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

Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Elizabeth Salmón*

Summary

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Elizabeth Salmón, is submitted pursuant to Human Rights Council resolution 49/22. In this, her first report to the Council, she provides an overview of the current human rights situation, the legal framework and a detailed analysis of the situation of the human rights of women and girls in the Democratic People's Republic of Korea.

* The present report was submitted after the deadline so as to reflect the most recent information.



I. Introduction

1. Since the Democratic People's Republic of Korea closed its borders at the onset of the coronavirus disease (COVID-19) pandemic in early 2020, a lack of reliable and verifiable information coming out of the country has constrained the ability of the international community to assess the human rights situation in the country. Prior to the shutdown, over 1,000 escapees typically arrived in the Republic of Korea every year. However, only 63 escapees arrived in 2021 and only 67 in 2022, most of whom had left the Democratic People's Republic of Korea before the shutdown.

2. The Special Rapporteur on the situation of human rights in the Democratic Republic of Korea, Elizabeth Salmón, has identified the situation of the human rights of women and girls as the first priority of her work. As reported by previous mandate holders and by civil society organizations, and taking into account the international obligations of the Government, the situation of the human rights of women and girls, who clearly face discrimination and gender-based violence in the Democratic People's Republic of Korea, requires the urgent attention of the international community. In November 2022, the Special Rapporteur sent a questionnaire to victims, civil society organizations and Governments requesting information on the situation of women and girls in the Democratic People's Republic of Korea.¹ In January 2023, she organized a conference in Seoul on the human rights of women and girls in the Democratic People's Republic of Korea. The conference was attended by over 100 participants, with a wide range of experience and expertise, including the Special Rapporteur on violence against women and girls, a member of the Committee on the Elimination of Discrimination against Women and representatives of the United Nations Human Rights Office in Seoul. Participants explored practical measures for advancing the human rights of women and girls in the Democratic People's Republic of Korea and provided the Special Rapporteur with an opportunity to listen to the voices of female escapees.

II. Overview of the situation of human rights

Security situation and political context

3. The Korean Peninsula experienced heightened security tensions in 2022. The Democratic People's Republic of Korea continued its missile programme, including a record high number of intercontinental and intermediate-range ballistic missile tests.² The United States of America and the Republic of Korea also carried out a number of regular and specialized land, sea and air military exercises. On 8 September, the Democratic People's Republic of Korea amended its law on nuclear forces, permitting automatic nuclear strikes in the event of an absence of the command-and-control system following an attack.³ No progress has been with regard to the denuclearization of the Korean Peninsula, with talks now stalled for nearly three years. Despite the increased tensions amid missile tests and military drills, both the Republic of Korea and the United States continued to reiterate that they were ready to talk with the Democratic People's Republic of Korea without preconditions, while the Democratic People's Republic of Korea stated that hostile policies against it must stop. The near complete isolation of the country, combined with a lack of consensus among the members of the Security Council and increased military posturing, prevented any meaningful progress on the establishment of peace and security on the Korean Peninsula. The Special Rapporteur is concerned that, with the current tensions and lack of functioning communication channels with the Democratic People's Republic of Korea, any security misstep could trigger a significant escalation of hostilities, with drastic consequences

¹ Replies to the questionnaire are available under "activities" at <https://www.ohchr.org/en/special-procedures/sr-dprk>.

² In 2022 alone, the Democratic People's Republic of Korea launched around 70 ballistic missiles, including eight intercontinental ballistic missiles. In 2021, the country launched eight short range ballistic missiles.

³ KCNA [Korean Central News Agency] Watch, "Law of the Supreme People's Assembly of the DPRK 'On the DPRK's Policy on Nuclear Forces'", *Pyongyang Times*, 10 September 2022.

for human rights, including the right to life. The Special Rapporteur urges all parties to ensure the revival of diplomatic engagement, while highlighting that sustainable peace on the Korean Peninsula can only be achieved if human rights are central to all diplomatic processes.

Quarantine restrictions in response to the COVID-19 pandemic and human rights implications

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

5. The Special Rapporteur is concerned that the prolonged COVID-19 border restrictions have forced the already vulnerable population, including women and girls, who had limited access to food, medicines, health care and livelihoods, to the brink. Access to food, medicines and health care remains a priority concern for the Special Rapporteur. It was estimated that by the end of 2021, 60 per cent of the population was food insecure as compared to 40 per cent prior to the pandemic.⁵ From 2019 to 2021, 41.6 per cent of the population suffered from malnourishment.⁶ Reports suggested that people can only afford to eat one meal a day, and that eating three meals a day has become a luxury for most families. The Special Rapporteur has received reports of people dying from hunger during the COVID-19 restrictions,⁷ and of homeless people dying during cold spells.⁸ There have been reports of sharp spikes in food prices during the past year, including for corn and cooking oil, with rural areas particularly vulnerable to disruptions of supply chains. It has also been reported that the 2023 harvest is likely to decrease compared to previous years due to extreme drought, heavy rains, lack of agricultural inputs and fertilizers and disruptions to farming caused by the COVID-19 outbreak in May 2022.⁹ Since 2021, the Workers Party of Korea, the ruling party, has discussed the food crisis and agricultural problems several times, suggesting the seriousness of the food situation in the country. Reportedly, the Government has been intervening in the market to control food prices and has provided a limited supply of subsidized grain through the public distribution system to those in dire need. Reports were also received that the Government has recently reduced its daily food rations per soldier from the previous 620

⁴ *Rimjin-gang: News from Inside North Korea*, "Chinese vaccines administered to N. Koreans in cities near Chinese border, leading to high hopes about restart of trade", Asia Press, 6 November 2022, available at <https://www.asiapress.org/rimjin-gang/2022/11/society-economy/vaccine/>.

