The Insecurity of North Korean Women in the Contexts of Inequality, Poverty, and Egregious Rights Violations

In North Korea, South Korea, and China

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Jubilee Cam<mark>paign</mark>



North Korea Freedom Coalition CI

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I. Executive Summary

In the Democratic People's Republic of Korea (North Korea) - where starvation, abject poverty, constant surveillance, and utter lack of free will personally, publicly, and politically – are ordinary daily struggles, women bear the brunt of oppression and yet their harrowing situation is rarely ever the topic of dialogue at international human rights convocations. As historic and patriarchal tradition dictates. North Korean women are expected to perform household duties such as cooking, cleaning, and childrearing. However, following The Arduous March during the 1990s, North Korean women's role transformed in a way that has led to their greater agency but has simultaneously economic presented new duties and exposed them to more dangers. Working informally in clandestine markets, North Korean women have taken up the task of earning money and providing for their families financially, as the economic collapse of the 1990s has rendered North Korean men's state-mandated jobs unprofitable. North Korean women workers have reported being subjected to tremendous human rights violations including sexual exploitation/assault and rape perpetrated male citizens and Party officials. bv unreasonable inspection and confiscation of earnings, harassment, and more.

women boast the technical expertise and educational background necessary to establish careers in South Korea's innovative and extremely competitive employment market. This resulting economic stress, in combination with social isolation, can be exhibited in two cases, in 2019 and 2022 respectively, in which middleaged North Korean defector women were found deceased in their apartments, likely from poverty-related starvation. One of these women was believed to have passed away two to three months prior to the discovery of her body, and deceased woman's the second remains passed indicated that she had awav approximately an entire year before her discoverv.

Another large portion of North Korean defector women find themselves in China, though not by choice. While preparing for the escape process, many women fall victim to traps set up by brokers who offer false promises of prosperity abroad but who in reality trick these vulnerable selling them into women by unwanted marriages, forced prostitution, and the abusive cybersex industry in China. Thus, North Korean women - many of whom defect in an attempt to escape the vicious cycle of poverty, sexual violence, and servitude to the home and the government are recaptured and forced to endure a new - and yet similar - series of abuses. In China, these women remain in poverty due to financial dependence on their "employers" (i.e., pimps/madams) who expropriate their income; remain subjected to sexual exploitation by male 'customers', viewers of non-consensual pornographic material, and their husbands; and therefore remain in servitude to their exploiters. Other North Korean women in China include non-defectors who have been dispatched by the North Korean government to earn money abroad and send remittances back to their home country. Many of these women work excessive hours in factories and are unable to save enough money to purchase daily necessities and medical services.

Their precarious situation of disenfranchisement has persuaded many North Korean women to defect from their home country in search for a better life elsewhere, predominantly in either China or South Korea, the latter of which hosts a population with shared linguistic and cultural heritage which many North Korean defectors will assist in their assimilation. hope Unfortunately, due to the negative social stigma surrounding both the defector community as a whole as well as survivors of sexual violence. many North Korean defector women remain social outcasts and endure difficulties forming relationships. Additionally, few North Korean

II. The Situation of North Korean Women in the Democratic People's Republic of Korea (North Korea)

A. Legal and Systemic Inequality

Experts, human rights advocates, and North Korean defectors alike agree that the North government's few legislations Korean on women's rights and promoting gender equality have been "merely a façade" through which the government can claim to have taken positive steps.¹Though the Democratic People's Republic of Korea (DPRK) ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in February 2001, it was only with the caveat that "it [DPRK] does not consider itself bound by provisions" regarding legally abolishing laws discriminatory against women.²

North Korea's first law establishing gender equality was its 1946 Law on Sex Equality which was promulgated and subsequently inserted into the 1948 Socialist Constitution of the DPRK. The legislation lacked detail and only included the most basic of rights, such as that (1) women are to hold the same social, economic, and educational rights as men; (2) women may be elected to local and national positions; and that (3) "the State shall provide all conditions for women to play their full roles in society."³ North Korea's next law regarding women specifically would not be promulgated for more than half a century, and would not improve much as regards outlining specific rights. The December 2010 Women's Rights Act [Law on the Protection and Promotion of the Rights of Women], is extremely vague and general, and includes many legal gaps - much like its predecessor - such as: failing to outline types of violations against women; failing to address sexual harassment and violence; the lack of any legal bodies created to monitor the progress and/or violation of women's rights; and the lack of any mention of combatting harmful gender stereotypes or expanding women's participation in society,

education, and employment. A 2013 *Citizens' Alliance for North Korean Human Rights* survey of 60 North Korean defector women revealed that only four respondents (6.7%) were aware that there existed a national legislation regarding women's rights, and not a single respondent reported that the *Women's Union* has exercised its self-proclaimed duty of surveying women in various regions in the nation and responding to their concerns.⁴

