



Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women

To the Pre-Sessional Working Group on North Korea:

Human Rights Watch is making this submission to the pre-sessional working group of the Committee on the Elimination of Discrimination against Women for its review of the Democratic People's Republic of Korea (DPRK, or North Korea), which is scheduled to take place in March 2017, ahead of the reporting cycle for the DPRK in September 2017.

North Korea rarely publishes data on the situation of women in the country. In the few cases when it does so, the data is often limited, inconsistent, or otherwise of questionable utility.¹ Human Rights Watch does not have the access to interview people currently residing inside the country. But Human Rights Watch has documented violations of gender-based discrimination that took place in North Korea between 2002 and 2015 (the period covered in the report) by interviewing North Koreans, including women and girls, who escaped the country after 2009. Human Rights Watch also interviewed people who still have regular contacts with persons inside North Korea who provide them with information. This submission is intended to give not a comprehensive account but an alternate reference point to the DPRK government's contribution. Our submission is based on 26 interviews with North Koreans done by Human Rights Watch between January 2015 and January 2017.

The North Korean government remains one of the most repressive in the world.² A 2014 UN Commission of Inquiry (COI) on the situation of human rights in the DPRK found a gravity, scale, and nature of violations that revealed a state "without parallel in the contemporary

¹ In its latest submission to the Committee, the North Korean government explained that state institutions were required to ensure the proportion of female officials was 20-25 percent or higher, and 10 percent for female department or division heads, but provided no clarification over the time period or specific yearly data.

² Human Rights Watch, *World Report 2017* (New York: Human Rights Watch, 2017), North Korea chapter, <https://www.hrw.org/world-report/2017/country-chapters/north-korea>.

world.”³ Some of the abuses faced by women that the COI documented are: detention of women in political prison camps because of activities by their husbands, their families or their husband’s family; torture, rape, and other abuses in detention facilities, especially of women and their children forcibly repatriated by China to North Korea; trafficking and sexual exploitation of North Korean women and girls by Chinese men as wives or in the sex industry; sexual and gender-based violence and discrimination; and lack of civil and political rights and freedoms.

During the reporting period, North Korea adopted the Law on the Protection and Promotion of the Rights of Women, which became law in December 2010. The act stipulates, in article 2, that “it is a consistent policy of the DPRK to guarantee gender equality. The State shall strictly prohibit all forms of discrimination against women.” In its latest submission to the Committee, the government said the adoption of the law showed its “commitment to fully ensuring gender equality and non-tolerance of discrimination against women in whatever form.”

The Law on the Protection and Promotion of the Rights of Women also provides in article 46 that “there must not be any form of violence against women in the family. Municipal People’s Committees, institutions, corporate associations and organizations shall adequately educate residents and employees against domestic violence so that domestic violence does not appear in the district or at the homes of the citizens under their supervision.”

The passage of this law followed recommendations by CEDAW in its review of the DPRK in 2005, as well as recommendations made to North Korea at the Universal Periodic Review. However, as seen below, there is reason to question whether these provisions of law are effectively enforced.

This submission cannot address all types of discrimination against women in North Korea, but Human Rights Watch wishes to bring to the Committee’s attention information regarding stereotyping and education, and violence against women and lack of protection for its victims.

³ “Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea,” United Nations, <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>, accessed January 22, 2017.

Stereotyping and Education

Article, 2, 3, 5 and 10

In its submission to the Committee, the North Korean government said that “women in the DPRK, under the wise leadership of the great comrade Kim Jong Il and the supreme leader comrade Kim Jong Un as full-fledged masters of the society, fully exercised equal rights with men in all fields of politics, the economy, and social and cultural life, performing great feats in the efforts for the prosperity of the country” and achieved remarkable “advancement of women and protection and promotion of their rights.”