⁵ See Assessment Capacity Project (ACAPS), Democratic People's Republic of Korea, Humanitarian needs in the context of the COVID-19 pandemic, 15 June 2022, available at www.acaps.org/sites/acaps/files/products/files/20220615_acaps_thematic_report_dprk_covid19.pdf.

⁶ Food and Agriculture Organization of the United Nations (FAO) and others, *The State of Food Security and Nutrition in the World 2022* (Rome, 2022).

⁷ *The Guardian*, "'Poisoned candy': North Korean State media shuns food aid despite hunger crisis", 22 February 2023, available at <https://www.theguardian.com/world/2023/feb/22/poisoned-candy-north-korean-state-media-shuns-food-aid-despite-hunger-crisis>.

⁸ *Rimjin-gang: News from Inside North Korea*, "Harsh cold snap in January leads to death toll, with frozen bodies found in fields or inside mud huts. Authorities order closer monitoring of the people in response to rise in wandering people" Asia Press, 10 February 2023, available at <https://www.asiapress.org/rimjin-gang/2023/02/society-economy/frozen/>.

⁹ Ethan Jewell and Ifang Bremer, "Drop in North Korean crop output aggravates domestic food shortages", NK News, 15 December 2022, available at <https://www.nknews.org/2022/12/drop-in-north-korean-crop-output-aggravates-domestic-food-shortages-report/>.

grams to 580 grams per day, pointing to shortfalls in government food supplies.¹⁰ In September 2022, China and the Democratic People's Republic of Korea resumed some overland rail trade, with strict quarantine measures in place, which may have helped alleviate some of the reported food and medicine shortages. The Special Rapporteur is of the view that the Democratic People's Republic of Korea will need international support to help tackle the prolonged food crisis. She appeals to the Government to put political considerations to one side and to cooperate with the international community to help address the alarming food situation, which has already, according to some sources, led to starvation.

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

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

¹⁰ Jin-Woo Shin, "N. Korea reduces food rations to soldiers for first time since 2000", *The Dong-A Ilbo*, 15 February 2023, available at www.donga.com/en/article/all/20230215/3960853/1.

¹¹ Colin Zwirco, "North Korea enacts medicine laws after death penalty decree on COVID supplies", *NK News*, 8 August 2022.

¹² *Rimjin-gang: News from Inside North Korea*, "The country's medical system continues its freefall into collapse, with hospitals sending patients back home due to lack of heating", Asia Press, 16 January 2023, available at <https://www.asiapress.org/rimjin-gang/2023/01/society-economy/iryoun/>.

¹³ Mun Dong Hui, "North Korean young people stupefied by strong punishments in 'Youth Education Guarantee Act'", *Daily NK*, 17 February 2022, available at <https://www.dailynk.com/english/north-korean-young-people-stupefied-strong-punishments-youth-education-guarantee-act/>.

¹⁴ "North Korea in November 2022: A month in review and what's ahead", *NK Pro*, 2 December 2022.

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

8. Enforced disappearance, including in the form of abductions, is a serious crime that continues until the fate and whereabouts of the disappeared person has been clarified. As of August 2022, 415 cases transmitted by the Working Group on Enforced or Involuntary Disappearances to the Democratic People's Republic of Korea were outstanding. During the Korean War, from 1950 to 1953, it is estimated that between 80,000 and 100,000 people from the Republic of Korea were kidnapped and relocated to the Democratic People's Republic of Korea. Since 1953, at least 50,000 prisoners of war from the armed forces of the Republic of Korea have still not been repatriated and, as of 2010, according to estimates by repatriated prisoners of war, approximately 500 survivors are being held in the Democratic People's Republic of Korea. During the "Paradise on Earth" resettlement campaign (1959–1984), 93,340 ethnic Koreans (*Zainichi*) living in Japan "returned" to the Democratic People's Republic of Korea based on false promises of a better life. Moreover, hundreds of people from Japan, the Republic of Korea and other nations were abducted and disappeared, mainly between the 1960s and the 1980s. The Government of the Republic of Korea officially recognizes 516 of its citizens as post-war abductees. On 11 December 1969, Korean Air Lines flight YS-11 was hijacked: 11 people (4 crew members and 7 passengers) who were on the flight have never been returned. According to the Government of Japan, 12 abductees from Japan officially recognized by the Government remain unaccounted for. Other foreign nationals have also been abducted, including one from Romania and one from Thailand. During the reporting period, the Special Rapporteur had the opportunity to meet with family members of six persons from the Republic of Korea who were detained in the Democratic People's Republic of Korea, as well as former prisoners of war, families of victims of the Paradise on Earth campaign and families of abductees from Japan, the Republic of Korea and other countries, and learned that they have no information about what has happened to their family members. The Special Rapporteur calls on the Democratic People's Republic of Korea to provide information on the investigations undertaken and the fate and whereabouts of all the disappeared persons.

