

## Jubilee Campaign



### **Written Contribution for Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), Tomás Ojea Quintana, for his upcoming report to the 46<sup>th</sup> Human Rights Council session in March 2021.**

#### **I. Introduction**

This contribution seeks to raise the conditions faced by North Korean women in the Democratic People's Republic of Korea [North Korea] as well as in the People's Republic of China and the Republic of Korea [South Korea]. It is reprehensible that seven years after the Commission of Inquiry's official investigative report on the situation of human rights in North Korea, little to no improvements whatsoever have been made, particularly in regards to women's rights and protection mechanisms. This written contribution will raise specific statements from the COI 2014 report and address how such issues remain major social problems in the DPRK in 2021 by offering recent and relevant statistics, surveys, and qualitative data from defectors.

#### **II. The Status of North Korean Women in the Democratic People's Republic of Korea [North Korea]**

*"Repatriated women are further subjected to inhuman and degrading treatment by guards at detention facilities. Many reported being spoken to in a derogatory manner and others subjected to deliberately humiliating treatment." [422]<sup>1</sup>*

Attempting to escape the Democratic People's Republic of Korea or to cross its border without explicit permission is a major criminal offense and individuals that are captured and/or returned from other nations face severe punishment. In its July 2020 report "*I Still Feel the Pain...*", the United Nations Office of the High Commissioner for Human Rights [OHCHR] reveals that the most common and most egregious human rights violations waged against North Korean women upon being forcibly returned or captured during escape include forced abortions and sterilizations, infanticide, physical and sexual abuse and assault, starvation and malnutrition, torture and cruel punishment, forced labor, and unhygienic living conditions.<sup>2</sup> Similarly, The Committee for Human Rights in North Korea [HRNK] revealed in its May 2019 report to the UN Universal Periodic Review that, out of 1,000 surveyed former women prisoners at Camp No. 12, a total of 800 reported that they were forcibly repatriated from China and were subsequently forced to participate in "hard labor and ideological training" in North Korean prison.<sup>3</sup> In May 2020, the Special

<sup>1</sup> Human Rights Council Twenty-fifth session, *Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea*, A/HRC/25/CRP.1, 7 February 2014.

<sup>2</sup> United Nations Office of the 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*, 28 July 2020.

<sup>3</sup> The Committee for Human Rights in North Korea [HRNK], *Universal Periodic Review*, 4 October 2018.

Rapporteur on the situation of human rights in the Democratic People's Republic of Korea explained that in 2019, of the 636 North Korean defector women who arrived in a safe third country, 27% had been detained at least once prior to their escape from North Korea.<sup>4</sup>

*"The Commission finds that there is a widespread prevalence of forced abortion and infanticide against repatriated mothers and their children, in contravention of domestic and international laws." [424]<sup>5</sup>*

*"Repatriated women who are pregnant are regularly forced to undergo an abortion, a practice that is driven by racist attitudes towards persons from China, and to inflict punishment on women who have committed a serious offence by leaving the country." [489]<sup>6</sup>*

Pregnant North Korean women who are forcibly repatriated face horrific abuse. Despite that the government of North Korea claims to protect and preserve the rights of pregnant women through its Law on the Protection of the Rights of Women, security is not provided to women who are repatriated. Testimonies from myriad North Korean defector women reveal that this was a common form of punishment:

*"I suffered no violence but the other woman had become pregnant in [another country] so the guards knew that her baby had [mixed race] blood. This was an issue as the local laws prevented any North Korean woman from giving birth to a mixed race baby. The doctor at the MPS center told her to get an abortion despite the fact that she wanted to keep the baby. She was eventually forced to have an abortion and sent to a *kyohwaso* [prison camp]."*<sup>7</sup>

Many defector women reported that they mistakenly believed they would receive better treatment due to their pregnancies, but some revealed they were kicked repeatedly in order to induce miscarriages. One woman explained that was witnessed another defector woman being instructed to fall on her hips in order to induce a miscarriage.<sup>8</sup> When she attempted to do so and her pregnancy was unchanged, she was escorted out of the detention center and administered an injection that would make her miscarry. The injection also did not work, however, and the woman gave birth to her child, after which the newborn infant was confiscated by prison officials. The mother did not receive any subsequent medical treatment and passed away, and it is assumed that the baby died as well due to the DPRK's reputation of permitting forced infanticide.