Though there exist no other laws in the DPRK that address specifically the rights of women and how to redress violations of such rights, there are certain insufficient mentions of women in numerous other legislations and codes. The Socialist Constitution of 1972 - based on its 1948 predecessor - outlined women's right to vote. While the Criminal Law of 2012 outlines rape as a violent offense punishable by an undetermined length of imprisonment, it offers no clarification of what constitutes an act of rape, nor does it criminalize other forms of sexual violence such as attempted and marital rape. The 2009 Family Law grants women the right to enter into marriages upon their own will, and the 2010 Law on Socialist Labour Rights provides mothers with maternity leave.⁵

The Socialist Women's Union of Korea originally established in 1945 as the North Korea Democratic Women's League - despite its initial purpose of educating women on their rights and freedoms, is in reality, according to North Korean defector survey respondents, a tool "for political indoctrination" through which the government forces women to engage in unpaid forced labor and donate material goods to the state for redistribution.⁶ 22 out of 25 female respondents who were formerly members of the Women's Union reported sending large sums of money (relative to their monthly income) or goods (food, pebbles for road construction) to the Union. Some women reported being conscripted by the Union to engage in strenuous labor such as construction, brick building, and brick laying, saying that the Union is "yet another method of social control and material coercion."7 As a testament to the Women's Union's lack of focus on advancing women's rights and instead its true purpose as another association propping up the supremacy of the government, in September 2021 the Union held a workshop for the purpose of "wiping out anti-socialist and nonsocialistic practices" – practices such as

disseminating recordings of South Korean television shows and urged its members and local branches to participate in an "uncompromising struggle for socialism, putting the fate of socialism, as well as their lives and their children at stake"; no union that claims to uphold and protect the rights and equality of women could reasonably request its members to risk their own lives and those of their children.⁸ Also in late 2021. North Korean authorities tasked each and every member of the Women's Union with harvesting no fewer than one kilogram worth of silk cocoons within one month. One anonymous Union member reported that "nobody can get any sleep when, at this busy time, they have to raise silkworms that require a lot of care and can die if it's too hot or humid; women are destined to suffer until they die in this country".9

It is important to note that as a result of the COVID-19 pandemic and ensuing economic and hunger crisis taking place in North Korea, the Women's Union has relayed government orders to its female members to be engaged in excessive economic activity and labor. In June 2020, North Korean authorities published propaganda urging women as old as over 60 years to participate in agricultural work to counteract the national famine and shortage of other raw materials.¹⁰ In June 2021, DPRK officials mobilized married women in the Sino-North Korean border region to make cement blocks and partake in other dangerous and strenuous physical labor necessary for the construction of a border wall to prevent defections and transnational smuggling.¹¹ In April

2021, in order to meet Kim Jong Un's goal to build 10,000 houses in Pyongyang by the end of the year, the government recruited housewives from more rural areas to engage in overnight construction seven days per week in the capital city far from their homes and families. Just a week prior to the women's arrival to the building site, 20 construction works - gender unspecified - died due to an electrical fire in their on-site living barracks.¹² In late October 2022. North Korean television aired an interview with female high school student Pak Ryu Kyon who claims she is honored to be participating in her school's mandatory live-fire military drills and night construction work. Pak. whose age is undisclosed but is under the age of 17 according to the state's education program age range, is joined by other students who similarly work in construction, coal mining, and agriculture.13

B. Inequality in Practice, Historically and Currently

The Arduous March, which was an economic crisis in the 1990s, ushered in an extended period of widespread famine; meanwhile, the economic role of North Korean women transformed tremendously. Prior to this extended period of economic struggle and change, women labored in the official workplace, typically engaging in less profitable and more traditionally feminine sectors such as education, cultural activities, and the service industry. This is due to the nation's highly gendered curriculum by which girls were assigned to courses based on their perceived aptitudes in, for example, hospitality, cooking, handicrafts, and textiles.14 When the North Korean economic system collapsed and the Arduous March commenced in response to the fall of the Soviet Union, families became unable to sustain themselves financially and materially, as men's labor in the official statemandated workforce - which they were legally required to participate in daily - became increasingly irregular and unprofitable. As a result, "the burden of economic activity fell on women", many of whom - upon encouragement by the state - began to take up additional

economic activities, such as working in informal and illicit markets in order to earn money to sustain their families. While women were increasing their economic standing in society and in their families by gaining financial power and entrepreneurial skills, working in the marketplace increased their exposure to physically strenuous work and rights violations such as trafficking and sexual abuse by monitoring Party officials.

Initially, it was very difficult for young women to enter the economic sector, because only women above the age of 40 were permitted to work in markets. Younger women were forced to pay high bribes to secure their permission to work, and when the government imposed fines upon women caught riding bikes, female workers who used such means to transport goods for sale were often compelled to trade sexual favors in exchange for travel permission from local authorities.¹⁵ Meanwhile, women who were attempting to exit their state-mandated workplaces to engage in the informal market economy would resort to faking chronic illnesses in order to cover their absences, and some even entered unwanted marriages with relatively high ranking men so that they could escape punishment for failing to show up to their statemandated careers.¹⁶



