

HUMAN
RIGHTS
WATCH



“You Cry at Night but Don’t Know Why”

Sexual Violence against Women in North Korea



“You Cry at Night but Don’t Know Why”

Sexual Violence against Women in North Korea

Copyright © 2018 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-6231-36710

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Seoul, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



NOVEMBER 2018

ISBN: 978-1-6231-36710

“You Cry at Night but Don’t Know Why” Sexual Violence against Women in North Korea

Map i

Korean Words Glossary ii

Acronyms iv

Summary 1

 Sexual Abuse in Prisons and Detention Facilities 5

 Sexual Abuse of Women Engaged in Trade 6

 Lack of Remedies 7

 Discrimination Against Women 8

 Key Recommendations 10

Methodology 12

I. Background 16

 Extreme Poverty and Modest Market Reforms 20

II. Women, Society, and Law in North Korea 25

 Women and Society 25

Women and Girls at Home, School, and Work 27

Lack of Sexuality Education and Awareness of Gender-Based Violence 29

Social Stigma and Victim Blaming 31

The Role of China and the Experience of Women Forcibly Returned to North Korea 32

 Women and Relevant Domestic and International Law 33

III. Sexual Violence by Men in Positions of Power 38

 Rape and Sexual Violence by Government Officials 38

 Rape and Sexual Violence in Prisons or Detention Facilities 39

 Rape and Sexual Violence against Women Engaged in Trade 56

IV. Lack of Government Response to Sexual Violence	68
Lack of Psycho-Social Support and Other Services	71
Lack of Medical Treatment.....	72
V. Recommendations	74
To the DRPK Government:.....	74
To the People’s Republic of China:	78
To the Republic of Korea:.....	79
To United States, Japan, the UK, the EU and Member States, Concerned Governments and International Donors Switzerland, Germany, Sweden, Canada, France and Italy:.....	81
To UN Agencies:.....	82
To OHCHR and UN Human Rights Bodies:	83
To INGOS with Ground Access:.....	84
Acknowledgments	85

Map



Korean Words Glossary

<i>Banjang</i>	team or class leader
<i>Boanseong</i>	police
<i>Bokjong gwanggye</i>	undefined subordinate relationship, literally “relationship of obedience”
<i>Bowibu</i>	secret police, current <i>bowiseong</i>
<i>Bowiseong</i>	secret police, former bowibu
<i>Daegisil</i>	jail
<i>Damdangkwan</i>	prison guard in charge of one prison section, unit
<i>Ganggan</i>	rape
<i>Gugumsil</i>	jail
<i>Inmin boanseong</i>	Ministry of People’s Security, police
<i>Inminban</i>	neighborhood watch systems
<i>Jangmadang</i>	government-allowed markets
<i>Jipkyulso</i>	temporary holding facility
<i>Juche sasang</i>	ideology of self-reliance
<i>Kukga anjeon bowiseong</i>	Ministry of State Security, secret police
<i>Kuryujang</i>	pre-trial detention facility
<i>Kyohwaso</i>	ordinary crimes prison camps, sometimes also called re-education camps, literally “reform through labor center”
<i>Kwanliso</i>	political prison camps, literally “control center”
<i>Rakhujaban</i>	punishment section of ordinary prison camps, literally “room for the people that fall behind,” also called “ <i>nakhujaban</i> ”

<i>Rodong danryeondae</i>	short term labor training facilities, literally “labor training center”
<i>Sojang</i>	team or group chief
<i>Songbun</i>	a socio-political classification system, literally “ingredient, element”
<i>Songun</i>	military first policy
<i>Suryong</i>	Supreme Leader
<i>Tarak</i>	fall, corruption, decadence, degradation

Acronyms

CEDAW	Convention on the Elimination of Discrimination Against Women
UN COI	United Nations Commission of Inquiry on human rights in North Korea
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DPRK	Democratic People’s Republic of Korea
FAO	Food and Agriculture Organization for the United Nations
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
KCNA	Korean Central News Agency
KINU	Korea Institute for National Unification
MPS	Ministry of People’s Security, police
MSS	Ministry of State Security, secret police
NKHR	Citizens’ Alliance for North Korean Human Rights
OHCHR	Office of the High Commissioner on Human Rights
PEP	Postexposure Prophylaxis
UN	United Nations
UNFPA	United Nations Population Fund
UNHCR	United Nations Refugee Agency
UNICEF	United Nations Children’s Fund
UNRC	United Nations Resident Coordinator

WFP World Food Program
WHO World Health Organization
WPK Workers' Party of Korea

Summary

Oh Jung Hee is a former trader in her forties from Ryanggang province. She sold clothes to market stalls in Hyesan city and was involved in the distribution of textiles in her province. She said that up until she left the country in 2014, guards would regularly pass by the market to demand bribes, sometimes in the form of coerced sexual acts or intercourse. She told Human Rights Watch:

I was a victim many times ... On the days they felt like it, market guards or police officials could ask me to follow them to an empty room outside the market, or some other place they'd pick. What can we do? They consider us [sex] toys ... We [women] are at the mercy of men. Now, women cannot survive without having men with power near them.

She said she had no power to resist or report these abuses. She said it never occurred to her that anything could be done to stop these assaults except trying to avoid such situations by moving away or being quiet in order to not be noticed.

Park Young Hee, a former farmer in her forties also from Ryanggang province who left North Korea for the second time in 2011, was forced back to North Korea from China in the spring of 2010 after her first attempt to flee. She said, after being released by the secret police (*bowiseong*) and put under the jurisdiction of the police, the officer in charge of questioning her in the police pre-trial detention facility (*kuryujang*) near Musan city in North Hamgyong province touched her body underneath her clothes and penetrated her several times with his fingers. She said he asked her repeatedly about the sexual relations she had with the Chinese man to whom she had been sold to while in China. She told Human Rights Watch:

My life was in his hands, so I did everything he wanted and told him everything he asked. How could I do anything else? ... Everything we do in North Korea can be considered illegal, so everything can depend on the perception or attitude of who is looking into your life.

Park Young Hee said she never told anybody about the abuse because she did not think it was unusual, and because she feared the authorities and did not believe anyone would help.

The experiences of Oh Jung Hee and Park Young Hee are not isolated ones. While sexual and gender-based violence is of concern everywhere, growing evidence suggests it is endemic in North Korea.

This report—based largely on interviews with 54 North Koreans who left the country after 2011, when the current leader, Kim Jong Un, rose to power, and 8 former North Korean officials who fled the country—focuses on sexual abuse by men in official positions of power. The perpetrators include high-ranking party officials, prison and detention facility guards and interrogators, police and secret police officials, prosecutors, and soldiers. At the time of the assaults, most of the victims were in the custody of authorities or were market traders who came across guards and other officials as they traveled to earn their livelihood.

Interviewees told us that when a guard or police officer “picks” a woman, she has no choice but to comply with any demands he makes, whether for sex, money, or other favors. Women in custody have little choice should they attempt to refuse or complain afterward, and risk sexual violence, longer periods in detention, beatings, forced labor, or increased scrutiny while conducting market activities.

Women not in custody risk losing their main source of income and jeopardizing their family’s survival, confiscation of goods and money, and increased scrutiny or punishment, including being sent to labor training facilities (*rodong danryeondae*) or ordinary-crimes prison camps (*kyohwaso*, literally reform through labor centers) for being involved in market activities. Other negative impacts include possibly losing access to prime trading locations, being fired or overlooked for jobs, being deprived of means of transportation or business opportunities, being deemed politically disloyal, being relocated to a remote area, and facing more physical or sexual violence.

The North Koreans we spoke with told us that unwanted sexual contact and violence is so common that it has come to be accepted as part of ordinary life: sexual abuse by officials, and the impunity they enjoy, is linked to larger patterns of sexual abuse and impunity in



Woman being questioned by a secret police investigator. Former detainees say that secret police investigators can easily harass female detainees during questioning.

The following illustrations, drawn by Choi Seong Guk, a former North Korean propaganda artist, are inspired by the artist's experience in North Korea and the testimonies of survivors included in this report. Any resemblance to actual persons living or dead is coincidental; these are not intended as portraits of actual people or events but of typical scenarios.

the country. The precise number of women and girls who experience sexual violence in North Korea, however, is unknown. Survivors rarely report cases, and the North Korean government rarely publishes data on any aspect of life in the country.

Our research, of necessity conducted among North Koreans who fled, does not provide a generalized sample from which to draw definitive conclusions about the prevalence of sexual abuse by officials. The diversity in age, geographic location, social class, and personal backgrounds of the survivors, combined with many consistencies in how they described their experiences, however, suggest that the patterns of sexual violence identified here are common across North Korea. Our findings also mirror those of other inquiries that have tried to discern the situation in this sealed-off authoritarian country.

A 2014 United Nations Commission of Inquiry (UN COI) on human rights in the Democratic People's Republic of Korea (DPRK) concluded that systematic, widespread, and gross human rights violations committed by the North Korean government constituted crimes against humanity. These included forced abortion, rape, and other sexual violence, as well

as murder, imprisonment, enslavement, and torture on North Koreans in prison or detention. The UN COI stated that witnesses revealed that while “domestic violence is rife within DPRK society ... violence against women is not limited to the home, and that it is common to see women being beaten and sexually assaulted in public.”

The Korea Institute for National Unification (KINU), a South Korean government think tank that specializes in research on North Korea, conducted a survey with 1,125 North Koreans (31.29 percent men and 68.71 percent women) who re-settled in South Korea between 2010 and 2014. The survey found that 37.7 percent of the respondents said sexual harassment and rape of inmates at detention facilities was “common,” including 15.9 percent that considered it “very common.” Thirty-three women said they were raped at detention and prison facilities, 51 said they witnessed rapes in such facilities, and 25 said they heard of such cases. The assailants identified by the respondents were police agents—45.6 percent; guards—17.7 percent; secret police (*bowiseong*) agents—13.9 percent; and fellow detainees—1.3 percent. The 2014 KINU survey found 48.6 percent of the respondents said that rape and sexual harassment against women in North Korea was “common.”

The North Koreans we spoke with stressed that women are socialized to feel powerless to demand accountability for sexual abuse and violence, and to feel ashamed when they are victims of abuse. They said the lack of rule of law and corresponding support systems for survivors leads most victims to remain silent—not seek justice and often not even talk about their experiences.

While most of our interviewees left North Korea between 2011 and 2016, and many of the abuses date from a year or more before their departure, all available evidence suggests that the abuses and near-total impunity enjoyed by perpetrators continue to the present.

In July 2017, the North Korean government told the UN committee that monitors the implementation of the Convention on the Elimination of Discrimination Against Women (CEDAW) that just nine people in all of North Korea were convicted of rape in 2008, seven in 2011, and five in 2015. The government said that the numbers of male perpetrators convicted for the crime of forcing a woman who is his subordinate to have sexual intercourse was five in 2008, six in 2011, and three in 2015. While North Korean officials seem to think such ridiculously low numbers show the country to be a violence-free



Male government officials and female traders sitting in a railway carriage, while a railroad officer checks a female trader's ticket. In railway carriages, women often face harassment by male government officials and railroad officers.

paradise, the numbers are a powerful indictment of their utter failure to address sexual violence in the country.

Sexual Abuse in Prisons and Detention Facilities

Human Rights Watch interviewed eight former detainees or prisoners who said they experienced a combination of verbal and sexual violence, harsh questioning, and humiliating treatment by investigators, detention facility personnel, or prison guards that belong to the police or the secret police (*bowiseong*).

Six interviewees had experienced sexual, verbal, and physical abuse in pre-trial detention and interrogation facilities (*kuryujang*)—jails designed to hold detainees during their initial interrogations, run by the MSS or the police. They said secret police or police agents in charge of their personal interrogation touched their faces and their bodies, including their breasts and hips, either through their clothes or by putting their hands inside their clothes.

Human Rights Watch also documented cases of two women who were sexually abused at a temporary holding facility (*jipkyulso*) while detainees were being transferred from interrogation facilities (*kuryujang*) to detention facilities in the detainees' home districts.

Sexual Abuse of Women Engaged in Trade

Human Rights Watch interviewed four women traders who experienced sexual violence, including rape, assault, and sexual harassment, as well as verbal abuse and intimidation, by market gate-keeper officials. We also interviewed 17 women who were sexually abused or experienced unwanted sexual advances by police or other officials as they traveled for their work as traders. Although seeking income outside the command economy was illegal, women started working as traders during the mass famine of the 1990s as survival imperatives led many to ignore the strictures of North Korea's command economy. Since many married women were not obliged to attend a government-established workplace, they became traders and soon the main breadwinners for their families. But pursuing income in public exposed them to violence.

Traders and former government officials told us that in North Korea traders are often compelled to pay bribes to officials and market regulators, but for women the "bribes" often include sexual abuse and violence, including rape. Perpetrators of abuses against women traders include high-ranking party officials, managers at state-owned enterprises, and gate-keeper officials at the markets and on roads and check-points, such as police, *bowiseong* agents, prosecutors, soldiers, and railroad inspectors on trains.

Women who had worked as traders described unwanted physical contact that included indiscriminately touching their bodies, grabbing their breasts and hips, trying to touch them underneath their skirts or pants, poking their cheeks, pulling their hair, or holding their bodies in their arms. The physical harassment was often accompanied by verbal abuse and intimidation. Women also said it was common for women to try to help protect each other by sharing information about such things, such as which house to avoid because it is rumored that the owner is a rapist or a child molester, which roads not to walk on alone at night, or which local high-ranking official most recently sexually preyed upon women.

Our research confirms a trend already identified in the UN COI report:

Officials are not only increasingly engaging in corruption in order to support their low or non-existent salaries, they are also exacting penalties and punishment in the form of sexual abuse and violence as there is no fear of punishment. As more women assume the responsibility for feeding their



Police officer checking to see if a trader has hidden “anti-socialist” material in her belongings. Police officers conduct searches in female traders’ belongings, which can be a prelude to a body search.

families due to the dire economic and food situation, more women are traversing through and lingering in public spaces, selling and transporting their goods.

The UN COI further found “the male dominated state, agents who police the marketplace, inspectors on trains, and soldiers are increasingly committing acts of sexual assault on women in public spaces” and “received reports of train guards frisking women and abusing young girls onboard.” This was described as “the male dominated state preying on the increasingly female-dominated market.”

Almost all of the women interviewed by Human Rights Watch with trading experience said the only way not to fall prey to extortion or sexual harassment while conducting market activities was to give up hopes of expanding one’s business and barely scrape by, be born to a powerful father with money and connections, marry a man with power, or become close to one.

Lack of Remedies

Only one of the survivors of sexual violence Human Rights Watch interviewed for this report said she had tried to report the sexual assault. The other women said they did not report it because they did not trust the police and did not believe police would be willing to

take action. The women said the police do not consider sexual violence a serious crime and that it is almost inconceivable to even consider going to the police to report sexual abuse because of the possible repercussions. Family members or close friends who knew about their experience also cautioned women against going to the authorities. Eight former government officials, including a former police officer, told Human Rights Watch that cases of sexual abuse or assault are reported to police only when there are witnesses and, even then, the reports invariably are made by third parties and not by the women themselves. Only seven of the North Korean women and men interviewed by Human Rights Watch were aware of cases in which police had investigated sexual violence and in all such cases the victims had been severely injured or killed.

All of the North Koreans who spoke to Human Rights Watch said the North Korean government does not provide any type of psycho-social support services for survivors of sexual violence and their families. To make matters worse, they said, the use of psychological or psychiatric services itself is highly stigmatized.

Two former North Korean doctors and a nurse who left after 2010 said there are no protocols for medical treatment and examination of victims of sexual violence to provide therapeutic care or secure medical evidence. They said there are no training programs for medical practitioners on sexual assault and said they never saw a rape victim go to the hospital to receive treatment.

Discrimination Against Women

Sex discrimination and subordination of women are pervasive in North Korea. Everyone in North Korea is subjected to a socio-political classification system, known as *songbun*, that grouped people from its creation into “loyal,” “wavering,” or “hostile” classes. But a woman’s classification also depends, in critical respects, on that of her male relatives, specifically her father and her father’s male relations and, upon marriage, that of her husband and his male relations. A woman’s position in society is lower than a man’s, and her reputation depends largely on maintaining an image of “sexual purity” and obeying the men in her family.

The government is dominated by men. According to statistics provided by the DPRK government to the UN, as of 2016 women made up just 20.2 percent of the deputies



Female trader giving a bribe to a market supervisor in an alley near the market. Female traders have described offering bribes in order to avoid potential harassment.

selected, 16.1 percent of divisional directors in government bodies, 11.9 percent of judges and lawyers, 4.9 percent of diplomats, and 16.5 percent of the officials in the Ministry of Foreign Affairs.

On paper, the DPRK says that it is committed to gender equality and women and girl's rights. The Criminal Code criminalizes rape of women, trafficking in persons, having sexual relations with women in a subordinate position, and child sexual abuse. The 2010 Law on the Protection and Promotion of the Rights of Women bans domestic violence. North Korea has also ratified five international human rights treaties, including ones that address women and girl's rights and equality, such as the Convention on the Rights of the Child (CRC) and CEDAW.

During a meeting of a North Korean delegation with the CEDAW Committee, which reviewed North Korean compliance between 2002 and 2015, government officials argued all of the elements of CEDAW had been included in DPRK's domestic laws. However, under questioning by the committee, the officials were unable to provide the definition of "discrimination against women" employed by the DPRK.

Park Kwang Ho, Councilor of the Central Court in the DPRK, stated that if a woman in a subordinate position was forced to engage in sexual relations for fear of losing her job or in exchange for preferential treatment, it was her choice as to whether or not she complied. Therefore, he argued, in such a situation the punishment for the perpetrator should be

lighter. He later amended his statement to say that if she did not consent to having sexual relations, and was forced to do so, the perpetrator was committing rape and would be punished accordingly.

Key Recommendations

The Government of the Democratic People's Republic of Korea (DPRK):

- Issue clear and binding public orders to all members of the government—including the police, the Ministry of State Security, the armed forces, judges, lawyers, managers at state-owned enterprises, and party officials—that rape and other acts of sexual violence be promptly and thoroughly investigated and prosecuted.
- Require the police to rigorously investigate and prosecute sexual violence cases, regardless of the position or status of the alleged perpetrators.
- Institute means to anonymously complain about sexual violence by government officials and collect statistics on complaints, anonymous or otherwise, as well as prosecutions and disciplinary actions as a result of complaints or investigations.
- Reform national laws to criminalize all forms of gender-based violence, including sexual assault, sexual abuse, rape, and marital rape, and ensure effective enforcement of those new provisions.
- Publicly acknowledge the pervasive problem of violence against women and girls in North Korea and launch a nationwide campaign to educate the public on the problem, emphasizing that all forms of such violence, including sexual and domestic violence and rape, are illegal and should be reported, investigated, and prosecuted.
- Gather credible data on the numbers of complaints, charges, investigations, prosecutions, and convictions in cases of sexual and gender-based violence, as well as sentencing data. Publicly release this data.
- Develop health and social services for survivors of sexual and gender-based violence, including counseling, medical assistance, and programs to help women to overcome stigma. Establish reproductive health and sexual education programs and basic education on core issues of non-discrimination and reduction of stigma against survivors of sexual violence.

