Reality

Article 12 of the DPRK's Education Law stipulates "All citizens have the right and responsibility to receive a general secondary education." This includes one year of pre-school, five years of primary school, three years of junior middle school and three years of senior secondary school. According to North Korean authorities, they supply various material support has been provided, such as textbooks, teaching aid, educational equipment, and transportation.⁴⁴⁾

Table III-2 The Free Compulsory Education System in the DPRK⁴⁵⁾

Age	Educational Institutions		Level
15~17	Universal 12-year Compulsory Education	Senior Secondary School(3 years)	Secondary Education
12~14		Junior Secondary School(3 years)	
7~11		Primary School(5 years)	Primary Education
6		Pre-school (2 years)	Pre-school education
5			

North Korean defectors debunked that the free education system is not properly functioning. First of all, while tuition may be free, students have to pay a considerable sum of money to schools under various pretenses, piling financial burden on parents. They cover the expenses of maintenance of

44) UN Doc. A/HRC/42/10 (2019), para. 78.

45) Compiled by the author based on data from the Unification Education Center of the Ministry of Unification.

classroom facilities in the summer, firewood in the winter and frequently offer scrap iron and paper upon school's demand, further mounting financial pressure on parents. Multiple testimonies verified that those who cannot afford these expenses would be reprimanded by teachers, resulting in the absence of impoverished students. According to a North Korean defector who defected in 2017, schools are operated by selling scrap iron and paper collected by students, and those who cannot offer goods should pay in cash, and otherwise, criticism awaits them. Therefore, poverty-stricken students cannot attend school. Another North Korean defector who defected in 2019 testified since the state does not provide any supplies to schools, the onus falls on parents - purchasing school supplies or remodelling classrooms. He/she claimed that parents were deeply frustrated by this and rather wished to pay tuition and see better facilities in school. In the end, financial pressures hinder accessibility to education for economically disadvantaged students.

North Korea has strived to narrow the education gap between urban and rural areas by enacting the Distance-Learning Education Act in 2020. In reality, however, remote learning is centered on university education, and the provision of educational resources for remote learning among regions and schools varies widely. As a result, accessibility to education for children living in islands or mountainous areas is still not guaranteed.

E. Right to Social Security

Article 22 of the UDHR stipulates that everyone, as a member of society, has the right to social security. Article 9 of the ICESCR also stipulates that the States Parties shall recognize the right of everyone to social security. The right to social security is very important in keeping the human dignity of people by ensuring the state realize the social rights of people.⁴⁶⁾ In particular, the right to social

⁴⁶⁾ UN CESCR, General Comment, No. 19 (2007), para. 1.

security contributes to reducing and mitigating poverty, preventing social exclusion and promoting social cohesion.⁴⁷⁾

North Korea has codified various laws and regulations related to social security. Under the Law on Social Insurance and Social Security⁴⁸⁾ as the framework law, relevant laws have been enacted according to scopes and targets including the Public Health Law, the Law on the Protection of Elderly Persons, the Social Insurance Law, the Labor Law, the Law on the Protection and Promotion of the Rights of Women, and the Law on the Protection of Persons with Disabilities. However, not only does North Korean authorities lack the will to guarantee the right to social security, but also the state budget for social security is insufficient. Indeed, considering testimonies of North Korean defectors, it seems that the social security system in the DPRK has failed to unravel as intended.

The status and changes regarding the right to social security for North Koreans is apparent when viewed through the lens of international norms. Article 25 (1) of the UDHR stipulates that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. In this regard, the paper will shed light on the right to social security in North Korea in terms of welfare for the elderly and emergency welfare.

(1) Shift toward an Aging Society and Insufficient Welfare for the Elderly

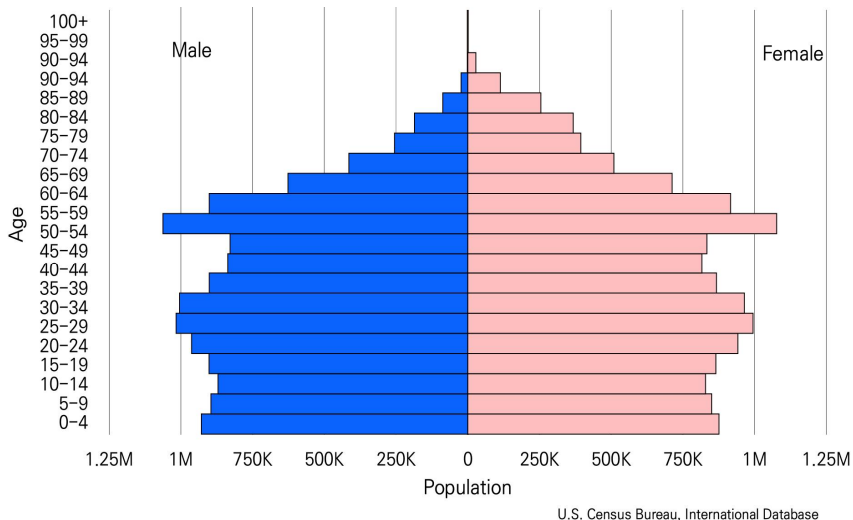
In the Kim Jong Un era, the DPRK has transitioned into a society of a low birth rate and an aging population. According to The World Factbook,

47) UN CESCR, General Comment, No. 19 (2007), para. 3.

48) North Korea adopted the Law on Social Insurance and Social Security on March 3, 2021.

compiled and produced annually by the US Central Intelligence Agency, the total population of North Korea in 2022 is about 25.99 million, and those aged 65 and older account for 9.75%.⁴⁹⁾ ‘Aging society’ is defined as a society with the population aged over 65 exceeding 7% of the whole population and a society becomes ‘an aged society’ when the share of elderly passes 14%. According to such definition, North Korea has already entered into an aging society, and is gradually moving toward an aged society. In other words, North Korea is rapidly gearing toward an aged society, beyond an aging society.

Figure III-14 North Korea's 2022 Population Pyramid (estimate)⁵⁰⁾



The advent of an aging society denotes that the state must provide various welfare benefits for the elderly population. However, social security for the elderly under Kim Jong Un's reign seems to have considerably deteriorated despite the existent institutional framework. In particular, the monthly elderly

49) CIA, *The World Factbook 2022*, <https://www.cia.gov/the-world-factbook/static/10f2d2238e7dfdbc7b69288f48026e38/KN_popgraph2022.jpeg> (Accessed February 8, 2023).

50) *Ibid.*

pension for men aged 60 or older and women aged 50 or older is a case in point. According to testimonies, prior to the Arduous March in the mid-1990s, elderly pension payments were provided for pensioners so they could maintain some standard of living in spite of the modest amount. However, after the Arduous March, the state did not issue pension payments contrary to the provisions of the law. While elderly pension payments are distributed in the Kim Jong Un era, they do not contribute much to daily lives of the elderly.

A North Korean who defected in 2019 reported that his/her grandmother received 350 won a month as a recipient of the elderly pension, an amount just enough to pay for two pieces of candy. Another North Korean who defected in the same year also testified that his father received 700 won every month, a modicum not enough to buy a meal. A North Korean defector who left the North in 2020 said seniors received 500 to 600 won a year from the community center, but since even a kilogram of rice is valued more than that, their children had to take care of them.

