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**Human rights situations that require the Council’s attention**

 Situation of human rights in the Democratic People’s Republic of Korea

 Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, Elizabeth Salmón[[1]](#footnote-2)\*

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|  *Summary* |
| The present report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea is submitted pursuant to the Human Rights Council Resolution 49/22. This is the first report of the current mandate holder to the Human Rights Council. She provides an overview of the current human rights situation and the legal framework and a detailed analysis of the human rights of women and girls in the Democratic People’s Republic of Korea. |
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 I. Introduction

1. Since the Democratic People’s Republic of Korea closed its border in early 2020, a lack of reliable and verifiable information coming out of the country has constrained the international community’s ability to assess the human rights situation in the country. Prior to the border shutdown, over 1,000 escapees typically arrived in the Republic of Korea every year. However, only 63 and 67 escapees arrived in 2021 and 2022 respectively, most of whom had left the Democratic People’s Republic of Korea before the border shutdown.

2. The Special Rapporteur has identified women and girls as the first priority of her work, based on the international obligations of the Democratic People’s Republic of Korea and as a situation that requires urgent attention according to the information gathered by the previous mandate holders and civil society organizations. Women and girls in the Democratic People’s Republic of Korea clearly face discrimination and gender-based violence. In November 2022, the Special Rapporteur sent a questionnaire to victims, civil society organizations and governments requesting information on the situation of women and girls in the Democratic People’s Republic of Korea. In January 2023, she organized a conference in Seoul on the human rights of women and girls in the Democratic People’s Republic of Korea. The conference was attended by over 100 participants with a wide range of experience and expertise, including the Special Rapporteur on Violence against Women, a member of the Committee on the Elimination of Discrimination against Women and the UN Human Rights Seoul Office. It explored practical measures for advancing the human rights of women and girls in the Democratic People’s Republic of Korea and provided an opportunity for the Special Rapporteur to listen to the voices of female escapees.

 II. Overview of the situation of human rights

 Security and political context

3. The Korean Peninsula witnessed increased security tensions in 2022. The Democratic People’s Republic of Korea continued its missile programmes, including the record high number of testing of intercontinental and intermediate-range ballistic missiles.[[2]](#footnote-3) The United States and the Republic of Korea also carried out several regular and specialized land, sea and air military exercises. On 8 September, the Democratic People’s Republic of Korea amended its law on Nuclear Forces allowing for automatic nuclear strikes in case of the absence of the command-and-control system following an attack.[[3]](#footnote-4) There has been no progress with the denuclearization of the Korean Peninsula, with talks now stalled for nearly three years. Despite the increased tensions amid missile tests and military drills, both the Republic of Korea and the United States continue to reiterate that they are ready to talk with the Democratic People’s Republic of Korea without preconditions. The Democratic People’s Republic of Korea has stated that hostile policies against it must stop. The near complete isolation of the country combined with a lack of consensus at the UN Security Council and increased military posturing has prevented any meaningful progress on establishing peace and security on the Korean Peninsula. The Special Rapporteur is concerned that with the current tensions and lack of functioning communication channels with the Democratic People’s Republic of Korea, any security misstep could trigger significant escalation with drastic consequences for human rights, including the right to life. The Special Rapporteur urges all parties to ensure the revival of diplomatic engagement, while highlighting that sustainable peace on the Korean Peninsula can only be achieved if human rights are central to any diplomatic processes.

 COVID-19 quarantine restrictions and its human rights implications

4. The Democratic People’s Republic of Korea has been in near complete isolation from the international community for the past three years, and there are no clear indications as to when it will reopen its borders and re-engage. United Nations officials, humanitarian agencies and most of the international staff of the diplomatic missions have not been able to return to the country due to COVID-19 travel restrictions. In January 2023, a five-day lockdown was imposed in Pyongyang reportedly due to increasing cases of respiratory illness. In October 2022, the country reportedly administered two doses of the vaccine to its population aged 17 to 65 years old. Vaccination was prioritized for people living in Pyongyang and in regions bordering China.[[4]](#footnote-5) The country has not accepted any vaccines under the COVAX facility. In June 2022, Gavi, the vaccine alliance, reported that the Democratic People’s Republic of Korea had accepted an offer of vaccines from China.

5. The Special Rapporteur is concerned that the prolonged COVID-19 border restrictions have forced the already vulnerable population including women and girls - who had limited access to food, medicines, healthcare and livelihoods - to the brink. Access to food, medicines and health care remains a priority concern for the Special Rapporteur. It was estimated that by the end of 2021, 60 per cent of the population was food insecure as compared to 40 per cent prior to the pandemic.[[5]](#footnote-6) From 2019 to 2021, 41.6 % of the population suffered from malnourishment.[[6]](#footnote-7) Reports suggested that people can only afford to eat one meal a day, and that eating three meals a day has become a luxury for most families. The Special Rapporteur has received reports of people dying from hunger during the period of COVID-19 restrictions[[7]](#footnote-8), and of homeless people dying during cold spells.[[8]](#footnote-9) There have been reports of sharp spikes in food prices during the past year, including corn and cooking oil, with rural areas particularly vulnerable to disruptions of supply chains. Reportedly this year's harvest is likely to decrease compared to previous years due to extreme drought, heavy rains, lack of agricultural inputs and fertilizers, and disruptions to farming caused by the COVID-19 outbreak in May 2022.[[9]](#footnote-10) Since 2021, the Workers Party of Korea, which is the ruling party, has discussed the food crisis and agricultural problems several times, suggesting the seriousness of the food situation in the country. Reportedly, the Government has been intervening in the market to control food prices and has provided limited subsidized grain through the public distribution system to those in dire need. Reports were also received that, recently, the Government had reduced its daily food rations per soldier from the previous 620 grams to 580 grams, pointing to shortfalls in government food supplies.[[10]](#footnote-11) In September 2022, China and the Democratic People’s Republic of Korea resumed some overland rail trade with strict quarantine measures in place, which might have helped alleviate some of the reported food and medicine shortages. The Special Rapporteur is of the view that the Democratic People's Republic of Korea will need international support to help tackle the prolonged food crisis. She appeals to the Government to put to one side political considerations and cooperate with the international community to help address the alarming food situation which has already, according to some sources, led to starvation.

6. Ongoing COVID-19 restrictions have further exacerbated already dire shortcomings in healthcare provision and accessibility to medicines. The Special Rapporteur has received reports that local hospitals are unable to perform simple medical procedures due to a lack of basic medicines, anaesthesia, disinfectants and IV drips. In August 2022, the Democratic People’s Republic of Korea enacted three new laws related to medical supplies, which provide for strict punishments for illegally producing and selling medicines.[[11]](#footnote-12) The imposition of harsh penalties for the illicit selling of medicines has limited their supply in the marketplace, which people have come to increasingly rely upon. Reportedly, since January 2023, provincial and municipal hospitals have been discharging all patients, apart from those on emergency wards and/or suffering from severe diseases, due to lack of fuel for heating.[[12]](#footnote-13) Patients have also reportedly been required to bring their own medicines, medical supplies, and fuel to receive treatment at hospitals, limiting access to healthcare to those with the means to pay.