With regards to the practice of forced abortion and infanticide on North Korean defector women and their newborn children, COVID-19 has drastically altered the nations' current practices. Due to the looming threat of COVID-19, North Korea has taken more extreme measures to seal its border. While this is potentially harmful to women who are desperate to escape the authoritarian regime, it has essentially protected the lives of pregnant women and their unborn children who have defected and would have otherwise been repatriated if there was no global pandemic. Some 20 individuals, including one pregnant woman, are imprisoned in third countries and would have been repatriated to North Korea under "normal" circumstances. The family of this woman are reported to be thankful for the current situation because the

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<sup>4</sup> United Nations Human Rights Council Forty-third session, Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Situation of human rights in the Democratic People's Republic of Korea, [A/HRC/43/58](#), 1 May 2020.

<sup>5</sup> [A/HRC/25/CRP.1](#), *supra* note 1.

<sup>6</sup> [A/HRC/25/CRP.1](#), *supra* note 1.

<sup>7</sup> "I still feel the pain...", *supra* note 2.

<sup>8</sup> *ibid.*

woman and her unborn child have been spared from being forcibly returned to North Korea and likely undergoing forced abortion or infanticide.<sup>9</sup>

*"In 2011, a woman from Ryanggang Province narrowly escaped arrest by KPA Military Security after a fellow believer gave away her name under torture. She and other witnesses also informed the Commission of how people who were caught in the possession of Bibles were tortured during interrogation and in some cases executed afterwards." [257]<sup>10</sup>*

Women with religious affiliations or who attended church or religious services outside of North Korea reportedly face additional hardship according to the testimonies of former defector women. One woman who was detained in 2015 explained, "I was beaten with a club by a preliminary officer and was kicked by the officer. The treatment was particularly harsh at the Ministry of State Security. If one is found to have gone to a South Korean church while staying in China, they are dead."<sup>11</sup>

One North Korean defector, referred to by her initials H.Y., reveals that she escaped North Korea so that she could freely practice her faith. While she was temporarily in prison in the DPRK, she was forced to give up her faith in order to survive.<sup>12</sup> In a recent interview with Open Doors, another Christian defector woman revealed how she escaped to China, became a Christian, and suffered for her faith upon being repatriated to North Korea. Using a pseudonym for protection, Prisoner 42 explained that once she was forcibly returned to North Korea, prison guards shaved her head, stripped her naked, and placed her in solitary confinement. Every morning, when she was called for breakfast, she left her room through a doggy door flap, and was told that she was prohibited from making eye contact with the prison officials. She remembered being interrogated with questions such as "Why were you in China?", "Did you go to church?", "Did you have a Bible?", and "Are you a Christian?" In order to live and escape even more tremendous torture, Prisoner 42 was forced to lie that she was not Christian. She wrote the following while she was imprisoned: "Am I a Christian? Yes. I love Jesus, But I deny it. If I admit that I was helped by Chinese Christians, I will be killed, either quickly or slowly. They will murder me in this North Korean prison. Every day, I'm beaten and kicked - it hurts the most when they hit my ears."<sup>13</sup>

In October 2020, Korea Future Initiative released a new report, *Persecuting Faith: Documenting religious freedom violations in North Korea*, in which they reveal through defector interview responses the abuse that religious prisoners – including women – face in North Korean prison camps:

"In another case, a respondent explained to investigators how they were forced to undergo an abortion following a ruling that pregnant women could not be tried at court. The respondent had been refouled from China and was detained after being suspected of attending a church. Three named MPS officers escorted the respondent to Kyongwon County Hospital. The respondent was handcuffed and injected by a named doctor. The respondent underwent an induced abortion the following day after 21-weeks of pregnancy. The infant's head was injected and the body placed

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<sup>9</sup> Jong So Yong, "N. Korea refuses repatriation of defectors imprisoned in Dandong", *Daily NK*, 4 March 2020.

<sup>10</sup> A/HRC/25/CRP.1, *supra* note 1.

<sup>11</sup> "I still feel the pain..." , *supra* note 3.

<sup>12</sup> South China Morning Post, "North Korean Christians keep faith in underground churches to avoid persecution", 2 February 2019.