To South Korea, the United States, Japan, the UK, the European Union, Other Concerned Governments, UN Agencies, and INGOs with a Presence in North Korea:

- Publicly and privately urge the government of the DPRK to undertake the reforms recommended in this report.
- Establish mandatory women's rights and sexual and gender-based violence related trainings for all staff members who will be engaging in any activities with North Koreans to ensure that their engagement does not exacerbate existing gender bias that contributes to violence against women.
- Assist the North Korean government in developing policies and programs that aim to prevent violence against women, provide accountability for perpetrators, and assist survivors.
- Continue and expand support for reforms and services assisting survivors of sexual violence, especially funding for counseling, medical assistance, technical assistance regarding educational, legal and judiciary reform, and training of law enforcement agencies in North Korea.

Methodology

North Korea rarely publishes data on any aspect of life in the country. When it does, it is often limited, inconsistent, or otherwise of questionable utility. North Korea strictly limits foreigners' access to the country and contact between local residents and foreigners, and does not, to our knowledge, allow independent human rights research of any kind in the country. Human Rights Watch did not conduct any interviews in North Korea for this report.

This report is based on interviews and research conducted by Human Rights Watch among North Koreans in South Korea and other countries in Asia, between January 2015 and July 2018, focusing on sexual violence against women in North Korea by state actors and the government response in such cases. Human Rights Watch interviewed a total of 106 North Koreans (72 women, 4 girls, and 30 men) outside the country. Among them, 57 North Koreans left the country after 2011, when North Korea's current leader Kim Jong Un came to power.

All interviews were conducted in Korean by Human Rights Watch staff. All interviewees were advised of the purpose of the research and how the information would be used. They were advised of the voluntary nature of the interview and that they could refuse to be interviewed, refuse to answer any question, and terminate the interview at any point. Around half of interviews were recorded, with the interviewees' consent, for later reference. All interviewees were given the choice to refuse having the interview recorded.

Human Rights Watch did not remunerate any interviewees for doing interviews. For those interviewees who had to miss their workday to make time for the interview, Human Rights Watch provided minimum wage compensation for their lost time. For those living far away from the venue of the interviews, Human Rights Watch covered transportation costs.

All participants verbally agreed to participate in the interviews before setting up the meetings and again at the start, and, as needed, during the interview. In all cases, interviews were conducted in surroundings chosen to enable interviewees to feel comfortable, relatively private, and secure.

In addition to individual interviews, Human Rights Watch conducted three group discussions—each time with two to four North Koreans living in South Korea, accompanied by sexual violence counsellors and/or experts with close relationships with North Korean interviewees. These informal gatherings aimed to gather background information on sexual violence in North Korea. These group settings aimed at creating a safe space for interviewees who were accompanied by people they trusted. These group discussions helped ensure quality control by providing helpful points of reference and factual cross-checks on the accounts of others interviewed separately. The participants were informed of the purpose of the discussion before agreeing to take part in the meeting. The meetings took place in private closed offices where the interviewees felt comfortable. The sessions were not recorded.

All of the survivors interviewed for this report expressed concern about possible repercussions for themselves or their family members in North Korea and asked to remain anonymous. To protect these individuals and families, all names used in this report are pseudonyms. Human Rights Watch also did not include in the report any personal details that could help identify victims and witnesses quoted in the report.

We also conducted interviews, on top of the 106 interviews with North Koreans, with experts familiar with issues concerning sexual and gender-based violence among North Koreans, health workers and counsellors, activists, NGO workers, legal experts, and academics. We also obtained and reviewed relevant documents available in the public domain from UN agencies, local NGOs in South Korea providing support to North Koreans, North Korean government agencies, researchers, and international analysts. These documents helped provide important insight into the context and background of sexual and gender-based violence against women in North Korea.

North Koreans who flee the country are almost always called “defectors” by North Koreans, South Koreans, foreign experts and observers, researchers, journalists, NGO workers, government officials, and so on. This report, however, refers to them simply as “North Koreans” or as “escapees”: the word “defector” presupposes a political motivation for leaving that may or may not be present. North Koreans leave their country for many reasons, including for economic and medical reasons.

Terminology

In conducting research for this report, it became clear that the version of the Korean language used in the North lacks some of the vocabulary commonly used in the South, as well as in international discussions conducted in English on sexual and gender-based violence, domestic violence, and related subjects. Accordingly, when documenting abuses, we asked victims for direct factual explanations of what happened to them, avoiding labels, and have used their descriptions in recounting what they witnessed or experienced.

When we use terms such as “rape” and “sexual violence” in the report, we are using definitions derived from international standards, as summarized below, and not direct translations of terms used in North Korea.

North Korean People’s Understanding

There is no precise equivalent in the version of the Korean language used in the North for “domestic violence.” The North Koreans we spoke with said the concept would have to be rendered as “men who hit their women.” They said that they understand the North Korean word for rape (*ganggan*) as unwanted vaginal penetration with a penis and accompanying physical violence, and that sexual violence that involved physical violence but does not involve penetration with a penis would have to be rendered as “violence with sexual connotations.” According to the North Koreans, sexual abuse or unwanted sexual advances without significant physical violence could be vaguely described as “situations with a sexual undertone when women feel uncomfortable or ashamed.”

International Definitions

In this report, Human Rights Watch uses the following definitions, which are derived from international standards:

Sexual violence is “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim,

in any setting, including but not limited to home and work. Coercion can cover a whole spectrum of degrees of force. Apart from physical force, it may involve psychological intimidation, blackmail or other threats.”

Sexual abuse, a subcategory of sexual violence, is “actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.” It includes rape, sexual assault, and sex or sexual activity with a minor.

Sexual assault includes the use of physical or other force to obtain or attempt sexual penetration and rape.

Rape is “penetration—even if slightly—of any body part of a person who does not consent with a sexual organ and/or the invasion of the genital or anal opening of a person who does not consent with any object or body part.”

Sexual harassment is unwelcome “sexually determined behaviour in both horizontal and vertical relationships, including in employment (including the informal employment sector), education, receipt of goods and services, sporting activities, and property transactions;” including “(whether directly or by implication) physical conduct and advances; a demand or request for sexual favours; sexually coloured remarks; displaying sexually explicit pictures, posters or graffiti; and any other unwelcome physical, verbal or non-verbal conduct of a sexual nature.”

I. Background

North Korea is one of the most repressive countries in the world. The Democratic People’s Republic of Korea (DPRK, hereafter North Korea) is an authoritarian, militaristic, nationalist state, which describes itself as “socialist” and defines the country’s political system as a “dictatorship of the people’s democracy.”¹ The government is ruled by the Workers’ Party of Korea (WPK), with Supreme Leader Kim Jong Un holding the top position of chairman. All basic civil and political rights are severely restricted under the rule of Kim and his family’s political dynasty. There is no freedom of expression, association, or public assembly, and no independent civil society. Collective and public punishment are used to silence dissent among its 25 million citizens.²

In 2014, a United Nations Commission of Inquiry (UN COI) on human rights in the DPRK established that systematic, widespread, and gross human rights violations—such as murder, imprisonment, enslavement, and torture of North Koreans in prison and detention—committed by the North Korean government constituted crimes against humanity. The UN COI also documented that sexual and gender-based violence is prevalent in all areas of society, from home to work, public space, and in contact with government officials. It also documented some forms of sexual violence, including forced abortions, and rape committed against women in detention and prison, that amounted to crimes against humanity.³

According to the Supreme Leader (*suryong*) system that Kim Il Sung, the founder of the country and grandfather of the current leader, established in 1949, all powers of the state, party, and military are controlled by one unchallengeable leader, and in practice his male heir. The system is built on a guiding ideology that gives primacy to the statements and

¹ Brian. R. Myers, *North Korea’s Juche Myth* (Busan: Sthele Press, 2015), p. 224; The DRPK Socialist Constitution was amended June 29, 2016. “DPRK Constitution Text Released Following 2016 Amendments,” *North Korea Leadership Watch*, September 4, 2016, <https://nkleadershipwatch.wordpress.com/2016/09/04/dprk-constitution-text-released-following-2016-amdendments/> (accessed March 31, 2017).

² Human Rights Watch, *World Report 2018* (New York: Human Rights Watch, 2017), North Korea chapter, <https://www.hrw.org/world-report/2018/country-chapters/north-korea>.

³ United Nations Commission of Inquiry on Human Rights in North Korea (UN COI), “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” A/HRC/25/CRP.1, February 7, 2014, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/25/CRP.1&Lang=E> (accessed September 22, 2014), para 1033-1086, 1096-1107.

personal directives of the country's leader;⁴ then to the “Ten Principles of the Establishment of the Unitary Ideological System” of the WPK;⁵ the rules of the WPK;⁶ the Socialist Constitution;⁷ and, finally, domestic laws.⁸

The legal system operates to protect the leadership and its political system, restraining fundamental rights and freedoms, and providing harsh punishment when challenges to these arise. Courts are not independent, and law enforcement generally does not serve the purpose of individual protection, so much as maintaining the political system and the social order it depends on.

⁴ The “Ten Principles of the Establishment of a Unitary Ideological System” of the ruling WPK (“Ten Principles”) stipulate that the instructions of the founder of the country, known as Eternal and Great Leader Kim Il Sung (1912-1994), his son, known as the Dear Leader Kim Jong Il (1991-2011), and his grandson, the Supreme Leader Kim Jong Un (1994-), are supreme law, superseding all other legal provisions. Joanna Hosaniak, “Prisoners of Their Own Country,” Citizens’ Alliance for North Korean Human Rights (NKHR), 2004, http://eng.nkhumanrights.or.kr/include/dn.php?mode=n_r_reports&ufile=20161208131257.pdf&rfile=Prisoners%20of%20their%20own%20country%20north%20korea.pdf (accessed January 18, 2018), p. 57.

⁵ The Ten Principles consist of 10 main principles and 65 specific directives which govern the thoughts and behavior of the North Korean people. They describe how to establish the one-ideology system: “1) We must give our all in the struggle to unify the entire society with the revolutionary ideology of the Great Leader Kim Il Sung. 2) We must honor the Great Leader comrade Kim Il Sung with all our loyalty. 3) We must make absolute the authority of the Great Leader comrade Kim Il Sung. 4) We must make the Great Leader comrade Kim Il Sung’s revolutionary ideology our faith and make his instructions our creed. 5) We must adhere strictly to the principle of unconditional obedience in carrying out the Great Leader comrade Kim Il Sung’s instructions. 6) We must strengthen the entire party’s ideology and willpower and revolutionary unity, centering on the Great Leader comrade Kim Il Sung. 7) We must learn from the Great Leader comrade Kim Il Sung and adopt the communist look, revolutionary work methods and people-oriented work style. 8) We must value the political life we were given by the Great Leader comrade Kim Il Sung, and loyally repay his great political trust and thoughtfulness with heightened political awareness and skill. 9) We must establish strong organizational regulations so that the entire party, nation and military move as one under the one and only leadership of the Great Leader comrade Kim Il Sung. 10) We must pass down the great achievement of the revolution by the Great Leader comrade Kim Il Sung from generation to generation, inheriting and completing it to the end.” Jeong-ho Roh, “Ten Principles for the Establishment of the One Ideology System,” Columbia Law School, 2006, http://www2.law.columbia.edu/course_00S_L9436_001/North%20Korea%20materials/10%20principles%20of%20juche.html (accessed March 21, 2016). For a complete translated listing of all 65 directives see Joanna Hosaniak, Kyung Eun Ha, and Markus Simpson Bell, trans., “Ten Great Principles of the Establishment of the Unitary Ideology System,” NKHR, 2016, , <http://www.internationallawbureau.com/wp-content/uploads/2016/12/Ten-Great-Principles-of-the-Establishment-of-the-Unitary-ideology.pdf> (accessed March 31, 2017).

⁶ The DPRK government conducts all activities under the leadership of the party, as written in Article 11 of the amended DPRK Socialist Constitution, as of June 29, 2016. “DPRK Constitution Text Released Following 2016 Amendments,” *North Korea Leadership Watch*, September 4, 2016, <https://nkleadershipwatch.wordpress.com/2016/09/04/dprk-constitution-text-released-following-2016-amendments/> (accessed March 31, 2017).

⁷ DPRK Socialist Constitution, art.11.

⁸ Joanna Hosaniak, “Prisoners of Their Own Country,” Citizens’ Alliance for North Korean Human Rights (NKHR), 2004, http://eng.nkhumanrights.or.kr/include/dn.php?mode=n_r_reports&ufile=20161208131257.pdf&rfile=Prisoners%20of%20their%20own%20country%20north%20korea.pdf (accessed January 18, 2018), p. 57; “Report on Human Rights in North Korea 2014,” Korea Bar Association, <https://www.ibanet.org/Document/Default.aspx?DocumentUid=AD2E22D6-5542-421C-99B0-1AAE4142F2C> (accessed March 31, 2017), p. 48.

Basic services, such as access to jobs, education, food, places of residence, and health care are parceled out depending on a socio-political classification system known as *songbun*, that grouped people from its creation into “loyal,” “wavering,” or “hostile” classes. The government uses *songbun* to discriminate among North Korean citizens based on how hard they work at school, in their jobs, or in society more generally, and their perceived political loyalty to the ruling party.⁹ A woman’s classification depends on how hard she works or how well she studies, and her perceived political loyalty to the party, as well as the status of her father and her father’s male relatives and, once married, her husband and his male relatives.

All citizens are required to become members of, and participate in, the activities of mass associations that operate under the control and oversight of the WPK. Between ages 7 and 13, all children must become members of the Children’s Union. Their activities are overseen by members of the Kim Il Sung Socialist Youth League, which is made up of students between age 14 and their early 30s, when people may finish higher education degrees. After leaving school, a citizen becomes a member of a relevant mass organization, such as the General Federation of Korean Trade Unions, the Union of Agricultural Working People, or the Socialist Women’s Union of Korea (Women’s Union),¹⁰ depending on employment and marital status. Party membership is the highest aspiration, which only about 15 percent of the population is able to attain. Party members also become officials of the mass associations controlled by the party.¹¹

The government seeks to exercise effective control over every aspect of people’s daily lives through a vast surveillance apparatus consisting of a large network of secret informers, officials of mass organizations like the Women’s Union, and neighborhood watch systems (in Korean, *inminban*).

⁹ Phil Robertson (Human Rights Watch), “North Korea’s Caste System” commentary, *Foreign Affairs*, July 5, 2016, <https://www.hrw.org/news/2016/07/05/north-koreas-caste-system>.

¹⁰ Known as the former Democratic Women’s Union of Korea until November 2016. “Democratic Women’s Union of Korea Renamed Socialist Women’s Union of Korea,” *Korean Central News Agency (KCNA)*, November 19, 2016, <http://kcna.co.jp/item/2016/201611/news19/20161119-17ee.html> (accesses April 28, 2018).

¹¹ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014 para. 183.

The *inminban* is made up of about 20-40 households with one leader appointed to report to the Ministry of People's Security (in Korean, *inmin boanseong*, police, or MPS)¹² and/or the Ministry of State Security (in Korean, *kukga anjeon bowiseong*, often referred to as secret police, *bowiseong*, *bowibu*, or MSS) on unusual activities in the neighborhood, with the obligation to scrutinize intimate details of the family life of all residents. It also has the authority to visit homes at any time, even at night, to determine if there are unregistered guests or adulterous activities, and to report these to security organs for action.¹³ The goal of this apparatus is to control every aspect of citizens' lives, and monitor and act against any perceived anti-Communist, anti-state, or anti-revolutionary behavior.

Along with his cult of personality, Kim Il Sung established a doctrine of isolation and extreme nationalism, known as *juche sasang*,¹⁴ which he promoted in conjunction with a focus on military readiness after the Korean War (1950-1953) ended in a ceasefire (it remains officially unresolved).¹⁵ After Kim Il Sung's death in 1994, Kim Jong Il elevated the position of the army in the government with the *songun* (military first) doctrine.¹⁶

According to figures submitted by the North Korean government to the UN, the government is dominated by men, with just 20.2 percent of female deputies selected in 2014 for the 13th Supreme People's Assembly, the unicameral deliberative assembly in charge of

¹² The Ministry of People's Security (MPS, which can be translated as People's Security Agency or People's Security Department) is responsible for internal security, social control, and basic police functions. It also has a responsibility to quell riots, interrogate and punish criminals, and administer short-term labor detention facilities (*rodong danryeondaë*) and ordinary prison camps (*kyohwaso*). The UN COI found gross human rights violations amounting to crimes against humanity were being committed in such facilities. The MPS operates police stations in every hamlet/city quarter and operates larger interrogation detention centers at the city, county, provincial, and national level. UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014 para. 134 and 1171; Ken Gause, "Coercion, Control, Surveillance, and Punishment: An Examination of the North Korean Police State," Committee for Human Rights in North Korea (HRNK), 2012, https://www.hrnk.org/uploads/pdfs/HRNK_Ken-Gause_Web.pdf (accessed April 10, 2017), p.26.

¹³ The Ministry of State Security, formerly known in Korean as *kukgaanjeon bowibu* or *bowibu*, is the primary political police force charged with investigating "crimes against the state or the nation" and identifying and suppressing threats to the political system and the Supreme Leader. It has also been translated as National Security Agency, State Security Agency, and State Security Department. Gause, "Coercion, Control, Surveillance and Punishment," HRNK, p.17, 42-48.

¹⁴ It is often translated as the ideology of self-reliance. The term can also be transliterated as *chuche*.

¹⁵ Myers, "North Korea's Juche Myth," p. 219-224; UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014, para. 105, 106 125, and 127.

¹⁶ According to the UN COI, this extreme militarization of society in the DPRK further encouraged the protection of Korean women's virtue and the defense of Korean purity against hostile outside forces thereby contributing to gender discrimination. UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014, para. 136 and 308.

making laws.¹⁷ There are no women on the all-important National Defense Commission or the Political Bureau of the Central Committee of the WPK, which determines the party's policies.¹⁸

Extreme Poverty and Modest Market Reforms

North Korea is one of the world's poorest countries.¹⁹ According to United Nations Children's Fund (UNICEF), in December 2017 an estimated 18 million people in the DPRK were experiencing food insecurity, while 200,000 children were acutely malnourished. One in three children under five years of age, and almost half of the children between 12 and 23 months, were anemic.²⁰

After its creation in 1948, the DPRK instituted a command economy in which people were largely prohibited from engaging in private economic activities. In the 1950s, the government-created a Public Distribution System (PDS) operated with state supply centers that were supposed to provide food, clothes, and all daily necessities. But it failed to effectively deliver sufficient food to North Korea's population for decades and was kept afloat by aid and food imports from the Soviet Union and China.

In the early 1990s North Korea faced a financial crisis when its main supporter, the Soviet Union, disintegrated. At the same time, North Korea's already ill-equipped and mismanaged economy was hit by a series of floods and droughts. This provoked a great famine that killed a still-unknown number of North Koreans. Estimates of deaths from starvation and associated illnesses range from several hundred thousand to 2.5-3 million²¹

¹⁷ "Consideration of reports submitted by State parties under article 18 of the CEDAW. Committee on the Elimination of Discrimination against Women, "Consideration of reports submitted by States parties under article 18 of the Convention" CEDAW/C/PRK/2-4, April 11, 2016, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fPRK%2f2-4&Lang=en (accessed September 19, 2016), p. 32, para. 254.

