

Committee for Human Rights in North Korea

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Your Excellency,

We are writing in response to your call for submissions on the subject of the human rights of women and girls in the Democratic People's Republic of Korea (hereafter 'North Korea' or 'the DPRK'). Our responses to the questionnaire are enclosed below.

1. On 30 July 1946, the Provisional People's Committee of North Korea promulgated a Law on Gender Equality. The DPRK, established on 9 September 1948, has codified gender equality in Article 77 of its Constitution.¹ In 2010, the Supreme People's Assembly (SPA) adopted the Law on Protecting Women's Rights, which declares in Article 2 that "the State shall strictly prohibit any kind of discrimination against women."² The SPA also passed in 2010 a Law on Protecting Children's Rights, which declares in Article 3 that all children shall be guaranteed the same rights regardless of sex.³

The DPRK also acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 2001 and ratified the Convention on the Rights of the Child (CRC) in 1990, as well as the CRC Optional Protocol on the sale of children, child prostitution, and child pornography in 2014.⁴

However, the DPRK continues to fail in meeting its domestic and international legal obligations with regards to women and girls. Although women have taken a more prominent role in the economic sphere since the appearance of *jangmadang* (local informal markets) during the famine of the 1990s, discrimination against women remains prevalent in North Korean society.

Women and girls are especially vulnerable to sexual crimes. The DPRK Criminal Code addresses sexual and gender-based violence (SGBV) in Articles 279 (Rape) and 280 (Coercion of Sexual Intercourse with a Woman in a Subordinate Relationship).⁵

¹ "Socialist Constitution of the DPRK" [in Korean], *Unification Law Database*, February 25, 2020.

https://www.unilaw.go.kr/bbs/selectBoardList.do?bbsId=BBSMSTR_00000000021&bbsSubId=001.

² "Law on Protecting Women's Rights" [in Korean], *Unification Law Database*, March 13, 2020.

https://www.unilaw.go.kr/bbs/selectBoardArticle.do?bbsId=BBSMSTR_00000000021&bbsSubId=&nttId=91.

³ "Law on Protecting Children's Rights" [in Korean], *Unification Law Database*, December 24, 2020.

https://www.unilaw.go.kr/bbs/selectBoardArticle.do?bbsId=BBSMSTR_00000000021&bbsSubId=&nttId=157.

⁴ "Reporting status for Democratic People's Republic of Korea," *UN Treaty Body Database*, accessed December 15, 2022.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=PRK&Lang=EN.

⁵ Criminal Law of the Democratic People's Republic of Korea (2015), translated in Law and North Korea by Daye Gang, accessed December 15, 2022. <https://www.lawandnorthkorea.com/laws/criminal-law-2015>.

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However, the elements that constitute the crime and the burden of proof for the crime are ambiguous, if not completely absent. This creates enforcement issues. Furthermore, Article 279 of the Criminal Code considers rape as a single crime, rather than a series of graded offenses defined by the presence or absence of aggravating conditions. We also observe that the Criminal Code does not recognize other sexual offences such as child molestation, incest, indecent exposure, marital rape, or sexual battery.

When women and girls fall victim to SGBV in the DPRK, the possibility to report such crimes and pursue legal accountability is little-to-none. This is especially the case when the perpetrators are government officials in positions of power. Violations of women's rights begins at the highest levels of the state. North Korean escapees have testified that Section 65 of the Organization and Guidance Department in the ruling Korean Workers' Party is responsible for selecting and training young women for the *kippumjo* ("Joy Brigade"), which provides services to high-level officials and their family members.⁶ These women are vulnerable to sexual harassment and abuse.⁷ SGBV is also a serious problem for women in North Korea's military.⁸

2. Testimonies by female North Korean escapees indicate that women and girls are subject to harsh treatment and forced labor while in detention. Prisoners are subject to routine beatings, kept in unsanitary conditions, denied privacy and food, harassed and humiliated.

