



**UPR Submission  
Democratic People's Republic of Korea (DPRK)  
September 2013**

## **Summary**

Human rights conditions in the Democratic People's Republic of Korea (DPRK) remain so dire they are *sui generis* (in their own category, according to a former special rapporteur). The transition of leadership from the late Kim Jong-Il to his son, Kim Jong Un, in late December 2011 has resulted in no appreciable change in the DPRK's systematic violation of human rights. Despite rights guarantees in the DPRK constitution, the government does not respect civil and political rights, and organized political opposition, independent labor unions, free media, or civil society organizations do not exist. There is no freedom of religion.

Arbitrary arrest and detention, lack of due process, torture and other mistreatment remain serious concerns. The DPRK runs large political prison camps – the *kwan-li-so* – where hundreds of thousands of its citizens, including children, are enslaved in deplorable conditions. Periodically, the DPRK publicly executes individuals for stealing state property, hoarding food, engaging in smuggling of contraband products, and other "anti-socialist" crimes.

The DPRK is a party to four main international human rights treaties: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. However, in 1997, the DPRK sought to withdraw from the ICCPR and but was informed it could not because the treaty in question does not contain a withdrawal provision.

The DPRK record of cooperation with UN human rights mechanisms is arguably among the worst in the world. The DPRK refuses to recognize resolutions on the human rights situation in North Korea adopted by the UN Human Rights Council and the UN General Assembly. The DPRK also rejects the appointment a UN special rapporteur on human rights in the DPRK, stating in correspondence dated January 28, 2013, from the Permanent Mission of the DPRK to the President of the Human Rights Council that the DPRK "categorically rejects the 'Special Rapporteur' and the 'resolution' on the establishment of the mandate of the Special Rapporteur."

Since the establishment of the mandate, neither special rapporteur has ever been permitted to visit the country. The DPRK has also acted in contravention of procedures of the Universal Periodic Review (UPR) process by declining at the time of the adoption of its UPR outcome report in March 2010 to inform the Human Rights Council which recommendations enjoyed its support.

Pyongyang has also refused permission for the Commission on Inquiry (COI) established by the Human Rights Council in March 2013 to enter North Korea, and a government spokesperson attacked the testimony received from witnesses by the COI in Seoul as "slander."

## **Persons Fleeing North Korea**

Since the mid-1990s, hundreds of thousands of North Koreans have crossed into China and over 25,000 have successfully reached South Korea. Those fleeing have a variety of rationales, including escaping political and religious persecution, fearing surveillance and re-arrest after release from forced labor camps, avoiding economic deprivation and food shortages, or seeking to reunite with relatives who have already fled the country. Other North Koreans travel back and forth between North Korea and China, conducting licit and illicit cross-border trade with the connivance of corrupt DPRK officials yet also fall afoul of the authorities.

In the DPRK, leaving the country without state permission is considered an act of treason, punishable by lengthy prison terms. Those captured crossing the border or forcibly returned from China to North Korea face interrogation under torture and imprisonment in forced labor camps. Any indication that a North Korean citizen had contact with South Korean citizens or organizations can result in severe punishments, including imprisonment *kwan-li-so* and *kyo-wah-so* camps, or even the death penalty. Even some children who have crossed the border without permission have been subjected to detention and severe ill-treatment upon return. The resulting well-founded fear of persecution upon return turns many North Koreans in China and elsewhere into refugees *sur place*.

Since taking power at the end of 2011, Kim Jong Un has presided over a major crack-down against North Koreans seeking to flee the country. His government announced that during the 100-day mourning period for his father, anyone trying to cross the border illegally would be shot on sight.

Efforts to tighten control at the DPRK-China border has reduced what was a torrent of North Korean defectors, escaping with their stories and insights into the world's most closed country, because it has become much more difficult to run the gauntlet from the North Korea border through China, and down to Laos and into Thailand from where North Koreans are deported by Thailand to South Korea. In a sign of the tightening, in May 2013, the DPRK persuaded the Lao People's Democratic Republic to arrest nine young North Koreans, at least five of whom were children, and forcibly return them to North Korea to an unknown fate.

China categorically labels all North Koreans as illegal economic migrants and routinely arrests and repatriates them, violating its non-refoulement obligations as a state party to the 1951 Refugee Convention and its 1967 Protocol and to the 1987 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment not to repatriate anyone who is likely to face persecution, torture or ill-treatment upon return.