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

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

Domestic legislation

10. The Democratic People's Republic of Korea has included principles of gender equality in some of its laws, starting with the Law on Sex Equality (1946). The Socialist Constitution of the Democratic People's Republic of Korea (1972) provides for the right to elect and to be elected, irrespective of sex (art. 66), equal social status and rights between men and women (art. 77) and "special protection to mothers and children," including the

provision of “maternity leave, reduced working hours of mothers with several children,” and related medical measures (art. 77). The Socialist Labour Law (1978) stipulates the right for “all workers” to work (art. 5), specifies the rights for women to be able to “actively participate in societal labour” and notes the responsibility of “local political institutions and relevant State organs...to manage creches, kindergartens, paediatric wards and amenities so that women can work conveniently” (art. 31). Similarly, the Labour Protection Law (2010) states that “institutions, enterprises and organizations shall put pregnant female workers to easy work until they enter maternity leave, and must assure breastfeeding time periods for female workers who have breastfeeding children” (art. 24), and that “female workers who have breastfeeding children or are pregnant may not be required to do night labour, overtime labour or labour on days of rest...” (art. 38). The Law on the Protection and Promotion of Women’s Rights adopted in 2010,¹⁵ outlines the principles of equality and duties of the Government and organizations for protecting women’s rights. In November 2021, the Assault Prevention Law was adopted; the law does not, however, provide clear provisions to prevent violence against women in the context of the family or in personal relationships.

11. On the rights of the child, the Democratic People’s Republic of Korea stated in the 1996 addendum to its report to the Committee on the Rights of the Child that it has a long tradition of prioritizing children’s welfare.¹⁶ The Socialist Constitution obliges the State to “maintain all children of preschool age in nurseries and kindergarten” (art. 49), and affords “special protection to mothers and children” (art. 77). The Socialist Labour Law (1976), the Law on Educating and Rearing Children (1976), the People’s Public Health Law (1980), the Civil Law (1990), the Family Law (1990), the Children’s Rights Protection Law (2010) and the Child Care Law (2022) outline provisions protecting the rights of the child. According to the Socialist Labour Law (1976), children are prohibited from working until they reach age 16 (art. 15); the Public Health Law (1980) provides for the State’s duty to provide preventive medical services for children; the Civil Law (1990) defines civil rights of children (art. 19); and the Family Law (1990) guarantees “special protection” of children in the family (art. 6, 25, 27, and 28). The 2010 Children’s Rights Protection Law provides additional protections for the rights of the child, including the right to education (arts. 5 and 22–25) and access to health (art. 5); legal protection of children’s rights (arts. 7 and 10); prohibition against kidnapping or trafficking of children (art. 18); and prohibition of child labour (art. 19), complementary to the Socialist Labour Law (1976). Articles 5 and 23 of the Children’s Rights Protection Law increase compulsory education (including one year of kindergarten) from age 11 (under the Law on Educating and Rearing Children (1976) to age 12).¹⁷ Based on the law, the country introduced a 12-year compulsory education system in 2014.¹⁸

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

Domestic responses to the international obligations on the rights of women

13. The Democratic People’s Republic of Korea acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1990. The Committee on the Elimination of Discrimination against Women made several early recommendations in

¹⁵ The law was originally adopted in 2010 and amended on two separate occasions, most recently in 2015. The law has sometimes been referred to as the “Law on the Protection and Promotion of the Rights of Women” by non-governmental organizations working in the field of human rights.

¹⁶ [CRC/C/3/Add.41](#), para. 5.

¹⁷ [CRC/C/PRK/5](#), para. 28.

¹⁸ According to the Government, based on the change of the compulsory education length, the legal definition of the child will be changed to ages 17–18.

¹⁹ Common Education Law is sometimes referred to as the General Education Law or the Law on General Education.

²⁰ [CEDAW/C/PRK/2-4](#), para. 29.

response to the initial report of the State party in 2005.²¹ These included the request for the State party “to clarify...the status of the Convention in relation to domestic legislation in the case of a conflict”; to incorporate the “definition of discrimination”; to undertake “proactive measures and policies to eliminate discrimination against women”; to “carry out awareness-raising campaigns on the Convention”; to conduct a “review of all legislation”, including the “minimum marriage age for females at 17”; to ensure “adequate representation of women in the people’s committees and that training be given to the committees concerning women’s rights to equality”; to “adopt and implement, at the national level, a comprehensive and coordinated plan of action to promote gender equality”; to “seek international assistance for the conceptual training of officials”; to “make visible the existence of domestic violence” and adopt “legislation on domestic violence”; to “increase the number of women in decision-making positions in all spheres”; and to provide protection from sex trafficking.²²

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

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

16. In the 2016 report of the State party, submitted to the Committee on the Elimination of Discrimination against Women, the Democratic People’s Republic of Korea noted that women “as full-fledged masters of the society, fully exercise equal rights with men in all fields of politics, the economy, social and cultural life, performing great feats in the efforts for the prosperity of the country”.²⁵ Additionally, in the universal periodic review, the State attempted to reaffirm its efforts towards progress in women’s rights. According to the report of the State party, the number of women in universities is increasing, working conditions have improved, more women are being appointed to leadership posts in Government and the

²¹ CEDAW/C/PRK/CO/1.

²² Ibid., paras. 20–42.

²³ Ibid., para. 20.

²⁴ CEDAW/C/PRK/CO/2-4.

²⁵ CEDAW/C/PRK/2-4, para. 3.