As such, as the elderly are implausible to sustain themselves with pensions (varying on the level of merit), the responsibility to support them falls on individuals, further deepening the social gap. In other words, since elderly pensions fall short of sustaining their lives on their own, the elderly maintain their livelihood by either financially depending on their children or by earning a small income through economic activities. Those who cannot do either seem to enter nursing homes. A North Korean defector who defected in 2018 said that her mother-in-law sold medicine in a marketplace (*jangmadang*) - as she was not able to live on her pension - and received food sent by her son. A defector who defected in 2017 testified that the elderly pension plan is only offered in a perfunctory manner and that old people must work on small farms until the day they die, unless they have children who are officials. The defector also said that those unable to work end up in nursing homes.

(2) Absence of an Emergency Response and Support System

Another key pillar of the right to social security hinges on the functionality of the emergency welfare support system, which acts as a social safety net. The emergency welfare support system should be adequately accessible at the national level for families when the breadwinner is unable to make a living for his/her family due to some unexpected misfortune - illness or death. However, this system appears to be collapsing as escalating international sanctions strained government coffers since Kim Jong Un took power.

A North Korean defector in his/her mid-40s who defected in 2017 said he/she had nowhere to turn to if he/she suddenly fell ill or faced with a crisis while doing business in the marketplace (*jangmadang*). A defector in his/her late teens who had lived in Chongjin and defected in 2019 also said that state assistance is nonexistent for households with financial woes. Some testified that there is some support, but it appears that even in such a case, the support would not be provided in a systematic manner and the scale would be insufficient.

Cash benefits must be provided for people who are ineligible to work for health reasons, and people suffering from long-term illnesses should be eligible for disability benefits.⁵¹⁾ However, it appears that in North Korea, the state does not provide adequate support for people who are not able to engage in economic activities for a long time due to illness or disability.

A North Korean defector who escaped from North Korea in 2019 claimed that his younger brother had a little limping disability due to a leg injury when he was young, but there was no state support, but rather, the state sent them to work at workplaces designated for persons with disabilities. Another testifier said that his/her father walked with a limp because he suffered from polio when he was a child and registered with the social security system after receiving a

51) CESCR, General Comment, No. 19 (2007), para. 14.

medical report from hospital. According to the testifier, his/her father did not receive any additional incentives for being disabled while working.

Under Kim Jong Un's reign, another notable change in its social policy is that various policies to encourage childbirth have been pursued to address the low birth rate. North Korean authorities are seeking to provide subsidies to multi-child families and expand childcare facilities to raise fertility rates, but various issues including the limited state budget have been stumbling blocks for these policies to produce outcomes.

North Korean defectors who defected in 2019 said the state had offered subsidies for households with five children and more, and she heard that the state has recently given small subsidies for households with three or more children. She added that in addition to state subsidies, she had received notebooks and school supplies on a regular basis. Since Kim Jong Un took office, it seems the state's social responsibility has been strengthened for children and orphans by setting up many facilities for orphans, but they have not been managed in a meticulous and systematic manner.

3. Vulnerable Groups

A. Women

The Voluntary National Report (hereinafter VNR) submitted to the UN in 2021 by the DPRK provides an overview of North Korea's attempts to revise or abolish customs and practices that discriminate against women. Specifically, the Review highlights laws and regulations that serve to "achieve gender equality and empower all women and girls" as one of the UN's Sustainable Development Goals. According to a recent survey of defectors from North Korea, women's rights have systematically improved in the country although there are still

barriers to their social advancement in certain occupations. Numerous testimonies verify that as women gain greater economic power, they have a stronger say at home while greater numbers have advanced into the informal economic sector as well as been appointed as officials in public and political sectors. Above all, testimonies state that the younger generation is becoming increasingly aware of the values of gender equality while domestic violence is on a downward trend. However, the long-standing belief of fixed gender roles and ensuing discrimination still exists in the DPRK. In particular, countryside lags behind cities in terms of outdated perception of gender discrimination and domestic violence. The closure of the North Korean border following the outbreak of COVID-19 is also bound to have a detrimental impact on the country's economy, leading to decreased participation by women in economic activities. In short, the social status of women in the North is expected to further decline as they are forced to take on heavier burdens.

Figure III-15

Enhanced Economic Status of Women as a Result of Vibrant Market (*jangmadang*) Activities⁵²⁾



⁵²⁾ Yonhap News Agency, April 14, 2019. (Photo=Yonhap News Agency)

(1) Discrimination against Women

When it comes to the status and role of North Korean women in society and at home, discrimination against women stemming from the formation of a feudalistic patriarchal order remains prevalent throughout North Korean society, creating a male-centered environment of gender discrimination. Such reality runs counter to the claims of North Korean authorities.

Particularly noteworthy, however, is that gender roles as perceived by the younger generation are gradually diverging from the views of the older generation in North Korea. According to surveys, the younger generation differs from their elders to the extent that men can no longer ignore women who serve as breadwinners. Furthermore, despite lingering stereotypes, housework is often shared between the genders. Such testimonies indicate that the perception of male dominance over women has been fading in the country, especially amongst the younger generation.

In addition, it appears that the growing participation of women in economic activities and men taking on a greater share of housework are responsible for changes in the mindset of the older generation. Although perceptions of gender equality vary from family to family, the status of women continues to be elevated as they earn a living, causing fissures in the rigid patriarchal order that permeates North Korean society. In other words, such changes are more attributable to the sharing of housework by men who rely on the economic clout of women than the expansion of social welfare infrastructure.

Above all, it is noteworthy that women are increasingly more represented in the political and public areas in North Korea after Kim Jong Un took office. North Korean defectors testified that all women with party certificates are appointed as officials, and many women serve as judges, MSS agents and MPS officers. There are an increasing number of female military officers, and

deputies of the People's Assemblies. In addition, there are many women who work as managers, heads of work units, and heads of teams (*bunjo*) at enterprises and cooperative farms. A number of testimonies have been collected reporting women can take any jobs if they have capabilities. The problem is that the discriminatory social environment against women has made it more favorable for women with looks or connections to be appointed as officials, rather than capabilities, and North Korean women themselves also have internalized gender discrimination.

Meanwhile, the increasing economic influence of women adds challenges to the oppressive patriarchal order; and wrongdoings such as extramarital affairs, alcohol abuse or violence by spouses are no longer tolerated as in the past. Indeed, some North Koreans claim that divorce has become a viable option if married life is no longer salvageable by reasons of opium addiction or drug (*bingdu*) use. An increasing number of testimonies report that since divorce requires a trial, which necessitates a great deal of money and time, couples often live together without registering their marriage while the perception that the stigma against the divorced is fading. However, the widespread perception that divorce constitutes a very difficult undertaking from both a financial and institutional perspective remains in place.

Nevertheless, women still appear to assume the dual responsibility of breadwinner and caregiver, while little has changed in rural areas when it comes to gender stereotypes and the social perception of women. In other words, gender discrimination remains prevalent in the countryside due to persisting feudalistic mentalities of gender roles in society.

(2) Violence against Women

Most North Korean defectors testified that although domestic violence is extensive in the DPRK, it is rare for the authorities to intervene due to the social

climate in North Korea that regards domestic violence as a problem to be resolved within the household. Domestic violence occurs a lot in the North due to poverty, extramarital affairs, alcohol and narcotics, and not only women but also children are exposed to such violence. It also seems that there is a deep-rooted perception in society that blames women for domestic violence and conflicts. The Women's Union that proclaims to enhance women's empowerment is also not very helpful in resolving domestic violence issues. In addition, there are no shelters for victims of domestic violence. As such, women exposed to domestic violence have not been protected by the state or society in North Korea.

