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Mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Call for submissions

The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Ms. Elizabeth Salmón, will submit a report focusing on the human rights of women and girls to the Human Rights Council in March 2023. To raise awareness of the human rights situation in the Democratic People's Republic of Korea, she has decided to pursue a more detailed analysis of the human rights situation of specific groups, starting with women and girls. The aim of focussing on specific groups is to improve understanding of their situation and explore ways to better protect and promote their human rights. To inform the upcoming report and follow up activities, the Special Rapporteur is seeking inputs on the topic from States, victims, civil society organizations, academia, and other stakeholders through responses to the brief questionnaire below.

Questionnaire

Human rights of women and girls in the Democratic People's Republic of Korea

General questions

1. What information do you have about actions that the Government of the Democratic People's Republic of Korea has taken to improve the human rights situation of women and girls and the existing policies to address their human rights?

Since the 1948 Law on Equal Rights for Men and Women, the DPRK has enacted the Protection of Women's Rights Act to resolve the issue of gender equality. In addition, the Women's Rights Guarantee Act was enacted in 2010, and revised and supplemented in 2011 and 2015. Moreover, the DPRK enacted the Child Care and Education Act in 1976, and the Child Rights Guarantee Act in 2010, which was revised and supplemented in 2014. On February 7, 2022, the Child Care Act was newly enacted under Decree No. 14 of the Supreme People's Assembly. The purpose of the Child Care Act is to establish a system and structure for the production and supply of children's nutritious food and for guaranteeing child-rearing conditions so as to ensure that nutritious foods, including milk

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products, are normally supplied to all children free of charge and so as to guarantee good conditions for child-rearing.

2. What is the human rights situation of women and girls in detention in the Democratic People's Republic of Korea? Please also share information about women and girls in *kwanliso* (political prison camps).

Article 6 of the Criminal Procedure Act of the DPRK stipulates that human rights are thoroughly guaranteed in the handling of criminal cases, but the human rights situation for women and girls is still poor. Compared to the past, direct violence against women and girls has decreased, but there are testimonies that they still experienced beatings and verbal abuse in the *kwanliso*. Also, there were testimonies that if detained in a *kwanliso*, people can be released immediately if they pay a bribe equivalent to about 5 million South Korean won (USD3,500-4,000). There were also testimonies that a certain amount of bribes made it possible to live a more comfortable life in the camp.

3. What information do you have about North Korean women and girls crossing the border? What are the difficulties they face, including violence, before, during and after crossing the border?

Women and children are suffering from the poor medical system in the DPRK. Some people leave the DPRK believing that China also has a free medical system like the DPRK, and go to China with the intention of receiving treatment.

There are also examples where a broker approaches and convinces a woman who has no money for medical treatment that, if she goes to South Korea, she can receive the settlement subsidy and a house and then return to China or North Korea after receiving the money, and so the women have left the DPRK but are then unable to return to their homeland in the DPRK.

It is said that when a North Korean woman crosses the border, the broker asks her three questions: 1) Do you want to sexually sell yourself to a man? 2) Do you want to sell your internal organs? 3) Do you want to get married to a rural bachelor in China? Because Chinese women do not want to marry Chinese rural bachelors, handicapped or indebted men, North Korean women are sold to Chinese men whom Chinese women shun. In addition, during the process of leaving the DPRK, the broker may rape and assault a North Korean woman. Consequently, many women are pregnant or physically and mentally injured when they enter the ROK.

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In the case of girls, there are also testimonies that when they left the DPRK, the men locked them in a small room so that they could not escape and made them had them take off their clothes and have sexual assaults.

4. What is the situation regarding sexual and reproductive health of women and girls in the Democratic People's Republic of Korea?

Women's reproductive health is in a more dire situation outside of Pyongyang. Women's periods are still considered unclean by men in the family, so women and girls try to hide them. In addition, sanitary products are not well stocked due to the DPRK's poor economic situation. Therefore, there are testimonies that rags or the soles of shoes are washed and used as sanitary towels.

5. What is the situation on domestic violence in the Democratic People's Republic of Korea?

The status of women in the DPRK is relatively lower than that of men. Therefore, women's status is low even in romance and marriage, and even if their husbands assault them it can be difficult to get a divorce. However, in recent years, the culture of men and women is changing, especially in Pyongyang. As the view of love portrayed in South Korean dramas and movies spreads, expressions of affection on the streets are witnessed. However, men are still dominant in the DPRK, and domestic violence continues due to women's fixed gender roles.