HRNK has extensively documented SGBV in detention facilities in the DPRK. *The Hidden Gulag* (2012), which focuses on the *kwon-li-so* political prison camps, notes:

Grossly inadequate food rations and forced labor under harsh conditions inevitably lead to sexual exploitation of young women vulnerable to offers of additional food or less arduous work such as record keeping or cleaning guards' offices or quarters in exchange for sexual favors. Such practice is, reportedly, not in accordance with camp policy, but former prisoners relate that it was widespread, and understood by other prisoners as a necessity for survival.⁹

SGBV is also prevalent in other types of detention facilities. *The Hidden Gulag IV* (2015) documents the creation of a "women's section" at *kyo-hwa-so* (long-term prison labor facility) no. 12 in Jongjo-ri, North Hamgyong Province, to detain women who were forcibly repatriated from China.¹⁰

HRNK collected information concerning treatment against women in DPRK detention facilities in a joint inquiry with the International Bar Association (IBA). The inquiry report, published in June 2022, found that there are "reasonable grounds to conclude that the crimes against humanity of rape, sexual slavery, and sexual violence in the form

⁶ Robert Collins, *North Korea's Organization and Guidance Department: The Control Tower of Human Rights Denial* (Washington, D.C.: HRNK, 2019), 42–43. https://www.hrnk.org/uploads/pdfs/Collins_OGD_Web.pdf.

⁷ Noh Jung-Min, "Kippumjo: State-sponsored human trafficking" [in Korean], *Radio Free Asia*, July 28, 2021. https://www.rfa.org/korean/news_indepth/humantraffickingsp-07282021142928.html.

⁸ "The Shocking Life of a North Korean Female Soldier: The Reality of North Korea" (YouTube video), HRNK, November 29, 2021. <https://www.youtube.com/watch?v=MCsbikKfWLc>.

⁹ David Hawk, *The Hidden Gulag*, 2nd ed. (Washington, D.C.: HRNK, 2012), 34. https://www.hrnk.org/uploads/pdfs/HRNK_HiddenGulag2_Web_5-18.pdf.

¹⁰ David Hawk, *The Hidden Gulag IV: Gender Repression & Prisoner Disappearances* (Washington, D.C.: HRNK, 2015). https://www.hrnk.org/uploads/pdfs/Hawk_HiddenGulag4_FINAL.pdf.

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of forced abortions have been committed, and continue to be committed in the DPRK detention centers.”¹¹ Excerpts from the inquiry report are noted below.

One witness reported that the witness was sexually assaulted in a *jip-kyul-so* [holding facility] in July 2016 by a correctional officer who said that “this did not constitute a sexual assault because you are dead here and a dead person cannot say she is assaulted.”¹²

One witness testified that she was subjected to a vaginal search by an individual responsible for filing documents, who had no apparent security or medical function.¹³

A witness detained at Chongjin *jip-kyul-so* and Musan *Bo-wi-bu* [Ministry of State Security] *ku-ryu-jang* [interrogation-detention facility] testified that women and children held in those facilities were forced to perform sexual acts on high-level officials.¹⁴

HRNK has also published a video interview with a female North Korean escapee about her experiences at a detention facility in the DPRK.¹⁵

3. According to the latest available statistics, 72.0% of the North Korean escapees who have arrived in the Republic of Korea are women.¹⁶ Women who attempt to escape the DPRK often fall victim to human trafficking in the People’s Republic of China (PRC), where they are sold into forced marriages with Chinese men.¹⁷ Some have also been forced into cybersex slavery in China.¹⁸ Those who are discovered by the PRC authorities are forcibly repatriated to the DPRK, where they are subject to harsh treatment in detention. Witnesses have testified about forced abortions and stated that pregnant women were subject to hard labor.¹⁹ HRNK has also documented “racially motivated forced abortion and infanticide perpetrated against” North Korean women who have been repatriated after becoming pregnant in China.²⁰
4. In the DPRK, access to good healthcare is limited to those of high *songbun* (socio-political classification).²¹ The majority of women and girls thus do not have access to

¹¹ *Report: Inquiry on Crimes Against Humanity in North Korean Detention Centers* (Washington, D.C.: HRNK and IBA, 2022), 114.

<https://www.hrnk.org/uploads/pdfs/Report%20Findings%20Inquiry%20on%20Crimes%20Against%20Humanity.pdf>.

¹² *Ibid.*, 111.

¹³ *Ibid.*

¹⁴ *Ibid.*, 113.

¹⁵ “What is Happening There? Crimes Against Humanity in North Korean Detention Centers” (YouTube video), HRNK, May 9, 2022. <https://www.youtube.com/watch?v=sa03dHrUwn0>.

¹⁶ “Policy on North Korean defectors: Recent Statistics,” Republic of Korea Ministry of Unification, accessed December 15, 2022. <https://www.unikorea.go.kr/unikorea/business/NKDefectorsPolicy/status/lately/>.

¹⁷ Lee Hae-Young, *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China* (Washington, D.C.: HRNK, 2009). https://www.hrnk.org/uploads/pdfs/Lives_for_Sale.pdf.

