



Database Center for  
North Korean Human Rights

## Database Center for North Korean Human Rights Submission to the CEDAW Committee for its 68<sup>th</sup> Session

In light of the second, third and fourth periodic reports of the Democratic People's Republic of Korea (DPRK) for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), this report focuses on gender-based violation of rights and violence in the DPRK that occurred between 2002 and 2015. Since 2003, Database Center for North Korean Human Rights (NKDB) has been documenting gender-based discrimination in the DPRK and further conducted in-depth research consisting of questionnaires and in-depth interviews between April and September, 2017. NKDB's report is based on the testimonies of 73 female respondents that left North Korea after 2010.

In 2010, the DPRK enacted the Law on the Protection and Promotion of the Rights of Women (LPPRW) which specifically states that the international treaty, CEDAW, to which the DPRK is a party, "shall have the same effect" as domestic law.<sup>1</sup> However, NKDB's findings provide sufficient ground of concerns in that North Korean women, between 2002 and 2015, persistently experienced gender-based violation of rights and were without adequate protections or remedies as required under the CEDAW.

### 1. Gender-based Stereotypes

#### *Article 3 and 5*

- Eighty-five percent of respondents answered the Women's Union did not initiate any activities to promote women's rights
- Common perception of gender roles in the DPRK: "Men are the sky and women are the ground"

The DPRK acknowledged the limiting effects of the traditional patriarchal North Korean society in its state report.<sup>2</sup> As part of the effort to fight against this, the DPRK stated that the Women's Union played "a pivotal role in the dissemination and

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<sup>1</sup> Democratic People's Republic of Korea, *Law on the Protection and Promotion of the Rights of Women*, 2011, Article 10.

<sup>2</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW: Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, June 1, 2016, CEDAW/C/PRK/2-4, paragraph 53.

awareness-raising efforts” in respect of women’s rights.<sup>3</sup> The Women’s Union is the largest organization for women in the DPRK whose members are made up of married women that do not work outside of the home. Forty-six respondents of NKDB’s research were members of the Women’s Union while they were in the DPRK. When asked about education on raising awareness of women’s rights, seventy-two percent answered that they had never received any. The DPRK also asserts that the Women’s Union keeps “track of the implantation of the State policy and legislation on gender equality.” However, almost eighty-five percent of the respondents answered that the Women’s Union did not initiate any activities to promote women’s rights. The following interviewee’s account clearly explains that the Women’s Union is not an organization for raising women’s awareness on their rights, but rather is a highly-politicized institution where mandatory lessons on Kim Il-sung’s ideology and forced labor was constantly imposed.

*"At the Women’s Union meetings, we are told that we are to make sacrifices for the success of our Leader either through financial support or physical labor such as paving roads or constructing railroads. This is mandatory; so, if we fail to show up, we will be fined. I did it just because I had no choice. Otherwise, I would have been criticized at the Women’s Union meeting. This is not about giving advantages to women. [...] Even though I hated it, I had to do these things because if I didn’t, I had to pay money. It’s similar to forced labor."<sup>4,5</sup>*

Moreover, NKDB’s findings show that, with the absence of any effective policies to educate or raise awareness on women’s rights, the superiority of men is commonly emphasized in the perception of gender roles, and also realized in society. The majority of the respondents described the relationship between men and women as men being “the sky (high)” and women as “the ground (low).” Such perceptions of gender roles seem to have been strengthened without any resistance over time in the DPRK and have affected every part of society. For instance, testimonies included the restriction of certain activities such as riding cars or motor bikes, as they are typically regarded to be within the “men’s sphere.”

## **2. Gender-based Violence Against Women**

### ***Article 2 and 5***

#### **A. Domestic Violence**

- Ninety-four percent of respondents answered “there were no preventive measures or national efforts to curb domestic violence”

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<sup>3</sup> Ibid., paragraph 56.