However, our interviews suggest that the reality is far from that lofty rhetoric. Women and girls appear to face gender-based discrimination starting from childhood at both school and home, and are constantly exposed to and compelled to comply with prevalent stereotyped gender roles. Four former North Korean students and two former teachers who left North Korea after 2009 all told Human Rights Watch that in mixed gender classes, boys are almost always made leaders, such as the class president.⁴ The students and teachers interviewed by Human Rights Watch added that in their experience, even among teachers, it is usually the men who make decisions for the group although a significant majority of teachers may be women. They noted that even in all-girl schools, where all the teachers are female, the school principals are often male. None of the thirteen people asked by Human Rights Watch could recall any instance of a female principal at an all-boys school.⁵

In its report, the government claimed that it identified and corrected biased attitudes against women in university admissions and textbooks, and favoritism by teachers and administrators towards male students. We do not have a basis to evaluate these claims. However, North Koreans who have fled the country in the last four years reported that it was still harder for women and girls to be admitted to and attend university, and to join the military, and by extension, the ruling Korean Workers Party, which serves as the gateway to any position of power in North Korea.⁶ Social structures and conventions that discriminate against women and reserve predominant positions of power for men are also reflected in the socially enforced rules of interaction between girls and boys. From middle school

⁴ Human Rights Watch interview with four former students on June 22, 2015, February 3, 2016, and December 7-8, 2016, and two former teachers on January 15, 2015 and May 15, 2016. Names of interviewees and location of interviews withheld.

⁵ Human Rights Watch interviews with thirteen North Koreans between January 2015 and January 2017.

⁶ Human Rights Watch interview with four former students on June 22, 2015, February 3, 2016 and December 7 and 8, 2016, and two former teachers on January 15, 2015 and May 15, 2016. Names of interviewees and location of interviews withheld.

onwards, girls are required to use a formal, honorific form of speaking when speaking to boys. However, there is no requirement or social compulsion that means boys must use a formal form of language when speaking to girls. This practice continues through university, and in fact, extends into the workplace, marriage and family life.⁷ The government, which has identified these attitudes as a problem needing more active measures, reported to the Committee that it launched education campaigns, including lectures and seminars about government policies and laws regarding gender equality and the protection of women and children. Yet among the 21 persons interviewed by Human Rights Watch who had left the country after 2010, there was no awareness that the 2010 Law on the Protection and Promotion of the Rights of the Women even existed, much less could be enforced. In fact, the women we spoke to thought “gender equality” referred exclusively to female participation in the workforce or the government, and did not refer to the need for women’s status and value to be equal to those of men.

Human Rights Watch urges the Committee to ask:

- What is the ratio of females compared to males entering university for every year since 2002? What is the proportion of women being admitted to the ruling Korean Workers Party versus that of men, for each year since 2002? What percentage of the people holding director or managerial positions in the government are women?
- What is the gender ratio of school principals in mixed, all-girls, and all-boys schools by year since 2002?
- What mechanisms has the government put in place to identify discriminatory practices against women? What policies has the government developed to promote awareness of women’s roles in society beyond traditional, gender stereotyped roles of followers, mothers responsible for the family, and holders of family finances?
- What orders, and policy guidance, does the government give to state affiliated institutions, including the Women’s Union, to increase awareness of equality of women in all social, economic, and political fields in North Korea?

⁷ Ibid.

Human Rights Watch urges the government of North Korea to:

- Respect and ensure the rights set forth in the Convention to end discrimination against women of any kind;
- End all discrimination against women in access to all levels of education and employment;
- Improve the quality of education and awareness campaigns regarding gender equality; and
- Establish systems to collect and track data regarding equal participation of women and girls in education and employment at all levels.

Violence against Women

Articles 2, 5, 6, and 15

Acts of violence against women are prevalent throughout North Korean society, and include those that generate physical, sexual, or psychological harm to women, including threats, coercion, and arbitrary deprivation of liberty in public or private life. Every one of the 26 North Koreans who spoke with Human Rights Watch stated that every woman in North Korea they knew had experienced gender-based violence at some point in their lives, especially domestic violence and sexual harassment.⁸ According to all our interviewees, domestic violence is widespread. Interviewees said that both state authorities and the wider society consider domestic violence a private family matter in which the state and outsiders should not intervene.

One of the reasons that these attitudes prevail is because of the general lack of education and awareness at all levels and ages about sexual education, gender-based violence, and gender equality. From childhood, North Koreans, raised in a patriarchal society, learn stereotypical gender roles that condone violence against women, and that the blame for sexual violence lies with the victims.

All the North Korean women and men who spoke to Human Rights Watch described sexual harassment as commonplace in public spaces, especially in crowded areas such as workplaces, public markets, or on the road. Unwanted sexual contact includes men

⁸ Human Rights Watch interviews with 26 North Koreans between January 2015 and December 2017.

indiscriminately touching women and girls' bodies, grabbing their breasts and hips, trying to touch them underneath their skirts or pants, poking their cheeks, pulling their hair, or holding their bodies in their arms. The physical harassment was often accompanied by verbal abuse and intimidation.⁹

Under the current economic system, the government is dominated by men, with the government reporting in its submission to the Committee that over 20 percent of government officials and 10 percent of divisional directors in government bodies are female. Women are vulnerable to extortion, sexual violence, and rape, as well as physical and verbal abuse, especially those trying to work in the market economy to earn a livelihood for themselves and their families.