To this day, women who work in the informal market system remain legally and physically unprotected against rights violations committed against them. Many have reported being subjected to verbal, physical, and sexual harassment, violence, and intimidation by Party officials; however, they have no choice but to continue to work in order to support their family. Even if they wanted to report such incidences, there are no means of legal remedy to achieve justice against perpetrators. Meanwhile, women have reported that their male colleagues falsely and harmfully claim that female traders are lucky to have the ability to sell their bodies and provide sexual favors in exchange for benefits in the workplace. Ms. Choi Dal Mi, a former North Korean female trader in her 20s, stated the following:

"I had heard many stories [of rape and sexual assault] and had been traveling for trading for some months. I knew how things worked in the market. I knew female traders were forced to give their bodies to 'law people,' especially if you were young. The first time [it happened to me], it was a truck driver... I just thought: 'Oh! It is happening!' It wasn't just the truck drivers. but also the officials checking train tickets and patrol police guards that notice you. Having sex with men who have power over you or letting them touch all over your body is a necessity to survive. It never occurred to me that I could or would want to do anything about it. It was just how things are. The police themselves are [sexually] abusing women, why would they ever investigate any rape case?"17

The system by which North Korean women are the families' primary breadwinners while men work largely unprofitable state-mandated jobs has persisted to this day. However, this increased financial power has not manifested greater social power or equality for women. According to *Citizens' Alliance for North Korean Human Rights*, "their economic empowerment is ironically another way to cement women's role as dutiful mothers, wives, and daughters, because it reinforces the role of women's being

primarily responsible for the well-being of their families."18 27 out of 37 (73%) female respondents of a 2018 survey revealed that they mainly use their income to finance their husbands' and sons' education and advancement in the Party.¹⁹"One reason why they prefer to support their husband[s] over investing in themselves and their education to succeed in their own career[s] is that there is a limit for women in moving up the hierarchy in political positions or to succeed in society"²⁰ Despite women's work, because they are engaged in the informal market sector, they are provided neither labor protection nor social security benefits; they are still dependent upon their husbands' careers to provide these necessary forms of assistance. Furthermore, assisting one's husband achieving greater social standing and better employment secondarily offers the woman with greater bargaining and economic power in the market, as well as protections against abuse by monitoring party officials. As such, because husbands' social positions affect the economic resources of their wives and therefore their success in the market, men still hold the power in the family.²¹

One North Korean defector, Seol Song-a, was in her 30s when she began to earn a steady income and better financial standing by working in the black market illegally selling penicillin that her mother stole from the pharmaceutical company where she worked. Despite her being relatively well-of financially due to this illicit work, she realized that she needed to marry a man with a decent social and political standing "to make up for her own [low] status in North Korea's patriarchal society as a woman from a family that languished at the bottom of the country's political caste system, or songbun."

Ms. Seol was finally able to reach social success relatively equivalent to her financial status after she married a politically-connected high school teacher whose position, in combination with her money, allowed her to establish a home-based confectionary factory which served numerous municipal and regional markets.²² Another North Korean defector woman by the name of Lee Su-jin [pseudonym] left the DPRK because she realized that due to her *todae* – the "ranking [of] every citizen's social standing based on their assessment of their family's loyalty dating back several generations" – she would ever be able to achieve her dream of attending medical school and becoming a nurse unless she married a man with good social standing.²³

Recently, the Kim government has increased its restrictions on market activity and cross-border transactions, thus standing to diminish the only semblance of power North Korean women are able to hold by participating in the economic sector. 64% of respondents of a 2018 survey reported an escalation in invasive regulation of markets, such as the increased presence of police officers, the rise in bribe prices, the higher frequency of inspections and confiscation of goods and income, and the stricter guidelines on the ages of women engaged in market work.²⁴ Furthermore, neighborhood watch units inminban – have been more robust in monitoring the activities – and the income – of individual family members, including women. As has been briefly touched upon earlier, the Women's Union is dually tasked with (1) advising the female population on what is required of them (i.e., their duties as mothers and as workers), and, ironically, (2) exerting control over women's economic activities in order to prevent their accumulation of 'surplus' wealth [which could be used to support their families] and material ownership in a socialist society. Over the past few years, and especially during the COVID-19 pandemic, local branches of the Women's Union have been confiscating foodstuffs - beans, mushrooms, rice – from their members. As such,

for female traders, "the more you are able to accumulate, the more you will be exploited. [...] Rather than empowering women, their earning power made them a target."²⁵

C. Mental and Physical Health

Despite that North Korean women are nearly entirely financially responsible for the livelihood of their families, due to their dependence on their husbands' social standing - which affects their work – and the patriarchal nature of North Korean society, women remain subjugated in the home. A 2011 survey of defectors revealed that they had either been victimized or had witnessed domestic violence between spouses for simple issues such as the wives' being "not ladylike" or improperly setting a table. Women's difficulty in balancing their work both in the informal market economy and the domestic work they are expected to perform in the home, in combination with high levels of resentment among husbands who are unable to hold financial power, exacerbate domestic violence between North Korean spouses. To further intensify the situation, 34 out of 37 respondents (92%) of the aforementioned 2018 Citizens' Alliance for North Korean Human Rights survey reported that police do not take incidents of domestic violence seriously, and only five respondents (14%) stated that police show up to incidents in order to mediate. Respondents also revealed that there is no prosecutorial intervention or places for women and children to seek safety from abusive male relatives, nor are there physical examinations specifically designed for victims of violence. Many victims choose not to report because they are afraid of retaliation or because they do not trust the authorities to take action.²⁶