<sup>13</sup> Lindy Lowry, "Naked, Shaved and Stripped of Her Name – Life in a North Korean Prison", *Open Doors*, 7 February 2019.

Leah MarieAnn Klett, "North Korean woman imprisoned for faith shares how God sustained her amid horrific abuses", *Christian Post*, 16 February 2019.

into a plastic bag. Later, an MPS officer buried the body. The respondent was immediately removed from the hospital and was placed on trial three-days later."<sup>14</sup>

Some interviewed defectors reported witnessing the execution of three North Korean women convicted of practicing shamanism, as recently as 2018. Public executions of religious believers serve to disincentivize and threaten those who practice religion by showing them their likely fate. Religious prisoners, particularly women, are also repeatedly verbally assaulted by prison officials who call them 'Christian bitches' in order to "dehumanize victims and to criticise their faith."<sup>15</sup>

*"Witness testimony reve[a]ls that domestic violence is rife within DPRK society, and victims are not afforded protection from the state, support services or recourse to justice." [317]<sup>16</sup>*

Domestic and intimate partner violence still remains a major form of violence against North Korean women. Though North Korea has prohibited domestic violence through its incorporation of Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) provisions into domestic legislation, it remains a common and even normalized occurrence. The government of North Korea, however, has made repeated claims that "domestic violence is not a social problem in the DPRK."<sup>17</sup> While conceding that "some families...tend to resolve in a violent matter conflicts or problems," such domestic violence continues to be downplayed as being resolved amicably with the "help of advice and persuasion of neighbours, colleagues, and relatives."<sup>18</sup> Any domestic violence prevention is classified as "domestic dispute" prevention, which effectively downplays the seriousness of this form of abuse that primarily impacts women.

An April 2017 research study from the Journal of Interpersonal Violence reveals just how pervasive intimate partner violence (IPV) is in North Korean society by comparing statistics with rates of domestic violence in South Korea. The study found that, in a survey of North Korean refugee men, 14.8% reported engaging in various forms of physical domestic violence against their female partners, including pushing and shoving, throwing objects, choking, using a knife or gun on her, and physically beating her.

"The rate of minor IPV against women among North Korean refugees was 56.1%, which was almost five times higher than that of South Koreans (9.6%). Moreover, 21.4% of North Korean refugees reported that they had perpetrated some type of severe violence toward their female partner, which was almost 13 times higher than that of South Koreans (1.6%); this revealed that IPV against women was much more widespread among North Korean refugees."<sup>19</sup>

Human Rights Watch's 2018 report *You Cry at Night but Don't Know Why* interestingly reveals that the concept of 'domestic violence' has no Korean language equivalent – they simply refer to it as "men who hit their women", and it is a common occurrence despite North Korea's 2010 Law on the Protection and Promotion of the Rights of Women.<sup>20</sup>

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<sup>14</sup> Korea Future Initiative, *Persecuting Faith: Documenting religious freedom violations in North Korea, Volume 1*, October 2020.

<sup>15</sup> *ibid.*

<sup>16</sup> *A/HRC/25/CRP.1, supra note 1.*

<sup>17</sup> Convention on the Elimination of Discrimination against Women, *Replies of the Democratic People's Republic of Korea, CEDAW/C/PRK/Q/2-4/Add. 1*, 16 June 2017.

<sup>18</sup> *ibid.*

<sup>19</sup> Boyoung Nam, Wonjung Ryu, & Jae Yop Kim, "Intimate Partner Violence Against Women Among North Korean Refugees: A Comparison With South Koreans", *Journal of Interpersonal Violence*, April 2017, DOI: 10.1177/0886260517699949.

<sup>20</sup> Human Rights Watch, *"You Cry at Night but Don't Know Why": Sexual Violence against Women in North Korea*, 2018.