<sup>4</sup> NKDB\_20170418\_YanggangProvince\_Urban

<sup>5</sup> Testimonies gathered by NKDB have been coded according to *Source\_Date of Interview\_Last residing province in North Korea\_Rural/Urban*

- Domestic violence is not generally considered as a “crime”

Contrary to the DPRK’s assertion that “[d]omestic violence is not a social problem in the DPRK,”<sup>6</sup> NKDB’s findings indicate that domestic violence is so severe that it requires effective and urgent countermeasures. Although the LPPRW prohibits violence against women including domestic violence, the law does not provide a clear definition of 'domestic violence,' or any specific provision to prosecute and to protect victims. In fact, ninety-four percent of the respondents answered that there were no preventive measures or national efforts to curb domestic violence. NKDB observed that, no matter how severe it may have been, 'violence within a family' was not generally considered as a 'crime' punishable by law in the DPRK. As much as domestic violence was regarded as a negligible event, there was no service or facility intended to help women who are victims of domestic violence.

*"There's so much domestic violence in North Korea. No measure is taken even though wives make complaints of violence to the court. Anyway, as long as you bribe the [law enforcement officials], there's no need to make fuss about it. Problems caused by domestic violence are not considered to be worth dealing with. No one wants to get involved in family fights."*<sup>7</sup>

## **B. Sexual Violence**

- Relevant legislations do not cover all forms of sexual violence against women
- Government officials are major perpetrators but they are commonly exempt from punishments and keep their governmental positions

Raping a woman or forcing a female subordinate to have sexual intercourse is punishable under DPRK Criminal Law.<sup>8</sup> However, no definition of 'rape' is provided and despite CEDAW recommendations, other forms of sexual violence such as marital rape, attempt of rape or sexual harassment have not been incorporated in the law to fully protect women from sexual violence.<sup>9</sup> Also, the LPPRW only stipulates that those who commit rape shall be punished by "relevant institutions." The laws designed to protect women against sexual violence either fail to list all forms of violations against women or only provide vague terms that disable effective punishment of perpetrators.

The DPRK stated in its state report that sexual exploitation of women is not a social

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<sup>6</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW: Consideration of Reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, July 5, 2017, CEDAW/C/PRK/Q/2-4/Add.1, paragraph 40.

<sup>7</sup> NKDB\_20170403\_NorthHamgyeongProvince\_Urban

<sup>8</sup> The Criminal Law of the Democratic People's Republic of Korea (2012), Article 279 and 280.

<sup>9</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *CEDAW General Recommendation No. 19: Violence against women*, 1992, available at: <http://www.refworld.org/docid/52d920c54.html> [accessed July 11, 2017].

issue.<sup>10</sup> Nevertheless, NKDB's findings reveal that those in position of authority were common perpetrators of sexual violence, but rarely faced legal consequences. The following testimony illustrates a common case in which North Korean women are sexually exploited by public officers but do not report crimes out of fear.

*"My husband was detained. In North Korea, even the slightest thing can be a violation of the law. I went to visit my husband while he was detained. [...] I went to the investigation department. I had to save my husband so I brought some food and [money for] bribes. But I got sexually abused by the head investigation officer. But I did not say anything. I could not accuse him of raping me. I had to save my husband so I couldn't say anything. This was at the police office in Gilju. I could not tell anyone about this, because it would bring shame on myself. It's so unfair that we undergo this. Although I had this problem, if my husband survived and got out, it would be fine. But that was not what happened. I wanted that man to be stripped of his uniform for what he did. There is a saying in North Korea that 'those with a spear and sword cannot be defeated.' Even though I had a legitimate cause and proof that he had raped me, it would have not changed anything but would only bring shame on myself. There are many victims like me. This happens to a lot of us. This happens to a lot of women. I get so angry when I think about it."<sup>11</sup>*

### **3. Disadvantaged Women**

#### **Article 2, 3 and 6**

- Thirty-nine percent of respondents answered that they personally experienced, witnessed or heard about a case related to sexual violence against women detainees
- Repatriated women are subject to detention, harsh treatment, and even to forced abortions

#### **A. Women in Detention**

NDKB's findings call for particular attention to the situations of North Korean women in detention facilities. These women are extremely susceptible to becoming victims of sexual violence committed by officers who have absolute control over the detainees. Thirty-nine percent of interviewees indicated that they personally experienced, witnessed or heard about a case related to sexual violence against women detainees. The following testimony demonstrates that it is common for women detainees to suffer repeated rape by the officers.

