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**NORTH KOREA'S POLITICAL PRISONERS:
THE GENDER DIMENSION¹**

My remarks will concentrate on the most vulnerable women in North Korean society, those imprisoned in political penal labor camps (*kwan-li-so*), long term prison labor facilities (*kyo-hwa-so*), and in police interrogation and detention centers on the China-North Korea border.

The Commission of Inquiry will have to consider whether these women have been subject to widespread practices that punish, degrade, violate, intimidate and humiliate them while in custody. It must also consider whether the forced abortions carried out against pregnant women forcibly returned to North Korea from China and held in detention facilities constitute state sponsored sexual violence and whether the reported killings of their babies constitute state sponsored infanticide and racially motivated murder.

From the study of the testimonies of former women prisoners collected over the years by the Committee for Human Rights in North Korea (HRNK), most notably contained in David Hawk's *The Hidden Gulag*, as well as in the White Papers and prison reports of the Data Base Center for North Korean Human Rights (NKDB), the Korea Institute for National Unification (KINU), the National Human Rights Commission of Korea, the Citizens' Alliance and other reputable institutions² -- it becomes clear that these practices are not individual or random instances of gender based violence. The accounts of abuse span a period of more than 40 years, from 1970 to 2010 and more recently, and encompass the longer term camps and facilities as well as the police interrogation and detention centers.

¹ Special appreciation to Amanda Mortwedt Oh of the Committee for Human Rights in North Korea for her research assistance.

² See David Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps*, Committee for Human Rights in North Korea, 2003; and *The Hidden Gulag: The Lives and Voices of 'Those Who are Sent to the Mountains,'* Committee for Human Rights in North Korea, 2012 [henceforth *The Hidden Gulag*, 2d edition], p. 34; Lee Hae-young, *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China*, Committee for Human Rights in North Korea, 2009; Database Center for North Korean Human Rights (NKDB), *White Paper on North Korean Human Rights 2011, White Paper 2012, and Political Prison Camps in North Korea Today*, 2011; Cho et al., *White Paper on Human Rights in North Korea 2013*, Korea Institute for National Unification (KINU), 2013; Citizens' Alliance for North Korean Human Rights (NKHR), *The Battered Wheel of the Revolution*, Briefing Report No. 6 on the Situation of Violence against North Korean Women, February 2011; and National Human Rights Commission of Korea, *Survey Report on Political Prisoners' Camps in North Korea*, 2009, and *2012 Compilation of North Korean Human Rights Violations*, 2012.

Although we do not know how many women and girls are imprisoned in all these facilities, the testimonies reveal the following:

- Repeated sexual violence against incarcerated women: nearly half of the 230 North Korean refugees interviewed by a KINU survey in 2011 reported that sexual violence against women in detention facilities is common; 23 percent described it as very common.³ In *The Hidden Gulag*, 2d edition, for which 60 former prisoners and prison guards were interviewed, a majority of the 19 female former prisoners and several male former prisoners gave testimony of sexual violence against women prisoners.⁴ The majority of the rapes and sexual assaults are reported to take place in short-term interrogation, detention and labor training facilities run by state security or police. But sexual violence also occurs in longer term facilities. The guards are reportedly all men and although sexual relations between guards and prisoners are forbidden, rapes are reported, and there is a great deal of sexual exploitation. Given the starvation rations and harsh forced labor conditions in these facilities, guards offer additional food or less arduous work in exchange for sexual favors. In *Escape from Camp 14*, Shin Dong-hyuk described his mother having sex with a prison guard while cleaning the guard's living quarters.⁵ These sexual acts between prison guards and women prisoners are so inherently coercive, David Hawk points out, that contemporary international human rights law considers them to constitute rape.⁶
- Stringent punishment for pregnant women: when women prisoners become pregnant, even though they may be the victims of assault, they are harshly punished. Often the pregnant women are reported to be taken away and not seen again, presumed to be killed. Or they undergo forced abortion and are given longer sentences.⁷
 - A small number of women prisoners at least at Camp No. 14 are allowed to become pregnant. They are selected by the guards as model prisoners and rewarded with sex. They then mate with handpicked male prisoners -- similarly selected by the guards -- and can have sexual relations a prescribed number of times a year. Whether the women involved want to become pregnant in a prison labor camp with starvation food rations and little or no medical care remains an unanswered question.
 - When children are born of such unions, the parents must accept that their children's allegiance will be to the prison guards. According to *The Hidden Gulag*, "The children are indoctrinated to inform on other prisoners, even their

³ Cho et al., *White Paper on Human Rights 2013*, KINU, pp. 399-400; and Kim et al., *White Paper on Human Rights 2012*, KINU, 2012, p. 416. See also NKDB, *Political Prison Camps in North Korea Today*, 2011, pp. 488-496; and National Human Rights Commission of Korea, *Survey Report on Political Prisoners' Camps*, pp. 184-186.