*"Witnesses have testified that violence against women is not limited to the home, and that it is common to see women being beaten and sexually assaulted in public.... As more women assume the responsibility for feeding their families due to the dire economic and food situation, more women are traversing through and lingering in public spaces, selling and transporting their goods." [318]<sup>21</sup>*

*"Sexual assaults of women within the military have become frequent." <sup>22</sup>*

Engagement in any sector of society places North Korean women at great risk for being subjected to sexual violence, particularly in prisons and detention centers, as well as in the trade industry. Human Rights Watch references statistics from the Korea Institute for National Unification (KINU), who revealed from surveys between 2010 and 2014 that, of the 1,125 North Korean defector respondents, male and female, 48.6% reported that rape and sexual harassment of women in North Korea is "common." Narrowing it down further, 37.7% reported that sexual harassment of North Korean women in prisons and detention center is "common", while 15.9% considered it "very common."<sup>23</sup> The most common forms of sexual violence that are perpetrated against women in detention facilities include humiliating treatment; invasive body searches; non-consensual groping of private parts; and, in many instances, rape. One survivor, Ms. Yoon Su Ryun, explains her experience:

"Now that I think about it ... they wear uniforms and have the law on their side, the way they treat women should not be like [sexual] toys. North Korea has the term 'rape' as well, but I didn't think what I experienced was a rape. Here, I came to learn that it was a rape. And it wasn't just me. I thought that's just what happens to female detainees."<sup>24</sup>

For North Korean defector women who are forcibly repatriated to North Korea, sexual violence is often accompanied by prison guards harshly interrogating them about their sexual activity in other countries, especially if they had been sold to husbands in China. This was the case of Kim Eun A, who revealed to Human Rights Watch that she was questioned about her sexual activity and simultaneously inappropriately groped by a police investigator and even her defense attorney; she later witnessed another female detainee experiencing the same treatment by prison guards. Nearly identical reports of sexual interrogation and sexual assault were reported by multiple other North Korean defector women.

Human Rights also addresses:

"While most of our interviewees left North Korea between 2011 and 2016, and many of the abuses date from a year or more before their departure, all available evidence suggests that the abuses and near-total impunity enjoyed by perpetrators continue to the present."<sup>25</sup>

### **III. The Status of North Korean Defector Women in the People's Republic of China**

*"The Commission estimates that a large percentage of women and girls who cross the border from the DPRK to China unaccompanied become victims of trafficking in persons, mainly for purposes of exploitation in forced marriage and forced concubinage." <sup>26</sup>*

<sup>21</sup> A/HRC/25/CRP.1, *supra* note 1.

<sup>22</sup> A/HRC/25/CRP.1, *supra* note 1.

<sup>23</sup> Human Rights Watch, *"You Cry at Night but Don't Know Why": Sexual Violence against Women in North Korea*, 2018.

<sup>24</sup> *ibid.*

<sup>25</sup> *ibid.*

<sup>26</sup> A/HRC/25/CRP.1, *supra* note 1.

*"Once in China, regardless of the terms on which the women went with the trafficker, they are forced into one of two options, to 'marry' a Chinese man or work in sex-related industries." [464]<sup>27</sup>*

*"Trafficked women and girls suffer severe violations of their human rights, as they are largely subjected to sexual, physical and mental violence, rape and confinement during and after trafficking." [470]<sup>28</sup>*

It is a continuous and concerning trend that North Korean women are trafficked into China for the purpose of being sold into marriages with Chinese men or forced into the sex industry. These traffickers often attempt to bribe or convince North Korean defector women that they will find them jobs and a stable life, but instead, they sell these women for extremely low prices into various exploitative sectors. Within the first year of leaving North Korea, defector women are often sold more than once and forced to partake in at least one form of sexual slavery. Around 60% of female North Korean refugees in the People's Republic of China are trafficked into the sex trade, 50% of whom are then forced into prostitution, 30% sold into fraudulent marriages, and 15% pushed into the cybersex industry. The North Korean women are trapped between the Chinese government and the North Korean government, both of whom want to arrest and repatriate, or torture and execute them, respectively.

In the digital age, cybersex has become one of the most demanded and lucrative industries, and it bring in millions of dollars to the citizens that operate within the industry. North Korean women and girls are among the most demanded from viewers, who often pay premium prices for live-streamed illegal sexual content.<sup>29</sup> These defectors, once they are either sold or trafficked into the cybersex industry, are confined to small rooms where they are misled by their captors into believing that they are earning money for resettlement in South Korea; however, this is not the reality. They are forced to partake in dehumanizing or depraved sexual activities in front of a computer screen, and if they show any signs or refusal or reluctance, they can face severe punishment from their captors who are often instructed by the paying virtual audience. Some of the commonly reported acts of sexual violence include forced nudity and stripping, rape and gang-rape, and urination and defecation, all of which are filmed and broadcasted. Once they are off camera, these victims have to deal with more physical abuse, wounds that need treatment, hair loss, and even mental problems from drug use. North Korean girls between the ages of 9 and 14 are at the highest demand for cybersex exploitation, and cybersex activities in which they are shown are among the most expensive; on the other hand, North Korean girls between the ages of 17 and 24 are deemed less desirable by the audience, though still profitable to their exploiter.