However, recently, there were some testimonies claiming that cases of domestic violence have dwindled as women's economic weight and their voice within the family have bolstered. It is said that men tend to restrain themselves from using violence since the livelihood of families is made possible mostly due to women's economic activities, and women no longer tend to endure abuse but rather terminate their marriage.

However, there is a perception among people that even if women who could not withstand domestic violence decided to divorce, it is realistically difficult to do so because of the complexity and expensive cost involved in divorce process. Therefore, married couples often decide to be separated without going through the legal process for divorce.

As discussed, domestic violence is still prevalent in North Korea in general, but changes in perception of violence have been noticed across gender and age groups. Testifiers said that the younger generation regards violence as an uncivilized act and one of the factors in foregoing marriage. However, perception gap on domestic violence occurs between urban and rural areas. A woman in her 50s who defected in 2019 testified that unlike rural areas, women

wield more influence in the family in cities, so such an uncivilized means of violence is observed in fewer houses now than in the past.

Meanwhile, it is very difficult to grasp the reality of sexual violence in North Korea as sexual violence mostly occurs in secret, and victims are highly likely to be reluctant to disclose their case. In addition, there are cases where victims did not recognize sexual violence as such due to lack of awareness. There are also many cases where women experience sexual exploitation or suffer damage as a result of social structural factors although physical violence is not involved. Another problem that should be noted is the lack of sex education to prevent sexual violence. North Korean women do not sufficiently comprehend the seriousness of the issue although they themselves have experienced or witnessed sexual violence or were exposed to the risks of sexual violence.

(3) Treatment of Forcibly Repatriated Female Defectors

It has been found that North Korean authorities make no effort to address the structural causes that make female defectors vulnerable to human trafficking (i.e., the inevitability of using human trafficking as a means to cross the border) and continue to punish women who have been the victims of human trafficking. In general, the level of punishment is determined based on the length of the defectors' stay in China. It has been identified from the testimonies of female defectors who have recently defected from North Korea that the severity of punishment for forcibly repatriated female defectors has increased after Kim Jong Un came to power. A North Korean defector in her 50s who defected in 2019 said that victims of human trafficking used to be sent to labor training camps (*danryundae*), but recently they are sent to prison camps (*kyohwaso*) for five to 10 years.

In particular, border control and crackdowns on defection have been continuously reinforced alongside stricter border control from the Chinese side

since the beginning of the Kim Jong Un regime. As a result, the amount of a bribe to avoid punishment in the case of forced repatriation is skyrocketing, and it appears that the success rate of re-defection has also decreased dramatically. In addition, surveillance and crackdowns on defectors' families continue to be carried out. However, testimonies have been collected claiming that while North Koreans often fell victim to human trafficking during defection in the past, the heavier punishment by both North Korea and China for human trafficking had led to a decrease in cases of human trafficking. However, as the cost of defection soared, only those with money are able to have the opportunity to defect from North Korea. Also, since their destination is unmistakably South Korea, punishment seems to be harsher if they were found to have attempted to defect.

One of the most serious human rights violations against women conducted by North Korean authorities is the practice of forced abortions during the forced repatriation process as well as inhuman treatment in the investigation process. As criticism by the international community grew over cases where forcibly repatriated pregnant female defectors were forced to have abortions and to leave their newborn children unattended to die, North Korea is found to have allowed such women to give birth in some regions and attempted to send the newborn children to their Chinese fathers. However, there still are testimonies in which testifiers have witnessed or heard of incidents where forcibly repatriated female defectors bearing babies of Chinese men were forced to undergo an abortion in the process of repatriation.

(4) Women's Health and Maternal Health

It is well known that many North Korean women suffer from poor health conditions including malnutrition and anemia resulting from economic difficulties that have continued since the 1990s, excessive labor to support the livelihood of their families and psychological burden caused by mounting

responsibility for their families.

The North Korean Medical Law forbids abortion except in cases where the mother's life is in danger (Article 28 of the Medical Law). A number of testimonies have been collected reporting that since abortion is legally prohibited, abortion is operated at a retired doctor's home rather than at a hospital or by a visiting private doctor. In particular, unmarried women go under the operation at home not to leave a record on the hospital chart, and only married women use hospitals for abortion.

Therefore, contraception and abortion also appear to be factors that impair the health of women of childbearing age. There is little attention to medical accidents that may occur in private homes with insufficient medical equipment, and the risk of abortion is inadequately recognized. However, some testimonies reported that they have heard cases of death during abortion procedures but there are not many such cases.

Meanwhile, although childbirth is free of charge by law in North Korea, North Korean defectors testified that childbirth does incur costs. North Korea guarantees various institutionalized benefits for pregnant women to ensure maternal health care.⁵³⁾ Childbirth is free of charge, maternity leave is guaranteed for women and there are provisions in law such as one that prohibits night work by women who are pregnant or have newborn infants.

However, it appears that in reality, North Korean people still do not receive sufficient support during pregnancy and childbirth. One of the most important indicators related to maternal health is the maternal mortality rate. As mentioned earlier, in its national report submitted to the UPR in 2019, North Korea announced that its maternal mortality per 100,000 live births decreased

53) Lee, Geum-soon *et al.*, *North Korea's Right to Health* (Seoul: Korea Institute of National Unification, 2018), pp. 34~37.

from 62.7 in 2014 to 53.2 in 2017.⁵⁴⁾ It is encouraging that maternal mortality decreased by nearly 10 deaths per 100,000 in three years, but the number is still high from an international point of view. In addition, according to the *Trends in Maternal Mortality 2000 to 2020* report published by the WHO in 2023, North Korea's maternal mortality was 107 per 100,000 live births in 2020, which is significantly incongruous with North Korea's report.⁵⁵⁾ It appears that home births are attended by private doctors or unqualified midwives. However, giving birth to a child in an environment that is not properly equipped with necessary medical instruments would inevitably result in a lower emergency response rate than childbirths in hospitals. This practice is considered to be one of the factors that cause the relatively high maternal mortality rate.

Regarding maternity leave, North Korean authorities extended the period of maternity leave to 240 days from the previous 180 days in 2015 and stressed the implementation of such revision in its 2019 UPR report.⁵⁶⁾ In this regard, there were many testimonies reporting the use of maternity leave is well observed and that pregnant women are exempted from mobilization.

Lastly, it is noteworthy that there seems to be an improvement in the use of sanitary pads as the rate of using them instead of old clothes or pads made of gauze is increasing. In particular, North Korean sanitary pads used to be expensive and low in quality, but there were many testimonies claiming that North Korean sanitary pads are now about 3,000 to 5,000 won and come in fine packaging and various functions, which are even better than Chinese sanitary pads. However, it appears that using disposable sanitary pads has become essential, particularly among the younger generation living in cities in the DPRK.