The frequency of intimate partner violence (IPV) towards women is significantly higher among the North Korean population in comparison to South Koreans. A 2020 study of the husbands of North Korean defector women – 897 were South Korean husbands and 101 were also North Korean refugees themselves – revealed that 56.1% of North Korean male respondents reported having perpetrated some form of physical violence against their partner within the past year, in comparison to only 9.6% of South Korean husbands. Furthermore, 21.4% of North

Korean refugee husbands reported inflicting severe violence – including choking, beating, and/or use of a knife or gun – upon their partners, which is 13 times more than South Korean husbands who reported committing the same violence (1.6%). *Resources Theory* postulates that low income, unemployment, and low higher education achievement – each of which is identifiable within a portion of the North Korean domestic and diaspora populations – are positively associated with higher rates of IPV towards women.²⁷



One North Korean defector, Kim Eun Kyoung, shared her story to *The Economist* in 2021. Each day she would spend the morning and afternoon selling household items and highly illegal recordings of South Korean television shows in the black market, and at night she would return home to perform household chores and take care of her children. Meanwhile, her husband – and many in similar situations – would work minimal hours at his state-mandated job, return home early, spend his wife's income on alcohol and gambling, and refuse to contribute to domestic work or childcare due to

their identity as 'women's jobs'". Wives who confront their husbands, however, face ridicule and domestic violence for perceived insubordination, and there exist no forms of prosecutorial intervention for the women's safety and perpetrators' arrests.²⁸ Fortunately, some vounger generations of North Korean husbands have taken up the work of maintaining the household and raising children, and women in violent marriages have been increasingly able to level their financial resources to pay for divorces.²⁹ Respondents of the 2018 survey of North Korean defector women reported that the top two reasons for divorce were violence perpetrated by the husband upon his wife (62%). and the husband's alcoholism (43%).30



One final public arena in which gender inequality manifests in the horrific form of physical and sexual violence towards and exploitation of women is the military. Historically, men have been legally obligated to serve an average of ten years in the military. In late January 2015, it was reported that the North Korean government had mandated military service for women between

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the ages of 17 and 20 years who have graduated either middle school or high school, however they are not required to serve a full decade but only until the age of 23.³¹ As the military is largely male-dominated. female soldiers have been subjected to violent and repeated rape and sexual aggression by their male superiors.³² One North Korean female soldier stated "[b]ased on my experience, I think almost 70% of female soldiers are victims of sexual assault or sexual harassment".³³ Rape in the military is commonplace and victims are often blackmailed into silence; one former female soldier explained that because most women join the army as it is one of the few means to join the Workers' Party of Korea and thus achieve a sustainable life, senior male military officials exploit this, prey on female soldiers, and threaten to restrict their chance of joining the Party should they resist or report abuses.34

With regards to North Korean women's access to and use of medical care, despite that the World Health Organization and UNICEF estimate that 94% of pregnant North Korean women attend at least four doctors' appointments prior to childbirth and that 100% of babies are delivered "by skilled healthcare personnel", surveys of North Korean defector women reveal this to be untrue. Women report abortions in North Korea that are overwhelmingly common due to the fact that women's reported condom use was only .2% and their contraceptive use was only 70.3%. Many of these abortions are performed by unlicensed individuals and result in post-abortion complications. A 2020 survey³⁵ of defector women who had experienced menstruation, pregnancy, childbirth, and postnatal/postpartum care revealed three commonalities among survey respondents: "distorted sexual concepts", "internalization of sexual repression", and their observance of "threat[s] to a woman's right to health." Concerning "distorted sexual concepts", many respondents reported many respondents reported (1) having never received a formal sex education; (2) believing sex to be shameful; (3) believing menstruation to indicate sexual impurity; and (4) having false knowledge on the causes of pregnancy. Concerning "internalization of sexual repression", responses indicated (1) lack of bodily autonomy; (2) misconceptions that rape is a woman's dishonor and should be maintained a secret; and (3) misconceptions that premarital pregnancy is a woman's fault. Finally, regarding "threat[s] to a woman's right to health", respondents reported

Pyongyang Maternity Hospital

(1) illegal and unsafe abortions and contraceptive measures; (2) misuse of narcotics to treat infections; (3) exorbitant healthcare costs; and (4) uneasiness with male doctors. Below are some specific responses indicative of the failure of the North Korean state to impart reproductive and health knowledge to its people:

"North Korea is a country that quibbles about whether a bride's virginity is intact. I thought that I have to die if raped."

"Until I was 20, I thought holding hands with a male would make me pregnant."

"I started my menstruation slightly early. I was very scared and thought I would die."

"If I do not want to but my husband asks to, it feels like I am being raped."

"When my boss touched me, I ignored it, and when someone was raped, it was hidden due to embarrassment. They thought it was entirely their fault."

"Men do not use contraception. I have never seen a condom in North Korea."