State has adopted its Strategy and Action Plan to Control Child and Maternal Malnutrition (2014–2018) and the Action Programme for Health of Newborns (2015–2016), which have helped to lower maternal mortality rates.²⁶

17. The Democratic People’s Republic of Korea has expressed strong support for the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals. To implement the 2030 Agenda, it launched the National Task Force for Sustainable Development in 2018 and participated in the Voluntary National Review on the implementation of the 2030 Agenda. In its report, it stated that it had achieved gender equality long time ago, and that thus most of the targets of the Sustainable Development Goals had been achieved and that mental and physical violence was not a social issue in the DPRK where the people are masters of everything and everything serves the people.²⁷

International obligations

18. The Democratic People’s Republic of Korea has ratified five core international human rights treaties.²⁸ By becoming a State party to these human rights treaties and other international instruments, the Democratic People’s Republic of Korea has voluntarily accepted a range of legally binding obligations to respect, protect and fulfil the rights of women and girls. Reviews by the Human Rights Committee (latest in 2001),²⁹ the Committee on Economic, Social and Cultural Rights (latest in 2003),³⁰ the Committee on the Rights of the Child (latest in 2017)³¹ and the Committee on the Elimination of All Forms of Discrimination against Women (latest in 2017),³² with the participation of State officials and the submission of 11 country reports, have produced substantive analysis on the implementation of these treaties and provided targeted recommendations on how to improve implementation.³³

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

²⁶ A/HRC/WG.6/33/PRK/1, paras. 66–71.

²⁷ Democratic People’s Republic of Korea, “Voluntary National Review on Implementation of the 2030 Agenda for Sustainable Development” (2021), pp. 23–24, available at https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf.

²⁸ The International Covenant on Civil and Political Rights in 1981; the International Covenant on Economic, Social and Cultural Rights in 1981; the Convention on the Rights of the Child in 1990 and its Optional Protocol on the sale of children, child prostitution, and child pornography in 2014; the Convention on the Elimination of All Forms of Discrimination Against Women in 2001; and the Convention on the Rights of Persons with Disabilities in 2016.

²⁹ Two reports submitted: CCPR/C/22/Add.3 and CCPR/C/PRK/2000/2.

³⁰ Two reports submitted: E/1984/6/Add.7 and E/1990/6/Add.35.

³¹ Four reports submitted: CRC/C/3/Add.41, CRC/C/65/Add.24, CRC/C/PRK/4 and CRC/C/PRK/5.

³² Two reports submitted: CEDAW/C/PRK/1 and CEDAW/C/PRK/2-4.

³³ The report of the State party has also been submitted to the Committee on the Rights of Persons with Disabilities in 2018 (CRPD/C/PRK/1); the date for the review of the report has not yet been scheduled by the Committee.

³⁴ The matrix of accepted recommendations is available at [UPR33_DPRK_thematic_list_of_recommendations](https://www.unhcr.org/refugees/UPR33_DPRK_thematic_list_of_recommendations).

³⁵ A/HRC/37/56/Add.1.

³⁶ CRPD/C/PRK/1, paras. 28 and 203.

country mandate holders on the situation of human rights in the Democratic People's Republic of Korea.

20. The Democratic People's Republic of Korea is under a legal obligation to eliminate discrimination against women and girls, particularly those in situations of vulnerability, including girls, adolescents, pregnant women, women with newborns, elderly women, women with disabilities, migrants, refugees and LGBTIQ+ people. As stated by the Committee on the Elimination of Discrimination against Women, "[The] discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity".³⁷ As a State party, the Democratic People's Republic of Korea is required to legally recognize these intersecting forms of discrimination against women and their harmful consequences, as well as to adopt and pursue policies and programmes aimed at eliminating such discrimination.

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

IV. Situation of specific rights

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

Women in detention

23. The Special Rapporteur continues to receive information about the serious human rights violations occurring in detention facilities.³⁹ Citizens in the Democratic People's Republic of Korea live under constant fear of being sent to political prison camps (*kwanliso*).⁴⁰ There is no judicial oversight or respect for the right to a fair trial for those accused of committing crimes against the State.⁴¹ Over the years, thousands of women have been detained in political prison camps through the application of "guilt-by-association"

³⁷ Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 18.

³⁸ See Committee on the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities.

³⁹ Human Rights Watch, "Worth less than an animal: abuses and due process violations in pretrial detention in North Korea", 19 October 2020; see also submission by Korea Future.

⁴⁰ A/HRC/43/58, para. 14.

⁴¹ *Ibid.*, para. 38.

measures. Women are required to perform hard labour in political prison camps to fulfil daily work quotas, inter alia, in coal mines, factories, farms, machinery workshops and textile plants. Living conditions for women are harsh and they are not provided with the means to maintain their personal hygiene, including menstrual hygiene.⁴²

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

25. According to interviews conducted by a civil society organization, 270 cases out of a total of 586 cases of sexual violence against women occurred in detention facilities,⁵¹ although some accounts indicate that direct violence against women and girls has decreased over recent years.⁵² These numbers show how women in detention are particularly vulnerable to sexual violence. Female inmates continue to be guarded almost exclusively by male officers.⁵³ Accounts of escapees from the Democratic People's Republic of Korea also indicate that officers sexually exploit female detainees in exchange for reducing their

⁴² Submission by NK Watch.

⁴³ Office of the United Nations High Commissioner for Human Rights (OHCHR), "I still feel the pain...": Human rights violations against women detained in the Democratic People's Republic of Korea" 1 September 2020, para. 27.

⁴⁴ *Ibid.*, para. 54; and submission by Successful COrean REunification, p. 4.

⁴⁵ United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) specify that cavity searches are to be conducted only when absolutely necessary, in private, by health professionals or, at a minimum, by appropriately trained staff of the same sex as the prisoner.

⁴⁶ Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2021* (Seoul, Koh Yu-hwan, 2021), p. 561; and submission by the Citizens' Alliance for North Korean Human Rights, p. 3.

⁴⁷ Submission by Korea Future.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ CEDAW/C/PRK/CO/2-4, para. 45.

⁵¹ Submission by Database Centre for North Korean Human Rights.