*"When I was detained in a labor training camp in 2008, I was taking a break with other male and female detainees. There was no light in the room. I was*

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<sup>10</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of Reports*, CEDAW/C/PRK/Q/2-4, paragraph 70.

<sup>11</sup> NKDB\_20170418\_NorthHamgyeongProvince\_Rural

*raped there by an officer. I was raped four times by force. I did not even resist after the fourth time. It did not help anyways. Generally, all the female detainees are raped... I hadn't even held hands with a boy before then. It happened about a year after I graduated from high school. I could not file a complaint about it. It would not have helped even if I did, anyways."*<sup>12</sup>

NKDB's findings included a testimony about a complaint system in detention facilities which implies the treatment of female detainees is changing. Yet, it is an isolated case from other cases which predominantly illustrate that such system did not even exist. In the following testimony, the interviewee explains the complaint system within a detention facility. The perpetrator, however, who was an officer kept his job without facing a punishment and the victim was not protected from the harassment she faced for reporting the crime.

*"I was raped when I was in a detention room of the State Security Department of Sinuiju City. I still feel ashamed of it. People don't say anything about this because they are not brave enough. Some women were called after 12 at night. After coming back to the detention room, they would cry without telling anybody anything. You can actually make a petition about it. The director the State Security Department of Sinuiju City came once a week to check who is beating whom, what is happening in the detention room and so on. When he came, he investigated guards and they told the director who went out at what time and came back at what time. The director also had a spy. He would ask who was absent and a guard told him about me. Then he called on me and asked me why I was absent on this day at 1 am in the morning. I could not avoid answering him because he already got some details. It was like making a complaint, saying that I was raped by this supervisor. I think he was grilled by the director later. Since then, he treated me very badly while treating those who did not make complaints the same as before. He gave me the work that he was supposed to do. He did this as a habit, he raped everyone who was there. [...] My life would have been a lot easier and I would have been beaten a lot less if I just have done what he wanted. I worked and was beaten more only because I resisted and made a complaint."*<sup>13</sup>

## **B. Repatriated Women**

The DPRK asserted that repatriated women who were found to have had "illegally crossed the border because of economic difficulties" or "as victims of human trafficking" were not subject to any legal punishment.<sup>14</sup> Contrary to this, the majority of respondents answered that North Korean women repatriated from China faced detention

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<sup>12</sup> NKDB\_20170825\_YanggangProvince\_Rural

<sup>13</sup> NKDB\_20170630\_NorthHamgyeongProvince\_Rural

<sup>14</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of Reports*, CEDAW/C/PRK/Q/2-4/Add.1, paragraph 72.

in training camps or prisons under the criminal charge of “illegal border crossing.”

*"Women are trafficked and go to China, there they would miss their families a lot so they would go to Mt. Baekdu [to go back home], because it's a mountain no matter how many soldiers there are, it's hard to get caught. I have heard of a woman who was caught coming back that way and was sent to prison. Many women are caught and then released in the Changbai region. Being trafficked is not considered a crime, but crossing over to China is. It's punished and there's no relief system."<sup>15</sup>*

North Korea women repatriated from China were found to be in worse conditions as they were not only exposed to various human rights violations that are faced by other female detainees, but also to other types of crimes such as forced abortions. When repatriated women were found out to be pregnant, they were forced to undergo an abortion. This practice has continued based on the DPRK's strong policy for pertaining pure Korean ethnicity and as punishment betraying the country. NKDB's findings show twenty-seven percent of respondents answered that they either had witnessed or heard about forced abortions carried out on pregnant women repatriated from China.

*"Forced abortions have been done recently too. When I was in North Korea my wife's friend's daughter got pregnant in China in 2011 and came back [to North Korea]. But she didn't know the law so if the preliminary investigation officer let her go, she would run away again. So, she was deceived into going to the hospital and was forced to have an abortion. Two months later there was a trial and she was sent to prison. Yanggang Province, Hyesan, Sinpa police station. Sinpa hospital. I don't know how they deceived her. But whatever they did, she was foolish for following them, she could have said that she would not do the curettage, it's possible if you insist. Because there is a law in North Korea, too. But 90 percent [of people] don't know that law. They don't know what a violation of human rights is either. The abortions are forced on women."<sup>16</sup>*