Following the collapse of the government-run food distribution system in the mid-1990s, by necessity, North Koreans had to engage in private commercial activities for the first time. Although wages and food distribution stopped altogether for most persons, the government still compelled men to report to work at their state-owned workplaces. Since many men were now effectively working for the state for free, it was often women who struggled to ensure their families' economic survival through work in the emerging grey market, which eventually became a corrupt parallel capitalist market economy, marked by widespread bribery and nepotism.¹⁰

According to five former North Korean traders who left after 2011 and a former State Security Department (SSD, or *bowibu* in Korean) agent with connections in North Korea, traders are often compelled to pay bribes to officials and market regulators.¹¹ But for women, the bribes are not just monetary, but can extend to include sexual coercion, harassment, and violence, including rape, by perpetrators who take advantage of the coercive environment of the market. Many of the men who sexually prey on women in this situation are government officials. Perpetrators include managers at state-owned enterprises, traders with money and connections, gangsters or other criminal elements with government connections, and gate-keeper officials of the markets and roads, such as

⁹ Ibid.

¹⁰ "North Korea: Private Commerce Brings Arbitrary Arrest, Abuse," Human Rights Watch news release, June 7, 2015, <https://www.hrw.org/news/2015/06/07/north-korea-private-commerce-brings-arbitrary-arrests-abuse>.

¹¹ Human Rights Watch interviews with five former North Korean traders on August 31, 2015, and a former SSD agent on December 2, 2016. Names and locations withheld.

Public Security Department Agents (police), SSD agents, soldiers, and railroad inspectors on trains.¹² The cost of refusing a sexual advance by an official includes confiscation of goods and money, increased future scrutiny of the victim and her family members, being sent to labor training facilities (*rodong dallyeongdae*) or ordinary crimes prison camps (*kyohwaso*) for being involved in market activities, losing access to prime trading locations, being overlooked for jobs, being deprived of means of transportation or business opportunities, being purged or reallocated to a remote area, and facing more physical violence.¹³

A former trader who sold clothes at stalls in Hyesan city in Ryanggang province until 2014 said that guards would regularly pass by her stall to demand bribes, and the market guards or policemen who desired her forced her to follow them to an empty room outside the market, or other locations they picked, and raped her. She told Human Rights Watch she had no power to resist or to report these abuses.¹⁴

Official checkpoints on roads are another location where sexual violence occurs, perpetrated by soldiers from the Korean People's Army, the police or local Workers' Party officials, according to the traders.¹⁵ They described both experiencing and witnessing male officials at checkpoints conducting intrusive body searches of young female traders, including touching their breasts and hips, spending extra time conducting invasive searches around women's breasts and hips, and sometimes searching inside the women's underwear.¹⁶ They also told Human Rights Watch that they saw female traders being taken away by guards, and then returning after 30 or 40 minutes, before being allowed to pass through the checkpoint.

North Korea's laws ban domestic violence, rape, or sexual relations with women in subordinate positions and with children younger than fifteen. But North Korean laws are generally vague, so they can be broadly interpreted and therefore maximize the discretion of government officials to decide how, or whether, to enforce the law.¹⁷ Many times North

¹² Ibid.

¹³ Ibid.

¹⁴ Human Rights Watch interview with a former trader on August 31, 2015. Name and location withheld.

¹⁵ Human Rights Watch interview with five former North Korean traders on August 31, 2015. Names and locations withheld.

¹⁶ Ibid.

¹⁷ John C. Reitz, Export of the Rule of Law, 13 *Transnational Law & Contemporary Problems* 429, 469 (2003).

Korea's laws use indeterminate language, and lack definitions as well as guidance on which state agency is in charge of implementing the laws, or what the necessary actions and obligations are.¹⁸ This makes implementation difficult, enforcement of rights by individuals impossible, and violates basic rules of due process.

For instance, the Criminal Code does not include any definitions of "rape" or a discussion of consent. To the extent that there is a common understanding of what the term "rape" means in North Korea, people interviewed by Human Rights Watch said they believe the government views it as unwanted vaginal penetration by a man's penis using physical violence, a definition which excludes other forms of rape.