As recently as August 2019, two North Korean defector women, Lee Jin-hui [pseudonym], 20, and Kim Ye-na [pseudonym], 23, escaped China to Laos with the help of South Korean Rev. Chun Ki-won who funded their rescue. Ms. Lee reveals that, after being smuggled out of North Korea and tricked into captivity, she was holed up in a three-room apartment for over two years straight and forced to perform sex acts on camera for 17 hours a day, seven days a week. Ms. Kim, on the other end, paid to be smuggled out of North Korea, at which point she was then sold to a woman who worked for a sex trafficking ring in China. She felt the urgency to escape when one woman in the same apartment developed tuberculosis, and another attempted escape the sixth-floor apartment through the window. With the coordination and planning of Rev. Chun, both Ms. Lee and Ms. Kim, in separate rescues on the same day, were able to slip under the radar of their pimps and escape to safety.<sup>30</sup>

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<sup>27</sup> A/HRC/25/CRP.1, *supra* note 1.

<sup>28</sup> A/HRC/25/CRP.1, *supra* note 1.

<sup>29</sup> Yoon Hee-soon, *Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China*, Korea Future Initiative, 2019.

<sup>30</sup> Choe Sang-Hun, "After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China", *The New York Times*, 13 September 2019.

Also in 2019, Reverend Chun helped another two North Korean defector women, Mira, 27, and Jiyun, 24, escape from the apartment where they were trapped together and forced to engage in cybersex. Mira spent a total of five years in captivity, and Jiyun spent eight. Jiyun reflected on her mental state during the ordeal, explaining "killing myself is not what I would normally think about, but I tried to take a drug overdose and tried to jump from the window.... Somebody once told me that the rain will one day stop, but for me, the monsoon season lasted for so long that I forgot the sun existed."<sup>31</sup>

Another common reality for North Korean defector women in China is being sold into marriages. The former One Child Policy, which has caused a massive disparity in the population of marriageable Chinese men and women – the latter of whom are a smaller demographic – increase the demand for wives from other countries. Once entering China, North Korean women may be forced live temporarily with their ‘marriage brokers’ who then subjugate them through starvation and malnourishment, physical abuse, and the forced use of drugs. Soon after, a North Korean defector woman would be sold to a Chinese ‘husband.’ Her new life is often one of confinement to the home, domestic labor, unwanted sexual activities, and childbearing.<sup>32</sup>

In some cases, forced marriage and cybersex/prostitution is not mutually exclusive. An OHCHR survey of 636 defector women who had reached a safe third country between 2018 and 2019, 7% reported being sold more than three times, 7% sold three times, 45% sold twice, and 41% sold once.<sup>33</sup> In 2018, Korea Future Initiative captured the testimonies of North Korean women who had been trafficked and exploited while they were in China:

"I have told people [in South Korea] that I was sold [into marriage] to a Chinese man and that I escaped after five years. It is not completely incorrect. I was in a forced marriage (...) [But my husband] sold me to another man who made me do sexual things in front of a computer. I did not want anyone [in South Korea] to know what I suffered."- Testimony of Ms. Han<sup>34</sup>

Prostitution, though it is criminalized according to Chinese legislation, is also a continuing violation of rights faced by North Korean defector women in China. With a total of some ten million prostitutes, and with prostitution accounting for six percent of the nation’s GDP, this is one of the most common industries for North Korean defector women and girls to be trafficked into. Often, they are ‘employed’ at establishments that disguise themselves as entertainment-only businesses – bathhouses, karaoke bars, cafes, hotels, restaurants – but are in reality clandestine brothels. North Korean defector girls between 15 and 25 years old see 2 to 4 male customers each night, and defector women between the ages of 17 and 39 see 1 to 9 male customers a night. All of these defector girls and women face rape multiple times in a single day and, depending on which establishment/brothel the girl or woman is forced to work at, they face varying risks to contracting HIV/AIDS and other sexually transmitted infections. All the while, these woman and girl victims of sexual violence are prevented from escaping due to their economic or even drug-induced dependency on their exploiters.<sup>35</sup>