¹⁸ Choe Sang-Hun, “After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China,” *The New York Times*, September 13, 2019. <https://www.nytimes.com/2019/09/13/world/asia/north-korea-cybersex-china.html>.

¹⁹ Greg Scarlatou et al., “HRNK Letter to Her Excellency Siobhán Mullally, Special Rapporteur on trafficking in persons,” *HRNK Insider*, June 2021. <https://www.hrnkinsider.org/2021/06/hrnk-letter-to-her-excellency-ms.html>.

²⁰ Hawk, *The Hidden Gulag*, 122.

²¹ Robert Collins, *Marked for Life: Songbun, North Korea’s Social Classification System* (Washington, D.C.: HRNK, 2012). https://www.hrnk.org/uploads/pdfs/HRNK_Songbun_Web.pdf.

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adequate healthcare. The public health infrastructure is fragile. Hospitals lack basic supplies and lack reliable access to electricity or running water.²² As one observer notes, “pregnant women do not get adequate peripartum care, and women and girls are less likely to get basic screening tests such as hemoglobin for detecting anemia.”²³

5. As noted above, many women have assumed primary responsibility for the survival of their families through economic activity in the informal *jangmadang* markets during and after the famine of the 1990s. While “the regime has mostly tolerated market activity” since, there have also been attempts to “regulate and even periodically crack down on markets.”²⁴ The COVID-19 pandemic has resulted in a dramatic decline in market activity, with one observer suggesting that “the state could be using the pandemic to assert more control over the economy and the people.”²⁵ Information about the current situation is limited, but media reports suggest that there have been recent crackdowns on private food vendors.²⁶ If this crackdown continues, it will constrain the social and economic opportunities that the markets enable for North Korean women.
6. North Korea’s women have already played a transformative role through the creation of the *jangmadang*. The role of women has been and will continue to be essential in the protection of human rights in the DPRK. Efforts must be made to strengthen protections for women’s rights and empower women in the political, economic, and social spheres. The provision of outside information to the people of North Korea is vital in this regard.

The international community must continue its efforts to document SGBV against North Korean women, including female North Korean refugees in the PRC, to ensure accountability for egregious human rights violations. Humanitarian engagement with the DPRK must ensure that outside aid and assistance reaches the most vulnerable, including women and girls and those in detention.

Lastly, there are estimated to be 20,000 to 30,000 stateless children in the PRC who are born to North Korean mothers and Chinese fathers. When these women subsequently escape to the ROK, they are often separated from their children. The international community must call upon the PRC to enable these women to reunite with their children.²⁷

7. Women in North Korea cannot freely speak out against the discrimination and the SGBV that they experience. Female North Korean escapees who have courageously provided testimony to HRNK, whether in private or at public hearings, have often

²² Justin McCurry, “North Korea’s health system in disarray,” *The Lancet* 376, no. 9738 (2010). [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(10\)61169-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(10)61169-5/fulltext).

²³ Joseph J. Noh, “The Current Status in Obstetrics in North Korea and Strategies for Establishing a Better Healthcare System,” *Frontiers in Public Health* 24 (2021). <https://www.frontiersin.org/articles/10.3389/fpubh.2021.744326/full>.

²⁴ Andrew Yeo, *State, Society, and Markets in North Korea* (New York: Cambridge University Press, 2021), 30.

²⁵ Noh Jung-Min, “North Korean marketplaces go from bustling to empty during pandemic,” *Radio Free Asia*, June 20, 2022. <https://www.rfa.org/english/news/korea/marketplace-06172022184139.html>.

²⁶ Lee Chae-Un, “N. Korea increases crackdowns on private food vendors,” *Daily NK*, December 9, 2022. <https://www.dailynk.com/english/north-korea-increases-crackdowns-private-food-vendors/>.

²⁷ Christine Chung, “North Korean Mothers Fight to Be Reunited with Stateless Children Left Behind in China,” *HRNK Insider*, November 2016. <https://www.hrnkinsider.org/2016/11/north-korean-mothers-fight-to-be.html>. For an example of an escapee-led NGO in the ROK that advocates for this issue, see http://tongilmom.com/eng/eng_home.

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emphasized accountability for perpetrators and end to inhumane treatment in detention facilities. The international community must amplify the voices of these women and call upon the DPRK authorities to uphold their obligations under the CEDAW and CRC.

We hope you will find this submission informative. Should you be interested in a virtual meeting to further discuss these issues, please feel free to contact me at executive.director@hrnk.org. I would greatly appreciate an opportunity to continue this conversation and share more details about our work and mission.

Yours sincerely,



Greg Scarlatou

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