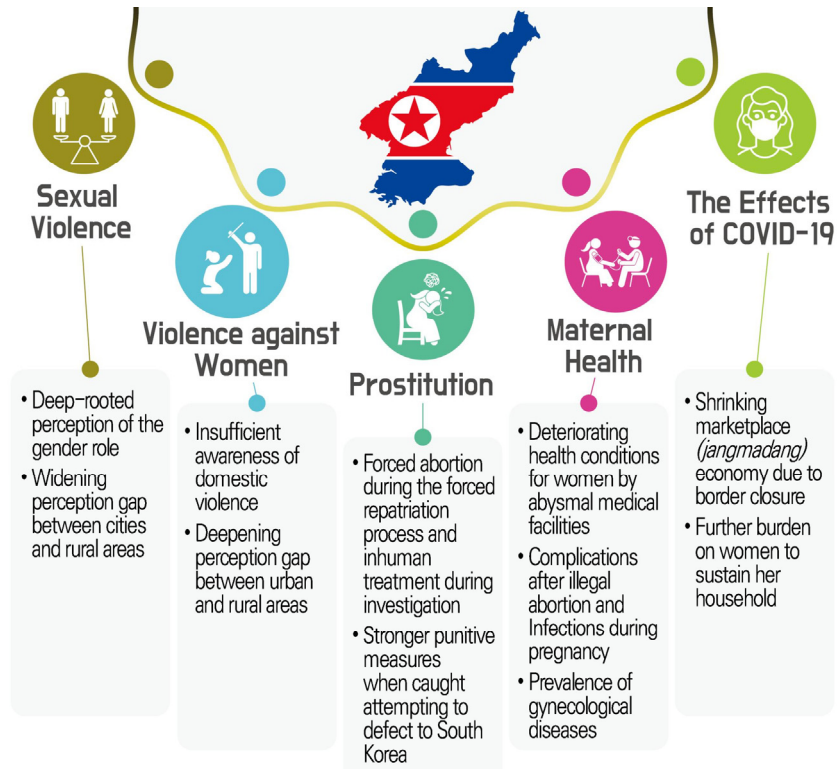
54) UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 70.

55) WHO, *Trends in Maternal Mortality 2000 to 2020: Estimates by WHO, UNICEF, UNFPA, World Bank Group, and the United Nations Population Division* (Geneva: World Health Organization, 2023).

56) UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 8.

Figure III-16

Reality of the Right to Women



B. Children

North Korea is paying attention to enhancing the right of orphans and children with disabilities by modernizing facilities for orphans such as child-caring institutions (*yugawon*) and orphanages (*aeuyugwon*) and expanding medical and rehabilitation facilities for children with disabilities.⁵⁷⁾ The North

57) In its 2021 VNR report on the implementation of the SDGs, North Korea highlighted significant progress in reducing child mortality and set a goal of reducing the mortality rate of children under 5 to less than 12 per 1,000 by 2030. DPRK, "Democratic People's Republic of Korea Voluntary National Review On the Implementation of the 2030 Agenda," The United Nations, June, 2021, p. 19, <https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf> (Accessed July 6, 2021).

appears to introduce relevant laws domestically while actively engaging in communication with the international community about the rights of persons with disabilities. However, these facilities do not appear to be uniformly beneficial to all vulnerable children. In particular, the testimony that people tend to hide their disabilities for fear of disadvantages indicates that North Korean authorities need to pay further attention to raising an awareness about disability. Meanwhile, surveys show the vaccination rate for disease prevention in North Korea has improved, but vaccination for infants and toddlers is not predicted to proceed smoothly amid the prolonged COVID-19 pandemic. As for food, although the situation is not at its worst, it has been found that a significant number of North Korean children still suffer from malnutrition. In particular, the COVID-19 blockade and North Korea's rejection of humanitarian aid by the international community are likely to cause food instability and disrupt food supply and demand in the DPRK. Meanwhile, the right of children is infringed upon as children receive excessive education on political ideology and are mobilized for political events and propaganda campaigns instead of education that cultivates a spirit of understanding, tolerance, peace, and solidarity. In particular, even though North Korea reported that child labor is prohibited by law, even primary school students are mobilized for labor.

(1) Children's Health and Welfare

In order to increase the fertility rate, North Korean authorities have promoted policies such as providing subsidies for multi-child families and expanding childcare facilities. In particular, some testified that after Kim Jong Un took office, orphanages (*aeugwon*) and secondary boarding schools have been improved thanks to sufficient national support. In addition, under Kim Jong Un's leadership, many facilities have been set up for orphans, implying the

state has partially strengthened its social responsibility for orphans.

Meanwhile, the North reported in the 2019 UPR that the state set it as the main target of the health sector to further improve the public health service to increase the average life expectancy of the population, reduce the infant mortality rate, increase the rate of assisted delivery by skilled health workers and bring other key health indices into line with those of the world's most advanced countries.⁵⁸⁾ In its 2021 VNR, the DPRK reported that between 2012 and 2020, modern health facilities were established in a modern style, including Breast Tumor Institute of Pyongyang Maternity Hospital, Okryu Children's Hospital, Ryugyong General Ophthalmic Hospital, and Ryugyong Dental Hospital, and the government started a new construction project in 2020 to build Pyongyang General Hospital.⁵⁹⁾ According to surveys conducted thus far, North Korea's vaccination rate for disease prevention appears to have been improving. However, amid the prolonged COVID-19 situation, there is a possibility that vaccinations in infants and toddlers, which have been carried out thus far, are not proceeding smoothly. North Korea's Ministry of Health has continued to carry out its infant vaccination project in cooperation with UNICEF and the Global Alliance for Vaccines and Immunization (hereinafter GAVI), but its border blockade and restrictions on the movement of people and goods due to COVID-19 have had an adverse impact on the supply and demand of essential vaccines. In particular, without COVID-19 vaccinations and stable supply of essential medicines and medical devices for the vulnerable, the health situation of North Koreans will inevitably deteriorate.

Although the situation is not at its worst, it has been found that a significant number of North Korean children still suffer from malnutrition. According to a

58) UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 35.

59) DPRK, "Democratic People's Republic of Korea Voluntary National Review On the Implementation of the 2030 Agenda", p. 18.

report by the FAO, the proportion of North Korea's malnourished population fell from 42.6% in 2018 to 43.0% in 2019 and slightly decreased to 41.6% in 2020, but 10.7 million people are still malnourished.⁶⁰⁾ The ratio of the malnourished population (41.6%) in 2020 is higher than 19.1% in Africa, 22.9% in the least developed countries, and 29.6% in low-income countries.⁶¹⁾ There is a likelihood that the COVID-19 lockdown measures put in place since January 2020 are causing food instability and disrupting food supply and demand for North Koreans who had already suffered from chronic food shortages.

(2) Right to Education for Children

Under Kim Jong Un's leadership, the DPRK pays continuous attention to institutionalizing and modernizing its education system, including the revision of its free education system. North Korea seems to actively improve its educational conditions and environment by designating and modernizing model schools and expanding multi-functional classrooms in earnest across the country.⁶²⁾

However, North Korea's educational curriculum still leans heavily towards political ideology education and focuses on idolizing the present Supreme Leader and his family. Moreover, education on political ideology is routinely carried out not only in the regular school curriculum but also in compulsory organizational life, including through the Korean Children's Union (*sonyeondan*) and Kim Il Sung Socialist Youth League. Despite North Korea's reporting that it guarantees children's right to development, children's right to enjoy rest and leisure is infringed upon in North Korea as students are mobilized for various political events or regime propaganda campaigns.

60) FAO, IFAD, UNICEF, WFP and WHO, *The State of Food Security and Nutrition in the World 2022*, (Rome: FAO, 2022).

61) *Ibid.*

62) *Korean Central News Agency*; 6 July 2022.; *Rodong Sinmun*, February 13, 2022.

Figure III-17

Celebrations of the 80th Anniversary of the Birth of Kim Jong Il / Joint National Meeting of the Korean Children's Union Organizations⁶³⁾



Meanwhile, North Korea stated that all forms of child labor are prohibited by law in North Korea, but it has been identified that children aged 16 to 17 are still enrolled in military-style brigades. Indeed, in North Korea, the junior middle school curriculum includes tree-planting, and the advanced middle school curriculum includes tree-planting and production labor. According to defector testimonies, students are frequently mobilized for various tasks after-school or during school hours in addition to the official school curriculum. Students are mobilized for weeding and rice-planting in spring and for potato-harvesting in fall. It is said that mandatory annual rural mobilization is physically demanding as it involves work that mostly starts early in the morning, and it also imposes great psychological pressure as it is mandatory. Students are also mobilized for construction work such as transporting sand and pebbles, logging, and railroad construction. Those who are ill can be exempted from participation, but it has become a custom to pay money to be excused from mobilization.