⁵² Submission by the Coalition and Peace Society; see also, interviews conducted by OHCHR.

⁵³ OHCHR, "I still feel the pain...", pp. 12–14.

penalties or improving their treatment during detention or imprisonment. If denied, detainees have been threatened with additional sentences.⁵⁴

Women crossing the international borders

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

27. In the Democratic People's Republic of Korea, repatriated victims are labelled as criminals by the authorities if they commit illegal border-crossings⁵⁹ and as traitors if the authorities find any link suggesting an intention to escape to the Republic of Korea. The punishment is determined by factors such as the length of the escapees' stay in China and whether they had the intention to escape to the Republic of Korea. However, according to the accounts of former escapees, severe punishment could be avoided through bribery if such victims were not considered traitors. Although the Law on the Protection and Promotion of Women's Rights requires institutions concerned to take stringent measures to prevent and sanction trafficking of women and girls, no steps have been taken to protect victim-survivors or to address the enduring harms that result from having been victimized.⁶⁰ It has also been documented that many forcibly repatriated women who have given birth in China try to escape again to China to reunite with their children, where they may have to undergo a second forced marriage.⁶¹ The Special Rapporteur wishes to remind the Government of the Democratic People's Republic of Korea of its duty to address the protection of women and girls from exploitation and to incorporate and implement legislative measures to prevent trafficking and exploitation and to take steps to ensure the economic empowerment of women and girls, provide victim assistance through counselling, reintegration and rehabilitation, collect data on trafficking and the impact on trafficking interventions and cooperate with other countries in the fight against trafficking.⁶²

⁵⁴ Submission by Database Centre for North Korean Human Rights, p. 3.

⁵⁵ As of June 2022, 24,356 women have resettled in the Republic of Korea according to the Ministry of Unification, see Ministry of Unification, Settlement Support for North Korean Defectors, available at: https://www.unikorea.go.kr/eng_unikorea/whatwedo/support/

⁵⁶ Yoon Hee-Soon, "Sex slaves: the prostitution, cybersex and forced marriage of North Korean women and girls in China", *Korea Future Initiative* (2019).

⁵⁷ Submission by Rights for Female North Korean Defectors.

⁵⁸ See reply from China dated 27 September 2021 to OHCHR communication UA CHN 8/2021 available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36929>.

⁵⁹ Korea Institute for National Unification, *White Paper 2021*, p. 441.

⁶⁰ *Ibid.*

⁶¹ Submission by Rights for Female North Korean Defectors.

⁶² Convention on the Elimination of All Forms of Discrimination against Women, art. 6.

28. The majority of women who escape from the Democratic People's Republic of Korea settle in China and the Republic of Korea, where they can make a living and send remittances to their support their families in the Democratic People's Republic of Korea.⁶³ Many women have to leave their children with their Chinese husbands when they depart the country. Some women bring their children to the Republic of Korea after being resettled there, although it is not always easy for the children to integrate into society in the Republic of Korea because they may not speak Korean. While the Government of the Republic of Korea provides escapees with support services and benefits in the areas of protection, education, employment, accommodation, medical care and other basic needs, many escapees struggle with integration in spite of such support.⁶⁴ According to research carried out by the Ministry of Gender Equality and Family of the Republic of Korea in 2017, 65.2 per cent of female escapees suffered from chronic diseases, 50 per cent were at risk of depression and more than a quarter suffered from post-traumatic stress disorder.⁶⁵ Experts and civil society actors have expressed concern about the lack of a support system in place to address anxiety, depression, post-traumatic stress disorder and other mental health issues affecting many escapees. The Special Rapporteur wishes to acknowledge the courage that female escapees have in sharing their accounts about human rights violations. Amplifying their voices signifies a fundamental step towards holding perpetrators in the Democratic People's Republic of Korea accountable. At the same time, the Special Rapporteur stresses the need to strengthen support for the mental health of the escapees and community support to facilitate their integration.

Sexual and reproductive rights

29. The maternal mortality rate in the Democratic People's Republic of Korea has recently increased from 89 deaths per 100,000 in 2017 to 107 deaths per 100,000 in 2020.⁶⁶ The risk of maternal death is higher when women give birth at home owing to the risk of postpartum haemorrhage, infection and sepsis. According to some research, only 2 out of 34 female escapees interviewed had received preventive screening for gynaecological issues and none had received screenings for breast cancer.⁶⁷ There are no independent statistics about people with HIV/AIDS.⁶⁸ Sexual and reproductive health education is not included in formal or other forms of education. Women learn about sexual and reproductive health from other women in their social circle.⁶⁹ In 2017, the Committee on the Rights of the Child recognized that while the Democratic People's Republic of Korea had included adolescent health issues in its 2011–2015 reproductive and maternal health strategies, it did not inform the Committee about any new plans on a comprehensive sexual and reproductive health policy for adolescents.⁷⁰ The Committee on the Elimination of Discrimination against Women also noted that there was an insufficient incorporation of age-appropriate education on sexual and reproductive health into the school curricula.⁷¹ Access to scientifically accurate information on sexual and reproductive health contributes to responsible sexual behaviour and the prevention of early

⁶³ Sea Young Kim and Leif-Eric Easley, "The Neglected North Korean Crisis: Women's Rights", *Ethics and International Affairs*, vol. 35, No. 1 (2021).

⁶⁴ Republic of Korea, North Korean Refugees Protection and Settlement Support Act, Act No. 16223 of 15 January 2019, available at <http://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=206648&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000>.