The trafficking of North Korean women and girls to China persists, especially near the border. Victims are persuaded to travel to the border, either to escape North Korea, or to seek economic opportunities, and then are abducted or duped into marriage, forced labor or sexual exploitation. Some North Korean women are forced to live with Chinese men in long-term de facto marriages, though they lack legal resident status and remain vulnerable to arrest and repatriation at any time, even if they have had children with Chinese men.

Among those forcibly returned, North Koreans who have had contact with Christian missionaries or converted to Christianity while in China are known to receive harsher punishment. Since the foundation of the DPRK, the government has persistently persecuted religiously active people, typically categorizing them as "hostile elements."

## **Punishment for Activities Protected under International Human Rights Law**

A wide variety of activities that North Koreans engage in to exercise basic human rights—from feeding their families to learning about the outside world—are treated as crimes by the government.

Human Rights Watch found that North Koreans are arrested and punished for ordinary actions that would be considered within anyone's rights in a democratic society, among them travelling internally without a permit, violating restrictive travel permits, engaging in private trading activities, using mobile phones to call overseas, or selling or even watching DVDs and CDs containing unauthorized content such as music and drama shows from China and South Korea.

The North Korean government regularly arrests, abuses, tortures, and imprisons citizens for a variety of economic “crimes” which are often no more than attempts to engage in private economic activity to support livelihood and basic rights to food, clothing and shelter.

The 2004 criminal code contains a chapter on “Offenses against the Management of the Economy” that criminalizes a wide swath of economic activities, including engaging in “illegal commercial activities, therefore gaining large profits” (articles 110 and 111) and “illegally giving money or goods in exchange for labor” (article 119). These restrictions, when combined with other parts of the law that criminalize violations of trade and impose foreign exchange controls, allow the North Korean government to prosecute people for conducting almost any private economic activity.

While private economic activities are carried out openly in many parts of the country, farmers and traders risk arbitrary arrests and crackdowns, opening them to abuse, extortion, and imprisonment. As one long-time trader who succinctly described it to Human Rights Watch, “Doing a business is considered as a crime, regardless of the kind of business.”

Movement within the country without appropriate government-issued permits is also a criminal offense. Permits are required to leave one's home area and move internally within North Korea or to leave the country. One North Korean woman explained what happened to her after she was arrested trying to cross the Tumen River into China. “I was tied up, stripped and searched, and taken to a military camp ... the soldiers cursed and swore, and beat and kicked us with their hands and feet. They also used a wooden club to beat us ... They yanked my hair and slammed my head into the brick wall. For ten days, I was unable to open my eyes because of the injuries.” She was finally sent to perform forced labor at a *ro-dong dan-ryeon dae* (labor training center) before bribing her way out.

The government of North Korea has not been able to provide an adequate standard of living through state benefits to all its citizens, and indeed has reduced subsidized goods and services over the years. North Korea's restrictions on movement and economic activities violate article 25 of the Universal Declaration of Human Rights. Moreover, by disabling North Koreans from providing for themselves, the government is violating article 11 of the International Covenant on Economic, Social and Cultural Rights.

The government also severely violates the right of its people to freedom of information and expression under Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The unjustified restriction of information and expression in North Korea chills exercise of many other rights, including the right to livelihood, to education, to association, to representative government, and many more.

North Koreans interviewed by Human Rights Watch frequently spoke of punishments for accessing entertainment or information from outside the country. Among the most popular

goods being traded in North Korea are music and films from outside North Korea. Entertainment shows from South Korea are particularly popular and have served to undermine the North Korean government's negative portrayals of South Korea. Foreign CDs and DVDs are increasingly common, yet remain hidden because anyone selling them faces arrest, abuse in detention, and being sent to prisons where they are tortured and forced to labor.

A female North Korean trader told Human Rights Watch that "punishment is also harsh" for those who sell or watch CDs and DVDs and "even a person who was at the bottom of the case [i.e., the lowest level of distribution] is arrested." A woman who fled from North Korea explained that she and her daughter were caught watching DVDs by a group of informers, arrested, and held for a month by local authorities who beat them to force them to confess. When asked why this happened, she replied, "The North Korean government will never let its people see the outside world so it can keep its own system."

Many North Koreans told Human Rights Watch that the availability of inexpensive Chinese mobile phones has for the first time allowed communications between North Koreans in border provinces, and from the border provinces to China and South Korea. However, using a mobile phone remains risky, as information that someone was seen using a mobile phone can be enough to spark an investigation, arrest, and abuse in detention. A North Korean woman who assisted North Koreans to call to South Korea said the authorities used surveillance equipment to monitor phone calls. She said, "If you talked and used your name or address, they [the authorities] would come and get you. They would take you to the State Security Department [in Korean, Bowibu] and put you in prison."