"After curettage, I bled profusely. I have never seen anybody bleeding that much in my life."

D. Poverty

Though reliable and updated statistics regarding life in North Korea are difficult to obtain, research conducted by the *Vienna University of Economics and Businesses* in 2020 led to the estimation that approximately 60% of the nation's population falls below the poverty line. This research was conducted by examining various satellite images of the night in North Korea and calculating the poverty levels in certain areas based on the amount of light – indicative of both production and consumption or lack thereof – that is emitted from artificial sources.³⁶

In a 2013 survey conducted by Citizens' Alliance for North Korean Human Rights upon 60 women defectors, 40 respondents (67%) reported that they had earned only enough money for food and could not afford medicine, clothing, and other daily necessities.³⁷ A 2018 survey conducted by the same organization upon 37 North Korean women who had defected between 2013 and 2017 revealed that nearly 60% of respondents could not afford a primary care physician and instead treated themselves with medication they could only afford via the black market; this is despite that the government is supposed to provide its citizens with free Many women also avoided health care. obtaining necessary surgeries and preferred to give birth in the home, as they could not financially or materially meet the requirements of paying the doctors and bringing wood and water to the hospitals.³⁸

Education rates among women vary greatly depending on their upbringings and financial status. Children of wealthier parents are more likely to regularly attend school, graduate, and strive for higher education. Regrettably, poorer families cannot afford to send their children to school, as students are required to pay their teachers on a daily basis. Moreover, families with financial stability and relatively good political standing are more likely to send their daughters off to their mandatory military service as early as possible so that they can enter university afterwards, where they usually study economics, management, and/or accounting, Chinese language. While attending college is typically pointless for children of families whose political status prevents their full advancement in society. a combination of both money and perceived loyalty to the Party allows university graduates greater chances of success. Contrastingly, many poorer and rural families who have no Party connections urge their daughters to stop attending school and instead learn about private economic activities as a means to earn money; many of these families find higher education useless as poor women can earn money without it. 39

Poverty remains a primary reason for defection from the DPRK. A 2018 study revealed that "even though the government policies generated better conditions in terms of mobility and capital for North Korean females, it never eliminated the individual's incentive to defect." Most female defectors were poor and from border regions, and even though they are were to participate in the market economy, they were never fully able to lift themselves out of inter-generational and abject poverty and establish a sustainable life in the DPRK. Meanwhile, some wealthier women defect as well, because regardless of how much money they acquire in North Korea, there exists a glass ceiling limiting how far they can advance in society. Furthermore, due to the illicit import of South Korean and global media depicting relatively luxurious and prosperous lives abroad, there is an increased awareness that no matter how 'rich' they become in North Korea, they can still achieve a better life by comparison outside of the DPRK.⁴⁰ A more recent Korea Hana Foundation survey of 2,461 defectors living in South Korea revealed that the second and fourth most reported motivations for defection from the DPRK were food shortage (21.6%) and the need to earn more money to live (10.7%).41 An earlier survey from 2013 found that the second most cited reason for defecting was persistent "difficult living conditions".42

Additionally, instead of using financial resources to stimulate the economy and aid the destitute, the government instead siphons funds to military maintenance, nuclear advancement, and Party elites.



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E. Human Rights Violations upon Return

Crossing the national border of the DPRK without prior approval remains one of the most egregious crimes both in the eyes of the government and according to law. In fact, Article 233 of the 2009 Criminal Law of the DPRK dictates that illegal crossing of the nation's borders calls for, at minimum, less than two years of labor or, at maximum, no more than five years of "reform through labour" if the defector committed a "grave offence".⁴³ However, it should be noted that, more often than not, defection is considered to be a treasonous act; therefore, according to Article 67 of the very same Criminal Law, any individual who commits

a "grave offence" with the perceived intention of betraying the nation can be punished with life imprisonment and confiscation of property at minimum and the death penalty at maximum. Furthermore, over the past few years, the DPRK government has used pandemic mitigation efforts as a justification for its new horrific policy towards any individual found to be in the nation's shared borderlands with China. In August 2020, it was revealed that the DPRK had established de facto "buffer zones" along this border in which individuals engaging in unauthorized travel or exchanges would be subjected to "unconditional firing" or "firing without warning"; the reason given for this new policy was purportedly to prevent the spread of COVID-19 via transnational movement.44 Inconsistencies in policy translations have made it difficult to discern whether the firing measures are based on 'shoot-to-kill' orders, but the September 2020 killing of a North Korean smuggler in the mountainous region of Taehongdan by a DPRK official and the killing in the same month of a South Korean fishery official on a patrol boat at sea have raised concerns.⁴⁵

In October 2022, for the first time ever, South Korean government representatives at the *United Nations Security Council* raised human rights concerns committed against female North Korean defectors specifically. The South Korean Ambassador to the UN, Hwang Joon-kook, highlighted the multiple vulnerabilities of defector women and called upon countries such as Russia and China to cease their practices of repatriation.⁴⁶