Article 46 of the 2010 Law on the Protection and Promotion of the Rights of Women, which bans domestic violence, does not include marital rape.¹⁹ That law provides some specific preventative measures, but it does not criminalize domestic violence, nor does it provide any civil sanctions for offenders, legal protections or services for victims, or rehabilitation programs for perpetrators.²⁰ The law itself is also vague: its provisions are expressed as general principles, sexual harassment is not defined or banned, and there is no guidance on which state agency is in charge of implementation of the law or what concrete actions must be taken in what timeline. As a result, the law is unlikely to make any difference in terms of reducing violence against women or assisting individual victims.²¹

All of the North Koreans interviewed said that the police and security forces do not consider violence against women a serious crime. The former SSD agent who received all criminal reports that took place in two provinces for a decade until the late 2000s said that he never saw a single instance of a woman who filed a rape case with the police when there were no other witnesses present. In practice, he said the police and the SSD only investigated alleged sexual assault or rape cases when severe injury or death of the woman occurred, or if the victim was connected to a powerful family.²²

¹⁸ Citizen's Alliance for North Korean Human Rights, *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK*, NKHR Briefing Report No. 7, May 2013, http://eng.nkhumanrights.or.kr/nkhr/bbs/board.php?bo_table=n_r_reports&wr_id=29 (accessed January 22, 2017).

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid., p.20

²² Human Rights Watch interview with former SSD agent on December 2, 2016. Name and location withheld.

North Korea's submission to the Committee stated that some immoral persons who committed rape were punished, put on public trial, and sentenced to heavy penalties, and that these actions alerted others not to commit such crimes. But the former SSD agent and two former high ranking party officers interviewed by Human Rights Watch said that although there were some cases in which authorities took action against perpetrators of violence against women, cases were usually brought either for political gain at the instigation of an opponent competing for the perpetrator's position, or for reasons of personal revenge.²³ The officers said the punishment in such cases rarely includes imprisonment, but would more likely entail demotion, and/or sending the perpetrator to a less desirable posting in the countryside or working in a mine. In any case, the types of official interventions described by our sources do not lead to support for victims. Victims suffer stigma as a result of attacks, and are left open to possible retaliation, without support or assistance.

In all the cases of violence against women documented by Human Rights Watch, women said they had not reported their experiences to the police because they did not trust the police and did not believe they would take any action. They also feared that social stigma and possible repercussions would be directed at them if they reported the crime, while the perpetrators would remain untouched by stigma or the justice process.²⁴ The women also said that their family members and close friends who knew about what happened discouraged them from going to the authorities.

Human Rights Watch urges the Committee to ask the government of North Korea:

- How many people have been convicted in North Korea for rape every year since 2002?
- How many cases have been filed with police, alleging the crime of sexual violence, each year since 2002? What percentage of these cases, disaggregated by type of offense, resulted in criminal charges being brought, in conviction on charges, and in prison sentences?

²³ Human Rights Watch interview with two former high ranking party officials and a former SSD agent on December 2, 2016. Names and location withheld.

²⁴ Human Rights Watch interview with 20 former North Korean traders and farmers. Names and locations withheld.

- How many cases have been filed with police, alleging the crime of domestic violence, each year since 2002? How many domestic violence convictions have occurred in each of these years?
- What mechanisms has the government put in place to protect vulnerable women from sexual predation by men in power, and to protect women from domestic violence?
- What services are available to assist those who have experienced violence or need help escaping domestic violence, and to protect and enable women who may wish to file complaints of rape or sexual violence to law enforcement?

Human Rights Watch urges the government of North Korea to:

- Reform national legislation to create a clear and enforceable provisions within the Criminal Code criminalizing a full range of forms of violence against women, including sexual assault, sexual coercion, rape, marital rape, and sexual harassment, and ensure full enforcement of this law;
- Establish comprehensive free legal and social services, a mechanism for redress, and protection mechanisms, including shelters, for women who are victims of violence;
- Introduce sexual education classes in schools, including content about gender equality;
- Undertake a widespread program of public awareness and public education regarding gender equality and North Korea's prohibition of violence against women of all forms, including domestic violence, as well as information on how victims can get help. Conduct training for all law enforcement, health, and education professionals regarding gender equality, the rights of victims of violence, and the duty of public officials to refrain from exploitation, to report abuses, and assist victims in obtaining help and justice.