7. Since the start of COVID-19, the country has imposed further restrictions on civil and political rights, including introducing more severe penalties for accessing information from outside of the country, further limiting domestic travel and further strengthening border security including authorizing the use of lethal force for any unauthorized border crossings. The Law on the Elimination of Reactionary Thought and Culture, enacted in December 2020, prohibits the distribution and viewing of songs, drawing, photos and designs from the Republic of Korea and other “hostile nations’ and prescribes the death penalty for import and distribution of such contents. In 2021, the Government reportedly enacted the “Youth Education Guarantee Act” to stop young people from copying foreign culture and reorienting them to socialist lifestyle.[[13]](#footnote-14) In November 2022, in a conference organized by the Workers Party of Korea Central Committee for its security agencies, the participants decided to prioritize eradicating “anti-socialist and non-socialist practices” among youths.[[14]](#footnote-15) In January 2023, the Supreme People's Assembly adopted a new Law on Protecting the Cultured Pyongyang Dialect. This law was reportedly enacted to preserve the country's language and reject non-normative linguistic elements emanating from the Republic of Korea. The Special Rapporteur has received reports of authorities monitoring youths' cell phones and carrying out house searches to check if they are using pictures, videos and documents from foreign media and using Republic of Korea-style language. The Special Rapporteur is concerned that strictly prescribed government requirements on how people should speak, communicate, interact and receive information will further limit individuals' right to freedom of expression including access to information.

 Abductions and enforced disappearances from outside of the Democratic People’s Republic of Korea, and prisoners of war not returned

1. Enforced disappearance, including in the form of abductions, is a serious crime that continues until the fate and whereabouts of the disappeared person has been clarified. As of August 2022, 415 cases transmitted by the Working Group on Enforced or Involuntary Disappearances to the Democratic People’s Republic of Korea were outstanding. During the Korean War from 1950 to 1953, between 80,000 and 100,000 people from the Republic of Korea were estimated to have been kidnapped and relocated to the Democratic People’s Republic of Korea. Since the end of the Korean War, at least 50,000 prisoners of war from the armed forces of the Republic of Korea have not been repatriated and approximately 500 survivors are estimated to be held in the Democratic People’s Republic of Korea as of 2020, according to repatriated prisoners of war. During the resettlement “Paradise on Earth” campaign, 93,340 ethnic Korean people living in Japan “returned” from Japan to the Democratic People’s Republic of Korea based on false promises of better life. Hundreds of people from the Republic of Korea, Japan and other nations were also abducted and disappeared mainly between the 1960s and the 1980s. The Government of the Republic of Korea officially recognizes 516 of its citizens as post-war abductees. Eleven people (4 crew members and 7 passengers) who were on Korean Air Lines flight YS-11 hijacked on 11 December 1969 have never been returned. According to the Government of Japan, 12 abductees from Japan officially recognized by the Government of Japan remain unaccounted for. Some other foreign nationals have also been abducted, including one from Thailand and one from Romania. During the reporting period, the Special Rapporteur had the opportunity to meet with family members of six persons from the Republic of Korea detained in the Democratic People’s Republic of Korea as well as former Prisoners of War, families of victims of the Paradise on Earth campaign, and families of abductees from Japan, the Republic of Korea and other countries and learned that they have no information about what has happened to their family members. The Special Rapporteur calls on the Democratic People’s Republic of Korea to provide information on the investigations undertaken and the fate and whereabouts of all the disappeared persons.

 III. Human rights of women and girls in the Democratic People’s Republic of Korea

9. Integrating a gender sensitive approach into human rights analysis is fundamental to understanding how gender dimensions affect the enjoyment of rights. This approach recognizes that women, girls, men and boys may experience human rights violations and abuses differently, and that gendered power imbalances can exacerbate the harm caused by such violations and abuses. To effectively address human rights violations, the analysis must take into account the ways in which gender shapes the experiences of victims. This can involve considering the gendered dynamics of the violations, such as how traditional gender roles may have been used to justify the violations or how gendered power imbalances may have made it difficult for victims to speak out as well as to seek assistance, protection, justice and reparations. Additionally, the gender approach also highlights the importance of including a diverse range of voices in the analysis of human rights situations, including those of women and girls on intersecting grounds and marginalized people, to ensure that their perspectives and experiences are taken into account to inform understanding of violations and the risk of violations and to effectively address different situations. Identifying how socio-cultural roles and responsibilities are assigned or assumed by women and men in the Democratic People’s Republic of Korea is essential to design adequate responses and to contribute to transformative action that improves human rights situations.

 Domestic Legislation

10. The Democratic People’s Republic of Korea has included principles of gender equality in some of its laws, starting with the Law on Sex Equality (1946). The Socialist Constitution of the Democratic People’s Republic of Korea (1972) provides for the right to elect and to be elected, irrespective of sex (Article 66), equal social status and rights between men and women (Article 77), and “special protection to mothers and children,” including the provision of “maternity leave, reduced working hours of mothers with several children,” and related medical measures. The Socialist Labour Law (1978) stipulates the right for “all workers” to work (Article 5), specifies the rights for women to be able to “actively participate in societal labour,” and notes the responsibility of “local political institutions and relevant State organs…to manage creches, kindergartens, pediatric wards and amenities so that women can work conveniently” (Article 31). Relatedly, the Labour Protection Law (2010) states that “institutions, enterprises and organizations shall put pregnant female workers to easy work until they enter maternity leave, and must assure breastfeeding time periods for female workers who have breastfeeding children” (Article 24), and “female workers who have breastfeeding children or are pregnant may not be required to do night labour, overtime labour, or labour on days of rest…” (Article 38). The Law on the Protection and Promotion of Women’s Rights adopted in 2010,[[15]](#footnote-16) outlines the principles of equality and duties of government and work organizations for protecting women’s rights. In November 2021, the Assault (Violence) Prevention Law was also adopted, however, this law does not provide clear provisions to prevent violence against women taking place within the context of a family or in a personal relationship.

11. On the rights of the child, the Democratic People’s Republic of Korea stated in the 1996 Addendum to the State party report to the Committee on the Rights of the Child that it, has a “long cultural history and tradition of prioritizing children’s welfare.”[[16]](#footnote-17) The Socialist Constitution obliges the state to “maintain all children of preschool age in nurseries and kindergarten” (Article 49), and affords “special protection to mothers and children” (Article 77). The Socialist Labour Law (1976), Law on Educating and Rearing Children (1976), People’s Public Health Law (1980), Civil Law (1990), Family Law (1990), Children’s Rights Protection Law (2010), and Child Care Law (2022), outline provisions protecting the rights of the child. According to the Socialist Labour Law (1976), children are prohibited from working until they reach 16 years of age (Article 15); the Public Health Law (1980) provides for the State’s duty to provide preventative medical services for children; the Civil Law (1990) defines civil rights of children (Article 19); and the Family Law (1990) guarantees “special protection” of children in the family (Articles 6, 25, 27, and 28). The 2010 Children’s Rights Protection Law provides additional protections for the rights of the child, including the right to education (Article 5; Articles 22-25) and access to health (Article 5); legal protection of children’s rights (Article 7; Article 10); prohibition against kidnapping or trafficking of children (Article 18); and prohibition of child labour (Article 19), complementary to the Socialist Labor Law (1976), among other things. Articles 5 and 23 of the Children’s Rights Protection Law increases compulsory education (including 1-year of kindergarten) from 11-years (under the Law on Educating and Rearing Children (1976) to 12-years.[[17]](#footnote-18) Based on the law, the country introduced the 12-year compulsory education in 2014.[[18]](#footnote-19)

12. Regarding rights related to girls, the Democratic People’s Republic of Korea has adopted the Common Education Law (2011),[[19]](#footnote-20) the Decree on the Enforcement of the Universal 12-year Compulsory Education (2012), and Higher Education Law (2011).[[20]](#footnote-21) These laws and decrees legalize the rights of all children, including girls, to receive 12-year compulsory education free of charge from pre-school through primary, junior, to senior secondary levels, as well as higher education according to their wishes and abilities.