⁴ Hawk, *The Hidden Gulag*, 2d edition.

⁵ Blaine Harden, *Escape from Camp 14: One Man's Remarkable Odyssey from North Korea to Freedom in the West*, Penguin, 2012, p. 19.

⁶ Hawk, *The Hidden Gulag*, 2d edition, p. 34.

⁷ *Ibid.*, p. 68.

parents.”⁸ The children stay with their mothers for a number of years but do not live with their fathers and mothers together. The entire concept of traditional family life and the rights of parents and children are profoundly violated. In one former camp, No. 18, prisoners were allowed to select their own partners and live together as a family. At the same time, if family members violate camp rules, a child can be subject to punishment, including torture.

- In the police interrogation and detention facilities along the border with China, some of the most brutal treatment against women can be found and appears to be systematic. To begin with, women forcibly returned to North Korea routinely undergo intrusive and degrading body searches, sometimes by male security agents, to check for hidden money they may have earned in China and hidden in their vaginas and rectal cavities. Some suffer pain and physical consequences from the rough treatment.⁹ The women are also stripped of their clothing, their arms tied behind their backs and forced to squat, stand up, and jump around repeatedly sometimes until they can't any more at which point they are beaten or lose consciousness. Not only does this constitute inhuman and degrading treatment and punishment; the Korean Bar Association describes it as a form of “sexual torture.”¹⁰
- Forced abortions: many if not most of the women forcibly returned who have been impregnated by Chinese men are subject to sexual violence in the form of forced abortions. A 2012 NKDB *White Paper* documented 273 forced abortions,¹¹ including 147 in North Hamgyong Province and 58 in North Pyongan Province, mostly in police and detention facilities.¹² The most recent forced abortion recounted was in a police facility in 2010.¹³ David Hawk interviewed 17 former prisoners who provided testimony on more than 60 instances of forced abortion or infanticide between 1998 and 2004 occurring at five different kinds of detention and labor training facilities operated by two different police forces (the regular police and the political police).¹⁴ While Hawk's report, *The Hidden Gulag* also reports forced abortions and infanticide in the longer term political penal labor camps, most information refers to the detention facilities in the border areas where racially motivated abortions are frequent, have been practiced for up to 20 years and where a “well-delineated, well-honed and carefully coordinated system operates in

⁸ Ibid., p. 34.

⁹ See Prepared Statement of Jinhye Jo, *Hearing before the Congressional-Executive Commission on China*, Washington, DC, March 5, 2012, pp. 40-1; and NKDB *White Paper on North Korean Human Rights 2011*, p. 255.

¹⁰ Kim Tae-hoon, “Human rights for the socially marginalized class,” *White Paper on Human Rights in North Korea*, Korean Bar Association, Seoul, p. 431.

¹¹ NKDB, *White Paper on North Korean Human Rights 2012*, p. 306.

¹² NKDB, *White Paper on North Korean Human Rights 2011*, pp. 432-437. Some 138 were perpetrated from 2000 to 2005 and some 60 from 2006-2010. A 2011 NKDB survey of some 460 North Korean women who made their way to the South in 2010 and 2011 found that 40 had witnessed the practice, 18 had been directly subjected to forced abortion, and 135 had heard accounts of it. See Lee Ja-Eun of NKDB, “The Current Human Rights Situation of North Korean Women,” paper presented at Johns Hopkins SAIS, Washington, DC, November 15, 2011, pp. 8-9, cited in Hawk, *The Hidden Gulag* 2d edition, p. 167.

¹³ Lee Ja-Eun, *ibid.*

¹⁴ Hawk, *The Hidden Gulag*, 2d edition, p. 167.

the same way in multiple locations.”¹⁵ Sometimes, women are injected with a substance that either kills the fetus before delivery or induces delivery. Prisoners also report having seen guards kick the belly of a pregnant woman or jump on her to induce abortion.¹⁶ The abortions are generally accompanied by racial slurs against half Chinese babies. Such systematic practices in a system such as North Korea’s could not be carried out without the approval and direction of higher authorities.