*"The letter [from the Commission of Inquiry to the Permanent Mission of the People’s Republic of China] highlighted the alleged trafficking of women from the DPRK to China and the status of children of North Korean mothers and Chinese fathers as issues of prime concern for the Commission in China." [45]<sup>36</sup>*

<sup>31</sup> Su-Min Hwang, "The North Korean women who had to escape twice", *BBC News*, 18 January 2019.

<sup>32</sup> Yoon Hee-soon, *Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China*, Korea Future Initiative, 2019.

<sup>33</sup> *ibid.*

<sup>34</sup> *ibid.*

<sup>35</sup> *ibid.*

<sup>36</sup> A/HRC/25/CRP.1, *supra note 1*.

*"In addition to the lack of rights of these children in China, they are also vulnerable to being separated from their mothers, who are susceptible to being arrested and forcibly repatriated."<sup>37</sup>*

As many as 30,000 children born in China to North Korean women and Chinese men have not been registered upon birth, rendering them stateless and vulnerable to possible exploitation.<sup>38</sup> Because the children are born to women who have fled as refugees and are often the children of Chinese men, they are additionally not recognized by the North Korean government. Due to these North Korean defector mothers' vulnerabilities, if they leave China, they are often forced to leave their children behind, which negatively affects the well-being of both the mother and child. Women who find jobs are sometimes able to save money and arrange for their children to travel from China, but this is rarely the case.<sup>39</sup>

One advocacy community, Tongil Moms, helps North Korean defector mothers share their stories and advocate for the Chinese government to permit them access to their children which remain undocumented in China. In 2016, three North Korean mothers and members of Tongil Moms spoke at a human trafficking forum in Washington, D.C., though they found it difficult to relive their traumatic experiences and talk about being separated from their children for years on end. Tongil Moms Executive Director Kim Jeong-ah, who is also a North Korean defector, explains:

"The participants have changed multiple times because they could not face the trauma of having to retell their stories. Naturally, women only share their stories with friends they are very close with and trust. This is because women defectors feel shameful about their experiences. It is extremely difficult for me when I share what I have been through. I was sold for 19,000 Chinese yuan [about \$2,800]. Moreover, I have to confess the fact that I abandoned my child, whether it was against my will or not."<sup>40</sup>

"The last time I spoke with my daughter in 2013, she said, 'Mom, you've left me, haven't you? You hate me, don't you?' When a child says that, her mother will be devastated, don't you think? The daughter I have not seen since she was five years old repeated this to me endlessly. It seemed like my world was collapsing around me."

#### **IV. The Status of North Korean Defector Women in the Republic of Korea (South Korea)**

Though the 2014 Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea does not mention the fate of North Korean defector women in South Korea, it is important to discuss the struggles that they have and continue to face upon starting a new life in a completely different country.

##### *a. Stigma and Economic Hardships*

North Korean defectors – both male and female – often have to deal with negative stigma surrounding their identity as well as general isolation from the broader South Korea society; this can be due in part to hostility between the two Koreas that dates back to the Korean War, negative stereotypes about North Koreans, and

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<sup>37</sup> A/HRC/25/CRP.1, *supra* note 1.

<sup>38</sup> Rachel Judah, "On Kim Jong-Un's birthday, remember the 30,000 stateless children he has deprived of recognition", *The Independent*, 7 January 2018.

<sup>39</sup> Hyung-Jin Kim, "Half-North Korean, half-Chinese kids struggle in South Korea", 3 December 2019.

<sup>40</sup> Christine Chung, "North Korean Mothers Fight to Reunite With Children Left in China", *The New Humanitarian*, 7 November 2016.



even cultural, linguistic, and clothing differences.<sup>41</sup> Korea Hana Foundation conducted a survey in 2019 of North Korean refugees living in South Korea; of the respondents that reported being 'dissatisfied' with their new lives, 15.4% explained it was because of "South Korean society's discrimination/prejudice against North Korean refugees."<sup>42</sup> Of the 17.2% of the original pool of respondents that reported experiencing discrimination, 76.7% explained it was due to "different communication culture of North Korean refugees" and 43.8% explained it was because of "negative perception toward the existence of North Korean refugees".<sup>43</sup> It is important to note that, in some cases, negative stigma towards North Korean defectors can be compounded by stigma towards rape victims and survivors of sexual assault; this type of stigma disproportionately targets North Korean women who are trafficked, exploited, and forced into fraudulent marriages, prostitution, and sex work.