 Domestic responses to the international obligations on the rights of women

13. The Democratic People’s Republic of Korea acceded to the Convention on the Elimination of Discrimination against Women in 1990. The Committee on the Elimination of Discrimination against Women made several early recommendations to the Democratic People’s Republic of Korea, in response to the State party’s 2005 initial report.[[21]](#footnote-22) These included the request for the State party “to clarify…the status of the Convention in relation to domestic legislation in the case of a conflict”; to incorporate the “definition of discrimination”; to undertake “proactive measures and policies to eliminate discrimination against women”; to “carry out awareness campaigns on the Convention”; to conduct a “review of all legislation,” including the “minimum marriage age for females at 17”; to ensure “adequate representation of women in the people’s committees and training be given to the committees concerning women’s rights to equality”; to “adopt and implement, at the national level, a comprehensive and coordinated plan of action to promote gender equality”; to “seek international assistance for the conceptual training of officials.”; to “make visible the existence of domestic violence” and adopt “legislation on domestic violence”; to “increase the number of women in decision-making positions in all spheres”; and to provide protection from sex trafficking, among other things.

14. The Special Rapporteur acknowledges that in response to the concerns raised by the Committee, the Democratic People’s Republic of Korea has made progress in bringing domestic laws in line with the Convention, including the adoption of the Law on the Protection and Promotion of Women’s Rights (2010). Many of the articles in this law, such as Article 46 on domestic assault and violence, include provisions about education, and raising awareness within society to “prevent” these practices from continuing. These provisions are in direct response to the Committee on the Elimination of Discrimination against Women’s recommendation to carry out awareness campaigns on the Convention.[[22]](#footnote-23) However, the law, which prohibits “all forms of domestic violence” (Article 46) does not specify what constitutes violence or define the perpetrators and victims. This ambiguity in the definition complicates the identification of domestic violence. Additionally, the Criminal Law makes no reference to “domestic assault” or “domestic violence,” thereby making it even more difficult to legally address violations against women in the domestic sphere.

15. The Special Rapporteur would also like to highlight that Article 9 of the Law on the Protection and Promotion of Women’s Rights provides that the “State shall exchange and cooperate with other countries and international organizations in the women’s rights protection field.” Additionally, under Article 10, international conventions related to women’s rights ratified by the Democratic People’s Republic of Korea “shall have the same legal effect as this law.” Under these provisions, the country thus accepts “exchange” and “cooperation” from international organizations and is legally bound by the normative guidelines set forth by the Convention on the Elimination of Discrimination Against Women, as raised by the Committee.[[23]](#footnote-24) The Special Rapporteur stresses that “exchange and cooperation” with “international organizations” by default involves engagement with representatives and experts related to the human rights standards of the United Nations, such as the UN Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea. The Special Rapporteur believes the provisions set forth in the Law on the Protection and Promotion of Women’s Rights for cooperation and exchange with international experts is a positive step forward for the Democratic People’s Republic of Korea to improve women’s rights. For the better implementation of women’s rights, including the alignment of the Law on the Protection and Promotion of Women’s Rights with international legal instruments on women’s rights, she urges the Democratic People’s Republic of Korea to establish a direct channel of conversation with the Special Rapporteur and her work.

16. In the 2016 State party’s report submitted to the Committee on the Elimination of Discrimination against Women, the Democratic People’s Republic of Korea noted that “Women in the DPRK are leaders in society, politics, economy, and culture; share equal rights with men; and have worked to achieve the country’s prosperity.”[[24]](#footnote-25) Additionally, in the Universal Periodic Review, the State attempted to reaffirm its efforts towards making progress in women’s rights. According to the State report, the number of women in universities is increasing, working conditions have improved, more women are being appointed to leadership posts in government, and the State has adopted the “Strategy and Action Plan to Control Child and Maternal Malnutrition (2014-2018) and the Action Programme for Health of Newborns (2015–2016) that helped lower maternal mortality rates.[[25]](#footnote-26)

17. The Democratic People’s Republic of Korea has expressed strong support to the 2030 Agenda for Sustainable Development. To implement the Agenda, it launched the National Task Force for Sustainable Development in 2018. It participated in the Voluntary National Review of the implementation of the 2030 Agenda. In its report, it stated that “[t]he DPRK has achieved gender equality long time ago *(sic)*, thus most of the targets of the global SDGs have been achieved”, and that “Mental and physical violence is not a social issue in the DPRK where the people are masters of everything and everything serves for people *(sic)*.” [[26]](#footnote-27)

 International Obligations

18. The Democratic People’s Republic of Korea has ratified five core international human rights treaties.[[27]](#footnote-28) By becoming a state party to these human rights treaties and other international instruments, the Democratic People’s Republic of Korea has voluntarily accepted a range of legally binding obligations to respect, protect, and fulfill the rights of women and girls. Reviews by the Human Rights Committee (latest in 2001),[[28]](#footnote-29) the Committee on Economic, Social and Cultural Rights (latest in 2003),[[29]](#footnote-30) the Committee on the Rights of the Child (latest in 2017),[[30]](#footnote-31) and the Committee on the Elimination of All Forms of Discrimination Against Women (latest in 2017),[[31]](#footnote-32) with the participation of State officials and the submission of eleven country reports, have produced substantive analysis on the implementation of these treaties and provided targeted recommendations on how to improve implementation.[[32]](#footnote-33)

19. The Democratic People’s Republic of Korea has participated in three cycles of the Human Rights Council’s Universal Periodic Review process, providing an opportunity for members of the Human Rights Council to engage directly with the State delegation attending the review in Geneva. Following its latest review in May 2019, the Government supported 132 recommendations to improve the situation of human rights in the country out of the 262 it received.[[33]](#footnote-34) From 3-8 May 2017, the Special Rapporteur on the rights of persons with disabilities, Ms. Catalina Devandas Aguilar, conducted the first ever country visit by a special procedures thematic mandate holder. Her subsequent country report to the Human Rights Council contained important analysis and recommendations to the Government,[[34]](#footnote-35) which were referred to in the State’s subsequent report to the Committee on the Rights of Persons with Disabilities.[[35]](#footnote-36) The Special Rapporteur will continue to advocate for further country visits by other thematic mandate holders. The Democratic People’s Republic of Korea has however not cooperated with any of the three previous country mandate holders on the human rights situation in the Democratic People’s Republic of Korea.

20. The Democratic People’s Republic of Korea is under the legal obligation to eliminate discrimination against women and girls, particularly those in situations of vulnerability, which often includes girls, adolescents, pregnant women and women with newborns, elderly women, women with disabilities, migrants or refugees, and the LGBTIQ+ people among others. As stated by the CEDAW Committee, “the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity.”[[36]](#footnote-37) As a State party, the Democratic People’s Republic of Korea is required to legally recognize these intersecting forms of discrimination against women, and its harmful consequences, as well as adopt and pursue policies and programmes aimed at eliminating such occurrences of discrimination.