¹⁸ Michael Madden, "Deciphering the 7th Party Congress. A Teaser for Greater Change?" *38 North*, May 20, 2016, <http://38north.org/2016/05/mmadden052016/wpk-political-bureau-7th-wpk-central-committee-may-9-2016/> (accessed March 31, 2017); "National Defense Commission Spokesman Issues a Statement on Peninsula Security," *North Korea Leadership Watch*, June 21, 2016, <https://nkleadershipwatch.wordpress.com/2016/06/21/national-defense-commission-spokesman-issues-statement-on-peninsula-security/> (accessed March 31, 2017).

¹⁹ North Korea ranks 176 among 193 states with US\$665 GDP per capita in 2016. "National Accounts Main Aggregates Database," UN Department of Economic and Social Affairs Statistics Division, December 2017, <http://unstats.un.org/unsd/snaama/selbasicFast.asp> (accessed May 25, 2018).

²⁰ "Humanitarian Action for Children 2018: Democratic People's Republic of Korea," United Nations Children's Fund (UNICEF), December 29, 2017, <https://www.unicef.org/appeals/dprk.html> (accessed June 5, 2018).

²¹ Paul French, *North Korea: State of Paranoia* (London: Zed Books, 2014), p. 191; "North Korea loses 3 million to famine," *BBC News*, February 17, 1999, <http://news.bbc.co.uk/2/hi/asia-pacific/281132.stm> (accessed July 16, 2016); UN COI, "Report

between 1994 and 1998, the most acute phase of the crisis that the government referred to as the “Arduous March.”²²

During the famine years, the government used ideological indoctrination to maintain the political system, and prioritized support for people they considered crucial for maintaining the political system and its leadership. That support often came at the expense of those the government deemed to be expendable.²³ The UN COI report concluded that “at the very least hundreds of thousands of innocent human beings perished due to massive breaches of international human rights law. Moreover, the suffering is not limited to those who died, but extends to the millions who survived. The hunger and malnutrition they experienced has resulted in long-lasting physical and psychological harm.”²⁴

As China took over as North Korea’s main trading partner and benefactor in the mid-1990s, informal markets (*jangmadang*) emerged to fill the gap between supply and demand left by the collapsed PDS. These markets were born as illegal, underground “farmer’s markets,” where the major suppliers of food were farmers who privately grew grain and vegetables or raised stock animals outside cooperative farms, and traders who smuggled food from China. The central government allowed provincial governments to engage in food trading, which had previously been its exclusive domain, and largely turned a blind eye to private food trading by individuals.²⁵

Although the government stopped providing regular wages and food distribution, it forced men and unmarried women to continue working at their state-owned workplaces, where salaries, if provided, were worth only between one to four kilograms of corn per month.²⁶

of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 667.

²² Analysts say the “Arduous March” rhetoric, ostensibly aimed at helping people endure increased economic privations, also was designed to keep people from thinking about and openly discussing alternative economic systems. In this context, making critical remarks about political underpinnings of the situation were considered a political crime and harshly punished. Kongdan Oh and Ralph C. Hassig, *North Korea Through the Looking Glass*, (Washington D.C.: Brookings Institution Press, 2000), p. 77; and COI para. 685.

²³ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 572 and 685.

²⁴ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 669; Human Rights Watch, *A Matter of Survival: The North Korean government’s control of Food and the Risk of Hunger*, vol. 18, no. 3(C), May 2006, p.9.

²⁵ Human Rights Watch, “A Matter of Survival: The North Korean Government’s Control of Food and the Risk of Hunger,” May 2006, <https://www.hrw.org/reports/2006/northkorea0506/northkorea0506web.pdf>, p.14.

²⁶ All male and unmarried female citizens not affiliated with a state-owned company, without adequate reason, for more than six months or who do not show up at work for over one month are punished with confinement in short-term forced labor camps for up to three months or longer in (undefined) serious cases. DPRK Administrative Punishment Law, 2004, (amended 2011).

Since many married women were not obliged to attend a government-established workplace, they became the traders, and soon the main breadwinners for their families.²⁷

Yoon Soon Ae, a former female trader in her 40s from Ryanggang province, who left North Korea in 2013, told Human Rights Watch:

We were used to being at home and getting everything from our husbands. But suddenly we had to figure out how to buy and sell things, and not to get caught, because everything we did could be considered illegal. It was very scary, but we had no choice, everybody had to rely on trade, a dirty and anti-Communist behavior, to survive.²⁸

By July 2002, Kim Jong Il started experimenting with economic liberalization and North Korea officially announced economic reform measures, including legalizing some of the existing markets, adjusting commodity prices and wages, and ending subsidies to failing state enterprises.²⁹ Yet, the government remained concerned about its loss of control over the markets. In 2005, the government began to reverse the spontaneous liberalization of the markets that had occurred during the preceding decade because government leaders were uneasy with the markets, which they considered dangerous for political stability.³⁰

First, the government banned men from selling goods at the markets, limiting such work to women 50 years or older, though enforcement depended on the willingness of local authorities to enforce the bans and the latest central government directives.³¹ Younger women who were not allowed in the official markets had to find other ways to trade, and many of them engaged in distribution or inter-regional trade.³²

²⁷ Louisa Lim, "Out of Desperation, North Korean Women Become Breadwinners," *National Public Radio (NPR)*, December 28, 2012 <https://www.npr.org/2012/12/28/168193827/out-of-desperation-north-korean-women-become-breadwinners> (accessed April 4, 2017).

²⁸ Human Rights Watch interview with Yoon Soon Ae (pseudonym), location withheld, June 25, 2015.

²⁹ Hong Ihk-pyo, A Shift Towards Capitalism? Recent Economic Reforms in North Korea. *East Asia Review*. Vol 14, No.4, Winter 2002, p. 93.

³⁰ Andrei Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia* (Oxford University Press: 2013), p.121.

³¹ *Ibid.*, p. 122 and 123.

³² UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014, para. 320.

Another blow to the markets came in 2009 when the government implemented a drastic de-monetization “reform” that triggered massive inflation and temporarily halted the functioning of the markets. In some cases, traders lost almost everything they had earned because the government had rendered much of the existing currency in the country invalid. Members of the public reacted negatively, making it harder for the government to continue to impose strict restrictions on the markets.³³

Since 2010, the number of government-approved markets has doubled, reaching 404 by 2016. In that year, approximately 1.1 million people worked as retailers or managers in the markets.³⁴ Three former North Korean traders, who left North Korea in late 2014, told Human Rights Watch local party officials said they had received directives from Pyongyang in 2013 to stop cracking down on legal trading activities and to lift age restrictions in the marketplaces (*jangmadang*).³⁵

At the same time, government employees and people in position of power at all levels realized there were opportunities within the new system to make money by demanding bribes. They increasingly began to seek bribes from those trying to conduct trade and market activities. Corruption quickly became commonplace, and the ability to receive bribes became an important source of income for many of those in power. According to Transparency International’s 2017 Corruption Perception Index, North Korea ranked 171 out of 180 on the list.³⁶

Every North Korean interviewed by Human Rights Watch said that after the Great Famine of the mid-90s, official market gate-keepers started taking bribes from traders and anybody else hierarchically beneath them in the markets.³⁷ Soon corruption moved beyond the

³³ Human Rights Watch interview with Kim Seok-hyang, North Korean studies professor, Ewha University, June 15, 2015; Sharon Lafraniere, “Views Show How North Korea Policy Spread Misery,” *The New York Times*, June 9, 2010, <https://www.nytimes.com/2010/06/10/world/asia/10koreans.html>.

³⁴ Hong Min, Cha Mun-seok and Jeong Eun-ee, “North Korean National Market Information: Focused on the Status of Official Markets,” KINU (December 2016), p. 7, 16.

³⁵ Human Rights Watch interview with three former traders (pseudonyms), locations withheld, August 2015.

³⁶ North Korea ranked 171 out of 180 on the Transparency International Corruption Perception in 2017. “Corruption Perception Index 2017,” Transparency International, February 21, 2018, https://www.transparency.org/news/feature/corruption_perceptions_index_2017 (accessed October 12, 2018).

³⁷ This analysis is drawn from Human Rights Watch interviews with 106 North Koreans conducted between January 2015 to July 2018.

markets and spread into other sectors, with teachers taking money from students,³⁸ investigators and prison guards from detainees and prisoners,³⁹ and police across the board.⁴⁰ Bribes often had to be paid by junior soldiers to top army officers and WPK officials to obtain party membership.⁴¹

The UN COI reported that “officials are increasingly engaging in corruption in order to support their low or non-existent salaries.”⁴² Some observers have remarked that such behavior amounts to “the increasingly male-dominated state preying on the increasingly female-dominated market.”⁴³

³⁸ “Human Rights Watch Submission on the Democratic People’s Republic of Korea to the Committee on the Rights of the Child,” February 13, 2017, Human Rights Watch CRC submission, <https://www.hrw.org/news/2017/02/13/human-rights-watch-submission-democratic-peoples-republic-korea-committee-rights>; Human Rights Watch interviews with four former students and two former teachers (pseudonyms), locations withheld, between January 2015 and December 2016.

³⁹ Human Rights Watch interviews with twelve former detainees and two former police officials (pseudonyms), location withheld, between January 2015 and January 2018.

⁴⁰ “North Korea: Private Commerce Brings Arbitrary Arrests, Abuse,” Human Rights Watch news release January 7, 2015. <https://www.hrw.org/news/2015/06/07/north-korea-private-commerce-brings-arbitrary-arrests-abuse>

⁴¹ Human Rights Watch interviews with eight former government officials (pseudonyms), locations withheld, between January 2015 and December 2017.

⁴² UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 318.

⁴³ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 319; see also Haggard and Noland, “Gender in Transition” at p. 51.

II. Women, Society, and Law in North Korea

Women, who account for half the population, are a powerful driving force that pushes one side of the wheels of the cart of the revolution.⁴⁴

—Kim Il Sung, quoted in *Rodong Sinmun*, North Korea's official newspaper

Women and Society

According to the Democratic People's Republic of Korea (DPRK)'s second report submitted to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Committee in April 2016, “women in the DPRK, under the wise leadership of the great Comrade Kim Jong Il and the supreme leader Comrade Kim Jong Un as full-fledged masters of the society, fully exercised equal rights with men in all fields of politics, the economy, and social and cultural life, performing great feats in the efforts for the prosperity of the country.” The government also trumpeted “remarkable achievements in the advancement of women and protection and promotion of their rights [...] are the fruition born of the DPRK policy of attaching importance to and respecting women, and the patriotic enthusiasm and creative power displayed by women in the building of a thriving nation.”⁴⁵

However, the report also claimed that between 2002 and 2015, the government publicly encouraged women to devote “themselves for the good of the society and collective, building harmonious family, and being exemplary in the upbringing and education of children.”⁴⁶

Traditional Confucian patriarchal values remain deeply embedded in North Korea.⁴⁷ Confucianism is an ethical and philosophical system that is strictly hierarchical and values

⁴⁴ “Interpretation of the Great Leader's famous sayings,” *Rodong Sinmun*, March 8, 2014, <http://www.minzokilbo.com/politics/7253> (accessed February 1, 2017).

⁴⁵ Convention on the Elimination of All Forms of Discrimination against Women, “Consideration of reports submitted by States parties under article 18 of the Convention,” CEDAW/C/PRK/2-4, April 15, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/154/29/PDF/N1615429.PDF?OpenElement>, p. 2, para. 3.

⁴⁶ *Ibid.*, p. 11, para. 59.

⁴⁷ These values were entrenched during the Chosun dynasty (1392-1910), also known as the Chosun and Joseon dynasty. North Korea's official name in the Korean language is *Choson*.

social harmony.⁴⁸ A woman's position in society is lower than a man's and her reputation depends largely on maintaining an image of "sexual purity,"⁴⁹ and on how well she obeys the men in her family.⁵⁰

Traditionally in North Korea, marriage was not considered the union of two private individuals or the fulfillment of romantic sentiments or desires, but the union of two members of society fulfilling their social duty. For this reason, the ruling Workers' Party of Korea (WPK) restricts any practices that it believed jeopardized the integrity, stability, and purity of this traditional family unit, including open expressions of sexuality.⁵¹ The party also strictly restricts divorce, which it deemed a threat to the nation.⁵² After the Great Famine, it became easier to obtain divorces, albeit more difficult for women and depending on one's abilities to get connections and pay bribes.⁵³

In Confucian times, after marriage, women were typically expected to move into their husband's home, where they had to serve his extended family and were placed at the bottom of the family hierarchy until a first son was born.⁵⁴ While there is no longer any expectation for newly married women to move in with their in-laws, these gender roles remain largely intact, despite women's growing role as economic actors. "Women who get married become blind for three years, deaf for three years, and dumb for three years," said

⁴⁸ In this report, patriarchy is understood as men's domination over women and the domination of older generations over younger generations. Korean society is also patrilineal, with age and gender hierarchies maintaining a male line of descent in family lineages.

⁴⁹ In this context, "sexual purity" encompasses sexual abstinence and avoiding premarital and extra-marital sexual relations.

⁵⁰ UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014, para. 110 and 8; Kyung-ae Park, "Women and Social Change in South and North Korea: Marxist and Liberal Perspectives," *Women and International Development*, Working Paper No. 231, (Michigan State University, June 1992), <https://gencen.isp.msu.edu/files/4814/5205/7066/WP231.pdf>, p. 2.

⁵¹ Restrictions included women's personal manifestation as an emancipated individual, romantic partner, or liberated sexual being. Tatiana Gabroussenko, "No sex please, we are in a North Korean movie," *NK News*, July 3, 2016, <https://www.nknews.org/2016/07/no-sex-please-were-north-korean/?c=1491193433934> (accessed August 11, 2016); UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014, para. 308.

⁵² From the mid-1950s, divorce, which had been easy to obtain with the consent of both parties, was discouraged and became difficult to get regardless of mutual consent. Articles 10 to 22 of the Regulations on the Implementation of Law on Sex Equality issued in September 1946 stated that in case of consent by both parties, divorce papers could be filed directly with the local People's Committee, but by March 1956, divorce in cases of mutual consent required legal proceedings. Suzy Kim, "Marriage, Family, and Sexuality in North Korea," in Vera Mackie and Mark McLelland, eds., *Handbook of Sexuality Studies in East Asia* (New York: Routledge, 2015), p.114 and 118.

⁵³ This analysis is drawn from Human Rights Watch interviews with 106 North Koreans conducted between January 2015 to July 2018.

⁵⁴ Kim, "Marriage, Family, and Sexuality in North Korea," p.113.

Paek Su Ryun, a former North Korean trader in her fifties who left in 2010, quoting a famous saying widely used in North Korea to indicate a newly married woman's subordination to her husband's family.⁵⁵

According to Lee Chun Seok, a former North Korean school teacher in her forties from Ryanggang province, who left in 2013:

Men are the sky and women are the earth. What men think and say are what matters. We must absolutely obey men, respect them, and treat them with honor.⁵⁶

Women and Girls at Home, School, and Work

Stereotyped gender roles begin in childhood. North Korean women, men, and children who spoke to Human Rights Watch said children grow up in an environment where discrimination against women and girls is constant and accepted. Girls learn they are not equal to boys and cannot resist mistreatment and abuse, and that they should feel shame if they become targets of abuse by men, whether in the home or in public spaces.⁵⁷

North Korean students and teachers who left the country between 2010 and 2016, told Human Rights Watch that in mixed gender classes boys were almost always made leaders and that male teachers usually made decisions in schools, even when a majority of teachers in the school were women.⁵⁸

Social structures and conventions that discriminate against women are also reflected in socially enforced rules of interaction between girls and boys. As teenagers, girls are often asked to use an honorific form when speaking to boys—although there is no reverse requirement. This practice continues through university, extending into the workplace,

⁵⁵ Human Rights Watch interview with Paek Su Ryun (pseudonym), location withheld, January 19, 2017.

⁵⁶ Human Rights Watch interview with Lee Chun-Seok (pseudonym), location withheld, January 29, 2015.

⁵⁷“Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women,” April 13, 2017, Human Rights Watch CEDAW submission, <https://www.hrw.org/news/2017/04/13/human-rights-watch-submission-committee-elimination-discrimination-against-women>.

⁵⁸ Human Rights Watch interviews with six North Koreans (pseudonyms), locations withheld, between January 2015 and January 2017.

marriage, and family life.⁵⁹ Even according to the law, the minimum age for marriage is different, 18 for men and 17 for girls.⁶⁰

The UN COI observed that women shoulder the responsibility of caring for the family and housework while continuing to be treated as second-class citizens and remain subservient to men at home and in society.⁶¹ The UN COI report said that witnesses revealed that “domestic violence is rife within DPRK society.” It also found violence against women is not limited to private spheres like the home, but that men also beat and sexually assault women in public.⁶² The UN COI also reported that “sexual and gender-based violence against women is prevalent throughout all areas of society. Victims are not afforded protection from the state, support services, or recourse to justice.”⁶³

The Korea Institute for National Unification (KINU), a South Korean government think tank that specializes in research on North Korea, conducted a survey between 2010 and 2014 with 1,125 North Koreans who had re-settled in South Korea. The survey, based on interviews with 352 men and 773 women, found that 48.6 percent of the respondents said that rape and sexual harassment against women in North Korea was “common.”⁶⁴

North Koreans who fled after 2011 said it is harder for women and girls than for men and boys to be admitted to and attend university,⁶⁵ join the military, and, by extension, become a member of the ruling WPK party, the gateway to any position of power in North Korea.⁶⁶ According to the 2016 DPRK country report to the CEDAW Committee, only about 20 percent

⁵⁹ Ibid.

⁶⁰ CEDAW, “List of issues and questions in relation to the combined second to fourth periodic reports of the Democratic People’s Republic of Korea. Addendum: Replies of the Democratic People’s Republic of Korea,” CEDAW/C/PRK/Q/2-4/Add., 1, June 16, 2017, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhss1YTnoqfX85YJz37palgUA5iefKgpuDIhmnc7OcqA%2BwTl8fWmSuu8Rol7PVqY542Cc%2BfgWlo%2BFUdwUgZsvFi8LPCkO96cv7kAueSxsQp4F7lJjsW2SvZGDdn1Pu9awf6Q%3D%3D> (November 5, 2017), para. 16.

⁶¹ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 308.

⁶² Ibid., para. 318.

⁶³ Ibid., para. 320.

⁶⁴ Do Kyung-ok, et. al, *White Paper of Human Rights in North Korea, 2015*, (Seoul: Korea Institute for National Unification (KINU), 2015), p.367.

⁶⁵ The North Korean government recognizes gender bias in university admissions but does not provide data on the proportion of students who are women. See “Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women,” p. 11.