⁶⁵ See Eunjoo Shin et al., Ministry of Gender Equality and Family, Republic of Korea, *Violence against North Korean Refugee Women: Study on North Korean Defector Women's Damage of Violence and Support Measures*, 2017 [in Korean].

⁶⁶ World Health Organization (WHO) and others, *Trends in maternal mortality 2000 to 2020* (2023), p. 83; and WHO and others, *Trends in maternal mortality 2000 to 2017* (2019), p. 116.

⁶⁷ Citizens' Alliance for North Korean Human Rights, "*They Only Claim that Things Have Changed*": *Discrimination against Women in the Democratic People's Republic of Korea*, NKHR Briefing Report, No. 8 (Seoul, Life and Human Rights Books, 2018), p. 29.

⁶⁸ Human Rights Watch, "*You Cry at Night but Don't Know Why*": *Sexual Violence against Women in North Korea* (United States of America, 2018), p. 29. The Government reports that no cases of HIV/AIDS have been registered in its territory.

⁶⁹ Korea Institute for National Unification, *Human Rights Situation of Women and Children in North Korea* (2016), p. 61.

⁷⁰ [CRC/C/PRK/CO/5](#), para. 39.

⁷¹ [CEDAW/C/PRK/CO/2-4](#), para. 39.

pregnancy and sexually transmitted infections, as well as the elimination of negative stereotypes and discriminatory attitudes towards the sexuality of adolescents. It also constitutes an efficient tool for preventing sexual violence.

30. Knowledge of and access to modern contraceptive methods are limited. The burden of using contraception lies with women, and the intrauterine device is the most common method of contraception.⁷² Although intrauterine devices should be replaced every few years, many women use them for a long period of time, which causes inflammation and gynaecological diseases.⁷³ Menstruation issues are not discussed and are a source of social stigma.⁷⁴ Education on menstruation is insufficient, and understanding of menstruation is limited among both women and men. Adequate water and sanitation facilities are lacking in 50 per cent of schools and 38 per cent of nurseries in the country.⁷⁵ The lack of adequate menstrual hygiene management often inhibits girls' school attendance and makes it difficult for women to work during menstrual periods. Sanitary pads are available but are expensive for many families. Accounts indicate, however, that more women are now buying disposable sanitary pads.⁷⁶ Regarding abortion, the scope of regulations are unclear and there is no clear legal framework to protect women from illegal forms of abortion.⁷⁷ High-risk abortion in private clinics or at home is still common.⁷⁸

Violence against women

31. The Special Rapporteur notes that there is a lack of available information on the prevalence of gender-based violence against women, including domestic violence and sexual violence in the Democratic People's Republic of Korea. Nonetheless, accounts from escapees suggest that domestic violence is widespread and normalized in the country.⁷⁹ Domestic violence appears to be widely tolerated and viewed as a private or family issue in which the State does not need to intervene. While it is prohibited by law,⁸⁰ there is no clear definition of its elements, nor is it listed as a crime in the Criminal Code. Additionally, victim-survivors have no access to reporting or to protection mechanisms. Moreover, there are no safe houses, psychosocial support nor shelters for victims of domestic violence.⁸¹ The Special Rapporteur reminds the Democratic People's Republic of Korea of its duty to prevent and protect all women from violence, to institute and enforce necessary legislation, to take all appropriate measures to promote recovery and rehabilitation and to sanction perpetrators and provide redress for victims.

32. According to the Committee on the Elimination of Discrimination against Women, the Law on the Protection and Promotion of Women's Rights and the Family Law are focused on reconciliation rather than on prosecuting perpetrators.⁸² The Special Rapporteur highlights that this approach leaves women unprotected and favours impunity, especially considering that victim-survivors have limited knowledge or awareness of their rights. Accounts by escapees suggest that very few perpetrators are held accountable for gender-based violence.⁸³

⁷² Central Bureau of Statistics of the Democratic People's Republic of Korea and United Nations Children's Fund (UNICEF), *Democratic People's Republic of Korea: Multiple Indicator Cluster Survey 2017: Survey Findings Report* (Pyongyang, 2018); and WHO, "Sexual and reproductive health and rights: infographic snapshot: Democratic People's Republic of Korea 2021".

⁷³ Korea Institute for National Reunification, *White Paper 2021*, pp. 448–449.

⁷⁴ A/HRC/43/58, para. 33; and Database Centre for North Korean Human Rights, *The State of Menstrual Health of North Korean Women – "Periods are a Shameful Thing in North Korea"* (2018).

⁷⁵ UNICEF, Democratic People's Republic of Korea, Water, Sanitation and Health Programme, available at <https://www.unicef.org/dprk/water-sanitation-hygiene>.

⁷⁶ Submissions by People for Successful COrean REunification and Citizens' Alliance for North Korean Human Rights; see also Korea Institute for National Reunification, *White Paper 2021*, p. 449.

⁷⁷ Medical Law of the Democratic People's Republic of Korea (2000), article 28, provides that medical institutions may employ medical manipulation to prevent major congenital deformity and genetic illness, available at <https://www.lawandnorthkorea.com/laws/medical-law-2000>.

⁷⁸ Korea Institute for National Reunification, *White Paper 2021*, pp. 448–449.

⁷⁹ A/HRC/WG.6/19/PRK/3, para. 29.

⁸⁰ Korea Institute for National Reunification, *White Paper 2021*, p. 443.

⁸¹ Human Rights Watch, *"You Cry at Night but Don't Know Why"*, p. 71.

⁸² CEDAW/C/PRK/CO/2-4, para. 11.

⁸³ A/HRC/43/58, para. 35.