21. As noted following the 2017 visit by the Special Rapporteur on rights of persons with disabilities, the Democratic People’s Republic of Korea has an obligation to refrain from measures that undermine the full development, advancement, and empowerment of women and girls with disabilities as well as to ensuring that their rights are not infringed upon by non-state actors, and exercise due diligence to prevent and sanction such acts.[[37]](#footnote-38) Professionals and staff working with women and girls with disabilities must receive appropriate training. The State has the obligation to educate and train women and girls with disabilities in civil, political, economic, social, and cultural rights, providing them with accessible information about mobility aids, devices, and assistive technologies, as well as knowledge on the assistance, habilitation, and rehabilitation they may require due to their disability needs.[[38]](#footnote-39)

 IV. The situation of specific rights

22. As described in the previous section, the Democratic People’s Republic of Korea has made efforts and progress in establishing legal framework on protecting the human rights of women and girls. However, the information the Special Rapporteur receives demonstrates a stark gap between these laws and their implementation. A similar problem lies with the implementation gap for the international human rights treaties the State has ratified. These gaps are symptomatic of the lack of institutional reform to accompany legal reform, which includes the establishment of the rule of law and an independent judiciary which can ensure the review and implementation of laws in accordance with international human rights obligations, including decrees issued by the President. Furthermore, it requires the training of key Government officials in relevant international human rights standards, including police and prison guards, effective steps to tackle corruption, and the establishment of independent, impartial and effective complaint mechanisms for people to seek redress if their human rights are violated. The Special Rapporteur will highlight specific situations of women and girls that deserve attention in this section.

 Women in detention

23. The Special Rapporteur continues to receive information about the serious human rights violations occurring in detention facilities.[[39]](#footnote-40) Citizens in the Democratic People’s Republic of Korea live under constant fear of being sent to political prison camps (*kwanliso)*[[40]](#footnote-41). There is no judicial oversight and fair trial for those accused of committing crimes against the State.[[41]](#footnote-42) In the past, several thousand women were detained in *kwanliso* due to the application of “guilt-by-association’’. Women are required to perform hard labour in *kwanliso* due to daily work quotas that they need to complete in coal mines, factories, farms, machinery, textiles, and manufacturing. Living conditions for women are harsh and they are not provided with the means to maintain their personal hygiene including menstrual hygiene.[[42]](#footnote-43)

24. Women are detained in inhumane conditions and deprived of food. They are subjected to torture and ill-treatment, forced labour and gender-based violence, including sexual violence by State officials.[[43]](#footnote-44) Female escapees who are forcibly repatriated to the country are subjected to strip searches and invasive body searches, aimed at searching for money hidden in their body cavities and genitals.[[44]](#footnote-45) Several accounts indicate that such body searches are increasingly being conducted by female officials in recent years, however, this practice does not meet the international standards[[45]](#footnote-46). Since 2012, punishment for repatriated escapees has been strengthened, and the average sentence for illegal crossing of the border has increased to five years of imprisonment in *kyohwaso* (an ordinary prison)*.*[[46]](#footnote-47) Women detainees produce cosmetics and beauty products such as wigs, textiles and other products for export. They also work in agriculture and jobs requiring hard labour in detention facilities. Reportedly, pregnant detainees are denied special protection guaranteed under international law or domestic law. One former escapee recounted the experience of a pregnant prisoner who was so severely deprived of food that she had to steal and consume dog food.[[47]](#footnote-48) Escapees have also stated that pregnant women underwent forced abortions and hard labour while detained[[48]](#footnote-49). The Special Rapporteur wishes to remind the Democratic People’s Republic of Korea that all women, including pregnant women deprived of their liberty must be treated humanely and with respect at all times. Accounts from former female detainees have also revealed cases where neither judge nor judicial officer has authorized their detention and they had no right to challenge their arbitrary detention before a court.[[49]](#footnote-50) The Special Rapporteur recalls that in 2017 the Committee on the Elimination of Discrimination against Women expressed concern about the lack of adequate, independent, and confidential complaint mechanisms available for women in detention.[[50]](#footnote-51) Women in detention that have been victimized by State officials should be able to report such violations without fear of punishment or reprisal. The Democratic People’s Republic of Korea must enable victim-centred mechanisms that protect victim-survivors from retaliation and also guarantees confidential reporting.

25. According to research by a civil society organization, 270 cases out of a total of 586 cases of sexual violence against women recorded through its interviews occurred within detention facilities,[[51]](#footnote-52) although some accounts indicate that direct violence against women and girls has decreased compared to the past.[[52]](#footnote-53) These numbers show how women in detention are particularly vulnerable to sexual violence. Female inmates continue to be guarded almost exclusively by male officers.[[53]](#footnote-54) Accounts of escapees from the Democratic People’s Republic of Korea also indicate that officers sexually exploit female detainees in exchange for reducing their penalty or improving their treatment during detention or imprisonment. If denied, detainees have been threatened with additional sentences.[[54]](#footnote-55)

 Women crossing the international border

26. Women make up nearly 72 percent of the escapees from the Democratic People’s Republic of Korea that have resettled in the Republic of Korea.[[55]](#footnote-56) Women and girls face innumerable risks in their attempt to escape the Democratic People’s Republic of Korea, particularly when crossing the border into China. Since the mid-to-late 1990s economic crisis, the number of women escaping from the Democratic People’s Republic of Korea to China has increased significantly. However, since the introduction of COVID-19 border restrictions in January 2020, the number of women escaping the country has declined significantly. In 2020, the Ministry of Social Security issued a proclamation authorizing the authorities to shoot-on-sight anyone trespassing a 1-2 km buffer zone along the Chinese border. Women leave the Democratic People’s Republic of Korea for various reasons, including for family reasons, hardships suffered, discrimination and oppression experienced, as well as for economic survival. Many women and girls who attempt to escape are sold into forced marriages with Chinese men or driven into the sex industry.[[56]](#footnote-57) Even before crossing, they are vulnerable to sexual harassment, sexual assault, beatings and human trafficking by various perpetrators.[[57]](#footnote-58) The Special Rapporteur has been informed that the recent ‘war on human trafficking’ declared by Chinese authorities and the tighter regulations on human trafficking may represent a risk for victims in China who are excluded from protection, given that they are classified as “illegal immigrants” with no refugee status.[[58]](#footnote-59) In violation of the principle of *non-refoulement*, escapees are often detained and forcibly repatriated to the Democratic People’s Republic of Korea.

27. In the Democratic People’s Republic of Korea, repatriated victims are labelled by authorities as ‘criminals’ if they commit ‘illegal border-crossing’[[59]](#footnote-60) and as “traitors” if the authorities find any link suggesting an “intention” to escape to the Republic of Korea. The punishment is determined by factors such as the length of the escapees’ stay in China and whether they had the “intention” to escape to the Republic of Korea. However, according to the accounts of former escapees, severe punishment could be avoided through bribery if they were not considered “traitors”. Although the Law on the Protection and Promotion of Women’s Rights requires institutions concerned to take stringent measures to prevent and sanction trafficking of women and girls, no steps have been taken to protect victim-survivors or address the enduring harms that result from having been victimized.[[60]](#footnote-61) It has also been documented that many forcibly repatriated women who give birth in China, try to escape again to China to reunite with their child and eventually, undergo second forced marriage.[[61]](#footnote-62) The Special Rapporteur wishes to remind the Government of the Democratic People’ Republic of Korea of its duty to address the protection of women and girls from exploitation,[[62]](#footnote-63) and to incorporate and implement legislative measures to prevent trafficking and exploitation and take steps for economic empowerment of women and girls, provide victim assistance through counselling, reintegration, and rehabilitation, collect data on trafficking and the impact on trafficking interventions, and cooperate with other countries in the fight against trafficking.[[63]](#footnote-64)

28. Most of the women who escaped from the Democratic People’s Republic of Korea settle in the Republic of Korea and China, where they make a living and send remittances to their families in the Democratic People’s Republic of Korea. This economic support provides for subsistence to their families.[[64]](#footnote-65) Many women have to leave their children with their Chinese husbands in China when they leave. Some women bring their children after being resettled in the Republic of Korea; however, it is not easy for the children to integrate in the Republic of Korea because they often do not speak Korean. The Government of the Republic of Korea provides escapees with support services and benefits in the areas of protection, education, employment, accommodation, medical care, and other basic needs.[[65]](#footnote-66) In spite of such support, many escapees struggle with integration into the society of the Republic of Korea. According to research by the Ministry of Gender Equality and Family of the Republic of Korea, 65.2 percent of female escapees suffered from chronic diseases, 50 percent were at risk of depression, and more than a quarter of escapees suffered from post-traumatic stress disorder (PTSD).[[66]](#footnote-67) Experts and civil society actors have expressed concern about the lack of a support system in place to address anxiety, depression, PTSD and other mental health issues affecting many escapees. The Special Rapporteur wishes to acknowledge the courage that female escapees have in sharing their accounts about human rights violations. Amplifying their voices signifies a fundamental step towards holding perpetrators accountable in the Democratic People’s Republic of Korea. At the same time, the Special Rapporteur stresses the need to strengthen support for the mental health of the escapees and community support to facilitate their integration.