⁶⁶ This analysis draws from Human Rights Watch interviews with 57 North Koreans conducted between January 2015 and July 2018.

of workers in government agencies are women. As of 2016, women made up 16.1 percent of divisional directors in government bodies, 11.9 percent of judges and lawyers, 4.9 percent of diplomats, and 16.5 per cent of the officials in the Ministry of Foreign Affairs.⁶⁷

Lack of Sexuality Education and Awareness of Gender-Based Violence

North Korean schools do not provide adequate education about sexuality and reproductive health. We spoke with 21 North Koreans with knowledge of school practices and all said while girls typically get information about menstruation, female hygiene, and pregnancy, the schools do not address sexuality and provide few, if any, details on how sexual organs or conception work.⁶⁸ Some noted that mixed biology classes sometimes include information about differences in animal genitalia and other body parts.⁶⁹

There are no independent statistics on the prevalence of HIV/AIDS in North Korea and the government claims there are zero cases of AIDs in the country.⁷⁰ Human Rights Watch interviewed 30 North Korean people who left after 2011 about sexual violence and sexuality in North Korea, including sexually transmitted diseases. None of the interviewees had ever been taught how to have protected sexual relations, nor did they have any knowledge of how to prevent sexually transmitted diseases, including HIV. Two former doctors and one nurse said they had gained limited knowledge about sexually transmitted diseases while working in the DPRK.⁷¹

The version of the Korean language used in the North lacks specific vocabulary on sexual and gender-based violence, domestic violence, sexual abuse, assault, and harassment. The North Koreans we spoke with explained that family or domestic violence would have to be rendered as “men who hit their women,” and sexual violence that does not involve penetration with a penis as “violence with sexual connotations.”

⁶⁷ CEDAW, “Consideration of reports submitted by States parties under article 18 of the Convention,” April 15, 2016, p. 14, 15 and 36.

⁶⁸ Human Rights Watch interviews with 21 North Koreans, including two former teachers and two former doctors (pseudonyms), locations withheld, between January 2015 and December 2017; Bang Sang-hee, “The Battered Wheel of the Revolution: Briefing Report on the Situation of Violence against North Korean Women,” NKHR, 2011, p. 19; Do Kyung-ok, *White Paper on Human Rights in North Korea, 2017*, (Seoul: KINU, 2017), p. 376.

⁶⁹ Human Rights Watch interviews with 21 North Koreans (pseudonyms), locations withheld, between January 2015 and December 2017.

⁷⁰ “DPR Korea: HIV/AIDs,” World Health Organization (WHO), <http://www.searo.who.int/dprkorea/areas/hiv/en/> (accessed July 12, 2018).

⁷¹ Human Rights Watch interview with 33 North Koreans (pseudonyms), locations withheld, between January 2015 and December 2017.

They said that North Koreans understand the North Korean word for rape (*ganggan*) as unwanted vaginal penetration with a penis and accompanying physical violence. According to the North Koreans, sexual abuse or unwanted sexual advances without significant physical violence can be vaguely described as “situations with a sexual undertone when women feel uncomfortable or ashamed.”⁷²

When the North Korean delegation met with the CEDAW Committee on November 8, 2017, Park Kwang Ho, a Councilor of the Central Court in the DPRK, insisted international standards had been integrated into national law—but then under questioning did not understand what “marital rape” was and asked the committee to explain it.⁷³

Councilor Park also maintained that in the case of a woman in a subordinate position being forced to engage in sexual relations because she fears losing her job, or sees it as being required in exchange for preferential treatment, it was the woman’s choice whether to comply. He reasoned that in such cases the punishment for the perpetrator should be lighter because he did not use violence and the impact on the victim was less pronounced. He later amended his comments, saying that if a woman did not consent to having sexual relations and was forced to do so, the perpetrator was committing rape and would be punished accordingly.⁷⁴

The social stigma and lack of knowledge or discussion of sexuality, gender, and sex that North Koreans we spoke with described, leave North Korean women and men unprepared for the realities of sexual activity. People know little about reproductive health, pregnancy, contraception, sexually transmitted diseases, or sexual crimes and seldom talk about these topics. Women are often unable to actively recognize themselves as victims of sexual violence, abuse, exploitation, or rape. Human Rights Watch documented two cases of women raped as young adults during the 1990s who said they did not fully understand what was happening to them.⁷⁵

⁷² Ibid.

⁷³ CEDAW, “Summary record of the 1555th meeting,” CEDAW/C/SR.1555/, November 13, 2017, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSR.1555&Lang=en, (December 5, 2017) para. 39. During the last CEDAW review of the DPRK, on July 18, 2005, Ho O Bom, director of the Legal Affairs Department at the Presidium of the Supreme People’s Assembly, said the North Korean authorities had become aware of the issue of marital rape by studying the convention. He said that the issue had never been discussed but would be considered by the government. CEDAW, “Summary record of the 669th meeting,” CEDAW/C/SR.669/, February 14, 2005, https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSR.669&Lang=en, (December 5, 2017) para 49.

⁷⁴ CEDAW, “Summary record of the 1555th meeting,” November 13, 2017, para. 10.

⁷⁵ See e.g., the case of Park Young Hee, described below in Section III. Sexual Violence by Men in Positions of Power, Rape and Sexual Violence in Prisons or Detention Facilities.

In the past two decades, information brought into North Korea via smuggled cell-phones and CDs (including pornographic movies) from China has increased.⁷⁶ One negative consequence is the increased depiction of women as sexual objects.

There appear to be significant differences in knowledge and viewpoints between people we interviewed from northern and southern provinces, urban and rural areas, and younger and older generations. Urban dwellers in their 20s from the capital in Pyongyang or from northern provinces (such as North Hamgyong and Ryanggang) tend to be more liberal in their views on sexuality than those born in the 1960s and 1970s or those from rural areas. Reasons for these more liberal views include more exposure to cross-border trade, information from the outside world, trafficking networks, and exposure to North Koreans who had spent time in China or other countries.⁷⁷

Social Stigma and Victim Blaming

From an early age, North Koreans are taught stereotypical gender roles that condone violence against women. Victims of rape, domestic violence, sexual abuse, assault, or harassment are blamed for bringing it on upon themselves and made to feel ashamed.

Yoon Jong Hak, a former manager of a state-owned company from North Hamgyong province in his forties, who left North Korea in 2014, asked, “Why would a woman put herself in a position where she can be raped? I only let my wife work sitting at the marketplace, where I know people and she is fine.”⁷⁸

Pervasive social stigma prompts victims to remain silent. “If a woman is raped, it is because she must have been flirting,” said Lee Chun Seok, a former teacher and trader in her late forties.⁷⁹ “I was ashamed and scared,” said the former trader Yoon Soon Ae, who was raped. “I never told anybody. In North Korea, it is like spitting in your own face. Everybody would have blamed me.”⁸⁰

⁷⁶ Ibid.

⁷⁷ These conclusions draw on Human Rights Watch interviews with 106 North Koreans between January 2015 and July 2018.

⁷⁸ Human Rights Watch interview with Yoon Jong Hak (pseudonym), location withheld, April 20, 2015.

⁷⁹ Human Rights Watch interview with Lee Chun-Seok (pseudonym), location withheld, January 29, 2015.

⁸⁰ Human Rights Watch interview with Yoon Soon Ae (pseudonym), location withheld, June 22, 2015.

The UN COI report emphasized that violence against women, in particular sexual violence, was “difficult to document owing to the stigma and shame that still attaches to the victims” and concluded that its inquiry “may have only partially captured the extent of relevant violations.”⁸¹

The Role of China and the Experience of Women Forcibly Returned to North Korea

Women desperate to escape North Korea are profoundly vulnerable to deceit and exploitation by traffickers. In the last two decades, illegal networks to transport North Korean women to China have grown, with traffickers promising to assist women in traveling onward to South Korea or other countries, finding jobs in China, or locating Chinese men who will help them survive and send money back home.⁸² Many women are trafficked for sale as “brides” or into the commercial sex trade, including through brothels and online sex chatting services.⁸³

The Chinese government labels all North Koreans as “illegal economic migrants,” refusing to consider any as asylum seekers and often deporting them back to North Korea, despite the well-documented human rights violations they face there, which includes harsh interrogations, torture, poor detention conditions, and other punishments for having fled. The UN COI report found that people deported from China are typically detained and face extreme abuses in the detention centers.⁸⁴

The UN COI report also found the North Korean government has committed crimes against humanity targeting people who were trying to flee the country, including rape and other forms of sexual violence.⁸⁵ The UN COI found “repatriated women who become pregnant while in China are subject to forced abortion.” It described a “climate of impunity that prevails in the interrogation detention facilities that process repatriated persons,” which “allows rape and other acts of sexual violence to be committed by individual guards and to go unpunished.”⁸⁶

⁸¹ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 17.

⁸² Human Rights Watch interview with nine brokers (pseudonyms), locations withheld, between January 2015 and September 2016.

⁸³ *Ibid.*

⁸⁴ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 1098-1114.

⁸⁵ *Ibid.*, para. 1098.

⁸⁶ *Ibid.*, para. 1105.

Women and Relevant Domestic and International Law

On paper, the DPRK is committed to gender equality and women's rights. Even before its establishment in 1948, when the Soviet Union established a provisional People's Committee for North Korea in 1946 with Kim Il Sung as chairman, Kim Il Sung's provisional government enshrined women's equality in domestic laws.

In subsequent decades, the government passed other laws protecting women, and ratified international human rights treaties, including the CEDAW in 2001. In 1990, North Korea ratified the Convention on the Rights of the Child (CRC), and followed by ratifying the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2014 and the Convention on the Rights of Persons with Disabilities (CRPD) in December 2016. The government also ratified the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1981.⁸⁷

According to Kim Il Sung, "liberating women socially and realizing sex equality" were part of the "anti-imperialism and anti-feudal democratic revolution," and were closely related to fulfilling tasks of a "higher level of revolution."⁸⁸

The Law on Sex Equality of 1946 extended to women equal rights in all spheres of society, provided them with welfare benefits, rights to inherit or share a property, and freedom to marry and divorce, and prohibited arranged marriages, polygamy, concubines, and the buying and selling of women. The law also established the Women's Union, which operates under the WPK's political control, to which all married women must belong. The Women's Union has responsibility to advocate for women's rights and encourage their social and economic participation and advancement.⁸⁹

These changes translated into the promotion of women's employment in collectivized enterprises. Most women started working in state-sponsored employment during the 1950s and 1960s, albeit generally with lower work status and salaries than men. The 1972

⁸⁷ In 1997, the DPRK sought to withdraw from the ICCPR and but was informed by the United Nations that it could not because the treaty in question does not contain a provision permitting a state party to withdraw. Since that time, the DPRK has refused to report on or acknowledge its obligations under the ICCPR.

⁸⁸ Kim Il Sung, "About the future task of Women's League" in *Kim Il-sung: Selected Works 2* (Pyongyang: Korean Workers' Party Press, 1979), p. 206.

⁸⁹ Kim Il Sung, "About the future task of Women's League," p.227.

Socialist Constitution of the DPRK strengthened the legal basis for women’s equality and participation in society with article 77:⁹⁰

Women are accorded an equal social status and rights with men. The State shall afford special protection to mothers and children by providing maternity leave, reduced working hours for mothers with many children, a wide network of maternity hospitals, creches and kindergartens, and other measures. The State shall provide all conditions for a woman to play a full role in society.⁹¹

In 1987, the government amended the Criminal Code to ban various forms of violence against women, such as rape, trafficking in persons, and sexual relations with girls or a woman in a subordinate relationship. Although a step forward, the definitions included in the amendments are deeply flawed (e.g., rape victims can only be women; consent is not a central consideration) and the punishments are inconsistent (e.g., mild punishment for child abuse).

The North Korean criminal code at present provides that a person⁹² convicted of raping a woman using violence, intimidation, or a situation she cannot escape from can be sentenced to up to five years at an ordinary-crimes prison camp (*kyohwaso*, literally reform through labor center, sometimes also called re-education camps).⁹³ Those convicted of raping several women, causing undefined “serious harm,” or engaging in conduct resulting in the victim’s death can receive sentences of more than 10 years at the *kyohwaso*.⁹⁴

Any person who has sexual relations with a woman in an undefined subordinate relationship (*bokjong gwanggye*, or literally “relationship of obedience”) may be imprisoned for up to one year at a short-term forced labor facility (*rodong danryeondae*, or

⁹⁰ The first North Korean Socialist Constitution was adopted in 1948, but it was largely drafted by the Soviet Union, which was replaced by a revised constitution in December 1972, considered as the first genuinely North Korean constitution. Andrei Lankov, “Terenti Shtykov: the other ruler of nascent North Korea,” *Korea Times*, https://www.koreatimes.co.kr/www/news/nation/2012/01/363_103451.html (accessed February 13, 2018).

⁹¹ DPRK Socialist Constitution, art. 77.

⁹² The perpetrator is gender neutral, as in the Korean language there is no need to specify a subject.

⁹³ Criminal Code Art. 279 (adopted 5 February 1987, amended 14 May 2012)

⁹⁴ Ibid.

labor training center).⁹⁵ A person may be imprisoned for up to three years at an ordinary crimes prison camp (*kyohwaso*)⁹⁶ for repeated offenses with several women, undefined “corruption of a woman” (*tarak*), or triggering her to commit suicide. Sex with underage girls (younger than 15 years) is punishable with up to one year’s imprisonment at a forced labor facility, and up to five years’ imprisonment at an ordinary-crimes prison camp for repeated cases.⁹⁷ According to an “addendum to the Criminal Code for ordinary crimes” adopted in December 2007, undefined “extremely grave” crimes of rape and kidnapping that violate socialist culture may receive up to the death penalty.⁹⁸

The DPRK Criminal Code does not specifically prohibit domestic violence. However, the Law on the Protection and Promotion of the Rights of Women of December 2010 bans domestic violence and instructs municipal People’s Committees, institutions, corporate associations, and organizations to “adequately educate residents and employees against domestic violence.”⁹⁹ This law does not criminalize domestic violence or marital rape, however, and does not provide punishments for perpetrators.

The operation of law, in reality, is quite different from the law as it exists on paper: the DPRK criminal justice system routinely disregards the basic rights of women and girls. In practice, the constitution, laws, and other legal instruments are used to provide after-the-fact legitimization of ruling party directives, as in other one-party totalitarian systems.¹⁰⁰ As the UN COI report phrased it: “the law and the justice system serve to legitimize violations, there is a rule by law in the DPRK, but no rule of law, upheld by an independent and impartial judiciary. Even where relevant checks have been incorporated into statutes, these can be disregarded with impunity.”¹⁰¹

⁹⁵ Criminal Code Art. 280 (adopted 5 February 1987, amended 14 May 2012)

⁹⁶ Ibid.

⁹⁷ Criminal Code Art. 281 (adopted 5 February 1987, amended 14 May 2012).

⁹⁸ Addendum to the Criminal Code, Art. 21 (adopted on 19 December 2007).

⁹⁹ The Law on the Protection and Promotion of the Rights of the Women, art. 46 (adopted 22 December 2010).

¹⁰⁰ Darren C. Zook, “Reforming North Korea: Law, Politics, and the Market Economy,” *Stanford Journal of International Law*, vol. 131 (2012); NKHR, “Status of women’s rights in the context of socio-economic changes in the DPRK,” May 2013, https://eng.nkhumanrights.or.kr:444/board/download.php?fileno=1101&no=3&board_table=bbs_literature&page=1&word=&searchItem=&cate_id= (accessed March 21, 2016).

¹⁰¹ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 123.

Even formally, North Korean laws are typically vague and do not adhere to international standards. They contain important omissions and lack clear definitions, leaving them open to interpretation and maximizing the discretion of government officials to decide how or indeed, whether to execute the law.¹⁰²

For example, the crime of “rape” is undefined. The relevant provisions of the Criminal Code specify that only women and girls can be victims of rape but does not explain what elements must be present for an act to constitute “rape.” Other terms used but not defined in the law include “serious harm” or “corruption of a woman caused by the crime.” May 2012 amendments to the Criminal Code increased the maximum punishment for rape from 5 to 10 years in *kyohwaso*¹⁰³ and reduced the maximum prison terms for other sexual violence crimes.¹⁰⁴

The provisions in the 2010 Law on the Protection and Promotion of the Rights of Women express general principles, use indeterminate language, omit definitions of key terms, and provide no guidance about which state agency is in charge of implementing the laws or what concrete actions must be taken and when.¹⁰⁵ There are also important gaps in enforcement and awareness of the laws.

¹⁰² “Status of women’s rights in the context of socio-economic changes in the DPRK,” NKHR, May 2013, https://eng.nkhumanrights.or.kr:444/board/download.php?fileno=1101&no=3&board_table=bbs_literature&page=1&word=&searchItem=&cate_id= (accessed March 21, 2016).

¹⁰³ Criminal Code Art. 293 (adopted 5 February 1987, revised October 19, 2009).

¹⁰⁴ The punishment for forcing sex on a woman in a subordinate relationship was decreased by one year of imprisonment (from up to two years to up to one year). The detention period decreased by two years for those who sexually coerce several women or for those whose crimes resulted in the victim’s suicide or death (from up to five years to up to up to three years). The revision also deleted a section that punished severe harm with up to two years at forced labor facilities and softened the punishment for the crime of sex with children by four years (from up to five years to one year of imprisonment, and from between five to ten years to up to five years if the harm is “severe”). Criminal Code Art. 294 (adopted 5 February 1987, revised October 19, 2009); Criminal Code Art. 295 (adopted 5 February 1987, revised October 19, 2009). North Korean law also criminalizes some forms of consensual sexual behaviour, which affect an individual’s ability to report sexual violence to authorities. Adultery, sex outside of marriage, and group sexual activities, such as orgies, are forbidden in the penal code. The Criminal Code provides that those who destroy (in an undefined manner) somebody else’s family may be sent to labor training centers up for up to one year and up to two years in *kyohwaso* for (undefined) serious cases; in cases where several men and women gather and engage in (undefined) obscene behavior the punishment shall be up to one year in *danryeondaee*, or up to five years in *kyohwaso* in serious cases. Criminal Code, art. 250 and 257 (adopted 5 February 1987, amended 14 May 2012); Article 11 of the DPRK Family Law forbids maintaining a life (undefined) as husband and wife without registering a marriage, which North Koreans told Human Rights Watch they understand as sex and cohabitation. DRPK Family Law, art. 11.

¹⁰⁵ Ibid.

None of the North Koreans we spoke with who had left the country after 2011 were not aware that the 2010 Law on the Protection and Promotion of the Rights of the Women even existed, much less knew of any instances of enforcement of this law.¹⁰⁶ And all of those we spoke with, including people who left the country earlier, emphasized that protections for gender equality enshrined in North Korean law have no bearing on women's actual experience of inequality.¹⁰⁷ For example, Oh Jung Hee, a former North Korean trader from Ryanggang province, who left the country in 2014, said:

Women are one of the two wheels of the revolution ... the government uses such revolutionary words in books or television. They say men must respect women, but that is not real outside of books or talks. The North Korea government says men and women are equal, but in reality, we just work harder, we have no protection, no real voice, and no power.¹⁰⁸

¹⁰⁶These conclusions draw on Human Rights Watch interviews with 106 North Koreans between January 2015 and July 2018.

¹⁰⁷ Ibid.

¹⁰⁸ Human Rights Watch interview with Oh Jung Hee (pseudonym), location withheld, August 31, 2015.