- Infanticide: when it is too late for an abortion, the women or other women prisoners assigned to assist are forced to kill the newborn infant by suffocation or drowning or the guards themselves kill the infant. David Hawk collected information about racially motivated infanticide that took place in two large port cities – Sinuiju and Chongjin on the west and east coasts, and in Onsong.¹⁷ NKDB has 48 cases of reported infanticide through 2008, the majority of the cases since 2000.¹⁸
 - Not every repatriated pregnant woman is subject to forced abortion and infanticide. In the HRNK report, *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China*, by Lee Hae-young, a woman forcibly returned from China who was pregnant reported that she was forced to do “hard labor” in a labor training camp where she said detainees were frequently beaten.¹⁹ There are other instances where a bribe can avert a forced abortion, and in a few rare cases there are reports of police officials who don’t want to carry out forced abortions. It should be noted that North Korea’s penal code defers sentences of detention in the case of pregnancy but this provision does not appear to apply to women who become pregnant *outside* North Korea by foreigners. They seem to be beyond the law. Forced abortions in their case appear to be a systematic pattern of state persecution and violence directed against a particular group of women considered to have betrayed their country by leaving without permission and by having sexual relations with foreign men considered to be racially impure. Indeed, reluctance to feed the children of Chinese fathers when North Koreans suffer food shortages has sometimes rationalized the killing of the offspring.
 - Immediately after forced abortions, many of the women continue to be maltreated. Former prisoners report that the women receive little or no medical care and some are forced to perform hard labor the next day.²⁰

Overall, there ought to be an inquiry into how pregnant women fare in North Korea’s prison camps and detention facilities. The North Korean government’s Women’s Rights Act of 2010

¹⁵ Ibid., pp. 164-5.

¹⁶ NKDB, *White Paper on North Korean Human Rights 2012*, pp. 108-9, 307; see also KINU 2011 survey, in Cho et al., *White Paper on Human Rights in North Korea 2013*, p. 411, and Hawk, *The Hidden Gulag*, 2d edition, pp. 95, 153.

¹⁷ Hawk, *The Hidden Gulag 2003*, p. 59.

¹⁸ NKDB, *White Paper on North Korean Human Rights 2012*, p. 108.

¹⁹ Lee Hae-young, *Lives for Sale*, p. 47.

²⁰ Hawk, *The Hidden Gulag*, 2d edition, p. 130; and Hawk, *The Hidden Gulag 2003*, pp. 65-6.

contains provisions that protect pregnant women,²¹ but evidently these do not apply to women when they are in custody. Among the questions to ask would be: how many imprisoned women have been killed because they became pregnant in prison camps? How many women already pregnant have been subjected to forced abortions and beatings in detention facilities? How many have had their sentences lengthened because of pregnancy? How many pregnant women prisoners have been forced to do hard labor?

Government attitudes and priorities have a lot to do with how pregnant women are treated both inside and outside of the prisons. In the country at large, many pregnant women are reported to suffer from acute malnutrition and anemia while the government devotes its main resources and attention to its 'military first' policy.²² There are high maternal mortality rates, which can also be linked to poor government policies, priorities and practices.²³

Let us turn now to three broader issues that have impact on the incarceration and brutal treatment of North Korean women who try to leave the country.

The first is the criminalization by North Korea of the right to leave. Its penal code makes it an offense to depart without authorization. If North Koreans are caught trying to leave or are forcibly returned, they know they will be punished. Most who cross the border today into China without permission are reported to be women although the figure can fluctuate.²⁴ But when it comes to North Koreans who succeed in entering South Korea today – up to 62 percent or more – are women.²⁵ Indeed, women reportedly accounted for 76 percent in 2010.²⁶ Thus, it is likely that of those arrested and detained for unauthorized departure, many will be women. Some will certainly be pregnant since a substantial number of women who leave (nearly half according to some surveys²⁷) become victims of trafficking and rapes. The trafficking sometimes begins in North Korea where brokers and 'new acquaintances' often deceive women into thinking that legitimate jobs or husbands they can choose await them in China.²⁸ The HRNK report *Lives for*

²¹ Women's Rights Act, December 22, 2010, Arts. 29, 33, 34, 50, 51. See also Citizen's Alliance for North Korean Human Rights, *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK*, Chapter VII, DPRK's Women's Rights Act with Commentary, May 2013.

²² See UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the DPRK*, Vitit Muntarbhorn, UN Doc. A/64/224, August 4, 2009, para. 43. See also World Food Program, *Food and Nutrition Security in the Democratic People's Republic of Korea*, 2013, p. 22 -- "Approximately 31 percent of mothers were found to have anaemia in 2012, a slight improvement from the 35 percent of women of reproductive age in 2004," at http://www.wfp.org/sites/default/files/DPRK_draft_FINAL%201%20October%202013.pdf

²³ North Korea's maternal mortality rate is reported to be 81 deaths per 100,000 (83 ranking of 184 countries) compared to South Korea's 16 per 100,000 (144 of 184). See The World Bank Data Catalog, Maternal Mortality Ratio, at <http://data.worldbank.org/indicator/SH.STA.MMRT>

²⁴ Stephan Haggard and Marcus Noland, *Witness to Transformation: Refugee Insights into North Korea*, Peterson Institute for International Economics, January 2011, pp. 20-1.