 Sexual and reproductive rights

29. While the maternal mortality rate has recently increased from 89 deaths per 100,000 in 2017 to 107 deaths in 2020 in the Democratic People’s Republic of Korea.[[67]](#footnote-68) The risk of maternal death is higher when women give birth at home due to the risk of postpartum hemorrhage, infection and sepsis.[[68]](#footnote-69) According to some research, only 2 out of 34 female escapees interviewed had received preventive screening for gynecological issues and none had received screening for breast cancer.[[69]](#footnote-70) There are no independent statistics about people with HIV/AIDS.[[70]](#footnote-71) Sexual and reproductive health education is not included in formal or other forms of education. Women learn about sexual and reproductive health from females around them.[[71]](#footnote-72) In 2017, the Committee on the Rights of the Child recognized that while the Democratic People’s Republic of Korea had included adolescent health issues in its 2011-2015 reproductive and maternal health strategies, it did not inform about any new plans on a comprehensive sexual and reproductive health policy for adolescents.[[72]](#footnote-73) The committee on the Elimination of Discrimination against Women, likewise, noted that there was an insufficient incorporation of age-appropriate education on sexual and reproductive health into the school curricula.[[73]](#footnote-74) Having access to scientifically accurate information on the matter contributes to guaranteeing responsible sexual behaviour, prevention of early pregnancy and sexually transmitted infections, as well as the elimination of negative stereotypes and discriminatory attitudes towards the sexuality of adolescents. It also constitutes an efficient preventive tool for sexual violence.

30. Knowledge of and access to modern contraceptive methods are limited. The burden of using contraception lies with women, and the intrauterine device (IUD) is the most common method of contraception.[[74]](#footnote-75) Although IUDs should be replaced every few years, many women use it for a long period of time, which causes inflammation and gynaecological diseases.[[75]](#footnote-76) Menstruation issues are not discussed and are a source of social stigma.[[76]](#footnote-77) Education on menstruation is insufficient, and both women’s and men’s understanding of menstruation is limited. Fifty percent of schools and 38 percent of nurseries in the country lack adequate water and sanitation facilities.[[77]](#footnote-78) The lack of adequate menstrual hygiene management often inhibits girls’ school attendance and makes it difficult for women to work during menstruation. Sanitary pads are available but are expensive to many families. Accounts indicate, however, that more women are now buying disposable sanitary pads.[[78]](#footnote-79) Regarding abortion, the scope of regulations are unclear and there is no clear legal framework to protect women from illegal forms of abortion.[[79]](#footnote-80) High-risk abortion in private clinics or at home is still commonly practised.[[80]](#footnote-81)

 Violence against women

31. The Special Rapporteur notes that there is a lack of available information on the prevalence of gender-based violence against women, including domestic violence and sexual violence in the Democratic People’s Republic of Korea. Nonetheless, accounts from escapees suggest that domestic violence is widespread and normalized in the Democratic People’s Republic of Korea.[[81]](#footnote-82) Domestic violence appears to be widely tolerated and viewed as a private or family issue in which the State does not need to intervene. While it is prohibited by law,[[82]](#footnote-83) there is no clear definition of its elements, nor is it conceived as a crime in the Criminal Code. Additionally, victim-survivors have no access to reporting or protection mechanisms. There are no safe houses, psychosocial support nor shelters for them.[[83]](#footnote-84) The Special Rapporteur reminds the Democratic People’s Republic of Korea of its duty to affirmatively act to prevent and protect all women from violence, institute and enforce necessary legislation, take all appropriate measures to promote recovery and rehabilitation, as well as sanction perpetrators and provide redress for victims.

32. According to the CEDAW Committee, the Law on the Protection and Promotion of Women’s Rights (2010) and the Family Law (1990) have focused on reconciliation rather than on prosecuting perpetrators.[[84]](#footnote-85) The Special Rapporteur highlights that this approach leaves women unprotected and favours impunity, especially when considering that victim-survivors have limited knowledge and awareness of their rights. Escapees’ accounts suggest that very few perpetrators are held accountable for gender-based violence crimes.[[85]](#footnote-86) The Democratic People’s Republic of Korea must put victims’ rights at the forefront of the criminal justice system’s response, by prioritizing victim-survivor’s safety, well-being, choices and needs, and making sure the delivery of its services is done in an empathetic and non-judgmental manner.

33. As with domestic violence, rape is also forbidden by law, but it has contradictory definitions, and marital rape is not criminalized.[[86]](#footnote-87) In addition, rape is described as an act that can only be committed by a man against a woman and has penalties that are disproportionately low in relation to the severity of the crime.[[87]](#footnote-88) According to Article 279 of the Criminal Code, penalty for rape is up to five years with “reform through labour”; up to 10 years if the assailant “commits a grave offence”; and provides for life imprisonment or the death penalty if it is an “extremely grave” case.[[88]](#footnote-89) Only a few men have been convicted of rape according to the Government’s data.[[89]](#footnote-90) Escapees have informed that many women in the country have faced sexual assault and rape, particularly by men in positions of authority with total impunity.

34. Other forms of sexual violence also appear prevalent in the country but are not perceived as a serious offence. Sexual harassment in the workplace is tolerated and is not often reported. Negative social perception of victim-survivors of sexual violence, and victim-blaming narratives such as the belief that women should be held responsible for failing to protect their body, have constrained women to report cases. One victim recounted that she was dismissed from her job after defending herself from an assault.[[90]](#footnote-91) The Special Rapporteur is concerned about the pervasive beliefs that tolerate violence against women and girls. The Law on the Protection and Promotion of Women’s Rights is a positive step in tackling violence against women, though is insufficient and not effectively implemented.[[91]](#footnote-92) Impunity on cases of violence against women appears to be widespread. The Special Rapporteur considers this unacceptable and urges the Government to establish mechanisms that protect victim-survivors and, most importantly, enact policies to prevent it. This requires addressing patriarchal root causes of gender-based violence, promoting women’s awareness of their rights, and engaging men as part of the solution to ending violence against women.