III. Sexual Violence by Men in Positions of Power

Rape and Sexual Violence by Government Officials

Almost all of the North Korean escapees, including all eight former high ranking officials, we spoke to told us that if a man with power—a high-ranking party official, prison or detention facility guard, Ministry of People’s Security (*boanseong*, police, or MPS) officer, Ministry of State Security (*bowiseong*, *bowibu*, secret police, or MSS) officer, prosecutorial investigator, or soldier—“picks” a woman, she has no choice but to comply with any demands he makes, whether for sex, money, or other favors.¹⁰⁹

Goh Myun Chul, a former high-ranking secret police agent, told Human Rights Watch that in the late 2000s he used to meet once a month with three or four of his *bowibu* colleagues at a hotel room in Pyongyang to drink and party.¹¹⁰ He said:

At some point in the night, each of us picked our favorite actresses from films we watched and asked the hotel lobby staff to bring them to us. Whomever we chose would be at our room door within the hour. Nobody ever turned us down. Then, I thought it was natural they’d be happy we called them. We were powerful and influential, we paid them, and they knew that if we liked them they could call us if they got into trouble or needed a favor.¹¹¹

Several other former government officials told Human Rights Watch that given the hierarchical structure of society, before making any approach North Korean men would consider whether the women they were interested in fell within their purview of influence or not.¹¹² Song Sang Hyun, a former teacher from North Hamgyong province who left at the end of 2014 and had close friends at the local government, said:

¹⁰⁹ These conclusions draw on Human Rights Watch interviews with 106 North Koreans between January 2015 and July 2018.

¹¹⁰ Human Rights Watch interview with Goh Myung Chul (pseudonym), location withheld, December 2, 2016.

¹¹¹ *Ibid.*

¹¹² These conclusions draw on Human Rights Watch interviews with eight former North Korean government officials between April 2015 and July 2018.

If government officials get close to women, they all have to be submissive to the men, but if it is somebody like me [without power] that tries to get close, they'd push me away and say I stink.¹¹³

Rape and Sexual Violence in Prisons or Detention Facilities

The 2010 to 2014 KINU survey of 1,125 North Koreans found 37.7 percent of the respondents said sexual harassment and rape of inmates at detention and prison facilities was “common,” including 15.9 percent who considered it “very common.” Among the respondents, 33 women said they were raped at detention facilities or prisons, 51 reported they witnessed rapes in such facilities, and 25 said they heard of such cases. The assailants identified by respondents were police officers (45.6 percent), guards (17.7 percent), secret police agents (13.9 percent), and fellow detainees (1.3 percent).¹¹⁴

The UN COI found that temporary detention centers routinely inflict sexual humiliation on repatriated women. Individual guards engage in verbal and physical sexual abuse, including rape, with impunity.¹¹⁵ As a matter of standard practice, repatriated women entering temporary detention centers are forced to strip fully naked in front of other prisoners and guards. While nude, they are forced to perform a series of squats, ostensibly for the purpose of dislodging contraband hidden in their body cavities and genitals (a practice known as “pumping”). In line with established policies, women are also searched for contraband by female and sometimes male guards who insert their hands into the victim’s vagina, and sometimes their anus. These invasive body searches are conducted by ordinary guards using unsanitary techniques. Those who resist are beaten into submission.

It also found that the invasive body cavity searches performed in the DPRK’s detention centers for repatriated persons: 1) may amount to rape; 2) are illegal under the DPRK’s own laws; 3) are carried out in sexually humiliating overall circumstances; and 4) are not justified by legitimate concerns.¹¹⁶

¹¹³ Human Rights Watch interview with Song Sang Hyun (pseudonym), location withheld, May 16, 2016.

¹¹⁴ Do Kyung-ok, et. al, *White Paper of Human Rights in North Korea, 2015*, (Seoul: Korea Institute for National Unification (KINU), 2015), p. 369.

¹¹⁵ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 1105 and 1106.

¹¹⁶ *Ibid.*, para. 408, 1106-1107.

Ordinary prison camp (*kyohwaso*) officials rape and inflict grave sexual violence on inmates. Although rape is formally prohibited in prison regulations, the UN COI found that “frequent incidences of rape form part of the overall pattern of crimes against humanity” in the camps and are a direct consequence of the impunity and unchecked power that prison guards and other officials enjoy.¹¹⁷

The UN COI found that rape is regularly committed in political prison camps (*kwanliso*, literally “control centers”) despite being formally prohibited, and only occasionally leads to disciplinary action.¹¹⁸ It reported:

In some cases, female inmates are raped using physical force. In other cases, women are pressed into ‘consensual’ sexual relations to avoid harsh labor assignments, or to receive food. Such cases may also amount to rape as defined under international law, because the perpetrators take advantage of the coercive circumstances of the camp environment and the resulting vulnerability of the female inmates.¹¹⁹

Human Rights Watch interviewed eight former detainees or prisoners who experienced a combination of verbal and sexual violence, harsh questioning, and humiliating treatment by investigators, guards, police, and MSS agents in detention facilities between 2009 and 2013.¹²⁰ Six interviewees experienced sexual harassment and verbal and physical abuse in pre-trial detention and interrogation facilities (*kuryujang*), which are secret police (*bowiseong*) or police jails designed to hold detainees during their initial interrogations.¹²¹ These facilities and local police stations (*daegisil or gugumsil*) are among the first detention facilities where detainees are usually taken.¹²² Those repatriated from China may also be first sent to temporary holding centers (*jipkyulso*).¹²³ Interviewees said that secret police (*bowiseong*) or police agents in charge of their personal interrogation touched their

¹¹⁷ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 1077.

¹¹⁸ *Ibid.*, para. 1054.

¹¹⁹ *Ibid.*

¹²⁰ Human Rights Watch interviews with eight North Koreans (pseudonyms), locations withheld, between November 2015 and January 2018.

¹²¹ *Ibid.*

¹²² Ralph Hassig and Kongdan Oh, “*The Hidden People of North Korea: Everyday Life in the Hermit Kingdom*,” (London: Rowman & Littlefield, 2009), p. 149.

¹²³ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 700.

faces and their bodies, including their breasts and hips, either through their clothes or by putting their hands inside their clothes. Human Rights Watch documented two cases of sexual assault at temporary holding facilities (*jipkyulso*), when women were being transferred from interrogation facilities (*kuryujang*) to detention facilities in the detainees' home districts.

Case of Yoon Su Ryun

Yoon Su Ryun, a former smuggler in her thirties from Ryanggang province, left North Korea in 2014. She was smuggling herbal medicines to China in late 2011 when she got caught with a woman from Hyesan city, who was crossing the border at the same spot. The other woman was carrying opium. Yoon Su Ryun and the other woman both managed to escape the border guards, and Yoon Su Ryun, afraid they were searching for her, went into hiding.¹²⁴

After 7 months in hiding, Yoon Su Ryun says she could not take it anymore and decided to turn herself into the authorities. She went to see the secret police (*bowiseong*) official in charge of her district and then went back home. Later, an agent of the police called her to the police station several times for questioning. In August 2012, the police detained her at a pre-trial detention facility (*kuryujang*) in her neighbourhood for three days, where she said a police officer raped her. Yoon Su Ryun, who took a counselling course for survivors of sexual and family violence after leaving North Korea, said:

They didn't allow food for me for three days. I was left alone in a dark room and nobody came to me or talked to me. On that day, a new officer came, and he raped me. He didn't say "I'm going to assault you," he just took off his pants and jumped on me. I was alone and there was no place to escape, nowhere to run. It was a small room, just enough for five people to sit. I couldn't run away, and he was young. And I thought, "If I refuse this, what extra punishment would I have to get?" So, I just gave up ... I was in a hard situation. I was [sexually] assaulted and couldn't do anything about it.

They can beat you up. Beating is nothing. If they don't like you, they can beat you up more easily than kicking a dog. But what I was most concerned

¹²⁴ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Yoon Su Ryun (pseudonym), location withheld, December 11, 2017 and August 27, 2018.

about was my six-year-old daughter. I left her alone at home. I was at the pre-trial detention center of my neighborhood (*dong*), but if I were sent to the city detention center, I would have no one who could protect me. So, I just wanted to deal with it there and get out. I was so concerned about my daughter and she was alone at home. I didn't even cry at that time. I was just thinking that I should please him there and survive and go back to my daughter as soon as I could.

After raping me, the guard had my meals and clothes brought in. The head of my sector of the neighborhood watch (*inminban*), an old lady, had sent me food. I did smuggling to make a living, but I didn't commit any other crimes. I participated in all of the *Inminban* activities and the head of the *Inminban* was like a mother to me. She helped me a lot. So, she sent me at least one meal per day, but they didn't allow it.

My daughter still has trauma and gets scared when she hears a motorcycle. In North Korea, police officers ride a motorcycle. On the day I was arrested, the police officer came on a motorcycle. I told him that I would go to the detention center myself after calming my daughter a little. Since then, whenever she heard a motorcycle she said, “Mommy, hide! Here comes a police officer.”

I thought I was offering my body so that I could get out of there and go to my kid. At that time, I was not even upset. Rather, I even thought I was lucky. Now that I live here (in South Korea), (I know it's)s sexual violence and rape.

Now that I think about it ... they wear uniforms and have the law on their side, the way they treat women should not be like [sexual] toys. North Korea has the term “rape” as well, but I didn't think what I experienced was a rape. Here, I came to learn that it was a rape. And it wasn't just me. I thought that's just what happens to female detainees.

A few months after she turned herself in, Yoon Su Ryun met the woman who had been carrying the opium. The woman told her that, around April 2012 the neighborhood police in her district went to the woman's house and asked her teenage daughter to go to the police station for questioning about her mother's whereabouts. The daughter told her mother that a police officer sexually assaulted her. She was 17 or 18 years old at the time.

Yoon Su Ryun said before speaking to Human Rights Watch she never told anybody about being raped. She said she was scared of rumors spreading about her. She also did not believe the authorities would be willing to help and feared possible retaliation from them.

Yoon Su Ryun also said that two experiences in her early twenties made her think the best option was to keep quiet. Around 2003 or 2004, she said an 18-year-old female student who lived in the neighborhood next to her grandparent's home had gone to university but was suddenly expelled. Yoon Su Ryun said when the student returned home, people in the area started gossiping about her, saying she had been kicked out of university for sexual misbehavior. Soon after, Yoon Su Ryun's grandfather told her that the student's family said the university had expelled the student after she was raped. They told him a soldier had walked into a university dorm room, grabbed the student and raped her. Her roommates managed to run out and escape. The university blamed the student and expelled her. Yoon Su Ryun said:

[University] authorities cannot accept that rape can happen under their watch unless the victim ends up in a near death condition, so she is the one blamed.... She was ashamed and traumatized. Men looked down at her and wouldn't go near her, so she couldn't get married. Six years after the expulsion, her parents paid a lot of money to a man in the neighborhood to marry her. But he hit her and told her she was like a dog—less than an animal—in front of other people, including me. Later she went crazy—her parents took her back home and had to lock her in the house. Sometimes she'd escape and be naked outside near her house. The family suffered a lot. I was scared of her, but I was more scared of the gossip that destroyed her life.

In 2004, Yoon Su Ryun and 10 other women in their twenties were on duty guarding a Kim Il Sung revolutionary history research center. Authorities required them to do this every

Thursday night from 5 p.m. until 6 a.m. Each woman would stand as sentry for an hour or two while the others slept inside and waited for their turn to guard.

She said that police officers would sometime pass nearby, making their rounds. One of the police officers would routinely go into the room where the women slept, insult them, and tell them to remove the blankets covering them. One Thursday, her cousin did not show up for the duty. Yoon Su Ryun's mother later told her a police officer had abducted and raped her on her way to the center. Her aunt felt ashamed and did not tell anybody.

In July 2013, Yoon Su Ryun left North Korea and went to China where she got work picking blueberries. Chinese authorities detained her near Changbai mountain and forced her back to North Korea in December 2013. She was sent to a secret police (*bowiseong*) pre-trial detention facility (*kuryujang*) in Hyesan city, where a female *bowiseong* agent searched her anus and vagina, using a gloved finger. In the collective cell, there was a 23-year-old woman who also had been forcibly returned by Chinese authorities to North Korea. She told Yoon Su Ryun about being raped by a secret police (*bowiseong*) interrogator. She said:

The young woman came close to me and asked how they searched my body after arriving. I told her it had been a woman. [The 23-year-old cellmate] asked if it had not been a man. Then she cried. Later at night, the young woman sat next to me and told me a male *bowibu* agent told her to take off her clothes one by one, including her underwear. He searched her body. She didn't have any money ... while she was handcuffed, he hit her to scare her, and raped her. She cried. I thought of when I was violated, and I told her to calm down ... and said that it was better to do anything the *bowibu* agent wanted and get his help to go home as soon as possible ... I told her that was the best way, the way to continue with her life.

Case of Kim Eun A

Kim Eun A is a former prisoner from North Hamgyong province in her forties, who escaped to China from North Korea in 2015 and then made it to South Korea. She told Human Rights Watch that she had made an earlier unsuccessful attempt to flee and had been sexually assaulted after being forcibly returned from China in early 2012. Kim Eun A said that after

she was returned, police held her at a pre-trial detention facility (*kuryujang*) near the North Korean-Chinese border in North Hamgyong province. The police investigator in charge of her case pressed a metal stick against her breasts and touched her face, arms, and pants around her groin.¹²⁵ She said:

He asked me if I had lived with a Chinese man, how it felt sleeping with him and more questions related to sex. Meanwhile, if I didn't say what he wanted to hear, he'd hit me with a metal stick. He also pressed it against my breast or my face. Almost every time he questioned me, he touched my face, my arms, and grabbed my legs around the groin. At the time, I didn't think there was anything wrong about it. I felt uncomfortable and I didn't like it, but no other thoughts came up to my mind.

Kim Eun A said she also had a similar experience with her lawyer after being forcibly sent back by China to North Korea. Defense lawyers work for the government in North Korea. She says that just before her trial, her lawyer questioned her to prepare a document for her trial. She told Human Rights Watch:

During questioning, he asked questions and took notes with a fountain pen. Sometimes, he would stop and poke me with the pen or his hand in different spots on my body ... like my arms or breast. He'd also hug me ... I didn't think about it, I didn't like it and felt embarrassed and disgusted, but I couldn't do anything.

She never told anybody because she didn't think it was unusual. She said:

These types of abuse are so normalized by government officials, and any man with more power, that nobody can ever even imagine thinking of filing a case anywhere. The "law people" are themselves the perpetrators, so where could you go? Who is going to want to help when we [the victims] don't even realize we are being abused? The idea that sexual violence is wrong, that it would not be my fault, that some "law person" could be there

¹²⁵ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Kim Eun A (pseudonym), location withheld, December 12, 2017.

to try to protect me could have never even occurred to me while living in North Korea.

During her time in early 2012 at the police pre-trial detention facility (*kuryujang*) near the border area, Kim Eun A saw other women abused. She recalled:

At night, one of the police guards, whenever he was in charge of the night watch, he would open the door, and ask one young woman to get out and follow him. She'd return after a short while. One day, another guard spoke to her while all the women were in the cell. He told her he heard she was nice to the other guard and asked her why she wasn't nice to him too. The police guard then asked the woman to get closer to the cell bars and told all of us to turn back and look at the wall. I could hear movement and what sounded like kissing, I saw the shadow of his hand touching her head. This type of situation happened two or three times a week.

Kim Eun A said she met the young woman again three months later at Chongori ordinary prison camp (*kyohwaso*) in North Hamgyong province. She said the woman cried and told her [the police guard] had treated her like a [sex] toy. Kim Eun A said she told her to keep quiet and not tell anybody.

Case of Kim Sun Young

Kim Sun Young, a female farmer in her 50s from North Hamgyong province who escaped in 2015, said she was molested by a secret police (*bowiseong*) interrogator in a pre-trial detention facility (*kuryujang*) near the border after she was forcibly returned from China at the end of 2012.¹²⁶ She said:

I was raped by a *bowibu* official after I was sent back to North Korea. He was interrogating me, stopped talking, and got closer. I could only let him do whatever he wanted. He touched my breast and body over my clothes and then underneath my clothes as well. I was scared, felt oppressed, I couldn't do anything. I was also surprised because I wasn't young at all.

¹²⁶ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Kim Sun Young (pseudonym), location withheld, February 2, 2016

She never reported the case because she thought it was impossible to do so and because she was afraid to. She said:

It is unimaginable how anybody would go to the police generally, even more so to file [a case of rape] or in prison. Whenever I saw “law people” [authorities], my heart would start bumping fast, my legs would tremble, and I’d try not to move, keep still, and look down hoping to pass unnoticed.

After the officials at the secret police (*bowiseong*) pre-trial detention facility (*kuryujang*) established she wasn’t a political criminal, the secret police transferred Kim Sun Young to a police-run pre-trial detention facility (*kuryujang*) where she experienced further sexual abuse. She said:

During investigation, the police investigator in charge of my case touched my body over my clothes, and also underneath. I was scared he might want to force himself on me [and rape me] also. I was powerless to resist, and needed to get on his good side, but he didn’t.

Kim Sun Young told Human Rights Watch that a few months later she was sent to the Chongori ordinary prison camp (*kyohwaso*). When she arrived there in early 2013, she heard other prisoners talking about female prisoners having relationships with guards.

A year later she said rumors spread about a relationship between the party secretary of her division and a prisoner unit team leader (*banjang*). The team leader was in charge of cleaning the secretary’s offices, his clothes, and his shoes. Kim Sun Young heard rumors that they spent a lot of time together in his office. A female prisoner whose cell was near the party secretary’s office told other prisoners that one night she saw the two of them holding each other and kissing.

Sometime later, prison managers started an investigation about this forbidden relationship and questioned many prisoners. Soon after, the party secretary lost his position and the prisoner unit leader was demoted and sent to the livestock group that raised chickens and rabbits, one of the rare instances we heard of in which perpetrators of sexual abuse in prisons or detention facilities suffered any adverse consequences whatsoever. But there were also consequences for prisoners: the inmate who shared

information about the relationship was sent to the punishment section of the camp (in Korean *rakhujaban*, the room for the people that fall behind), where inmates committing crimes in prison are punished and compelled to do the hardest or most repulsive forms of forced labor.

According to Kim Sun Young:

After that, we all stopped talking about officers meeting inmates. We didn't even want to know what was going on.

Case of Park Young Hee

Park Young Hee, a former farmer in her 40s from Ryanggang province, was sent back to North Korea from China in the spring of 2010. She said the police agent in charge of questioning her in the police detention facility (*kuryujang*) near Musan city in North Hamgyong province sexually assaulted her several times.¹²⁷ She said:

It was just the two of us in the investigation room during the questioning session. He made me sit very close to him and touched me over my clothes and underneath. He also touched me between the legs and put his fingers inside of me several times during different days.

He also asked her intrusive questions about her sexual relations with the Chinese man to whom she was sold by traffickers to while in China. She said:

My life was in his hands, so I did everything he wanted and told him everything he asked. How could I do anything else? ... Everything we do in North Korea can be considered illegal, so everything can depend on the perception or attitude of who is looking into your life.

Park Young Hee said she had never told anybody about the assault:

Unless you know people in the police or among high-ranking officials, poor people like me try to avoid contact with them. How could we dare think of reporting a crime we know they may consider annoying and lash back at us? Especially when we are certain they have committed similar crimes themselves and don't consider it a big deal.

Park Young Hee was also scared of stigmatization in her community. She explained that when she was in her mid-twenties, her mother told her about a girl in her late teens in her neighborhood who was raped by a stranger. The girl's mother reported the case to the police and talked about it in confidence with some friends. Gossip spread quickly, and soon many people knew the girl had been raped. Instead of sympathizing, people in the

¹²⁷ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Park Young Hee (pseudonym), location withheld, November 12, 2015.

community blamed her and the police did nothing to find the perpetrator. Afterwards, people would point at the girls, shaming her, and men particularly insulted her. She had a hard time getting married and eventually left the area to marry a poor farmer in a different province. Park Young Hee blamed the girl's fate on her mother for telling the police and her friends.