63) Korean Central News Agency, 12 February 2022. (Photo=Yonhap News Agency)

Figure III-18 North Korean Children Revamping the Road⁶⁴⁾

The Committee on the Rights of the Child has thus expressed concern that students' right to education could be severely infringed upon due to the frequent mobilization of their labor for agriculture and construction as part of their school curriculum.⁶⁵⁾

(3) Right of Children with Disabilities

North Korea pays attention to promoting the right of children with disabilities. It appears that the DPRK has enacted relevant domestic laws while engaging in active communication with the international community regarding the right of persons with disabilities. In particular, North Korea seems to work toward improving quality education for children with disabilities, such as expanding education facilities for the disabled and expanding IT infrastructure through its implementation report of the Convention on the Rights of Persons

64) *Yonhap News Agency*; November 25, 2014. (Photo=*Yonhap News Agency*)

65) UN Doc. A/HRC/WG.6/33/PRK/2 (2019), para. 87, 88.

with Disabilities (hereinafter CRPD). In its 2019 UPR report, North Korea stated that it has adopted the Regulations on Schools for the Blind and Deaf to provide relevant legal and institutional grounds.⁶⁶⁾

However, most of the North Korean defectors have never witnessed or heard of educational facilities for persons with disabilities, and no specific testimony on the operation of special classes or rehabilitation and vocational training for disabled children seems to have been collected. There were fragmented reports that a kindergarten for children with hearing disabilities has opened on the outskirts of Pyongyang.⁶⁷⁾ However, there are only 11 special schools for children with visual and hearing disabilities across North Korea. In particular, the fact that there are no such schools in Yanggang Province shows the inadequate situation of special education for children with disabilities in North Korea.

(4) The Reality of Orphans

Since Kim Jong Un came to power, North Korea has endeavored to expand and support facilities such as orphanages (*aeugwon*) and child-caring institutions (*yugawon*) for vulnerable children, including orphans. However, how much the right to education and health of vulnerable children has actually improved should be confirmed in the future. In particular, conflicting testimonies were collected on the existence of homeless orphans (*Kotjebi*). North Korean defectors who defected in 2019 testified that there were no homeless orphans (*Kotjebi*), and only about one or two in marketplaces (*jangmadang*) as the price of rice had been stable before the outbreak of COVID-19. In addition, a number of testimonies were collected that homeless orphans (*Kotjebi*) were rarely seen in their neighborhoods. On the other hand, there were testimonies reporting the number of homeless orphans (*Kotjebi*) is

66) UN Doc. A/HRC/WG.6/33/PRK/1 (2019), para. 11.

67) "North Korea opens kindergarten for hearing-impaired children," *UPI*, 1 July 2016. <<https://upi.com/6352451>> (Accessed 6 July 2021).

still high or increasing in the DPRK.

North Korean authorities are known to send homeless orphans (*kojebi*) who are caught to accommodation facilities that are also called “relief centers,” “lodging centers,” “boys’ education centers,” “lodging centers for drifters” or “protection centers” for the purpose of protecting and managing them. It has not been clearly identified how many homeless orphans (*kojebi*) are accepted into orphanages (*aeugwon*) and secondary academies for orphans and to what extent they receive care and education.

C. Persons with Disabilities

North Korea defines persons with disabilities as targets for special protection and responds to the issue of disability with forward-looking policies. In the third UPR cycle in 2019, the DPRK accepted recommendations⁶⁸⁾ from UN Member States to promote the right of persons with disabilities.⁶⁹⁾ However, negative perceptions towards persons with disabilities still exist in North Korean society. In addition, providing education and services to persons with disabilities in separate facilities has, in effect, served as a form of social discrimination. In other words, it is difficult for ordinary residents to witness persons with disabilities in their neighborhood, which make them indifferent to the disabled. While honored veterans are found to receive some benefits, those with disabilities, whose disabilities have been caused by industrial accidents or other accidents, do not seem to receive adequate levels of protection and support. That being said, there are also testimonies claiming that the overall perception of the disabled and honorary soldiers has changed in the Kim Jong Un era. However, the decline in factory operation rate due to economic difficulties in the 1990s and the prolonged COVID-19 are likely to make lives even harder for

68) UN Doc. A/HRC/42/10 (2019), para. 126.193 ~ 126.199.

69) UN Doc. A/HRC/42/10/Add.1 (2019), para. 9(a).

those with disabilities who cannot actively lead their lives in North Korean society to enjoy their rights to health, education, and labor.

(1) Reality of the Rights of Persons with Disabilities

The North Korean authorities have implemented measures for the training and rehabilitation of persons with disabilities in accordance with the Law on the Protection of Persons with Disabilities. In particular, North Korea has policies regarding care for persons with disabilities, such as operating factories where they can work, so that persons with disabilities can maintain an appropriate standard of living. Those suffering from nanocornia or polio engage in work that is not labor intensive, such as carving seals and repairing clocks, bicycles, shoes and televisions, at local convenience service centers, while some visually impaired people earn money by playing the guitar.

However, it appears that most North Koreans with disabilities do not benefit from any care or protection from the state and live with the help of their families or by begging on the street. A North Korean defector who defected in 2020 testified that there is no separate state support for persons with disabilities from Pyongyang.

Disability benefits or financial support from the state are mostly for honored veterans. In North Korea, the disabled are divided into two groups: “honored veterans,” who receive preferential treatment, and “general persons with disabilities.” There seem to be separate factories for these two groups.⁷⁰⁾ North Korea operates factories that hire honored veterans, but benefits and support for honored veterans appear to vary according to their rank. Honored veterans with higher ranks seem to receive many benefits and support while the scale of support is not significant for honored veterans with lower ranks, and such

70) *DailyNK*, 28 August 2012.; Lee, Kyu-chang *et al*, *A Study on the Promotion of Human Rights for the Vulnerable in North Korea through Humanitarian Aid* (Seoul: Korea Institute of National Unification, 2013), pp.71~72.

support is not provided consistently from year to year and differs by region. However, many testimonies were claiming that the existing support system for honored veterans does not provide actual support. In other words, support for a significant number of honored soldiers does not appear to be made in a stable manner. There were also testimonies indicating that honored veterans do not receive benefits or that they do not register as honored veterans as there were more disadvantages than advantages after registration. A defector testified that her husband did not register as a honored soldier, The testifier's mother-in-law prevented her spouse from registering because once registered as an honored veteran, the registered honored veteran's spouse would have to work for an official workplace, which would disrupt private economic activities in the marketplace (*jangmadang*).

(2) Efforts to Engage Persons with Disabilities at Home and in Local Communities

A representative case of violation of the CRPD is the segregation of persons with nanocormia, which interferes with the freedom of residence and integration into local communities. A substantial number of North Korean defectors testified that there are segregated areas for persons with nanocormia. One such area is Yeonha-ri, Kimhyeongjik County (formerly Huchang County).