 Women’s rights in *jangmadang*

35. *Jangmadang* are informal markets that emerged during the 1990s as an adaptation strategy by the people. In these informal markets, “low-level entrepreneurs sell food and consumer goods, with vendors paying bribes to security officials in exchange for the ability to operate”.[[92]](#footnote-93) Interactions between low-level entrepreneurs and the state are limited to the payments vendors make to local state officials. In 2014, the Government attempted reforms to legalize some market activities and to allow business enterprises to engage in economic activities more autonomously. However, inadequate legal and economic reforms have created an “uncertain legal environment” where people engaging in low-level market activities, the majority of whom are women, are exposed to corruption, abuse and sexual exploitation.[[93]](#footnote-94)

36. The Special Rapporteur would like to note that *jangmadang* markets have changed the economic and social landscape of the country.[[94]](#footnote-95) With the emergence of *jangmadang*, women in the Democratic People’s Republic of Korea have developed opportunities to work, earn income, and become the primary breadwinners for their families. According to surveys conducted with escapees, roughly 70-80 percent of the country’s population are dependent on these markets for daily necessities including food, and 10 percent of the population is solely dedicated to working in these marketplaces. Before the pandemic, it was estimated that women contributed to more than 70 percent of household incomes,[[95]](#footnote-96) that women constituted a “sizeable majority of vendors”, and that roughly “three-quarters of North Korea’s marker traders” were women.[[96]](#footnote-97) According to civil society organizations, this new role for women has given them “stronger voices at home, increased their decision-making power about finances and children’s education, and improved their access to information about issues inside and outside” of the country.[[97]](#footnote-98) Women’s market participation has also led to more financial independence for women within the household. The Special Rapporteur has received information that suggests that this newly found financial autonomy for women has resulted in improvements in the power relationship with husbands and reduced levels of domestic violence.[[98]](#footnote-99)

37. Nevertheless, the Special Rapporteur would like to note that despite women’s newfound role as the breadwinner of the family, they have faced new situations of human rights violations. Due to their work in *jangmadang*, women have become “a target of regime control and corruption.”[[99]](#footnote-100) This includes the risk of arrest and detention associated with their roles as vendors in *jangmadang,* and the bribes they have had to pay to the state officials. Additionally, women in *jangmadang* have been more vulnerable to sexual exploitation, with guards and local officials demanding bribes in the “form of coerced sexual acts or intercourse.”[[100]](#footnote-101) Should they resist, they lose “access to prime trading locations,” face “more physical or sexual violence,” or are under “increased scrutiny while conducting market activities.”[[101]](#footnote-102) The Special Rapporteur is extremely concerned about these rights violations that women in *jangmadang* face and calls on the Democratic People’s Republic of Korea to acknowledge the contribution made by these women and provide protection to those working in *jangmadang*.

38. The Special Rapporteur notes that, despite women’s economic engagement in *jangmadang*, due to patriarchal norms in society they havehad to continue their traditional roles as housewives. This has placed an additional burden on women. In addition, women are further excluded from official positions of work, and their economic participation “paradoxically reinforces the perception that women do not need education or skills.”[[102]](#footnote-103) Since the pandemic, there has been a dramatic decline in market activity in the Democratic People’s Republic of Korea. The Special Rapporteur notes that the State may be using extreme Covid-19 related measures to crack down on the markets and assert more control. The Special Rapporteur is equally concerned that market activities, which many women relied on for their income, were greatly reduced due to border closures and increased restrictions on freedom of movement. She expresses regret that the government is strengthening the control over private economic activities under the mantle of “anti-socialist behaviour”, further restricting the only viable source of income that many families rely on. Reportedly, the government is also forcing workers to remain at their officially designated workplaces, regardless of whether there is enough work or if they can pay the workers. With no alternative source of income and no payment from government-assigned jobs, many families are likely to fall into malnutrition, starvation and poverty.

39. The Special Rapporteur is concerned that declining women’s participation in economic activities in *jangmadang* will not only impact their livelihoods but can also result in increased domestic violence and mistreatment in families. The Democratic People’s Republic of Korea has agreed to undertake a wide range of measures aimed at ensuring women’s equal access to the labour market and securing their equal opportunity and conditions as employees, including remuneration, social security, and health safety.[[103]](#footnote-104) Additionally, international treaties ratified by the State call for attention to the special protection and social and economic inclusion of women facing exclusion and vulnerability, as is often the case with rural women.

 V. Conclusion

40. The Special Rapporteur has received information that, despite what is being reported by the Government, discrimination against women and girls continues in the Democratic People’s Republic of Korea, as has been detailed in this report. Widespread gender stereotypes in the country are the root cause of discrimination against women. According to accounts from escapees, women are called “flowers”. Women’s appearances – clothes, hairstyle and even makeup - are subjected to control by the State. These gender stereotypes manifest themselves in various facets of social life, with violence against women not being treated as a serious crime, and the stigma associated with sexual violence and harassment precluding redress for victims. The Democratic People’s Republic of Korea is required to address widespread gender stereotypes, uphold gender equality and protect women and girls from violence including by providing them with recourse to affordable, accessible, and timely remedies and legal assistance in pursuing justice for domestic and other forms of gender-based violence.[[104]](#footnote-105)

41. Despite incremental legislative progress in recent years, the Democratic People’s Republic of Korea still has normative deficits, legal lacunae and vast implementation gaps that prevent the State’s pronounced intention to make gender equality a reality. Achieving gender equality and women and girls’ empowerment requires an express, concerted, and sustained public policy effort in the Democratic People’s Republic of Korea. Ending violence against women must be a social and institutional priority, including from the highest level of the State. Therefore, the Government needs to develop, adopt, and implement a comprehensive plan of action to promote women’s and girls’ rights and gender equality. Access to information is essential to ensure gender equality, and therefore information on such progress must be available both nationally and to international bodies including relevant international human rights mandates and mechanisms. It also requires challenging patriarchal root causes of gender-based violence and promoting women’s awareness of their rights, as well as engaging men as part of the solution to ending violence against women. Moreover, the Special Rapporteur reminds the State of the Beijing Declaration and Platform's importance in fulfilling its commitments in this area. Similarly, the process of implementation of the 2030 Agenda for Sustainable Development provides the Democratic People’s Republic of Korea with a clear pathway toward implementing its international obligations in this area.

42. During the conference held from 30-31 January in the Republic of Korea, the Special Rapporteur was inspired by the stories of female escapees and made more aware of the pain they were still going through in coming to terms with and moving forward with their lives. Some of the young women are working as advocates for other girls still living in the Democratic People’s Republic of Korea or in China, some studied hard to become researchers in the Republic of Korea, and some are fighting for the reunion of female escapees and their children left in China. The Special Rapporteur is clear that they are not only victims of human rights violations but are at the forefront of achieving a shift in narratives on women from the Democratic People’s Republic of Korea. Furthermore, women in the Democratic People’s Republic of Korea are also playing a transformative role in their society by engaging in economic activities, transmitting information coming from outside, and challenging exploitations. The Special Rapporteur is intending to further examine the direct and indirect impact that women are having on progressive shifts in society and the role of women in securing sustainable development, peace and stability on the Korean Peninsula, and plans to further report on these issues to the General Assembly in October 2023.