Park Young Hee said she was raped three times in North Korea before her experience in prison and never told anyone. The first time was in the mid-1990s, when she was 23. A drunk male superior at the state-owned enterprise she had just joined raped her, although she did not know how to characterize his behavior at the time. She said:

I was raped by a superior at the state-owned enterprise I started working in. He was drunk after a work dinner. Somehow suddenly we were just alone, and he forced himself on me [...] It was a painful experience. I didn't know what it was, but for some reason I thought I shouldn't tell anybody.

A few years later, when she heard the story from her mother about the girl in her neighborhood who had been raped, Park Young Hee still did not know what the word "rape" meant and asked her mother. Only after hearing what rape meant from her mother did she fully understand that she too had been raped. She said:

[It made me feel] relief [that] I never told anybody about what had happened to me with my former colleague. I reaffirmed to myself that I would not tell anybody, and I never did.

Not long after that, an unknown man raped Park Young Hee when she was alone on an empty road. She said:

A man was following behind me, he said let's walk together. I was carrying a heavy bag, he said let's rest before we continue. I was tired, so I agreed. When we were getting up to leave, I saw him take his penis out [of his pants]. I was scared and wanted to go. He grabbed me and brought out a knife. He took me to a nearby forest and raped me. Afterwards, I just picked up my bag and headed home. I was crying all the way back home.

Park Young Hee said in the mid-2000s, when she was in her thirties, another stranger raped her when she was returning home alone at night. The stranger grabbed her from behind, threatened her with a knife. She said:

The second time I was married, but I didn't tell my husband. If I had told him he would have beaten me up. I just washed myself and continued my life as if nothing had happened.

Case of Cho Byul Me

Cho Byul Me, a former smuggler in her forties from North Hamgyong province, was forcibly sent back from China in 2009. She was sent to a pre-trial detention facility (*kuryujang*) near the border with China run by the secret police (*bowiseong*).¹²⁸ She said:

[*Bowibu agents*] searched all our bodies. They lined us [women] all up. We had to lie down on the floor. They told us to take off our pants and underwear. A female *bowibu* guard searched all our vaginas with her finger covered with a rubber glove. She repeated the same procedure on every single woman in that room without changing or cleaning the glove. She also searched our anus. She was looking for money or things of value some women hide inside their bodies. I was just happy it was a woman, I had heard from other women repatriated before that it had been men who searched bodies before.

Afterward the secret police (*bowiseong*) investigation, the authorities transferred her into police custody. The police took her to a temporary holding center (*jipkyulso*) near the northwestern city of Sinuiju, North Pyongan province. They held her there while she waited to be picked up by police officials from her hometown. While at the center, detainees had to do forced labor. She worked hard and became the “team leader” (*banjang*) of the prisoners. One of her duties was to wash the dishes used by the policemen who were working at the holding center. To go back to the women's sleeping quarters, she had to pass through the police chief (*sojang*)'s office, which was an open room adjacent to the corridor where people could easily pass by.

¹²⁸ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Cho Byul Me (pseudonym), location withheld, May 16, 2016.

Cho Byul Me explained the police chief raped her two times in his office during the 12 days she was at the center. She said:

I was raped twice in the Sinuiju holding facility (*jipkyulso*) by the police chief. One of the nights I was passing through and [the police chief] said, “Team leader, you are so firm. I like you, what can we do about it?” I could only remain there in silence. He took off my clothes, and [raped me] standing there. There was not even a place to sit or lay. There was a desk and there were windows to the corridor leading to the cells. I wasn’t able to protect myself, especially as I was a prisoner. You can’t scream or say anything. [Rape] just happens. I was sexually assaulted twice in that room. I couldn’t imagine even the possibility of refusing him because of how the system works there. There is nowhere one can complain about such treatment.

One night a few days before her departure from the holding center, Cho Byul Me heard the sound of a woman moaning near the area where she herself had been raped. She said:

I heard a woman that was being raped like me, exactly in the same place, making some noise. I just closed my eyes and tried to ignore it. I thought: “Poor girl. She should be quieter. Nothing good can come from others knowing about it.”

When Cho Byul Me met with a lawyer in her hometown in North Hamgyong province before her trial for illegally fleeing the country, the lawyer asked her if she had been sexually violated by anyone while she was in detention. She told him about the police chief’s actions at the holding facility in Sinuiju, but the lawyer said he would not mention it during her trial. He explained that there was no point in doing so, as nothing would be done about it, and she could be punished more severely for bringing it up. She said:

Especially as prisoners, we are considered as less than animals, so there isn’t anybody that would stand up and protect any of us. He was surprised I even told him I had been raped. Later, I regretted it and worried there could be reprisals.

Cho Byul Me said that in 2010, while she was still in prison, a woman in her 20s who was in her section in Chongori ordinary crimes prison camp (*kyohwaso*) was coerced into sex by the guard in charge of her unit (*damdangkwan*) and ended up being the one punished. Cho Byul Me said that she, along with the victim, were among five prisoners chosen to oversee the other prisoners. The woman in the coerced relationship became close to another of the supervising prisoners, and shared details about her relationship with the guard. Later, the prisoner with the information told prison managers about the relationship in exchange for a shorter sentence. The guard-in-charge remained in his post, and the victim was sent to the punishment section of the camp (*rakhusabang*) for 6 months.

Chol Byul Me never attempted to report the case to the authorities. She told Human Rights Watch she didn't believe the authorities would care, and added she never heard of any person who had filed any case about violence against women. She recalled once in the early 2000's, a neighbor called the police because Cho Byul Me's husband was beating her without stopping. She said:

[The police] told my husband not to hit me so hard and they told me to behave properly, bear it, and not upset him so much. Then [the police agents] left, and he hit me more and I stayed as quiet as I could.

She also recounted an incident of a winter night in 2013 when a dead woman's body was found on the side of a road in the outskirts of her city in North Hamgyong province. Her cousin's friend, who was a police officer, told them the woman had been raped and her bike and possessions taken away. The policeman said they managed to catch the perpetrator because he still had the bike. He was sent to ordinary prison camp (*kyohwaso*) for ten years. But even a police officer didn't seem to understand that rape deserved prosecution and a substantial prison sentence. She said the police officer told them: "In reality, it was a murder case, not a sexual assault case, that's why the police investigated, and the criminal was sent to prison for such a long time."

Case of Yoon Mi Hwa

Yoon Mi Hwa, a former trader in her thirties from North Hamgyong province, escaped North Korea for good in 2014. She said she had suffered sexual abuse by the police prison guard in charge of the temporary holding center (*jipkyulso*) in Chongjin when she was detained

there in 2009 after a previous attempt to flee to China. She told Human Rights Watch that one night the police guard asked her to go to the interrogation room.¹²⁹ She said:

He touched my face, breast, and other parts of my body over and underneath my clothes. But he was young and junior, so he'd go back to questioning right away.

But she said there was another violent guard who every night would take the prettier or younger girls for interrogation:

Rape and violent beatings were rampant at the Chongjin holding center (*jipkyulso*). Every night some woman would be forced to leave with a guard and be raped. There was an especially horrible police guard, who later I learned was famous for his cruelty. Every day, whenever new inmates, arrived he'd find a reason to violently beat up one of the prisoners, so everybody would know that you must obey him no matter what his requests were. Click, click, click was the most horrible sound I ever heard. It was the sound of the key of the cell of our prison room opening. Every night a prison guard would open the cell. I stood still quietly, acting like I didn't notice, hoping it wouldn't be me the one to have to follow the guard, hoping it wouldn't be him.

Yoon Mi Hwa said she was lucky none of the police guards picked her on one of those nights. But she heard about other women were raped in the same place between 2009 and 2013. In 2013, she met a woman in Chonggori ordinary prison camp (*kyohwaso*) who had passed through the temporary holding center (*jipkyulso*) in Chongjin and was raped by the same violent guard who had raped other inmates when she was there.

Yoon Mi Hwa said:

In 2013, I got to know another prisoner who had just arrived at the Chongori *kyohwaso*. She had been forcibly repatriated from China and arrived there

¹²⁹ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Yoon Mi Hwa (pseudonym), location withheld, September 4, 2017.

passing through Chongjin *jipkyulso*. That was a very common stop on the way. As we spoke, I remembered the fear I had of the violent police guard and asked her if he was still there. She cursed him and said he had raped her. He was still there and was still just as cruel.

Case of Cho Eun Byul

Cho Eun Byul is a former trader in her thirties, who left the country from North Hamgyong Province in 2014. In 2013, a prosecutor had detained her for questioning in Sonbong, North Hamgyong province. She used to give him bribes in order to have good relations with him and prevent him from investigating her deals with Chinese traders. She even bought him a motorbike. Sometimes he would touch her breast through her shirt and kiss her on the cheek. One day he asked her to come into his office and then made further sexual advances, touched her body, and took out a sexual device.¹³⁰ She told Human Rights Watch:

He violently [sexually] assaulted me. I rejected him. Suddenly, he started touching my skin and body. He told me I should let him do whatever he wanted, and he'd let me trade freely. Then he took out a sexual device. When I refused him, he took out his belt and started hitting me. He felt pleasure whenever he heard me scream. I was brutally beaten. My lips busted open. He stood in front of me, [exposed himself], and continued hitting me. I kept on resisting, so he kept on hitting me with his belt, I screamed and fell onto the floor, he tried to [rape me]. We struggled for hours from 6 p.m. until 10 p.m.... He felt pleasure hearing me yell.

After being assaulted by the prosecutor, Cho Eun Byul went to see the secret police (*bowibu*) officials in Sonbong district that she knew well. The officials told her that because the perpetrator was a prosecutor they couldn't get involved and she needed to go to the regional office, so she went to see the Rason city secret police. She reported the case and the official asked her to put it in writing.

¹³⁰ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Cho Eun Byul (pseudonym), location withheld, November 30, 2017.

Instead of taking action against the prosecutor, the regional secret police (*bowibu*) officials took her into custody and detained her. She was held for four days in a cell, where the door was opened only to deliver food. She said:

On the fourth day, a *bowibu* official said, “I heard your breast is very soft, is it true your breast is soft?” The moment he said that I thought, “Oh no! What if I am also abused by him too?” He said: “I heard your skin is white as the skin of a Russian woman, is it true your skin is very soft?” I said: “I’m sorry, I was wrong. Please let me go home. I have a baby at home. Please let me go.” I cried. Then he gave me a document. He said: “Do you know a place up hidden in the mountains called political prison camp? If you don’t want us to take you and your daughter into this hidden prison in the mountains fill out this document and sign it.” It was an agreement not to tell anybody about [the prior sexual assault]. So, I just filled it out and was able to go home.

She went home and never told anybody else about what happened.

Rape and Sexual Violence against Women Engaged in Trade

Markets selling food and consumer goods have flourished in North Korean villages, towns, and cities since the government allowed them to develop in 2002, but the market system functions in a legal gray area, its regulation dependent on local dynamics, the interests of traders and local officials, and central government directives from Pyongyang. What is allowed or not allowed can be interpreted in different ways depending on the specific situation or the influence, desires, or perspectives of the officials involved.¹³¹ The lack of clear rules or regulations leaves women vulnerable to abuse and exploitation. Although market traders are mostly women, most of the officials who manage the markets, or are responsible for law enforcement within the markets, are men.¹³²

According to former North Korean traders, who left after 2011, and eight former high-ranking officials interviewed by Human Rights Watch, market traders are often compelled

¹³¹ This analysis draws from Human Rights Watch interviews with 106 North Koreans between January 2015 and July 2018.

¹³² UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para 319; Haggard and Noland, “Gender in Transition,” p. 51.

to pay bribes to officials and market regulators. But for women, the bribes are not just monetary, and can include sexual abuse and violence, including rape, by perpetrators including government officials who take advantage of the coercive environment of the market, the absence of punishment, and the victims' fear of being shamed or punished.¹³³

The UN COI report concluded that “officials are not only increasingly engaging in corruption in order to support their low or non-existent salaries, they are also exacting penalties and punishment in the form of sexual abuse and violence as there is no fear of punishment. As more women assume the responsibility for feeding their families due to the dire economic and food situation, more women are traversing through and lingering in public spaces, selling and transporting their goods.”¹³⁴

Many of the men who sexually prey on women in this situation are government officials, including high-ranking party officials, managers at state-owned enterprises, or gate-keeper officials of the markets and roads, such as police, secret police (*bowiseong*) agents, soldiers, and railroad inspectors on trains. The cost to a woman of refusing a sexual advance by an official may include confiscation of goods and money, increased future scrutiny, or punishment, including being sent to labor training facilities (*rodong danryeondaë*) or ordinary crimes prison camps (*kyohwaso*) for being involved in market activities, and losing access to prime trading locations. It may also include being fired or overlooked for jobs, being deprived of means of transportation or business opportunities, being considered politically disloyal and relocated to a remote area, and increased risk of physical or sexual violence.¹³⁵

Official checkpoints on roads are also places where sexual harassment can take place, perpetrated by soldiers from the Korean People's Army, police, or local party officials. Several traders described male officials at checkpoints conducting intrusive body searches of young women traders, including touching their back, chest, and legs, spending more time checking around their breasts and hips, and sometimes underneath their

¹³³ This analysis derives from Human Rights Watch interview with 57 North Koreans between January 2015 and July 2018.

¹³⁴ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea,” February 7, 2014, para. 318.

¹³⁵ This analysis derives from Human Rights Watch interview with 57 North Koreans between January 2015 and July 2018; “Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women,” April 13, 2017, Human Rights Watch CEDAW submission.

underwear.¹³⁶ Women also told Human Rights Watch that they saw female traders being taken away by a security official, and then returning after 30 or 40 minutes, before being allowed to pass through the checkpoint.¹³⁷ Lee Bom Ee, a former trader in her 30s who left North Korea at the end of 2011, said:

It was so common that guards on the road or in any crowded areas would touch all parts of my body all the time, so it never occurred to me that could be something wrong.¹³⁸

Because of the gender and age restrictions in government-allowed marketplaces (*jangmadang*), many young traders must engage in distribution or regional trading. To do so, they travel extensively in order to purchase goods, move them from one region to another, and sell them. Because of the poor conditions of roads and the railway system, traveling long distances in North Korea can take several days. Traveling from one region to another also requires official permits issued by the government, which usually are given only for official travel. For this reason, many traders travel in North Korea without legal permits, making them highly vulnerable to demands for bribes and sexual favors by police, railroad inspectors, and other officials, who often check riders to try to catch those without written permission. Those found without such permission can be subject to punishments like confiscation of goods or imprisonment. In order to avoid such sanctions, women tolerate sexual abuse and demands for bribes.

The UN COI report stated, “the male dominated state, agents who police the marketplace, inspectors on trains, and soldiers are increasingly committing acts of sexual assault on women in public spaces” and noted that it had “received reports of train guards frisking women as they traveled through the cars and abusing young girls onboard.”¹³⁹

¹³⁶ Many North Korean traders hide SD cards and Chinese currency bills in their underwear or small pockets they sew into their clothes or bras. “Human Rights Watch Submission to the Committee on the Elimination of Discrimination against Women,” April 13, 2017, Human Rights Watch CEDAW submission.

¹³⁷ Ibid.

¹³⁸ Human Rights Watch interview with Lee Bom Ee (pseudonym), location withheld, January 28, 2016.

¹³⁹ UN COI, “Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea,” February 7, 2014, para. 318.

Kim Mi Jin, a former trader in her 30s from North Hamgyong province, said she often experienced sexual abuse by gatekeeper authorities until she left the country in 2013.¹⁴⁰

¹⁴⁰ Human Rights Watch interview with Kim Mi Jin (pseudonym), location withheld, February 3, 2016.

She said:

“Law people” could always find an excuse to touch my body, breasts, arms, or face. Sometimes over my clothes, sometimes underneath. Once a police official inserted his finger [in my vagina]. It was common for the different types of market inspectors we encountered while trading to [say they] needed to search women’s bodies for security reasons. We knew it wasn’t true and they either wanted money or to touch our bodies. Even if you travel with a legal permit, which most don’t, when a train inspector or a police or secret police officer approaches you, you have to be as nice as you can. My heart stopped until they moved away.¹⁴¹

Kim Mi Jin said she never thought there was anything she could do to stop the abuse.

Ten former traders and three former government officials told Human Rights Watch that men think women have an advantage because they can provide sex in exchange for favors.¹⁴² “Many of our fellow male traders tell us we [women] are lucky to have this weapon. They say, now smart women must use this weapon as much as they can and maximize our advantage,” explained Lee Boom Soon, a former cigarette trader in her 40s from North Hamgyong province who left in 2005. “I never replied. I just felt bitter inside.”¹⁴³

Human Rights Watch interviewed four women who experienced sexual violence, including sexual harassment, assault, and rape, as well as verbal abuse and intimidation, by market gate-keeper officials, and seventeen women who were sexually abused or experienced unwanted sexual advances by police or other officials as they traveled as part of their work as traders.¹⁴⁴

¹⁴¹ Ibid.

¹⁴² Human Rights Watch interviews with thirteen North Koreans (pseudonyms), locations withheld, between January 2015 and December 2017.

¹⁴³ Human Rights Watch interview with Lee Bom Soon (pseudonym), location withheld, May 12, 2016.

¹⁴⁴ Human Rights Watch interviews with 21 North Koreans (pseudonyms), location withheld, between January 2015 and December 2017.

Case of Oh Jung Hee

Oh Jung Hee is a former trader in her 40s from Ryanggang province. She sold clothes to stalls in Hyesan city and distributed textiles in her province. She said that until she left the country in 2014, guards would regularly pass by the market to demand bribes and favors, sometimes in the form of coerced or forced sex.¹⁴⁵ She said:

I was a victim [of sexual assault] many times. On the days they felt like it, market guards or police officials could ask me to follow them to an empty room outside the market, or some other place they'd pick. What can we do? They consider us [sex] toys. We [women] are at the mercy of men. Now, women cannot survive without having men with power near them.

She said she had no power to resist or report these abuses and that it never occurred to her that anything could be done to stop such unwanted behavior except by trying to avoid such situations. Oh Jung Hee said:

You never know how it starts, but [when you are in crowded areas] you always end up having a man's hand or body part touching your breast, your back or some part of your body. I was scared of reprisals, so I'd act as if I didn't notice and move away.

It happens so often nobody thinks it is a big deal. Men who sexually assault women don't think it is wrong, and we [women] do not either. We don't even realize when we are upset. But we are human, and we feel it. So sometimes, out of nowhere, you cry at night and don't know why.

Oh Jung Hee's husband, Kim Chul Kook, a former university teacher in his 40s from Ryanggang province, said traders like his wife and himself have to accept that sexual coercion of women by men in power is part of social and market dynamics in North Korea.¹⁴⁶ He said:

¹⁴⁵ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Oh Jung Hee (pseudonym), location withheld, August 31, 2015.

¹⁴⁶ Human Rights Watch interview with Kim Chul Kook (pseudonym), location withheld, November 12, 2015.

Corruption is so rampant that anybody without power has no choice. Female traders like my wife, workers, and especially women in prison must do anything their superiors, like police, party officials, investigators, or guards ask them to do. Agreeing to whatever request will be followed by potential benefits, and denial by certain loss and unknown retribution. Traders like my wife have to accept that sexual coercion [by men in power] is part of social and market dynamics. It is the only way to survive. There are possible unknown benefits to having close relations with government officials but rejecting or pushing away a man in power who approaches you can come at a high cost for the family's future and survival.