The Democratic People's Republic of Korea must put victims' rights at the forefront of the response of the criminal justice system by prioritizing the safety, well-being, choices and needs of victims-survivors, and making sure that the delivery of such services is done in an empathetic and non-judgmental manner.

33. As is the case with domestic violence, rape is forbidden by law, although it has been defined in contradictory ways. Marital rape is not criminalized.⁸⁴ In addition, rape is described as an act that can only be committed by a man against a woman and has penalties that are disproportionately low in relation to the severity of the crime.⁸⁵ According to article 279 of the Criminal Code, the penalty for rape is up to five years, with "reform through labour"; up to 10 years if the assailant "commits a grave offence"; and life imprisonment or the death penalty if it is an "extremely grave" case. Only a few men have been convicted of rape according to government data.⁸⁶ Escapees have reported that many women in the country have been subjected to sexual assault and rape, particularly by men in positions of authority who act with total impunity.

34. Other forms of sexual violence also appear prevalent in the country but are not perceived as a serious offence. Sexual harassment in the workplace is tolerated and is often not reported. Negative social perception of victim-survivors of sexual violence and victim-blaming narratives, such as the belief that women should be held responsible for failing to protect their bodies, have constrained women from reporting cases. One victim recounted that she was dismissed from her job after defending herself from an assault.⁸⁷ The Special Rapporteur is concerned about the pervasive beliefs that tolerate violence against women and girls. The Law on the Protection and Promotion of Women's Rights is a positive step in tackling violence against women, though is insufficient and not effectively implemented.⁸⁸ Impunity on cases of violence against women appears to be widespread. The Special Rapporteur considers this to be unacceptable and urges the Government to establish mechanisms that protect victim-survivors and, most importantly, to enact policies to prevent it. This requires addressing patriarchal root causes of gender-based violence, promoting women's awareness of their rights and engaging men as part of the solution to ending violence against women.

Women's rights in the informal markets (*jangmadang*)

35. *Jangmadang*, which emerged during the 1990s, are informal markets, organized as an adaptation strategy, where "low-level entrepreneurs sell food and consumer goods, with vendors paying bribes to security officials in exchange for the ability to operate".⁸⁹ Interactions between low-level entrepreneurs and the State are limited to payments vendors make to local state officials. In 2014, the Government attempted reforms to legalize some market activities and to allow business enterprises to engage in economic activities more autonomously. However, inadequate legal and economic reforms have created an "uncertain legal environment", where people engaging in low-level market activities, the majority of whom are women, are exposed to corruption, abuse and sexual exploitation.⁹⁰

36. The Special Rapporteur would like to note that *jangmadang* markets have changed the economic and social landscape of the country.⁹¹ With the emergence of these informal markets, women in the Democratic People's Republic of Korea have developed opportunities to work, earn income and become the primary breadwinners for their families. According to surveys conducted with escapees, roughly 70 to 80 per cent of the country's population is dependent on these markets for daily necessities, including food, and 10 per cent of the

⁸⁴ Human Rights Watch, "You Cry at Night but Don't Know Why", p. 35.

⁸⁵ CEDAW/C/PRK/2-4, para. 25.

⁸⁶ CEDAW/C/PRK/Q/2-4/Add.1, para. 48.

⁸⁷ See Korea Institute for National Reunification, *White Paper 2021*.

⁸⁸ Submission by Database Centre for North Korean Human Rights, p. 1.

⁸⁹ Justin Hastings, Daniel Wertz and Andrew Yeo, "Market activities and the building blocks of civil society in North Korea", National Committee for North Korea, Washington, D.C., 2021.

⁹⁰ See OHCHR, "The price is rights: the violation of the right to an adequate standard of living in the Democratic People's Republic of Korea" (2019).

⁹¹ With the increase of individual economic activities, a new class of "money master" (*donju*) has emerged, whose presence is challenging the traditional social class structure.

population is solely dedicated to working in these marketplaces. Before the pandemic, it was estimated that women contributed to more than 70 per cent of household incomes,⁹² that women constituted a “sizeable majority of vendors” and that roughly “three-quarters of North Korea’s market traders” were women.⁹³ According to civil society organizations, this new role for women has given them “stronger voices at home, increased their decision-making power about finances and children’s education and improved their access to information about issues inside and outside” the country.⁹⁴ Women’s market participation has also led to more financial independence for women within the household. The Special Rapporteur has received information that suggests that this newly found financial autonomy for women has resulted in improvements in power relationships with their husbands and has reduced levels of domestic violence.⁹⁵

37. Nevertheless, the Special Rapporteur would like to note that despite women’s newfound role as breadwinners in the family, they have faced new situations of human rights violations. Due to their work in *jangmadang*, women have become “a target of regime control and corruption”.⁹⁶ This includes the risk of arrest and detention associated with their roles as vendors and the bribes they have had to pay to state officials. Additionally, women traders have been more vulnerable to sexual exploitation, with guards and local officials demanding bribes in the “form of coerced sexual acts or intercourse”.⁹⁷ Should they resist, women lose “access to prime trading locations,” face “more physical or sexual violence” or are under “increased scrutiny while conducting market activities”.⁹⁸ The Special Rapporteur is extremely concerned about these rights violations that women traders face and calls on the Democratic People’s Republic of Korea to acknowledge the contribution made by these women and to provide them with protection.