### **Forced labor**

The North Korean government requires forced, uncompensated labor from workers, including even schoolchildren and university students, as part of its economy. North Korea defectors reported that they were required to work at an assigned workplace after completing school, and that many of these jobs are either unpaid or provide minimal substitute compensation in the form of food or other rations. Failure to report to an assigned job for those who try to earn money in other ways can result in being sent to a forced labor camp for as long as two years. One female North Korean defector told Human Rights Watch that "anyone who quits his job ... is legally punished for the reason of being unemployed ..." and will be "taken to the forced labor camp for between three to six months. Anyone who doesn't work is assumed to be a criminal in North Korea."

North Korean authorities operate a network of *jip-kyul-so* (collection center) and *ro-dong-dan-ryeon-dae* (labor training centers) camps that require forced labor from people being held for a variety of so-called crimes, including absence from scheduled work or training, travel without permission, overstaying a travel permission (including cross-border travel to China where authorities are convinced the person was not attempting to go to South Korea), and other crimes.

Lack of pay for work means economic survival for workers and their families often depends on their ability to do their own informal business. For this, bribes must be paid to local officials and to the enterprise manager to release a person from his or her daily work requirement for time to start their own business, such as home production, informal selling of goods at local markets, or itinerant trading between provinces or even across the border into China.

Teachers and school administrators also force students to work in a variety of situations,

including gathering foodstuffs for re-sale from mountainous areas, cutting down trees for use by the schools, collecting valuable raw materials according to a quota and submitting them for recycling as an alleged part of a government campaign, and working in agriculture on state-run farms. Starting during middle-school years, when they are approximately 11 years old, children study in the morning but are sent for unpaid school-organized work details in the afternoon. In poorer provinces in the north, students are sometimes expected to be working as early as age 8 or 9. Little has changed since 2009, when the UN Committee on the Rights of the Child found that North Korean children “engage, as part of their schooling, in work which by far exceeds vocational education goals and is physically highly demanding.”

The DPRK failure to recognize international labor standards is signified by the fact that it is one of the few governments in the world that still refuses to join the International Labour Organization (ILO).

## **Children's Rights**

North Korean children face discrimination and even punishment on the basis of the status, activities, expressed opinions, or beliefs of their parents or other family members. Collective punishment is common in the DPRK for political offenses, as entire families, including children, of those accused of disloyalty to the government and ruling party are themselves often imprisoned, sent to forced labor camps, or internally exiled to remote mountainous areas. The DPRK's politically determined *songbun* classification system restricts children's access to education. Those belonging to “wavering” or “hostile” groups have very limited choice in education or work.

## **Recommendations**

*Regarding cooperation with the Human Rights Council and its special procedures:*

- Recognize the mandate of the UN special rapporteur on human rights in the DPRK, issue an invitation to him to visit the country, and permit him to work unhindered;
- Recognize the mandate of the UN Commission of Inquiry on human rights in the DPRK and issue an invitation for the commission to visit the country;
- Ratify other key international human rights treaties, such as the Convention on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment; the Convention for the Protection of All Persons from Enforced Disappearance, and others;
- Ratify the Rome Statute and align its national legislation to cooperate promptly and fully with the International Criminal Court.

*Regarding border crossers:*

- Allow all North Korean citizens to travel freely within the country, and to leave and return to the country without punishment;
- Release all persons from detention who are being held for exercising their right to movement.

*Regarding economic crimes:*

- Revoke legislation criminalizing commercial exchanges, trading and market activities, and release all those held in detention for those crimes;
- Permit free flow of information by mobile phone communications, portable media, and other media of communication;
- Permit private economic activities to enable persons to secure basic needs in line with the International Covenant on Economic, Social and Cultural Rights.

*Regarding forced labor and workers' rights:*

- Join the ILO, accede to its core conventions, and engage ILO officials on protection and promotion of workers' rights, including ending forced labor in all forms;
- Permit workers to select where they wish to work and to change employment without penalty or punishment;
- Immediately close the network of *jip-kyul-so* and *ro-dong-dan-ryeon-dae* forced labor facilities;
- Immediately cease all use of students of any age for forced, unsafe, or vocationally unjustifiable labor activities.