He said he never talked about this with his wife, but that they were both aware of how the markets work and how she needed to adapt. He said:

We are pragmatists. We know how the society works and we need to adapt and survive. I know what I know, but we don't talk about it, and I couldn't say it with my own words.

Kim Chul Kook described a childhood friend who became a high-ranking party official in the local government, saying that friend regularly had what were called "close companions," usually traders with whom he had sexual relations. Not long before Kim Chul Kook fled North Korea in 2014, his friend told him that he had become close to a married woman in her thirties. The friend started giving the woman business tips and told police and other party officers close to him they should not bother her. He gave her presents like a big screen television and rice wine.

One day, the woman's husband heard about the liaison and went to complain to the party official, who became annoyed and cut off his relationship with the woman. Soon after, she lost most of the business projects she was engaged with at the time. The man and his wife had their goods confiscated several times and became the target of government monitoring and crackdowns. Kim Chul Kook later heard they moved to a smaller house but didn't know exactly what happened. He said they likely lost all of the money she had made.

Case of Choi Dal Mi

Choi Dal Mi, a former trader in her 20s from North Hamgyong province, escaped North Korea in 2014. She said she was sexually assaulted several times by police officials and train inspectors between 2010 and the time of her departure.¹⁴⁷ She said:

I had heard many stories [of rape and sexual assault] and had been traveling for trading for some months. I knew how things worked in the market. I knew female traders often were forced to give their bodies to “law people,” especially if you were young. The first time, it was a truck driver... I just thought: “Oh! It is happening!” It wasn’t just the truck drivers, but also the officials checking train tickets and patrol police guards that notice you. Having sex with men who have power over you or letting them touch all over your body is a necessity to survive. It never occurred to me that I could or would want to do anything about it. It was just how things are.

Choi Dal Mi didn’t report the assaults. She didn’t know anybody who had ever reported a case of sexual assault to the authorities. She said:

The police themselves are [sexually] abusing women, why would they ever investigate any rape case? Everybody knows the authorities think that [being raped] is the women’s fault, why would she spit on her own face and tell anybody something like that? The cost of rumors spreading is too high.

She remembered that, in 2009, the body of a woman was found naked in the roadside in the outskirts of her hometown in the northern part of Ryanggang province. She had been raped, her body was full of bruises and cuts, and her bags were stolen. The police investigated the case but could not find the perpetrators.

¹⁴⁷ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Choi Dal Mi (pseudonym), location withheld, January 12, 2015.

She said:

This is the only case I remember in which the police investigated a case like this. But it only happened because it is a murder case, not just because she was raped.

Choi Dal Mi said one of her trader friends told her she was raped in 2008 by a customer she had visited in Ryanggang province when selling vegetables. Choi Dal Mi said her friend told the wrong person about it, and everybody in her town learned about it. Villagers blamed her for it:

For weeks, people in her neighborhood talked about the incident and blamed her for going to his house. Nobody said anything about him. Nobody said anything about how she needed to go house to house to be able to sell and make money. But female traders quietly warned each other to avoid that house. It is common among traders to talk about who is rumored to be a rapist, what man is violent inside or outside the house or who is in a “close relationship” with a man in power. These all influence our safety and trading activities.

Case of Park Sol Dan

Park Sol Dan, a former trader in her 40s from Kangwon province who left North Korea in 2014, said until she left the country it was common to experience or witness unwanted sexual advances from persons on trains like ticket inspectors, police officers, and secret police officials. These men on trains regularly groped women, including her, while checking their documentation or conducting security checks for illegal products.¹⁴⁸

In 2012, Park Sol Dan was traveling with her daughter, who was in her early 20s, on a train to Chongjin when she suddenly couldn't find her daughter. She was scared for her daughter and rushed to find her, and believes she managed to prevent her daughter from being raped. She said:

¹⁴⁸ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Park Sol Dan (pseudonym), location withheld, November 28, 2017.

I went around to look for her. I found her in the [train] ticket inspector's room, he had asked her to give him a massage. I entered the room and luckily managed to show our official travel permits, thank them while smiling, and left the room with my daughter.

In 2012, on her way to Chongjin by train, Park Sol Dan passed through the police officials' car and saw police officer having sex with a female passenger. She said:

When I saw them, I just thought: "Poor woman. She is too pretty, or maybe didn't have enough money to pay a bribe." It is impossible this relation is consensual. In that situation, the environment is so coercive that women have no choice but to give in to anything that is requested from us. There, you can even think it is your choice, but the cost of rejection is very high. If this woman had met this same man in Seoul, where she has a choice, she would never have had sex with him.

Case of Lee Bom Ee

Lee Bom Ee, a former trader in her 30s who left North Korea at the end of 2011, told Human Rights Watch she experienced unwanted sexual contact with police officials, soldiers, and train inspectors.¹⁴⁹ She said:

Once I even saw a soldier at a road checkpoint taking away a [female] trader and returning after 30 or 40 minutes. We try to not to think about it, but everybody who sees knows, she was forced to "give her body." It is the only way to survive.

Lee Bom Ee said the only way to avoid being a victim of extortion or unwanted sexual contact while conducting market activities is to give up hopes of expanding one's business and barely scrape by, be born to a powerful father with money and connections, marry a man with power, or become close to one.

¹⁴⁹ Unless other sources are specifically named, this account is based on Human Rights Watch interview with Lee Bom Ee (pseudonym), location withheld, January 28, 2016.

She said:

I got so tired of being taken advantage of and constantly losing my trading goods, I decided to marry a gangster. After that, no other men dared touch me and even if my things were confiscated, many times my husband would get them back.

She recalled one day in the spring of 2006, when her traveling companion bumped into a train ticket inspector from her hometown. He helped her, Lee Bom Ee, and two other companions find a better spot to sleep and stored their bags safely. But then later that night he lay down next to the woman from his hometown on her train berth and forced her to have sex with him. Lee Bom Ee explained that when the train inspector approached the companion, rejecting him was unimaginable because they could have been kicked out of the train, lost all the goods they were transporting as well as the money they were carrying, and been detained, investigated, or targeted for future harassment or arrest. She said:

All her traveling friends knew but nobody said anything. But everybody was relieved they had a “friendly man” who could take care of them. After some time, they developed a close relationship. They cared about each other, arranged business trips together, and shared the benefits. Do I believe they would have gotten together if she had been in a world with a choice? I don’t think so, but in North Korea such choice doesn’t exist. They were still in a relationship as of 2015.

Lee Bom Ee also explained that most female traders travel in groups of four, five, or six when taking long journeys by bus or train to protect themselves from theft and assault. She said:

At least when we go in big groups, people that pass by may try to covertly touch our bodies, but they will not attack us or steal from us.

She explained that in 2009, a trader from her community was raped, badly beaten, and had her bags stolen by a stranger in an isolated area. She arrived back in the city all

bloody and reported the rape and the theft. Rumors about the sexual assault spread through her community. Lee Bom Ee said:

The police didn't do anything about it, but every time he drank, her husband started beating her up for being raped. Eventually they got divorced. Because of the social stigma, people got scared of getting too close to her, so it became harder for her to find travel companions and do business.

Two years later, shortly before she left in 2011, one of Lee Bom Ee's regular travel companions told her she had been recently raped. One night when she was returning home with a big bag on a bike after dark, a man who was standing on the road stopped her, raped her, and stole her bag and bike. Afterwards, she just cleaned herself up and went home. She did not report the incident to the police. Lee Bom Ee said:

I felt terrible. But I remembered what had happened to the other trader, so I just told her she needed to be strong and that it would be best not to tell anybody.

IV. Lack of Government Response to Sexual Violence

The North Korean government told the CEDAW Committee in July 2017, that in all of North Korea only nine people were convicted of rape in 2008, seven in 2011, and five in 2015. A handful of other men were convicted of forcing a female subordinate to have sexual intercourse: five in 2008, six in 2011, and three in 2015.¹⁵⁰

In its report, the UN Commission of Inquiry emphasized that sexual and gender-based violence are prevalent through all spheres of North Korean society, but the state provides victims almost no protection, support services, or recourse to justice.¹⁵¹ Most of the North Koreans who spoke with Human Rights Watch said despite laws to protect women, police and security forces consistently behave as though sexual violence against women is not a serious crime. The interviewees said it was almost inconceivable that a woman would even consider going to the police to report sexual assault, especially since members of the police, the party, prison guards, and soldiers are often the perpetrators of such violence.¹⁵²

Of the cases of sexual violence against women and girls documented by Human Rights Watch, only once did the victim try to report the sexual assault against her.¹⁵³ The other women said they did not report their experiences to the police because they did not trust them and did not believe the police would be willing to take any action. They feared that reporting the abuse would result in retaliation against them rather than punishment for the perpetrators.

In cases where family members or close friends knew about the woman's sexual assault, those confidants also discouraged them from reporting to authorities what happened.¹⁵⁴ The eight former government officials we spoke with, including a former police officer, said

¹⁵⁰ CEDAW, "List of issues and questions in relation to the combined second to fourth periodic reports of the Democratic People's Republic of Korea. Addendum: Replies of the Democratic People's Republic of Korea," June 16, 2017, para. 48.

¹⁵¹ UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014, para. 320.

¹⁵² This analysis derives from Human Rights Watch interview with 106 North Koreans between January 2015 and July 2018; UN COI, "Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea," February 7, 2014, para. 319.

¹⁵³ See Case of Cho Eun Byul in Section III. Sexual Violence by Men in Positions of Power, Rape and Sexual Violence in Prisons.

¹⁵⁴ This analysis derives from Human Rights Watch interview with 106 North Koreans between January 2015 and July 2018.

women fear reporting sexual abuses cases, and the rare cases that are brought to the police typically are reported by third parties and not by the victims themselves.¹⁵⁵

The North Korean women and men interviewed by Human Rights Watch said that they could not remember a case where a victim herself reported a case of sexual violence to the police that was then properly investigated. Five North Korean women who left North Korea after 2011 and four former government officials said on rare occasions authorities act against state officials committing acts of sexual violence, most often when the victims were killed or suffered particularly severe physical injuries.¹⁵⁶ But they said the consequences rarely include imprisonment for the perpetrator. Instead, punishments entail demotion, loss of position, or being exiled to the countryside or a mine. But at the same time, they noted female victims also face blame and suffer retaliation.¹⁵⁷

Five former high-ranking officials said when the authorities do investigate allegations of sexual violence, it is often for political reasons.¹⁵⁸ Song Sang Hyun, a former teacher, said he had heard an officer in his old army battalion was demoted for having sexual relations with a subordinate in 2007. Fellow officers of the battalion told the former teacher the punishment of their demoted colleague was part of a politically motivated scheme by those aiming for his position. In the following collective criticism session, soldiers and participants criticized the officer's sexual perversion and improper sexual behavior, and alleged anti-state behavior as well.¹⁵⁹

According to three former female traders and three former government officials, instead of investigating complaints of violence against women, police sometimes interrogate victims in abusive ways.¹⁶⁰

¹⁵⁵ Human Rights Watch interview with eight former government officials (pseudonyms), locations withheld, between April 2015 and July 2018.

¹⁵⁶ Human Rights Watch interviews with nine North Koreans (pseudonyms), locations withheld, between January 2015 and December 2017.

¹⁵⁷ Ibid.

¹⁵⁸ Human Rights Watch interviews with five former North Korean government officials (pseudonyms), locations withheld, between April 2015 and December 2017.

¹⁵⁹ Human Rights Watch interview with Song Sang Hyun (pseudonym), location withheld, May 15, 2016. See also the cases of Cho Byul Me's and Kim Sun Young's fellow inmates in Section III. Sexual violence by Men in Positions of Power, Rape and Sexual Violence in Prisons or Detentions Facilities.

¹⁶⁰ Human Rights Watch interviews with six North Koreans (pseudonyms), locations withheld, between January 2015 and December 2017. names and locations withheld.

Baek Min Joong, now in his 50s, a former manager at a state-owned enterprise in South Pyongan province who left North Korea in 2011, vividly recalled an incident in the summer of 2010: a female employee of his appeared in public bloodstained, wearing no bra, her clothes cut into strips. Many people saw her, and she went to the police station and reported she had been raped. The police started an investigation, but soon after, she asked Baek Min Joong, as her manager, to stop a specific police officer from contacting her. The officer had questioned her several times, and each time he asked her sexually explicit questions about how the rape happened, demanding details about the experience of forced penetration and how that felt. The investigation ended after Baek Min Joong asked the officer to stop harassing his employee.¹⁶¹

Kim Chul Kook, a former professor, recalled one night in 2014, drinking with a childhood friend who had become a high-level police agent in Ryanggang province. His friend told him that his colleagues at the police considered themselves lucky when a rape case came to their attention.¹⁶² He explained:

They thought the rare situations in which they investigated rape cases were better than red entertainment (porn), especially if they had some free time on their hands.

In 2012, Kim Chul Kook went to visit his police friend, who was meeting with a high-ranking party official accused of raping the daughter of a powerful family. He said:

I remember hearing my friend scolding the party officer through the thin wall: “This is a headache. You should manage things better. Why can’t you keep the situation quiet?” The girl was blamed for making a fuss, but the family had influence, so the official was demoted and sent to a remote rural area, although he did not go to prison.

All of the North Koreans Human Rights Watch interviewed described widespread impunity for perpetrators of sexual violence and lack of justice for survivors. A combination of

¹⁶¹ Human Rights Watch interview with Baek Min Joong (pseudonym), location withheld, August 13, 2016

¹⁶² Unless other sources are specifically named, this account is based on Human Rights Watch interview with Choi Chul Kook (pseudonym), location withheld, November 12, 2015.

factors, including North Korea's dysfunctional criminal justice system, the perceived lack of will and capacity on the part of the police to record and investigate allegations, fear of retaliation, corruption, deeply embedded patterns of discrimination against women, and social stigma hinder women's ability and willingness to file criminal complaints and have them processed. The lack of gender-based violence awareness, protection, and support mechanisms create insurmountable barriers for women seeking justice or compensation.

Lack of Psycho-Social Support and Other Services

The North Koreans who spoke to Human Rights Watch said the North Korean government does not provide any type of psycho-social support services for women survivors of violence or their families to help them overcome stigma or fear, or cope with the consequences of violence. They also said that the use of counselling and other mental health services is itself highly stigmatized.¹⁶³

North Korea's historically patriarchal society makes it difficult for survivors of violence against women to speak out about sexual abuse without being stigmatized or blamed.

Access to psycho-social support services is important, not only for women who are raped, but also for members of their immediate family and community. Most of the women who were raped or sexually abused told Human Rights Watch they tried to conceal abuse from their husbands or relatives because they feared social stigma and further mistreatment.

There are no safe houses or shelters in North Korea for victims of family or sexual violence. The UN Women *Handbook for Legislation on Violence against Women* recommends that countries should, when possible, provide one shelter/refuge place for every 10,000 people, and that these facilities should provide safe emergency accommodation, qualified counselling, and assistance in finding long-term accommodation. The handbook also recommends ensuring there is one specialized woman's advocate or counsellor per every 50,000 women, and one rape crisis center for every 200,000 women.¹⁶⁴

¹⁶³ This analysis derives from Human Rights Watch interview with 106 North Koreans between January 2015 and July 2018.

¹⁶⁴ UN Women (Formerly Division for the Advancement of Women in the Department of Economic and Social Affairs of the United Nations Secretariat), *Handbook for Legislation on Violence against Women*, ST/ESA/329, July 20109, <http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf> (accessed May 7, 2017).

Cho Byul Me, a former smuggler, explained sometimes she had to run away from her house when her husband started beating her up, but had nowhere to go. She said:

Eventually I'd just have to go back home and wait outside the door sometimes in the bitter cold, under the snow or the rain, until I'd think he had fallen asleep. I had nowhere to go and I would have left him if I had anywhere to go.¹⁶⁵

Lack of Medical Treatment

In addition to the absence of psycho-social services, there are no protocols for examination and treatment of female victims of sexual violence, either for purposes of therapeutic care or to secure evidence of crimes. Two former North Korean doctors and a nurse who left North Korea after 2010 said they never saw “rape kits,”¹⁶⁶ knew of no training programs for medical practitioners on the medico-legal aspects of sexual assault, and had never heard of sexual assault forensic exams, or saw a rape victim go to the hospital to receive treatment.¹⁶⁷

Sexual violence is an important concern in every country. If the paltry number of prosecutions reported by North Korean authorities show anything, they show their utter failure to address sexual violence in the country. They certainly do not show North Korea to be the violence-free paradise authorities like to tout.

The usual challenges victims of sexual violence face in getting basic treatment are amplified in North Korea by heightened fear of stigma, lack of available services, lack of awareness, and financial barriers. The rape victims interviewed by Human Rights Watch said it did not even occur to them they should go to the hospital or get any kind of test to collect evidence. Park Young Hee said that when she was raped—on four different

¹⁶⁵ Human Rights Watch interview with Cho Byul Me (pseudonym), location withheld, May 16, 2016.

¹⁶⁶ “Rape kit” refers to a container that often includes a checklist, materials—such as bags and paper sheets for evidence collection, a comb, swabs, materials to store blood samples—, and instructions, along with envelopes and containers to package any specimens collected during a sexual assault forensic exam.

¹⁶⁷ Human Rights Watch interviews with three North Koreans (pseudonyms), locations withheld, between September 2016 and December 2017.

occasions—she washed herself and just went on with her life. “It would have only occurred to me to go to the hospital or see a doctor if I had gotten pregnant. But I knew I wasn’t.”¹⁶⁸

¹⁶⁸ Human Rights Watch interview with Park Young Hee (pseudonym), location withheld, November 12, 2015.

V. Recommendations

To the DRPK Government:

Law Reform

- Reform national legislation to create clear and enforceable provisions within the Criminal Code covering all forms of violence against women—including sexual assault, sexual coercion, rape, and marital rape—and increase penalties to be more commensurate with international practice for laws that currently provide for only nominal punishment of rape of girls and of sexual violence in the workplace; and ensure active and vigorous enforcement of this law.
- Establish protection measures for all victims of sexual violence, including shelters, mechanisms of redress, identity protection for victims and witnesses throughout the process of investigation and trial, free legal representation, and social services.
- Review or abolish provisions of the Law on the Protection and Promotion of Women which reinforce women’s subordinate role in society by excluding them from certain studies and professions. Adopt a “zero tolerance” policy for any member of the judiciary implicated in cases of sexual violence against women, with perpetrators dismissed and prosecuted.
- Gather credible data on the numbers of complaints, charges, investigations, prosecutions, and convictions in cases of sexual and gender-based violence, as well as sentencing data. Publicly release this data.

Law Enforcement

- Issue clear and binding public orders to all members of the government— including police, the secret police (*bowiseong*), the armed forces, judges, lawyers, managers at state-owned enterprises, and party officials—that rape and other acts of sexual violence must be promptly and thoroughly investigated and prosecuted.
- Immediately suspend, discipline, dismiss, and—when appropriate—prosecute public officials, including police, secret police (*bowiseong*), military officers, or party officials, accused of sexually or physically abusing women, as well as those who fail to protect victims. Investigate all such cases and, where appropriate, bar alleged perpetrators from public service positions and criminally prosecute them.