6. What is the situation regarding women's rights in *Jangmadang* (local informal markets)? Has women's economic and social participation made an impact on women's lives and opportunities?

In the DPRK, the state gave men proper jobs, while women were given roles to assist men and the state and to take care of childcare and housework, so women's voices were small in the family. However, as the DPRK's planned economy and public distribution system collapsed, *jangmadang* began to emerge in the DPRK and women without fixed jobs gained economic power through these markets. Women who have earned money in the *jangmadang* have a right to speak at home. Women who suffered from domestic violence began to actively file divorce proceedings, and due to social and cultural changes in the DPRK, the courts accepted divorce, which is on the rise. Overall, women's socioeconomic participation in the DPRK is changing their status in the family and society.

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7. What are women's particular vulnerabilities to forced labour in the Democratic People's Republic of Korea?

A recent change in the DPRK related to forced labor is that prisoners whose sentences have not been finalized are not forced to work. Nonetheless, correctional labor punishment and labor training punishment continue in accordance with the DPRK Criminal Law. Under this law, men and women can be subjected to forced labor with no distinction between genders. In particular, it is said that some of the women who were forcibly repatriated to the DPRK after choosing to leave or being trafficked out of the country were sentenced to labor training punishment. Some of them testified that they were released after paying 3,000 to 7,000 Chinese yuan(USD430-1,000). In addition, there were testimonies that people caught stealing goods or working as brokers for market transactions were sentenced to labor training punishment, and were sent to the construction industry, where they suffered greatly due to high intensity labor.

8. What positive changes do you think women and girls can make to society and human rights in the Democratic People's Republic of Korea? What is the role of women in pursuing peace and security in the region? How do you think the international community should support women and girls in this regard?

On the Korean Peninsula, women and children are the biggest victims. Women and children are monitored and controlled as potential threats to security, while they continue to experience the fear of war on the Korean Peninsula, where an armistice has not yet been established. Changes in society and human rights in the DPRK are important, such as overcoming the existing male-centered view that predominates in the DPRK and allowing women to play a role as significant actors in DPRK society. For peace and security in the region, North and South Korean women can promote solidarity and exchanges through international activities, based on the common ground of being partners and agents of peace on the Korean Peninsula and victims of colonial rule. At the international community level, it is necessary to form a consensus through experiences such as the peace movement and anti-war movement of women in North and South Korea, Asian women, and international women. In addition, support, solidarity, and humanitarian assistance are desperately needed so that women can function as members of society in the DPRK.



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9. According to your information, what do North Korean women and girls want in terms of securing peace and enhancing their human rights in the Democratic People's Republic of Korea?

North Korean women are uncomfortable with evaluating and criticizing the DPRK based on the existing logic of Western imperialism. It is very important and necessary to raise the issue of human rights in the DPRK at the international level, but each country individually raising the issue of North Korean human rights is viewed by North Koreans as a political discourse aimed at attacking the DPRK system and so is dismissed. North Korean women want continuous monitoring of North Korean women and girls in the international community, want to bring about change in North Korea, to overcome the masculine and patriarchal culture that exists in North Korea, to enable change in DPRK society and to help change its cognitive structures. Also, since the Korean peninsula is divided, both sides denigrate each other's systems and defend themselves according to a kind of polarized groupthink, citing the specific situation of division as a justification. North Korean women hope that women can recover from the damage they have suffered amidst the powder keg of division and be able to enjoy their basic rights properly in society.

For submission:

Please send your responses to the questionnaire, including name and contact details, in Word format by email to hrc-sr-dprk@un.org by **16 December 2022**.

We kindly request that your submission be concise and limited to a maximum of 5 pages (or 2,000 words) and welcome the inclusion of links to online documents.

Due to a limited capacity for translation, we also request that your inputs be submitted in English. We may accept submissions in Korean in exceptional circumstances, please contact hrc-sr-dprk@un.org if you do not have the capacity to submit your responses in English in advance.

All submissions will be made publicly available and posted on the Special Rapporteur's homepage at the OHCHR website, unless it is indicated that the submission should be kept confidential.