With regards to the hardships that North Korean defector women in particular face in South Korea, economic hardship and difficulty in finding steady employment are among the most commonly reported. In 2019, it was reported that only 53.3% of North Korean women had found steady employment in South Korea<sup>44</sup>, and in the same year, only 23.8% of North Korean defectors were receiving any form of "livelihood benefits" from the government.<sup>45</sup> The disparity between the number of women employed and the number reportedly receiving benefits is concerning and should be addressed. Furthermore, while South Korea provides government housing to a reported 62.7% of North Korean defectors, this dependence upon government assistance combined with economic difficulties has resulted in the perception of North Korean defectors, and therefore women, as second-class citizens.<sup>46</sup> This is coupled with the fact that 91.4% of North Korean defectors responded in the 2019 survey that "women should get a job", and that 64.9% of respondents said women should be in the workforce "always, regardless of the housework". 16.8% of respondents responded that women should work "both before childbirth and after raising the children"; ironically, 61.1% cited the main obstacle to women's employment being the "burden of childcare."<sup>47</sup> An unfortunate example of the economically fragility of North Korean defector women in South Korea is the case of Ms. Han Sung-ok.

Han Sung-ok was a woman from North Korea who had been trafficked into marriage abroad before escaping to South Korea in 2009. Although it appeared to outsiders that she had adjusted reasonably to life in the new country, in late July 2019 she and her special needs son were found dead in her Seoul apartment. Further examination revealed that they had actually passed away about two months prior to their discovery, likely from starvation. While the details surrounding her and her son's deaths are not fully understood, it has been a common interpretation that Han Sung-ok faced hardship because she was unable to maintain employment while simultaneously caring for her special needs son, and because she received very little government aid in South Korea. Their tragic deaths have raised awareness of the struggles of economic independence and survival that vulnerable North Korean defector women face in South Korea.<sup>48</sup> Defector

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<sup>41</sup> Hae Yeon Choo, *Gendered Modernity and Ethicized Citizenship: North Korean Settlers in Contemporary South Korea*, Gender and Society, Vol. 20, No. 5, October 2006.

<sup>42</sup> Korea Hana Foundation [North Korean Refugees Foundation], *2019 Settlement Survey of North Korean Refugees in South Korea*, July 2020.

<sup>43</sup> *ibid.*

<sup>44</sup> *ibid.*

<sup>45</sup> Ministry of Unification, *Data & Statistics: Policy on North Korean Defectors*.

<sup>46</sup> Jennifer Hough & Markus Bell, *North Korean's public narratives and conditional inclusion in South Korea*, Critical Asian Studies 52(2), 18 March 2020.

<sup>47</sup> Korea Hana Foundation [North Korean Refugees Foundation], *2019 Settlement Survey of North Korean Refugees in South Korea*, *supra* note 46.

<sup>48</sup> Laura Bicker, "Han Sung-ok: Was this North Korean defector failed by the south?", *BBC News*, 23 August 2019.

women have raised concerns that this situation could have happened to any one of them, and many have expressed that their deaths were marked by the South Korean government's "indifference":<sup>49</sup>

“A defector mother and son died of starvation in the flourishing democratic Korea. This is nonsensical and heartbreaking. Such tragedy took place in the midst of the authorities’ indifference.” - Heo Kwang-il

“Life has become even more difficult for North Korean defectors, this mother and son dying from starvation in the economically developed country of Korea.” - Kim Heung Kwang

### *b. Threat of Repatriation*

2016 marked one of the largest defections from North Korea, when twelve waitresses defected together and arrived in South Korea. Because this was an alarmingly large defection compared to those that occur regularly, there were suspicions that perhaps these women did not want to defect and were in fact sent by the North Korean regime as a group of spies. Amidst the suspicion, the South Korean government broke its business-as-usual protocol with regards to North Korean defectors, and the group of twelve was clandestinely detained and interrogated by government intelligence agencies, which eventually found no evidence that these women were sent as spies.<sup>50</sup> The investigation and lengthy questioning were not concluded until 2019. Moreover, the South Korean government’s decision to make the defection case public was inconsistent with the usual practice of withholding the identities of the defectors from the public eye in order to ensure their and their families’ safety.