Meanwhile, the most obvious case of inhumane discrimination and human rights violation that infringes upon the respect for home and the family is the sterilization of persons with nanocormia. A North Korean defector testified that in 2014, persons with nanocormia were forced to be sterilized in Onsong County, North Hamgyeong Province. A North Korean defector who defected in 2019 testified that those, who were sent to segregated areas, were forced to be contracepted by the state, not to have children. However, it was found that the number of cases of people with nanocormia having children has increased

recently following continued protests and complaints. Defector testimonies on cases of forced sterilization of persons with disabilities are on the decrease.

However, other testimonies argue that they witnessed people with nanocormia depending on where they lived. A North Korean defector from Rason, North Hamgyeong Province testified to having witnessed a person with nanocormia and a person with spinal lesions in downtown Rason in 2016. Given such testimonies, it seems that although there are some segregated areas for persons with nanocormia, not all persons with nanocormia are segregated. Therefore, it is necessary to continue to fathom, through testimonies, the accurate situation regarding the segregation of persons with nanocormia.

Another case of violation of the freedom of residence is the restriction on the place of residence of persons with disabilities. According to North Korean defectors, North Korean authorities restrict persons with disabilities from living in Pyongyang, which is a special district, and in Nampo, Kaesong and Chongjin, which are frequently visited by foreigners.

(3) The Reality of Awareness of Persons with Disabilities

North Korea is also engaged in activities to improve public awareness of persons with disabilities in accordance with the Law on the Protection of Persons with Disabilities. First, pursuant to Article 49 of the Law on the Protection of Persons with Disabilities (2013), North Korean authorities have designated 18 June as the “Day of Persons with Disabilities” in 2011 and hold celebratory events every year.⁷¹⁾ Also, since 2010, North Korea has held the “Joint Celebrations on the Occasion of the International Day of Persons with Disabilities” every year, hosted by the Central Committee of the Korean Federation for the Protection of the Disabled, to celebrate the International Day

71) *Chosun Sinbo*, June 24, 2014.

of Persons with Disabilities in Pyongyang on 3 December.⁷²⁾ North Korea has also carried out projects to raise awareness of persons with disabilities through joint sports events participated by both persons with and without disabilities. These efforts are observed in North Korea's Committee on Physical Training Guidance (November 2012), among others. Recently, table tennis matches between persons with and without disabilities have been held on a regular basis, with the number of participants increasing.⁷³⁾

There were also testimonies reporting that the overall perceptions of the disabled and honored veterans have recently changed in the DPRK. In its initial CRPD implementation report, North Korea admitted that persons with disabilities in North Korea have little access to public facilities and announced that it is planning to adopt and expand the advanced technologies needed to grant disabled people an independent but socially integrated life.⁷⁴⁾ In this regard, North Korea adopted "barrier-free architectural design standards" in 2019 under its Construction Law.⁷⁵⁾ This can be positively evaluated as part of the measures to improve accessibility for people with disabilities in North Korea. Recently, there have been efforts by the North Korean authorities to use mass media to alter public perception of persons with disabilities. A North Korean defector who defected in 2018 testified that around 2016, he/she saw a TV commercial, which showed the state's consideration for persons with disabilities. A North Korean defector also testified that since 2017 there has been an increasing number of news reports related to persons with disabilities, such as performance troupes consisting of persons with disabilities and schools for persons with disabilities. In 2019, the state media outlet Korea Central News

72) Lee, Kyu-chang *et al*, *A Study on the Promotion of Human Rights for the Vulnerable in North Korea through Humanitarian Aid*, p. 72; *Chosun Sinbo*, December 7, 2013.

73) Lee, Kyu-chang, *Ibid*, p. 72.

74) UN Doc. CRPD/C/PRK/1 (2018), para. 76.

75) *Korea Central News Agency*, December 18, 2019.

Agency actively publicized measures carried out by North Korean authorities to improve the human rights of people with disabilities during the year.⁷⁶⁾

Indeed, a North Korean defector who defected in 2018 testified that even though a disabled baby was born in Pyongyang, he/she would not be sent to local areas. A North Korean defector who defected in 2018 testified that recently, disabled people have in some ways had a good standard of living as they are good at making things and like to marry honored soldiers. The testifier said that he/she did not discriminate against or ignore the disabled, and rather he/she felt envious as they lived well. There was also testimony that disabled people lived and married better because they did not have to go to work and only made their own money.

Although this can be interpreted as a political effort to propagate the achievements of the authorities through the welfare of the disabled, it can also be viewed as a positive change considering that the mentioning of persons with disabilities itself had been avoided in the past.

⁷⁶⁾ *Ibid.*

IV

The Impact of COVID-19 on the Human Rights in North Korea



IV. The Impact of COVID-19 on the Human Rights in North Korea

North Korea closed its borders to prevent the spread of COVID-19 into the country. As part of its disease control efforts inside the country, the DPRK revised the Law on Prevention of Epidemics (22 August 2020) and enacted the Emergency Quarantine Law (22 August 2020) to restrict citizens' movements and take quarantine measures. Such measures have not only had detrimental effects on North Korean citizens' right to life, right to liberty and security of persons, and freedom of movement and residence but also deteriorated their humanitarian situation regarding their rights to health and food, as well as the human rights of vulnerable groups. The following is the findings on how COVID-19 has affected human rights in North Korea, classified into three categories: restrictions of the freedom of movement and residence, and violations of the right to life; the deteriorating humanitarian situation of North Korea; and strengthened rules and controls. However, it should be noted that the findings on human rights violations in the wake of COVID-19 are limited as the number of North Korean defectors arriving in South Korea has rapidly declined since the start of the North Korean border closure policy.⁷⁷⁾

77) The number of North Korean defectors arriving in South Korea, which was 1,047 in 2019, has been on the decline: 229 in 2020, 63 in 2021, and 67 in 2022. Ministry of Unification, "North Korean Defectors Policy: Latest Status," <<https://www.unikorea.go.kr/unikorea/business/NKDefectorsPolicy/status/latest/>> (Accessed January 31, 2023).

1. Restrictions of the Freedom of Movement and Residence, and Violations of the Right to Life

Among various categories related to human rights in North Korea, the one with specific reported numbers is deaths from COVID-19. North Korea denied that it had any confirmed cases or death from COVID-19 until late April 2022 when it first officially announced that it had confirmed deaths from COVID-19. According to reports from North Korea, 74 people lost their lives to the disease as of 10 August 2022.⁷⁸⁾

Under the revised Law on Prevention of Epidemics and the newly enacted Emergency Quarantine Law, which have been in force since the outbreak of COVID-19, North Korea adopted a three-level emergency quarantine system consisting of Level 1, Special Level, and Super Special Level, and implemented lockdowns, restrictions, containment, and quarantines.

Table IV-1 Emergency Quarantine Levels of North Korea⁷⁹⁾

Level	Situations
Level 1	Where there is a possibility that any highly virulent infectious disease may enter North Korea, making it necessary to restrict border-crossing of people, animals and plants, and goods; or where any highly virulent infectious disease has occurred in North Korea, making it necessary to take quarantine measures while restricting the movement of people, animals and plants, and goods to the affected area
Special Level	Where there is a danger of any highly virulent infectious disease entering the country, making it necessary to close the border; or where any highly virulent infectious disease has occurred inside North Korea, making it necessary to lock down the affected area and start quarantine measures

78) Korea Institute for National Unification, “Current Status of COVID-19 in North Korea,” <<https://kinu.or.kr/cms/content/view/938>> (Accessed January 31, 2023).

79) Article 3 of the Emergency Quarantine Law of North Korea.