#### **4. Trafficking and Exploitation of Prostitution**

##### **Article 6**

- Ninety-nine percent of respondents answered that there is no compensation for victims of human trafficking
- North Korean women are forced to marry Chinese men or sold into sex-related industries without any legal protection available

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<sup>15</sup> NKDB\_20170404\_YanggangProvince\_Rural

<sup>16</sup> NKDB\_20170422\_YanggangProvince\_Urban

The DPRK claims that "trafficking of our citizens were persistently committed under the manipulation of the South Korean authorities," dismissing South Korean authorities as human traffickers for the 30,000 plus North Korean refugees that have settled in South Korea.<sup>17</sup> In reality, many North Korean women seek opportunities to earn money outside of North Korea as responsible breadwinners. Being trafficked into China, a neighboring country, is the most common resort that North Korean women take to make money. In most cases, they end up being forced to marry Chinese men or work at sex-related industry by brokers.

NKDB's finding show that the DPRK severely punishes perpetrators of human trafficking with prison sentences. Additionally, preventive measures such as holding public lectures or public trials to deter human trafficking are actively enforced under the direction of the Central Party. However, there is not a single legal provision to prevent human trafficking and, more importantly, to ensure the protection of the victims. 99 percent of the respondents asserted that there had been no government compensation provided to victims of human trafficking. Instead, human trafficking victims, upon their repatriation, became subject to further human rights violations committed systematically by the DPRK's law enforcement institutions such as the State Security Department, labor training camps or prisons. A testimony below illustrates the punishments that human trafficking victims are subjected to.

*"Far from receiving any compensations, you can't imagine how much these women are beaten up and harassed....These People's Security Department officials sexually harass the women right in front of their face, asking whether the man was an ethnic Korean or Han Chinese or how many times she had sex at night. There are no compensations for these women."<sup>18</sup>*

## **5. Access to Justice**

### ***Article 2, 5, 6 and 16***

- Eighty percent of respondents are unaware of legislations for compensation and many of them had strong doubts that the law would be enforced effectively
- Seventy percent of respondents answered that there is no official institution to report gender-based violations including sexual violence

The DPRK has legal instruments for women to receive compensations for the damages they suffer from criminal acts, such as the Law on the Compensation for Damages that was made in 2005.<sup>19</sup> Also, the LPPRW specifically entitles women to file claims for damages against the institution or the person responsible of violations.<sup>20</sup>

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<sup>17</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of Reports*, CEDAW/C/PRK/2-4, paragraph. 73

<sup>18</sup> NKDB\_20170412\_YanggangProvince\_Urban

<sup>19</sup> UN Committee on the Elimination of Discrimination Against Women (CEDAW), *Consideration of Reports*, CEDAW/C/PRK/Q/2-4/Add.1, paragraph 24.

<sup>20</sup> The LPPRW, Article 46.

The problem, however, is that these legislations were not properly implemented in practice. Eighty percent of the respondents were unaware of legislations for compensations and many of them had strong doubts that the law would be enforced effectively. Additionally, seventy percent of the respondents replied that there was no official institution where they can resort to when gender-based violations occur. Although several respondents answered that the “public police department” plays such a role, it would be rare for North Korean women to seek help from public officers as they are often perpetrators of crimes against women. Thus, it is imperative that more effective and safe measures of seeking justice are made available for North Korea women.

## **6. Participations in Political and Public Life**

### ***Article 7***

The DPRK stated that “**all** women in the DPRK take part in political and public life on an equal footing with men” (emphasis added). However, NKDB’s findings show that the right to participate in politics is not guaranteed to all women in the DPRK. Women with bad family background and social status were discriminated against and prevented from participating in politics as shown in the following testimony:

*"I have seen female representatives of the People's Assembly. Our citizens are voting just formally. People simply submit a ballot with the name of the candidate already [written] on it. It is meaningless. It is just a formality. There are cases in which women become managers at the special office. The manager of the textile factory was a woman. Women can be Party managers of members of the Party Committee. Only women, who have graduated from a university, served in the military and are loyal to the Party can hold such positions. Women with a bad social status and family background can never take these posts."<sup>21</sup>*

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<sup>21</sup> NKDB\_20170412\_YanggangProvince\_Rural