These cases of doubting defectors’ sincerity and releasing sensitive information to the public are particularly concerning when it comes to the status of North Korean defector women in South Korea. In addition to potentially perpetuating negative stigmas and stereotypes of defectors, harmful policies of repatriation are an indication of South Korea’s wavering stance on North Korean defectors.

### *c. Sexual Exploitation*

North Korean defector women face sexual exploitation by South Korean citizens even while they [the women] are not in South Korea. In particular, South Korean viewers, the majority of which are men, make up a large proportion of consumers of cybersex websites through which North Korean defector women and girls are trafficked. Some of these women defectors that have been trafficked into the cybersex industry have identified South Korean male accents during audio chats with ‘clients’.<sup>51</sup> In some cases, North Korean defector women on their route to South Korea are trafficked by South Korean men themselves. One woman who was trafficked into prostitution explained:

"[t]here are many South Koreans ... We put advertising cards under their doors [in hotels] ... The cards are in the Korean-language and advertise what we offer ... We are mostly taken to bars [by the pimp]. South Korean companies want [prostitutes] for their businessmen ... Prostitution was my first experience of meeting a South Korean person."<sup>52</sup>

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<sup>49</sup> Hakyung Kate Lee, “North Korean mother and son defectors die of suspected starvation in Seoul”, *ABC News*, 22 September 2019.

<sup>50</sup> Hyonhee Shin, “South Korean watchdog finds no foul play in defection of North Korean waitresses”, *Reuters*, 10 September 2019.

Patrick Winn, “Why North Korean peace talks may hinge on 12 singing waitresses”, *The World*, 15 September 2017.

<sup>51</sup> Yoon Hee-soon, *Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China*, Korea Future Initiative, 2019.

<sup>52</sup> *ibid.*

Upon reaching South Korea during the defection process, there have been situations in which North Korean defector women are sexually abused by South Korean officials tasked with protecting them and assisting them in their new life situation. In July 2020, the National Police Agency announced that it would be investigating a case in which a local officer from Seocho District, Seoul, has been accused by a defector woman of sexual assault. The woman claims that she was assaulted by the police officer no less than 12 times over two years, starting in May 2016.<sup>53</sup>

In September 2020, two officers of the South Korea Armed Force Intelligence Command were convicted on sexual assault charges against a North Korean defector woman named Lee. Lee accused Seong, a lieutenant colonel, and Kim, a master sergeant, of repeatedly sexually abusing her despite their promises to protect her.<sup>54</sup> Lee explained that when she was raped under the influence of alcohol by Kim, she initially went to Seong for assistance, as they had had a sort of father-daughter relationship; however, he began to sexually assault her as well. She reveals that the abuse lasted for almost a year and a half, during which she was forced to have two abortions. Seong was officially charged with adultery and coercion, and Kim was charged with adultery, sexual assault, and rape.<sup>55</sup>

## V. Conclusion

North Korean women are some of the most vulnerable and marginalized populations in the world, evidenced by the fact that they face hardships and human rights violations not only in their home nation, but also in the developed nations they escape to in hopes of a better life. Within North Korea, the prevalence of domestic abuse, sexual assault within the home and the workplace, and the complete lack of personal rights and liberties push women to escape with their lives on the line. However, even after making it out of North Korea, these defector women often fall victim to unending cycles of sexual exploitation and major instability in the People's Republic of China and the Republic of Korea. In order for North Korean defector women to fully achieve their potential in these new environments, protections and assistance programs must be put in place by third countries.

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<sup>53</sup> Elizabeth Shim, "South Korea to investigate case of defector raped by police", *United Press International*, 29 July 2020.

<sup>54</sup> Hyonhee Shin, "North Korean defector says abuse by South Korean spies broker her trust and her dream", *Reuters*, 30 September 2020.

<sup>55</sup> Elizabeth Shim, "South Korea officers charged with rape of North Korean defector", *United Press International*, 1 September 2020.