Level	Situations
Super Special Level	Where there is a danger of any highly virulent infectious disease that has occurred in a neighboring country or region causing detrimental and destructive catastrophe to North Korea, making it necessary to close all borders including land, air and sea, and ban gatherings and school openings; or where any highly virulent infectious disease has occurred in North Korea, making it necessary to completely lock down the affected area and its adjacent areas while carrying out more intensive quarantine measures nationwide

What is worrisome is that any North Korean citizen who violates quarantine rules may face excessive criminal punishment. In general, North Korean laws state, “Any responsible member of an agency, enterprise or group and any individual citizen who has caused serious consequences to the business concerned in violation of this law ... shall be subject to administrative or criminal responsibility depending on the circumstances of the violation,” and specific punishment is imposed in accordance with the Administrative Penalty Law or the Criminal Law. By comparison, the Emergency Quarantine Law has a separate chapter on “legal liability for violations of emergency quarantine regulations” (Chapter 5) composed of 13 articles on punishment (Articles 63 ~75). In particular, the law states that any North Korean citizen who violates quarantine rules may face up to the death penalty, and the number of related articles has increased to three with the revision of the law from two when the law was first enacted in 2020.

The rights and freedom of individuals may be restricted in a state of emergency. Nevertheless, such restrictions should be permitted to the extent strictly required by the exigencies of the situation (Article 4.1 of the International Covenant on Civil and Political Rights). In light of this international human rights norm, the North Korean authorities going so far as to impose capital punishment on its citizens for failing to comply with quarantine rules is a violation of the right to life given the principle of proportionality.

Table IV-2

Death Penalty Provisions under the Emergency Quarantine Law of North Korea

Emergency Quarantine Law (newly enacted on 22 Aug. 2020)		Emergency Quarantine Law (revised on 19 Oct. 2021)	
Neglect of execution of any order, ordinance, decision or direction on emergency quarantine measures (Article 65)	Unlimited-term correctional labor punishment or death penalty for any extremely serious violation	Neglect of execution of any order, ordinance, decision or direction on emergency quarantine measures (Article 69)	Unlimited-term correctional labor punishment or death penalty for any extremely serious violation
Neglect of execution of national, land, sea and air border closures (Article 68)	Unlimited-term correctional labor punishment or death penalty for any extremely serious violation	Neglect of execution of national, land, sea and air border closures (Article 72)	
		Obstruction of emergency quarantine measures (Article 73)	

2. The Deteriorating Humanitarian Situation

At an extended plenary Cabinet meeting held virtually in June 2020, North Korea adopted an “important decision” to improve the residential environment of Pyongyang citizens and provide them with a domestic water service and vegetables.⁸⁰⁾ This is an extraordinary measure not seen before and a case symbolic of Pyongyang being not immune from the economic impact of COVID-19. This is backed by North Korean defectors who testified that they had serious financial difficulties in the aftermath of COVID-19. They testified that the price of rice rose from 3,500 to 4,000 won, and the prices of imports from China even doubled or tripled. The price of pork doubled, the price of

80) *Minzu Chosun*, 27 June 2020. The date of the meeting has not been made public.

batteries jumped five times, and domestically produced red pepper powder and imported seasonings also saw price increases. North Korea, which had been unable to overcome chronic food shortages even after the leadership transition to Kim Jong Un, is likely to have seen a greater food crisis among economically vulnerable groups and regions due to COVID-19. The news that the number of people starving to death keeps increasing in many regions including Kaesong is a testament to the severity of the impact of COVID-19 on the humanitarian situation of North Korean citizens.

COVID-19 has also affected the right to health of North Korean citizens. At the seventh session of the 14th Supreme People's Assembly held on 8 September 2022, North Korean leader Kim Jong Un announced that the authorities would administer vaccination with a sense of responsibility. Following the announcement, the National Intelligence Service of Korea reported to the National Assembly Intelligence Committee on 28 September 2022 that North Korea had conducted large-scale vaccinations at border areas. However, the spokesperson for GAVI has reportedly said that there has been no official request for the supply of COVID-19 vaccines to the COVID-19 Vaccines Global Access (hereinafter COVAX). Considering these conflicting statements, the vaccination rate is presumed to remain very low even though North Korea did implement vaccinations.

It is concerning that the most vulnerable groups in North Korea are likely to have suffered disproportionately more from COVID-19. On 17 July 2022, the OHCHR stated that North Korean citizens who had difficulty meeting basic needs including sufficient amounts of food, such as children, breastfeeding mothers, the elderly, and the residents of isolated rural areas and border areas, were in particularly vulnerable situations. Some analysts said the social status and position of North Korean women, once enhanced by their role as breadwinners earning a living from the marketplace (*jangmadang*), is declining again with the

impact of COVID-19 movement restrictions on the marketplace business.

In addition to COVID-19, the North Korean authorities are also to blame for the deteriorating humanitarian situation in the DPRK. They refused the vaccine and other humanitarian support offers from international humanitarian groups and organizations. In their resolutions on human rights in North Korea adopted after the outbreak of COVID-19, the UN Human Rights Council and the General Assembly recommended that North Korea allow humanitarian organizations to resume their activities by reopening its national borders and cooperate with COVAX.⁸¹⁾

3. Strengthened Rules and Controls

On January 28, 2020, North Korea switched to a national emergency quarantine system from a sanitary quarantine system, which will last until any risk of COVID-19 infections will disappear. Following the transition, on January 29, 2020, a Rodong Sinmun article emphasized that the campaign to prevent the spread of COVID-19 should be regarded as an “important political matter where the country’s existence is at stake.” At an extended emergency meeting of the Political Bureau held on 26 July 2020, North Korea elevated the national emergency quarantine system to a maximum emergency system. Presumably, behind such North Korea’s response to COVID-19 as a matter directly related to the existence of the state, rather than a mere healthcare issue, lies the intention to prevent the combination of movement restrictions, quarantines and their effects on the marketplace and economic activities, and worsening food shortages from becoming a source of the people’s grievances and the regime’s instability. This can also be presumed from state media reports and Kim Jong Un’s statements reiterating the severity of the COVID-19

81) UN Doc. A/HRC/RES/49/22 (11 April 2022), para. 2; UN Doc. A/RES/76/177 (January 10, 2022), para. 18.

situation and creating a sense of urgency from the early days of the outbreak.⁸²⁾ For instance, through the state-run media outlet,⁸³⁾ the regime said, “It would constantly strengthen controls … to ensure the effectiveness of the campaign designed to keep the people’s sense of urgency heightened for the prevention of the pandemic,” while tightening discipline within the WPK through punishment and reshuffles of officials, calling for the realization of a unitary leadership.⁸⁴⁾ For example, while chairing the 2nd extended Political Bureau session of the 8th Central Committee of the WPK held on June 29, 2021, Kim Jong Un reshuffled the Cabinet after pointing out the negligence of officials in executing the Party’s important decisions to cope with the prolonged pandemic, causing serious events which led to a grave crisis in the safety of the country and people.⁸⁵⁾ On September 14~15, 2022, the “National Conference of Judicial Officers” was held for the first time in five years⁸⁶⁾, and the Korean Central News Agency reported on the conference, saying “The Conference has ensured that a revolutionary law-abiding spirit takes root across the country and significantly strengthened the present observance of the socialist laws.”⁸⁷⁾ The report added that Chairman of the Standing Committee of the Supreme People’s Assembly Choe Ryong Hae put an emphasis on the need to “wage a law-based battle to wipe out anti-socialism and non-socialist acts.” In its 2021 report, the EU notes that the North Korean authorities have been tightening their grip on the people by limiting their market activities and information access through border closures and travel restrictions.⁸⁸⁾ Human Rights Watch

82) Kim, Ho-hong and Park Bora, *How North Korea has taken advantage of COVID-19 to strengthen its regime*, (Seoul: Institute for National Security Strategy, 2022), pp. 10~12.