 VI. Recommendations

43. **The Special Rapporteur recommends that the Democratic People’s Republic of Korea:**

(a) **Recognize the fundamental right to leave and enter the country both in law and in practice, and ensure that those who are repatriated are not subjected to punishment upon repatriation;**

(b) **Adopt an integral approach to address the situation of trafficking that impact women and girls including address the root causes of trafficking;**

(c) **Ensure women in detention are supervised by female guards and all guards are given mandatory gender-sensitive training on the rights and dignity of female detainees;**

(d) **Provide in relevant laws the definition of discrimination against women, the definition of rape, domestic violence, and sexual harassment in the workplace; and review the provisions of the Criminal Code regarding rape to ensure that they include punishments commensurate with the harm caused;**

(e) **Establish effective protection and reporting mechanisms for women who are victims of gender-based violence;**

(f) **Provide access to safe abortion, including to victims of rape. Make comprehensive reproductive health and sex education programmes and services available to all citizens, especially girls and adolescents;**

(g) **Ensure the right to gain a living by work which is freely chosen or accepted and take measures to protect women working in *jangmadang* from exploitation and gender-based violence;**

(h) **Initiate a process of dialogue with the Special Rapporteur and special procedure thematic mandate holders such as the UN Special Rapporteur on Violence Against Women and Girls and invite them to carry out official country visits;**

(i) **Ratify the Optional Protocol to the Convention on the Elimination of Discrimination Against Women; and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;**

(j) **Urgently allow for the return of United Nations agencies, other international organizations and the diplomatic community, and allow for economic activity and the movement of people;**

(k) **Engage with the Republic of Korea to resume reunions of separated families, and initiate reunions for the second cycle of separated families (escapees resettled in the Republic of Korea and their families in the Democratic People’s Republic of Korea), including through virtual platforms.**

44. **The Special Rapporteur recommends that the Republic of Korea:**

1. **Strengthen its support to the mental health of escapees, and strengthen support to community groups, to facilitate women and girls’ physical and psychological recovery and social integration into society; and raise awareness and appreciation of the situation of escapees among the people in the Republic of Korea, particularly among the younger generation;**
2. **Develop concrete plans to integrate human rights, including the human rights of women and girls, into negotiations with the Democratic People’s Republic of Korea;**
3. **Continue to engage with the Democratic People’s Republic of Korea to resume reunions of separated families, including the second cycle of separated families, taking into consideration the risk of possible reprisals against escapees’ families in the Democratic People’s Republic of Korea;**
4. **Engage with civil society organizations, with a view to enabling victims, families, escapees and civil society organizations to continue their efforts on fighting impunity and supporting peacebuilding and access to information.**

45. **The Special Rapporteur recommends that Member States, in particular China and the Russian Federation, uphold the principle of *non-refoulement* to individuals from the Democratic People’s Republic of Korea, who are at risk of serious human rights violations upon their forced repatriation.**

46. **The Special Rapporteur recommends that Member States:**

1. **Use any available opportunity for dialogue with the Democratic People’s Republic of Korea to create an environment conducive to advancing peace and security in the region, and seek progress with respect to the situation of human rights in the country;**
2. **Continue to provide support to the efforts of civil society actors, in particular those who promote women’s rights, to address the situation of human rights in the Democratic People’s Republic of Korea.**

**47. The Special Rapporteur makes the following recommendations to the United Nations Secretariat:**

1. **The High Commissioner for Human Rights should prioritise the human rights situation in the Democratic People’s Republic of Korea and build momentum to engage with the Democratic People’s Republic of Korea with creative approaches;**
2. **The United Nations Secretary-General and the Office of the High Commissioner for Human Rights should continue to explore and support technical cooperation activities on human rights with the Democratic People’s Republic of Korea;**
3. **The Secretary-General should revitalize the United Nations’ engagement efforts with the Democratic People’s Republic of Korea, building on the 2017 visit by the then Under-Secretary-General for Political Affairs, with the aim of facilitating diplomatic solutions to security concerns in the region.**