Repatriated defector women face some human rights violations unique to their gender while they are in detention. A 2020 report by the Office of the High Commissioner for Human Rights revealed that sexual violence, including forced nudity, invasive body searches, penetrative rape, sexual assault, and groping are a common reality for these women.47 Even more horrific is how DPRK customs officials treat defector women who have become pregnant while outside of the nation. Though the Law on the Protection of the Rights of Women stipulates that pregnant women are suspended from criminal liability from three months prenatal to seven months postpartum, such protections are not extended to repatriated pregnant defector women who are perceived to be traitors to the DPRK, and many are subjected to forced abortions and post-birth infanticide. Women who had spent time in China specifically – a large portion of which were sold into prostitution or

coerced marriages – were forced to abort babies "with Chinese blood." While some of these operations were performed surgically, survivors have reported that authorities would sometimes resort to physically beating and kicking pregnant women, or forcing them to conduct overly strenuous labor in order to induce a miscarriage. In cases in which the pregnancy is too far along to perform a forced abortion, authorities will allow the birth to occur before confiscating the infants and disappearing to an unknown location where it is believed infanticide takes place. Some witnesses have reported believing that babies would be left outside in freezing temperatures wrapped face-down in plastic bags until they perish. Women who are forced to undergo abortions and even women who proceed to birth their infants have in some cases died as a result of insufficient medical care postabortion and post-birth.48



One anonymous female North Korean defector who had previously been employed at *Chilsung Customs* in 1998 and conducted bodily inspections of repatriated defectors reported that "I absolutely hated dealing with North Korean female defectors who were captured [and sent]

back." When her advisor identified a supposedly 'suspicious' defector woman, this customs employee was required to strip her naked and conduct "far more humiliating and filthy ways of inspections, but they are so grotesque that I cannot reveal all of them." One pregnant defector woman, aware that she would be outed after submitting a urine sample, pleaded with the customs employee for her to substitute her urine so that she would not be punished for her pregnancy, but the employee was unable to do so for fear of repercussions. The employee, upon returning to work the next day, watched as other authorities forced the pregnant woman to run and squat while holding 33-pound water containers until she miscarried. Meanwhile, other defectors who were not pregnant were forced to watch in order to learn what horrors they would face if they attempted to escape once again and become pregnant - whether intentionally or not - abroad.49

An August 2022 published study of North Korean defectors residing in Hanawon (South Korean transitional housing and learning facility defectors) revealed that "traumatic for experiences of forced repatriation" are positively associated with more severe mental health problems among North Korean refugee women who had been repatriated than those who had been repatriated. Out of not the 627 respondents (consisting of 496 women and 131 men), approximately 21% had been repatriated to the DPRK at least once. Further, more women defectors (23.3% of women; n=245) than male had been repatriated. This, however, can likely be explained by the fact that North Korean women are much more likely than men to defect and are therefore at a significantly higher risk of repatriation (as evidenced by the gender demographics of this study). But because female defectors are subjected to gender-based violations in the escape process, along with the repatriation process and subsequent punishment in the DPRK, researchers were not shocked to find that defector women who had been forcibly repatriated at least once exhibited significantly higher levels of post-traumatic stress disorder (PTSD) and clinical anxiety than their counterparts who were not repatriated. The researchers noted that "The model measuring the predictability of anxiety symptoms showed that North Korean women suffer more severe anxiety symptoms as they become older (Beta =

-0.14***), if they have more experiences of forced repatriation (Beta = 0.11^*), and if they have fewer friends and family members in South Korea (Beta = -0.08). [...] This finding supports our hypothesis that forced repatriation to North Korea is а gendered traumatic event exacerbating North Korean women's mental health problems due to the greater risk of experiencing various sexual assaults, including rapes and abuse during the repatriation process that is succeeded by interrogations and punishment." 50

III. The Situation of North Korean Defector Women in the Republic of Korea (South Korea)

A. Legal and Systemic Inequality of Women in South Korea

To understand the situation of North Korean defector women in South Korea, it is imperative to first discuss the overarching systemic inequality that all women in South Korea face despite numerous legislations which claim to espouse gender equality and the advancement of the rights of women. Among these legislations is the 1987 Sexual Equality Employment Act (Act No. 3989), which outlines women's rights to freedom from recruitment and employment discrimination based on their gender, provides working mothers with maternity leave, and prohibits workplace sexual harassment. Furthermore, the act provides steps on how workplaces and women can address violations of women's rights, how to proactively prevent such violations, and more.51 in 1994, the South Korean government ratified the Sexual Violence Prevention and Victims Protection Act, which was later further built upon by the 1997 Act on the Prevention of Domestic Violence and Protection etc. of Victims Thereof. These two legislations outline specific actions that constitute sexual and domestic violence including rape, attempted rape, aggravated rape, marital rape, public indecency, workplace sexual harassment, and the act of taking nonconsensual indecent images and videos of

another person – as well as their corresponding legal punishments; stipulate the establishment of protective facilities and shelters for survivors; outline measures of intervention: direct schools and workplaces to disseminate educational materials on sexual and domestic violence; and increase coordination among law enforcement and other agencies to rescue vulnerable women and prosecute perpetrators.⁵² Finally, the 1995 Framework Act on Women's Development. pursuant to its goal to "promote gender equality in all the areas of politics, economy, society and culture and to facilitate women's advancement" directs provincial and municipal government branches to (1) assess its policies with regards to how they affect women; (2) conduct surveys and opinion polls on women's issues; (3) encourage women's expanded participation in political and social spheres; (4) conduct gendersensitive training of public officials; (5) respond swiftly and effectively to incidents of sexual violence by prosecuting perpetrators and rehabilitating survivors; and (6) meet the demands of women's welfare. 53