83) *Rodong Sinmun*, 3 May 2021.

84) Kim Ho-hong and Park Bora, *How North Korea has taken advantage of COVID-19 to strengthen its regime*, pp. 12~15.

85) *Rodong Sinmun*, 30 June 2021.

86) Judicial officers refer to officials and other staff engaged in judicial affairs at the Prosecutor’s Office, courts, etc. The latest National Conference of Judicial Officers is one held for the first time in five years since the last conference in October 2017.

87) *Korean Central News Agency*, 16 September 2022.

observes in its *World Report 2023* that North Korea is using COVID-19 to crack down on human rights.⁸⁹⁾

Figure IV-1

North Korea Poster Emphasizing Absolute Compliance with Quarantine Measures⁹⁰⁾



88) EU, *EU ANNUAL REPORT ON HUMAN RIGHTS AND DEMOCRACY IN THE WORLD 2021 COUNTRY UPDATES* (2021). p. 198. "... The measures appeared also to be part of a strategy to strengthen the authority of the State by further restricting access to information and the ability to engage in the unofficial market transactions on which much of the population depends for its livelihood."

89) Human Rights Watch, "North Korea: Covid-19 Used to Crush Rights," 12 January 2023, <<https://www.hrw.org/ko/news/2023/01/12/north-korea-covid-19-used-crush-rights>> (Accessed 5 February 2023).

90) *Korea Central News Agency*, 23 May 2022.

V

Conclusion



V. Conclusion

Since the Kim Jong Un regime came into power, the international community has continued to strengthen efforts to investigate those responsible for human rights violations in the North following the publication of the COI report. In particular, the UN, the EU, and the UK have all imposed sanctions on North Korean institutions and individuals for human rights violations. By referring to its national sovereignty and autonomy, the DPRK strongly condemned such moves as insults to its supreme dignity, attempts to overthrow its regime as well as challenges to its sovereignty. In 2019, North Korea enacted the Law on Countermeasures, which labeled the act of defaming the dignity of the Republic as the first type of unfriendly behavior. The North introduced a charge of defaming the dignity of the Republic through a revision of its Criminal Law in 2015. Both the international community and North Korea recognize information distribution as a crucial issue. The international community has therefore emphasized the inflow of external information into North Korea with a view to enhancing North Korea's right to access information. On the other hand, North Korea continues to strengthen ideological and information controls. Meanwhile, the international community is striving to promote North Korean human rights through humanitarian aid and development cooperation. The DPRK has selectively accepted and cooperated with the international community on a case by case basis when it comes to human rights issues, particularly for vulnerable groups such as women, children, and persons with disabilities.

According to testimonies, public executions still exist in the DPRK, but are gradually being replaced by executions in secret under the Kim Jong Un regime. It is presumed that this change has been instituted by the North

mindful of the international community's attempts to raise the issue of public executions. Testimonies also indicate that torture and abuse cases still occur, but have been on a downward trend in detention and correctional facilities throughout the Kim Jong Un era. This development also appears to have been made by the North in consideration of the international community's efforts. Nevertheless, it is hasty to generalize these improvements to the overall human rights conditions in North Korea. As the North Korean authorities tighten control over its people, torture and inhuman treatment in detention facilities are likely to have worsened. A testimony by a North Korean defector confirmed that the North still operates political prison camps. In the case of No. 18 Kwanliso, testimonies indicate that childbirths and education were available, while a judicial system was in place. That being said, it is difficult to generalize this as being the case across the entire political prison camp. The North also imposes crackdowns and penalties on broadcasts and video recordings as well as the use of mobile phones for ideological and information control. Bribes help cover up transgressions, but mobile phone use for the purpose of viewing and distributing South Korean broadcasting and recording materials as well as attempting to defect to South Korea is subject to severe punishment.

Undernourishment still persists under the Kim Jong Un era due to the continued food shortages. In addition to insufficient food production every year, various other factors aggravate food shortages including unfair and unreasonable food rations, difficulties of small plot farming, which North Koreans turn to in order to supplement unstable food rations, and inefficient food production policies as well as excessive food requisitions by the state. Under these circumstances, the right to food for North Korean residents has not been adequately protected.

Since Kim Jong Un took office, North Korea appears to have made efforts to

protect the right to health for North Korean residents by pursuing the modernization of medical institutions, improving the quality of medical services, as well as establishing a remote medical service system. However, the health care situation in the DPRK is still poor as its public health care system has almost collapsed. In particular, there is a gap among North Koreans in terms of their accessibility to health care services depending on their political and economic power. In addition, as the import of vaccines and other medicines has been blocked due to sanctions against the DPRK and COVID-19, North Koreans have not been guaranteed the right to live a healthy life.

Under the Law on Social Insurance and Social Security as the framework law, North Korea has legislated various relevant laws according to scopes and targets. However, not only do North Korean authorities lack the will to guarantee the right to social security, but also the state budget for social security is insufficient. As a result, North Korea's social security schemes such as the elderly pension system and the emergency welfare support system have not been working properly in reality.

Under Kim Jong Un's reign, North Korea has strengthened its policy efforts to promote education. However, an adequate environment has not been created where students can receive high-quality education due to the wide gap in the educational environment among regions and schools, as well as the poor treatment of teachers. In addition, although North Korea adopted the free compulsory education system, the reality is still different from what the system pursues as education expenses are often passed on to parents.

In North Korea, workers' rights have not been adequately guaranteed as people are not allowed to choose their occupation, and the working environment is still so dire. In particular, they need economic power or foundation (background) to offer bribes in the selection process to become

overseas dispatched workers, and even if they are dispatched overseas, their labor rights are often violated due to excessive working hours and unfair wage systems.

Regarding women's rights, the VNR submitted to the UN in 2021 by the DPRK provides an overview of North Korea's attempts to revise or abolish customs and practices that discriminate against women. However, the long-standing belief in fixed gender roles and ensuing discrimination still exists in the DPRK. In particular, rural areas lag behind cities in terms of outdated attitudes toward gender discrimination and domestic violence. The closure of the North Korean border following the outbreak of COVID-19 is also bound to have a detrimental impact on the country's economy, leading to decreased participation by women in economic activities.

Under Kim Jong Un's leadership, North Korea has paid attention to modernizing facilities for children and promoting their rights, but not all areas have equally benefited from these measures. In particular, since the international community's support for North Korea has been suspended due to the COVID-19 border closure, it is presumed that children are suffering from malnutrition due to the unstable food supply and demand. In addition, the right of children is infringed upon as children receive excessive education on political ideology and are mobilized for political events under Kim Jong Un's reign. In addition to such human rights conditions in the DPRK, North Korea's human rights policy, especially around 2020, has posed a challenge to the improvement of human rights in the country since Kim Jong Un came into power. The regime's contradictory attitudes and realities when it comes to its human rights policy require a complex and multifaceted approach to resolving ongoing problems. It is essential to continue efforts to identify those responsible for human rights violations and ensure information distribution while working with the North Korean authorities to devise measures to improve human rights

and humanitarian challenges for North Korean citizens. It is also necessary for the international community to accurately determine the impact of the COVID-19 pandemic on North Korean human rights.

In the **Kim Jong Un** Era

Are Human Rights in North Korea Improving?



Korea Institute for
National Unification