38. The Special Rapporteur notes that, despite women’s economic engagement in *jangmadang*, they have had to continue their traditional roles as housewives as a result of patriarchal norms. This has placed an additional burden on women. Furthermore, women are excluded from official positions of work and their economic participation “paradoxically reinforces the perception that women do not need education or skills”.⁹⁹ Since onset of the COVID-19 pandemic, there has been a dramatic decline in market activity in the Democratic People’s Republic of Korea. The Special Rapporteur notes that the State may be using extreme COVID-19 related measures to crack down on the markets and assert more control. The Special Rapporteur is equally concerned that market activities, which many women rely upon for income, were greatly reduced owing to border closures and increased restrictions on freedom of movement. She expresses regret that the Government is strengthening control over private economic activities under the mantle of “anti-socialist behaviour”, further restricting the only viable source of income that many families rely on. Reportedly, the Government is also forcing workers to remain at their officially designated workplaces, regardless of whether there is enough work or if they can pay the workers. With no alternative source of income and no payment from government-assigned jobs, many families are likely to fall into malnutrition, starvation and poverty.

39. The Special Rapporteur is concerned that the decline in women’s participation in economic activities in *jangmadang* will not only impact their livelihoods but may also result in increased domestic violence and mistreatment in families. The Democratic People’s Republic of Korea has agreed to undertake a wide range of measures aimed at ensuring women’s equal access to the labour market and securing their equal opportunity and

⁹² Ju-min Park, “In North Korea, men call the shots, women make the money”, *Reuters*, 25 May 2015.

⁹³ See Hastings and others, “Market activities”.

⁹⁴ Human Rights Watch, “Submission on rights of women and girls in North Korea for the report of the Special Rapporteur to the fifty-second session of the Human Rights Council in March 2023”, 21 December 2022.

⁹⁵ Submission by People for Successful COrean REunification, 2022.

⁹⁶ Bronwen Dalton, Kyungja Jung and Jacqueline Willis, “Fashion and the Social Construction of Femininity in North Korea”, *Asian Studies Review*, vol. 41, No. 4, p. 515.

⁹⁷ Human Rights Watch, “*You Cry at Night but Don’t Know Why*”.

⁹⁸ *Ibid.*

⁹⁹ Citizens’ Alliance for North Korean Human Rights, “*They Only Claim that Things Have Changed*”, p. 21.

conditions as employees, including equal remuneration, social security and health safety.¹⁰⁰ Additionally, international treaties ratified by the State call for special protection and the social and economic inclusion of women facing exclusion and vulnerability, as is often the case with rural women.

V. Conclusion

40. The Special Rapporteur has received information that discrimination against women and girls continues in the Democratic People's Republic of Korea, despite what is being reported by the Government, as detailed in the present report. Widespread gender stereotypes in the country are the root cause of discrimination against women. According to accounts from escapees, women are called "flowers", and their appearance, clothes, hairstyles and even make-up are subject to the control of the State. These gender stereotypes are manifested in various facets of social life, where violence against women is not treated as a serious crime and sexual violence and harassment is stigmatized, precluding redress for victims. The Democratic People's Republic of Korea is required to address widespread gender stereotypes, uphold gender equality and protect women and girls from violence, including by providing them with recourse to affordable, accessible and timely remedies and legal assistance in pursuing justice for domestic and other forms of gender-based violence.¹⁰¹

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

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

¹⁰⁰ Convention on the Elimination of All Forms of Discrimination against Women, art. 11; Committee on the Elimination of Discrimination against Women, general recommendation No. 5 (1988) and general recommendation No. 25 (2004).

¹⁰¹ Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 34.

Peninsula, and she plans to report further on these issues to the General Assembly at its seventy-eighth session.

VI. Recommendations

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

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

(b) Adopt an integral approach to address the situation of trafficking, which impacts women and girls, including addressing the root causes of trafficking;

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

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

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

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

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

(h) Initiate a process of dialogue with the Special Rapporteur and special procedure mandate holders, such as the Special Rapporteur on violence against women and girls, and invite them to carry out official country visits;

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

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

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

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

(a) Strengthen its efforts to support the mental health of escapees and community groups, to facilitate women and girls' physical and psychological recovery and social integration into society and to raise awareness and appreciation of the situation of escapees among the people in the Republic of Korea, particularly among the younger generation;

(b) Develop concrete plans to integrate human rights, including the human rights of women and girls, into negotiations with the Democratic People's Republic of Korea;

(c) Continue to engage with the Democratic People's Republic of Korea to resume reunions of separated families, including the second cycle of separated families, taking into consideration the risk of possible reprisals against escapees' families in the Democratic People's Republic of Korea;

(d) Engage with civil society organizations, with a view to enabling victims, families, escapees and civil society organizations to continue their efforts on fighting impunity and supporting peacebuilding and access to information.

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

46. The Special Rapporteur recommends that Member States:

(a) Use any available opportunity for dialogue with the Democratic People's Republic of Korea to create an environment conducive to advancing peace and security in the region and to seek progress with respect to the situation of human rights in the country;

(b) Continue to provide support to the efforts of civil society actors, in particular those who promote women's rights, to address the situation of human rights in the Democratic People's Republic of Korea.

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

(a) The High Commissioner for Human Rights should prioritize the human rights situation in the Democratic People's Republic of Korea and build momentum to engage with the Democratic People's Republic of Korea through creative approaches;

(b) The Secretary-General and the Office of the High Commissioner for Human Rights should continue to explore and support technical cooperation activities on human rights with the Democratic People's Republic of Korea;

(c) The Secretary-General should revitalize the efforts of the United Nations to engage with the Democratic People's Republic of Korea, building on the 2017 visit by the then Under-Secretary-General for Political and Peacekeeping Affairs, with the aim of facilitating diplomatic solutions to security concerns in the region.