1. \* The present report was submitted after the deadline so as to reflect the most recent information. [↑](#footnote-ref-2)
2. In 2022 alone, the Democratic People’s Republic of Korea launched around 70 ballistic missiles, including 8 ICBMs. In 2021, the country launched 8 short range ballistic missiles in 2021. [↑](#footnote-ref-3)
3. [Law of the Supreme People’s Assembly of the DPRK ‘On the DPRK’s Policy on Nuclear Forces’ | KCNA Watch](https://kcnawatch.app/newstream/1662807874-170319007/law-of-the-supreme-people%E2%80%99s-assembly-of-the-dprk-%E2%80%98on-the-dprk%E2%80%99s-policy-on-nuclear-forces%E2%80%99/). [↑](#footnote-ref-4)
4. [＜Inside N. Korea＞ Chinese vaccines administered to N. Koreans in cities near Chinese border, leading to high hopes about restart of trade (asiapress.org)](https://www.asiapress.org/rimjin-gang/2022/11/society-economy/vaccine/). [↑](#footnote-ref-5)
5. [20220615\_acaps\_thematic\_report\_dprk\_covid19 (4).pdf](file:///C%3A%5CUsers%5CIPOKHARE1%5CDownloads%5C20220615_acaps_thematic_report_dprk_covid19%20%284%29.pdf). [↑](#footnote-ref-6)
6. [The State of Food Security and Nutrition in the World 2022 (fao.org)](https://www.fao.org/documents/card/en/c/cc0639en). [↑](#footnote-ref-7)
7. [‘Poisoned candy’: North Korean state media shuns food aid despite hunger crisis | North Korea | The Guardian](https://www.theguardian.com/world/2023/feb/22/poisoned-candy-north-korean-state-media-shuns-food-aid-despite-hunger-crisis). [↑](#footnote-ref-8)
8. [＜Inside N. Korea＞Harsh cold snap in January leads to death toll, with frozen bodies found in fields or inside mud huts. Authorities order closer monitoring of the people in response to rise in wandering people (asiapress.org)](https://www.asiapress.org/rimjin-gang/2023/02/society-economy/frozen/). [↑](#footnote-ref-9)
9. [Drop in North Korean crop output aggravates domestic food shortages: Report | NK News](https://www.nknews.org/2022/12/drop-in-north-korean-crop-output-aggravates-domestic-food-shortages-report/). [↑](#footnote-ref-10)
10. [N. Korea reduces food rations to soldiers for first time since 2000 : The DONG-A ILBO (donga.com)](https://www.donga.com/en/Search/article/all/20230215/3960853/1). [↑](#footnote-ref-11)
11. [North Korea enacts medicine laws after death penalty decree on COVID supplies | NK News](https://www.nknews.org/2022/08/north-korea-enacts-medicine-laws-after-death-penalty-decree-on-covid-supplies/). [↑](#footnote-ref-12)
12. [＜Inside N. Korea＞ The country’s medical system continues its freefall into collapse, with hospitals sending patients back home due to lack of heating (asiapress.org)](https://www.asiapress.org/rimjin-gang/2023/01/society-economy/iryou/). [↑](#footnote-ref-13)
13. [North Korean young people stupefied by strong punishments in “Youth Education Guarantee Act” | Daily NK](https://www.dailynk.com/english/north-korean-young-people-stupefied-strong-punishments-youth-education-guarantee-act/). [↑](#footnote-ref-14)
14. [North Korea in November 2022: A month in review and what’s ahead | NK PRO (nknews.org)](https://www.nknews.org/pro/north-korea-in-november-2022-a-month-in-review-and-whats-ahead/). [↑](#footnote-ref-15)
15. The Law was originally adopted in 2010 and amended on two separate occasions with the most recent amendment in 2015. At times, the Law has been referred by a different name, “Law on the Protection and Promotion of the Rights of Women” by nongovernmental human rights organizations. [↑](#footnote-ref-16)
16. CRC/C/3/Add.41. [↑](#footnote-ref-17)
17. CRC/C/PRK/5, para.28. [↑](#footnote-ref-18)
18. Based on the change of the compulsory education length, the legal definition of the child will be changed to 17-18 years old according to the Government. [↑](#footnote-ref-19)
19. At times, the Common Education Law is referred to as the General Education Law or Law on General Education. [↑](#footnote-ref-20)
20. CEDAW/C/PRK/2-4. [↑](#footnote-ref-21)
21. CEDAW/C/PRK/1. [↑](#footnote-ref-22)
22. CEDAW/C/PRK/1. [↑](#footnote-ref-23)
23. CEDAW/C/PRK/CO/2-4. [↑](#footnote-ref-24)
24. CEDAW/C/PRK/2-4 (2016). [↑](#footnote-ref-25)
25. A/HRC/QG.6/33/PRK/1. [↑](#footnote-ref-26)
26. [282482021\_VNR\_Report\_DPRK.pdf (un.org)](https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf), p.23. [↑](#footnote-ref-27)
27. The International Covenant on Civil and Political Rights in 1981, the International Covenant on Economic, Social and Cultural Rights in 1981, the Convention on the Rights of the Child in 1990 and its Optional Protocol on the sale of children, child prostitution, and child pornography in 2014, the Convention on the Elimination of All Forms of Discrimination Against Women in 2001, and the Convention on the Rights of Persons with Disabilities in 2016. [↑](#footnote-ref-28)
28. Two State party’s reports submitted: in 1983 [CCPR/C/22/Add.3](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f22%2fAdd.3&Lang=en), and in 1999 [CCPR/C/PRK/2000/2](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fPRK%2f2000%2f2&Lang=en). [↑](#footnote-ref-29)
29. Two State party’s reports submitted: in 1984 [E/1984/6/Add.7](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2f1984%2f6%2fAdd.7&Lang=en), and in 2002 [E/1990/6/Add.35](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2f1990%2f6%2fAdd.35&Lang=en). [↑](#footnote-ref-30)
30. Four State party’s reports submitted: in 1996 [CRC/C/3/Add.41](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f3%2fAdd.41&Lang=en), in 2003 [CRC/C/65/Add.24](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f65%2fAdd.24&Lang=en), in 2007 [CRC/C/PRK/4,](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPRK%2f4&Lang=en) and in 2016 [CRC/C/PRK/5](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/240/01/PDF/G1624001.pdf?OpenElement). [↑](#footnote-ref-31)
31. Two State party’s reports submitted: in 2002 [CEDAW/C/PRK/1](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPRK%2f1&Lang=en), and in 2016 [CEDAW/C/PRK/2-4](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPRK%2f2-4&Lang=en). [↑](#footnote-ref-32)
32. The State party’s report has also been submitted to the Committee on the Rights of Persons with Disabilities in 2018 ([CRPD/C/PRK/1](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2546&Lang=en)); the date for the review of this report has not yet been scheduled by the Committee. [↑](#footnote-ref-33)
33. The matrix of accepted recommendations can be found [here](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session33/KP/UPR33_DPRK_Thematic_List_of_Recommendations_E.docx): [UPR33\_DPRK\_Thematic\_List\_of\_Recommendations\_E.docx (live.com)](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Flib-docs%2FHRBodies%2FUPR%2FDocuments%2FSession33%2FKP%2FUPR33_DPRK_Thematic_List_of_Recommendations_E.docx&wdOrigin=BROWSELINK). [↑](#footnote-ref-34)
34. [A/HRC/37/56/Add.1.](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/358/55/PDF/G1735855.pdf?OpenElement) [↑](#footnote-ref-35)
35. [CRPD/C/PRK/1](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2546&Lang=en), paras. 28 and 203. [↑](#footnote-ref-36)
36. CEDAW/C/GC/28. para 18. [↑](#footnote-ref-37)
37. CRPD General Comment on Article 6: Women with disabilities para 31-32. [↑](#footnote-ref-38)
38. Ibid., para 33. [↑](#footnote-ref-39)
39. Human Rights Watch (HRW), 2020. ‘*Worth Less Than an Animal: Abuses and Due Process Violations in Pretrial Detention in North Korea*’, Call for Submission, Korea Future. [↑](#footnote-ref-40)
40. A/HRC/43/58. P. 6 [↑](#footnote-ref-41)
41. A/HRC/43/58. P. 13. [↑](#footnote-ref-42)
42. *Submission* by NK Watch. [↑](#footnote-ref-43)
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45. The Mandela Rules and the Bangkok Rules specify that cavity searches are to be conducted only when absolutely necessary, in private, by health professionals or, at a minimum, by appropriately trained staff, of the same sex as the prisoner. [↑](#footnote-ref-46)
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47. Call for Submission, Korea Future. Par. 24. [↑](#footnote-ref-48)
48. Greg Scarlatoiu 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>. [↑](#footnote-ref-49)
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50. CEDAW/C/PRK/CO/2-4. Par. 45. [↑](#footnote-ref-51)
51. Call for Submission, Database Center for North Korean Human Rights (NKDB). [↑](#footnote-ref-52)
52. Submission made by the Coalition and Peace Society. Also, interviews conducted by OHCHR. [↑](#footnote-ref-53)
53. OHCHR (2020), Pp. 12-14. [↑](#footnote-ref-54)
54. Call for Submission, Database Center for North Korean Human Rights (NKDB). P.3. [↑](#footnote-ref-55)
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56. Yoon Hee-Soon, “Sex slaves: the prostitution, cybersex and forced marriage of North Korean women and girls in China”, Korea Future Initiative, mayo de 2019. [↑](#footnote-ref-57)
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58. *See* Reply from China dated on 27 September 2021 to UA CHN 8/2021  [(ohchr.org)](https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36929). [↑](#footnote-ref-59)
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60. Ibid., P.441. [↑](#footnote-ref-61)
61. Call for Submission. RFNK\_UN\_DPRK. [↑](#footnote-ref-62)
62. CRPD General Comment on Article 6: Women with disabilities para 32. [↑](#footnote-ref-63)
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65. The North Korean Refugees Protection and Settlement Support Act of the Republic of Korea(2019). http://www.law.go.kr/LSW//lsInfoP.do?lsiSeq=206648&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000. [↑](#footnote-ref-66)
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71. Korea Institute for National Unification, Human Rights Situation of Women and Children in North Korea (2016), p.61. [↑](#footnote-ref-72)
72. CRC/C/PRK/CO/5. [↑](#footnote-ref-73)
73. CEDAW/C/PRK/CO/2-4. [↑](#footnote-ref-74)
74. 2017 Multiple Cluster Survey and [WHO-SRH-21.67-eng.pdf](https://apps.who.int/iris/bitstream/handle/10665/349425/WHO-SRH-21.67-eng.pdf?sequence=1&isAllowed=y). [↑](#footnote-ref-75)
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82. KINU White Paper on Human Rights in North Korea for 2021. P. 443. [↑](#footnote-ref-83)
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85. A/HRC/43/58. P. 13. [↑](#footnote-ref-86)
86. Human Rights Watch (2018), P.35. [↑](#footnote-ref-87)
87. CEDAW/C/PRK/2-4. para 25. [↑](#footnote-ref-88)
88. Article 279 (Raping). A man who rapes a woman by using violence, threats or by taking advantage of her helpless situation shall be committed to reform through labour of less than five years. In case of a grave offense he or she shall be committed to reform through labour of more than five years but less than ten years.

In case of committing gang rape repeatedly or causing serious injury or loss of life on a victim, he or she shall be committed to reform through labour of more than ten years. [↑](#footnote-ref-89)
89. CEDAW/C/PRK/Q/2-4/Add.1 para. 48. [↑](#footnote-ref-90)
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101. Ibid. [↑](#footnote-ref-102)
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103. CEDAW Art. 11. General Recommendations No. 5 & 25. [↑](#footnote-ref-104)
104. CEDAW General Recommendation No. 28. Para. 34. [↑](#footnote-ref-105)