- Establish a vetting system for government personnel, police, and soldiers to exclude past perpetrators of sexual violence against women.
- Conduct training for all law enforcement, health, and education professionals on gender equality, the right of victims of sexual violence to report abuses, and the duty of public officials to refrain from exploitation and assist victims in obtaining help and justice.
- Ensure that law enforcement policies and training are in line with the UN Office on Drugs and Crime *Handbook on Strengthening Crime Prevention and Criminal Justice Responses to Violence Against Women*¹⁶⁹ and the UNODC *Handbook on Effective Police Responses to Violence against Women*.¹⁷⁰
- Develop mechanisms to protect the identities of victims of sexual violence.
- Require police to rigorously investigate and prosecute sexual violence cases, regardless of the position or status of the alleged perpetrator.
- Investigate and, where appropriate, prosecute those persons responsible of crimes of rape and other sexual crimes in ordinary prison camps (*kyohwaso*), political prison camps (*kwanliso*), and against women forcibly returned from China.
- Support recruitment and significantly increase the percentage of female government officials, including lawyers, police, prosecutors, and judges; ensure they are not discriminated against in promotion decisions once working there; and offer gender-sensitivity training to all in these professions.
- Recruit and assign female officers or guards to supervise female detainees; ensure that female detainees are held in compliance with international standards, specifically the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (“The Bangkok Rules”).
- Sign and ratify the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, and afford the protection envisaged therein to North Korean women trafficked to China and repatriated to North Korea.

¹⁶⁹ United Nations Office on Drugs and Crime, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*, April 2014, https://www.unodc.org/documents/justice-and-prison-reform/Strengthening_Crime_Prevention_and_Criminal_Justice_Responses_to_Violence_against_Women.pdf (accessed August 19, 2018)

¹⁷⁰ United Nations Office on Drugs and Crime, *Handbook on Effective Police Responses to Violence Against Women*, March 2010, https://www.unodc.org/documents/justice-and-prison-reform/Handbook_on_Effective_police_responses_to_violence_against_women_English.pdf (accessed August 19, 2018)

Health Sector

- Develop government health and social services for survivors of sexual and gender-based violence, including counseling, medical assistance, and programs to help women to overcome stigma.
- Train health care providers to detect cases of sexual violence and deliver confidential and comprehensive medical treatment and psychosocial support to all such victims.
- Establish reproductive health and sexual education programs, and basic education on core issues of non-discrimination. Provide training to individuals and communities to reduce the stigma of and prejudice against sexual violence victims, and encourage providing care, treatment, and support to these survivors, for example through the Women's Union.
- Ensure healthcare providers have "rape kits" on hand, are trained in the use of these kits, and collect and document all evidence of sexual violence in a confidential manner, utilizing procedures that will permit the evidence to be preserved and admissible in court in criminal proceedings.
- Develop programs to equip hospitals with medical supplies to provide post-rape care in accordance with World Health Organization (WHO) standards and ensure that all facilities have procedures in place to respond to sexual violence, including Postexposure Prophylaxis (PEP) kits.
- Develop sensitivity training for government officials, including police and other security officers, regarding sexual and gender-based violence and how to treat survivors.
- Ensure that public information is available through party, workers', children's, and women's associations about forms of violence against women, their legal and physical consequences, and how victims can access free and confidential functioning services.

Protection

- Ensure availability of adequate shelters, as well as psychosocial, legal, health, and other services for survivors of sexual violence, including in rural areas.
- Conduct training and capacity building for psychosocial counselors and promote access to such counseling for survivors of violence.

- Establish case management services for victims of sexual violence in every province to coordinate between agencies and follow-up with survivors.

Raising Awareness about Women's Rights and Sexual and Gender-based Violence Against Women

- Publicly acknowledge the pervasive problem of violence against women in North Korea and launch a nationwide campaign to educate the public on the problem, emphasizing that sexual violence and rape are illegal and should be reported, investigated, and prosecuted; and ensure the campaign includes measures to reduce stigma against survivors of sexual violence.
- Launch public information and awareness campaigns to promote gender equality and combat discriminatory policies and attitudes that contribute to subordination of women and girls in society and within the family, such as restricting certain field of studies and professions only to men.
- Reform education curriculum in schools to:
 - promote gender equality and non-discrimination;
 - end discriminatory attitudes towards women and girls;
 - increase awareness of the rights of women and girls; and
 - provide comprehensive sexuality education for both girls and boys.
- Provide a comprehensive sexuality education program that emphasizes gender equality for teachers, health workers, police, soldiers, party members, other authorities, and the general public.
- Engage with international humanitarian and human rights organizations to develop programs to protect women and girls from physical and sexual violence; provide support services to survivors, including medical care or counseling; provide technical assistance to the government in reforming institutions to ensure greater accountability for sexual violence; and implement awareness campaigns to inform the public that sexual violence is a crime.

International Human Rights Obligations

- Ensure that North Korea's laws fully comply with international human rights standards set out in the rights treaties ratified by the DPRK: the ICCPR; the ICESCR; the CRC; the CEDAW; and the Convention on the Rights of Persons with Disabilities.

- Take immediate steps to end all types of sexual violence against women and address the human rights conclusions issued by the CEDAW Committee in November 2017 and, previously, in the UN Commission of Inquiry report from February 2014.
- End discrimination against women and girls in access to education and employment at all levels, in conformity with North Korea’s obligations under CEDAW and the CRC, the recommendations made to North Korea during the Universal Period Review process, and recommendations made in reports from UN Human Rights Council special procedures and UN international human rights treaty bodies.
- Formally communicate to the International Labour Organization (ILO) director-general that the DPRK accepts the obligations set out in the constitution of the ILO and become a full member of the organization; ratify the core ILO conventions (conventions 29, 87, 98, 100, 105, 111, 138, and 182)¹⁷¹; and ensure an end to gender disparities in pay, conditions of work, and work status.
- Provide international human rights organizations, including nongovernmental organizations, the Office of the High Commissioner for Human Rights, Special Rapporteur on Human Rights in North Korea, and other relevant UN special rapporteurs and bodies, immediate access to the country to monitor the rights situation of women and girls, report on human rights developments, and help implement rights-respecting reforms and recommendations.
- Ratify the Rome Statute of the International Criminal Court (ICC)¹⁷² and fully cooperate with the ICC to ensure accountability for crimes against humanity committed by North Korean officials.

To the People’s Republic of China:

- Comply with China’s international legal obligation as a state party to the 1951 UN Refugee Convention to respect the principle of nonrefoulement and abstain from forcibly sending back any North Korean who has fled or attempted to flee from

¹⁷¹ International Labour Organization, Labour Standards, Conventions and Recommendations, <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm> (accessed October 13, 2018).

¹⁷² International Criminal Court, Rome Statute of the Criminal Court, <https://www.icc-cpi.int/resource-library/Documents/RS-Eng.pdf> (accessed October 13, 2018).

North Korea to China to the DPRK; and recognize all North Koreans fleeing without permission from North Korea into China as refugees *sur place* and allow the UNHCR to have immediate, unimpeded access to them.

- Extend political asylum to North Koreans who flee into China; do not detain them and allow them safe passage to a third country of their choice.
- Put in place measures to prevent human trafficking of North Korean women and girls; effectively identify North Koreans who have been victims of trafficking in China; and provide victims with protection and services in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children of the Convention Against Transnational Organized Crime, ratified by China in February 2010.
- Publicly call and continuously pressure North Korea to fully respect women's and girls' rights in line with recommendations of CEDAW and the CRC, and provide technical assistance in eliminating discrimination of all kinds against women and girls.
- Investigate and prosecute any officials forcing North Koreans back to North Korea.
- Apply Art. 46 of the 2012 Entry-Exit Law¹⁷³, which provides legal status for those in China who have registered claim for refugee status.

To the Republic of Korea:

- Publicly and privately urge the government of the DPRK to undertake the reforms recommended in this report.
- Make physical and sexual violence against women a standing item in bilateral human rights discussions with North Korea.
- Support the establishment of the North Korean Human Rights Foundation required by the North Korean Human Rights Act Provide funding for additional research on sexual violence against women and girls, and for screening programs to identify North Korean women who have suffered sexual violence; and establish and implement programs to help victims of sexual assault.

¹⁷³ Gary Chodorow, trans., "Translation: Exit-Entry Administration Law," Chodorow Law Offices, July 3, 2012, <http://lawandborder.com/english-translation-of-chinas-new-exit-entry-administration-law/> (accessed October 13, 2018).

- Support efforts to provide educational information on reproductive health and sexual and gender-based violence through media likely to reach people in North Korea.
- Assess all aid, cooperation, and exchange programs with the DPRK to determine whether any funded activities currently are, or may be, exacerbating problems regarding violence against women; and establish project development criteria on violence against women to use to screen current and future projects.
- Require the Ministry of Unification and the Ministry of Gender Equality and Family to provide support and funding to organizations assisting North Koreans fleeing the country to achieve or expand capability to support survivors of sexual violence; and create programs to help survivor of sexual violence among the North Koreans living in South Korea.
- Require the Ministry of Unification and the Ministry of Gender Equality and Family to collaborate in order to establish and implement mandatory trainings on human rights and sexual and gender-based violence for all South Korean officials at all levels of government who will going to North Korea and engage in bilateral activities with North Koreans, so their engagement does not exacerbate existing problems regarding sexual violence.
- Require the Ministry of Unification to create mandatory trainings on human rights and sexual violence and provide support for those civilian and civil society groups, in the religious, humanitarian, development, and business sectors, that plan to visit and have regular contact with North Korea prior to their commencing such activities.
- Provide technical assistance and support to encourage and enable North Korea to undertake efforts to document sexual violence, including collection of credible data on the proportion of complaints leading to arrest, the number of protection orders issued, and the number of prosecutions.
- Publicly call and continuously pressure North Korea to fully respect women’s and girls’ rights in line with their commitments under CEDAW and the CRC; and provide technical assistance in eliminating discrimination of all kinds against women and girls.
- Support additional action by the UN Human Rights Council and UN General Assembly to raise concerns about sexual violence, gender discrimination, and other abuses against women and girls in North Korea.

- Support expanded consideration of sexual violence in the UN Security Council's work on human rights in North Korea.
- Call on the UN Security Council to invite a North Korean female survivor of sexual violence to provide a briefing as part of the next UN Security Council formal discussion of the situation of human rights in North Korea expected to take place in December 2018.

To United States, Japan, the UK, the EU and Member States, Concerned Governments and International Donors Switzerland, Germany, Sweden, Canada, France and Italy:

- Publicly and privately urge the government of the DPRK to undertake the reforms recommended in this report.
- Assess all existing aid programs to the DPRK to determine whether any funded activities are exacerbating problems regarding violence against women; and establish project development criteria on violence against women to use to screen current and future projects.
- Establish and implement women's rights and sexual and gender-based violence related trainings for all North Korea based embassy personnel and development project staff, as well as those directly involved in North Korean aid project development and oversight regardless of location.
- Assist the North Korean government in developing policies and programs aimed at preventing violence against women, reforming the police and law enforcement agencies in line with the UN Human Rights Due Diligence Policy, holding perpetrators accountable, and assisting survivors of sexual violence.
- Provide services assisting survivors of sexual violence, especially focused on counseling, medical assistance; support programs to increase public awareness of the problem and combat stigma against sexual violence victims; and assuming the DPRK demonstrates serious commitment to address the problem of sexual violence, consider provision of technical assistance for legal and judicial reform to address sexual violence issues.
- Provide support and funding to organizations that help North Koreans fleeing the country to reach safety to enable them to provide support for survivors of sexual violence.

- Publicly call and continuously pressure North Korea to fully respect women’s and girls’ rights in line with their commitments under CEDAW and the CRC; and provide technical assistance in eliminating discrimination of all kinds against women and girls.
- Support additional action by the UN Human Rights Council and UN General Assembly to raise concerns about sexual violence, gender discrimination, and other abuses against women and girls in North Korea.
- Support expanded consideration of sexual violence in the UN Security Council’s work on human rights in North Korea.
- Call on the UN Security Council to invite a North Korean female survivor of sexual violence to provide a briefing as part of the next UN Security Council formal discussion of the situation of human rights in North Korea expected to take place in December 2018.
- Support efforts to provide educational information on reproductive health, sexual violence, and gender-based violence through media likely to reach people in North Korea.

To UN Agencies:

UN Resident Coordinator (UNRC) Office in North Korea

- Conduct high level advocacy (with support from UN agency members) aimed at senior DPRK government officials and Workers’ Party of Korea representatives to underscore the urgency of addressing sexual violence and promoting reforms to end these abuses.
- Establish a sexual violence and rights working group composed of UN agencies in North Korea (with technical support from the OHCHR) that meets no less than every three months to coordinate initiatives, programs, and assistance.
- Conduct regular consultations on sexual violence and rights issues with like-minded diplomats in Pyongyang and elsewhere on promoting reforms to address sexual violence.

UN Agencies with Presence in North Korea (FAO, WHO, UNFPA, UNICEF, and WFP)

- Expand human rights and protection work in their programs in North Korea, especially targeting an end to sexual violence, and assign senior staff responsibility in their Pyongyang office to carry out this mandate.
- Establish mandatory trainings on women's rights and sexual and gender-based violence and provide all international and local staff members engaged in Pyongyang or at headquarters with project and program activities with North Koreans.
- Where possible, seek to integrate activities to recognize and support victims of sexual violence into existing programs for psychological support and medical assistance programs.
- Work with the UNRC and other members of the UN Country team to integrate protections regarding sexual violence of women in its cooperation projects within the *Strategic Framework for Cooperation between the UN and the DPRK (2017-2021)*.¹⁷⁴ Publicize work to promote rights, gender equality and an end to sexual violence in North Korea and abroad.

To OHCHR and UN Human Rights Bodies:

- Raise sexual violence and gender-based discrimination as prominent issues in engagement with DPRK government; and offer technical assistance in addressing these and other human rights issues.
- Support the continued effort of the Special Rapporteur on human rights in North Korea to engage with the DPRK authorities and gain access to North Korea, as well as that of the OHCHR Seoul office.
- UN Special Rapporteurs on violence against women, on trafficking in persons, and on physical and mental health, and the UN Working Group on discrimination against women, should engage with the DPRK government on issues of sexual violence and rights abuses, send communications and press recommendations, and seek official permission to visit North Korea.

¹⁷⁴ United Nations DPRK Office of the Resident Coordinator, "Strategic Framework for Cooperation Between the United Nations and the Democratic People's Republic of Korea, 2017-2021," <http://kp.one.un.org/content/dam/unct/dprk/docs/DPRK%20UN%20Strategic%20Framework%202017-2021%20-%20FINAL.pdf> (accessed August 23, 2018).

- Support additional action by the UN Human Rights Council and UN General Assembly to raise concerns about sexual violence, gender discrimination and other abuses against women and girls in North Korea.
- Support expanded consideration of sexual violence in the UN Security Council's work on human rights in North Korea.
- Call on the UN Security Council to invite a North Korean female survivor of sexual violence to provide a briefing as part of the next UN Security Council formal discussion of the situation of human rights in North Korea expected to take place in December 2018.

To INGOS with Ground Access:

- Establish staff training programs on human rights, and sexual and gender-based violence, for both international and North Korean staff members.
- Develop criteria for identifying sexual violence to ensure that policies and programs do nothing to enable such abuses; and develop strategies for combatting sexual violence that can be incorporated as an important element of all future programs.
- Assess all existing aid programs to the DPRK to determine whether any funded activities are exacerbating problems regarding violence against women; and establish project development criteria on violence against women to use to screen current and future projects.
- Wherever possible, integrate psychological support and medical assistance activities into both existing and future programs to enable greater recognition and support for victims of sexual violence.
- Seek funding for programs and capacity building specifically targeted at preventing sexual violence and assisting survivors of sexual violence; and develop services provision of medical and psychological assistance for such survivors.

Acknowledgments

This report was researched and written by an Asia Division researcher at Human Rights Watch. The report was edited by Brad Adams, Asia director; Phil Robertson, deputy Asia director; Heather Barr, women’s rights senior researcher; Liesl Gerntholz, women’s rights director; and Danielle Hass, senior editor. Dinah PoKempner, general counsel, and Joe Saunders, deputy program director provided legal and program review. Racqueal Legerwood, associate in the Asia Division, provided editing and production assistance. Cover and illustrations were designed by Choi Seong Guk. This report was translated into Korean by Jinouk Chung and vetted by Kim Eun-hye.

We are particularly indebted to external reviewers, including Anna Maria Cesano, gender justice expert at UN Women and Joanna Hosaniak, deputy director general at Citizens’ Alliance for North Korean Human Rights. We are very grateful to the local NGOs, journalists, and academics who assisted in our research—including Kwon Eun-kyoung, director at Open North Korea; Lee So Yeon, director at New Korea Women’s Union; Kim Seokhyang, North Koreans studies professor at Ewha Womans University; Shin Mi-nyeo, director at Saejowi; Ahn Myung Chul, director at NK Watch; Teodora Gyupchanova, researcher at Database Center for North Korean Human Rights; Jong Hyeon Mu, co-director at Unification Media Group; and Kang Mi Jin, a reporter and manager of the North Korean team at *Daily NK*— as well as to those who assisted in the field, including “Superman;” Kim Miju, PhD. student at Ewha Womans University; Kim Seong-eun at Caleb Mission; and Tim Peters at Helping Hands Catacombs.

Above all, we express our sincere gratitude to all the North Korean women and men who shared their stories with us, and many others who could not be named for security reasons. We hope that this report will contribute to ending sexual violence against women in North Korea and bringing to justice to those responsible for these abuses.

While Human Rights Watch benefitted from the expertise of many organizations and experts in preparing this report, Human Rights Watch is solely responsible for its contents. None of the findings, assessments, or conclusions of the report should be attributed to any of the organizations listed here.

Human Rights Watch gratefully acknowledges the support of donors whose generosity made this work possible, including the Robin Foundation and those who wish to remain anonymous.

Sexual and gender-based abuse and violence appear to be routine in North Korea, occurring in virtually every social context. Women in North Korea feel powerless to escape sexual abuse and violence and feel ashamed when they are victimized. Fearful of social disgrace and retribution, and with few, if any, avenues for redress, women rarely report abuse and perpetrators of sexual and gender-based violence against women are almost never held accountable.

“You Cry at Night but Don’t Know Why” documents sexual violence against women by government officials in North Korea. It identifies contributing factors, including deeply embedded patterns of discrimination against women, unchecked abuse of power, socio-economic factors including corruption, and lack of sex education or awareness about sexual violence. The report highlights failures by the North Korean government to prevent violence against women, provide protection and services to victims, and investigate and prosecute complaints.

Human Rights Watch calls on the North Korean government to prevent sexual violence against women. The government should ensure that police, prosecutors, and courts treat sexual violence as a serious crime. It should accept international advice and assistance with the goal of holding officials accountable for abuses, protecting victims, integrating sexuality education into schools, and providing counseling, legal assistance, and improved reproductive health and other medical services to women. The government should also undertake a public education campaign making clear that violence against women is prohibited in all forms and letting victims know how they can obtain assistance.



Women wait in the sitting position in a pre-trial detention facility run by the police. Detainees are commonly forced to assume this position in pre-trial detention and temporary holding facilities.