In spite of the above legal provisions, women continue to face systemic inequality and outright violence due to their gender. The Economist, in its annual Glass-Ceiling Index, which analyzes women's higher education achievement and upper employment position attainment, has consistently ranked South Korea last in a list of 29 Organisation of Economic Co-operation and Development (OECD) countries for the past ten vears. The Index observed that: 59% of South Korean women are currently in the workforce, six percentage points below the 65% OECD average; the gender wage gap remains high at 35%; only 17% of seats in the National Assembly are held by women; and women only account for 1 out of 7 management positions and 1 out of 30 board seats in companies across the nation.⁵⁴ It is important to note that, during COVID-19 pandemic, South Korea's the temporary employment sector - the largest among OECD nations - has been hit hard, primarily affecting SK women, 21% of whom are employed in hospitality, food, service industries⁵⁵

Domestic violence has similarly been a topic of concern for women in South Korea, as evidenced by a July 2021 incident that received international attention and condemnation. A young woman by the name of Hwang Ye-Jin passed away due to subarachnoid hemorrhage caused by blunt force trauma, a traumatic injury that was inflicted by her then-boyfriend. Despite the release of CCTV footage which showed the

brutality of the beating accompanied by autopsy results linking her cause of death with the recorded incident, Hwang's boyfriend claimed her death was unintentional and he was only sentenced to ten years' imprisonment for her death.⁵⁶ In March 2022, the Ministry of Gender Equality and Family reported a decrease in the total number of domestic violence cases; however, representatives from the Korea Women's Development Institute warned not to take such statistics at face value, stating that because the pandemic caused the closure of inperson reporting facilities and shelters and forced women to be in close guarters with - and under the watchful eyes of – their perpetrators, fewer incident reports does not necessarily indicate an indisputable downward trend in domestic violence.57

Sexual harassment in the workforce also continues to remain a huge hurdle for women's equality. A late 2020 survey conducted upon South Korean employees revealed that 66.6% of women workers perceive sexual harassment in the workplace to be very common.⁵⁸ Earlier, in 2015, 80% of female respondents to а government survey reported having experienced sexual harassment, and many were reluctant to seek justice for fear of being terminated from their jobs or facing further repercussions.⁵⁹ A more recent study illuminates the risk factors that increase a female employee's vulnerabilities to sexual harassment, including: younger age; working around male customers and clients; and more.⁶⁰ As such, it was not surprising for the #MeToo movement to spread to South Korea. What was shocking, however, was the list of reputable individuals and government officials identified as perpetrators. In 2019, former provincial governor of South Chungcheong, Ahn Hee-jung, was sentenced to 3.5 years in prison for raping his former secretary, Kim Ji-eun, in four separate incidents. Former Seoul mayor Park Won-Soon – a previously lauded women's rights advocate - was accused by his female secretary of repeated sexual assault spanning the course of four years; Park committed suicide in the wake of the accusations and subsequent confirmation of the allegations by the National Human Rights Commission of Korea (NHRC) in July 2020. Former Busan mayor Oh Keo-don resigned in April 2020 after admitting to sexually assaulting a female government subordinate. Senior prosecutor Ahn Tae-gun was indicted

and sentenced to two years' imprisonment in 2019 for demoting a female junior prosecutor in retaliation for her attempts to report his sexual misconduct in the workplace.⁶¹



Human and women's rights organizations alike have also recorded a rise in digital sex crimes, especially hidden camera footage taken of women in restrooms and hotel rooms, as well as men filming women's bodies without their consent. Human Rights Watch reported that "total prosecutions of sex crimes involving "spycam" victims rose from 4% of sex crime cases in 2008 to 20% in 2017. In 2019, prosecutors dropped 43.5% of digital sex crime cases, and for the few convictions made, only imposed low sentences; "in 2020, 79 percent of those convicted of capturing intimate images without consent received а suspended sentence, a fine, or a combination of the two. Fifty-two percent received only a suspended sentence." 62 In July 2020, the ex-boyfriend of celebrated Korean singer Goo Hara - who committed suicide in 2019 after Choi threatened

to release nonconsensual videos he recorded of the pair's intimate activities – was handed a reprehensibly short and disproportionate oneyear prison term.⁶³

Article 14, Section 2 of South Korea's Act on Special Cases Concerning the Punishment of Sexual Crimes states that if sex crimes are committed through electronic devices or cameras, the perpetrator can only face а maximum prison sentence of five years.⁶⁴ this inadequate punishment, Despite а perpetrator can further circumvent full responsibility for his or her actions. as exemplified in a 2020 case in Seoul. There was a massive outcry from the public when "Cho Doo-soon, a then-57-year old man who brutally raped an 8-year old girl inside a church bathroom, was released from prison after his sentence was reduced from 15 to 12 years." Cho was able to circumvent a harsher penalty due to his defense that used а controversial interpretation of Article 10, Section 2 of the Criminal Act. Courts in South Korea have permitted a construal of that section to equate intoxication via alcohol as succumbing to a mentally impaired state. As a result, Cho and other rapists are able to claim they were intoxicated during the time of the incidents and achieve a reduction in their punishments despite the gravity of their crimes.