²⁵ Ku Hyeon-ja, NKDB, cited in HRNK conference report, *The Hidden Gulag Second Edition: Dismantling North Korea's Prison Camp System – Conference Highlights and Post-Conference Recommendations*, Committee for Human Rights in North Korea, April 10, 2012, p. 14.

²⁶ International Crisis Group, *Strangers at Home*, No. 208, July 14, 2011, p. 3.

²⁷ 47.6 percent of North Korean female defectors surveyed were reported to have experienced human trafficking and rapes, see, HRNK conference report, *The Hidden Gulag Second Edition: Dismantling North Korea's Prison Camp System*, p. 46.

²⁸ See, for example, Lee Hae-young, *Lives for Sale*, pp. 28-31.

Sale reports some women being drugged in North Korea before departure only to wake up trafficked in China.²⁹

Second, the collusion between North Korea and China compounds the likelihood that women and girls will be arrested, detained, ill-treated and tortured. Although this Commission of Inquiry's mandate pertains to North Korea alone, the Protocol signed between China and North Korea in 1986 and an even earlier one in 1964 provide for *cooperation* in "preventing the illegal border crossing of residents."³⁰ Although it is in violation of international refugee law to do so, the security forces of the two countries closely collaborate to avert North Korean requests for asylum. China refuses to allow UNHCR access to the border to screen those who cross. North Korean security agents are allowed to hunt down North Korean crossers inside China, while China provides information to North Korea about the North Koreans it arrests. There are ever increasing barbed wire fences at the border, especially on the Chinese side. China is complicit in North Korea's policies and practices.

Of the women forcibly returned, the harshest punishment is given to those who become impregnated by Chinese men or who seek to go to South Korea or who participate in Christian services in China. Both China and North Korea's disrespect of family in these cases is evident in the fact that women who try to join members of their family in South Korea receive particularly harsh punishment on return as do those who become pregnant and have families in China.

That China is aware of its obligations under refugee law is beyond doubt. It is a member of the Executive Committee of the UN High Commissioner for Refugees (UNHCR) and works with UNHCR to try to meet its obligations in the case of *other* refugee populations. In the case of North Koreans, China insists that they are illegal economic migrants to be deported, but UNHCR has deemed North Koreans in China to be "persons of concern," has objected to their forced repatriation and has requested access to North Koreans at the border. Further, the United Nations General Assembly has expressed "serious concern" at the return of North Koreans to their country where they face punishment and has called upon "all states" (China in particular intended) to respect the principle of *non-refoulement*. And the UN Committee against Torture, the UN Committee on the Rights of the Child, and the UN Committee on the Elimination of Discrimination against Women have all called upon China by name to extend protection to North Koreans, in particular women and children and to cease the arrest and repatriation of persons who could be subject to persecution and torture on return.³¹

The Committee for Human Rights in North Korea considers North Koreans in China to be '*refugees sur place*.' They may not all have been refugees when they crossed the border, but given North Korea's penal code and practices, they now have a well-founded fear of persecution upon return.

²⁹ *Ibid.*, Cases 2 and 3, pp. 28-29.

³⁰ Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas, 1986, Article 4.

³¹ Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," *Life and Human Rights in North Korea*, Vol. 57, Citizens' Alliance for North Korean Human Rights, Fall 2010. See also UN Committee for the Rights of the Child, Concluding Observations on the combined third and fourth periodic reports on China, UN Doc. CRC/C/CHN/CO/3-4, October 4, 2013.

Finally, it must be acknowledged that the treatment of North Korean women in detention mirrors in some respects the lack of protection women enjoy against gender based violence in North Korea's society at large. UN Special Rapporteur Marzuki Darusman has pointed to the absence of complaint and accountability mechanisms for women's protection, in particular against sexual harassment and domestic violence, and an unwillingness or inability to punish most perpetrators.³² When it comes to women held in detention, there are no minimum standards in North Korea for their treatment. Indeed, when North Korea underwent the UN's Universal Periodic Review of its human rights record in 2009, it rejected out of hand the recommendations that it should "protect women from torture and abuse in detention facilities," keep female prisoners separate from men, "guarded by female guards," and not apply the death penalty to pregnant women.³³ This makes it all the more critical for the Commission of Inquiry to shed light on areas that North Korea seeks to keep in darkness and isolated from public view. I urge the Commission to spotlight the gender dimension of imprisonment in its final report.

Thank you.

³² See UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the DPRK*, Marzuki Darusman, UN Doc. A/66/322, August 24, 2011, paras. 52-59, 62.

³³ Report of the UN Working Group on the Universal Periodic Review, UN Doc. A/HRC/13/13, January 4, 2010, para. 91 (nos. 20, 28). At the UPR, North Korea received 167 recommendations from member states to improve its human rights record. It rejected 50 out of hand and indicated it would examine 117 others; in the end, it failed to accept or implement any.