In December 2020 it was reported that there had been an observable increase in suicidal ideation and attempt rates among South Korean women, which can be largely attributed to "social and economic upheaval" marked by workplace discrimination and sexual harassment, as well as a clash of traditional expectations – such as the pressure to marry and start families as young as possible - and modern values of individualism - such as obtaining careers - the latter of which is difficult to achieve as women are typically employed via short term contracts or in the less lucrative service industries despite that 12% more women between the ages of 25 and 34 hold an advanced educational than their male counterparts in the same age range.⁶⁵

Despite the obvious and glaring inequality that South Korean women face in society and in the workforce, the majority of male citizens have earnestly resisted the feminist movement. In a 2019 survey of 1,000 adults, 76% of men in their 20s and 66% of men in their 30s reported actively opposing feminism, 55% reported that they did not support the *#MeToo* sexual violence and harassment accountability social movement, "Where did the feminist president go?"

HEIE XLI

"School #MeToo, Korean Government Respond"

and the vast majority felt that women were receiving unfair advantages from the government's programs and policies to raise women's employment rate and promote gender equality in typically male-dominated sectors.⁶⁶ Unlike in the majority of advanced societies where higher rates of education and income are associated with much lower rates of anti-feminist and misogynistic views, in South Korea, higher education and income rates are still positively associated with these harmful and biased perspectives. These views have been spearheaded by President Yoon Suk-yeol, who throughout his presidential candidacy "pandered to anti-feminists and young South Korean men who believe that they are being discriminated against with progressive policies that aim to empower women at the expense of men."67 Yoon has repeatedly stated his intention to abolish the Ministry of Gender Equality and Family as well as guash gender employment. quotas for women's The government confirmed this backwards initiative in October 2022, citing Yoon's false remarks that women no longer "face structural barriers to success", despite the previous decade's worth of evidence to the contrary provided by the Glass Ceiling Index. Fortunately the abolition of a government agency falls under the purview of the National Assembly which is largely controlled by liberals. 68

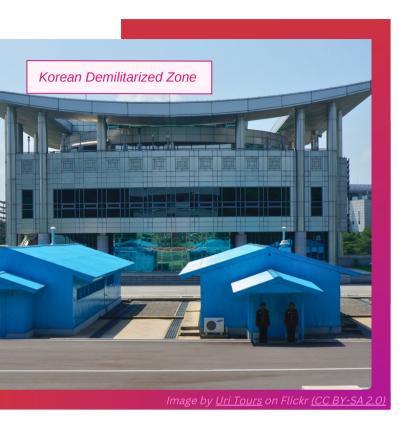
B. Legal and Systemic Inequality of North Korean Defectors in South Korea

The legal protections North Korean defectors receive are codified in the 1997 Protection

of Defecting North Korean Residents and Support of Their Settlement Act, which requires the government of South Korea to (1) "provide protected persons with special care on the basis of humanitarianism"; (2) consider the age, gender, health conditions of defectors when and providing care and assistance; (3) guarantee legitimate defectors national identification documentation and citizenship; and (4) provide defectors with vocational training, reduced-cost accommodations, and equitable access to health care and education.69

Regrettably, however, over the past few years, South Korean we have witnessed the government become less tolerant of defectors' activism against the DPRK and, as such, make concessions to appease the North Korean government. In July 2020, following complaints from Kim Jong-un's regime, South Korea's Unification Ministry revoked the operation licenses of two defector organizations for sending anti-Pyongyang leaflets into North Korea. The leaflets have for years been one of the primary methods for sending information to North Korean civilians about their government's corruption, the concept of human rights, and the condition of the rest of the world. In addition to the leaflets, balloons are often launched which contain food, medicine, money, radios, USB drives containing global news and television. and more recently, protective equipment from COVID-19.70 One month earlier in June. South authorities restricted Korean Christian organization Voice of the Martyrs Korea from conducting a rice bottle launch to the DPRK.⁷¹ In December 2020, the South Korean government passed an amendment to the Development of the Inter-Korean Relations Act which prohibits the use of propaganda speakers and the display of posters and other visual materials criticizing North Korea while in or near the DMZ, on the grounds that these legitimate activities may "cause harm or serious danger to Korean citizens' lives and bodies". The criminal punishment for violation of the amendment is up to 3 years' imprisonment or a fine of 30 million Korean won (~ USD \$21,000).72 In May 2021, a noteworthy North Korean defector and director

of *Fighters for a Free North Korea* was arrested for sending 10 balloons containing 500,000 leaflets, USD \$5,000, and 500 books about the South Korean economy across the border into North Korea between 25 and 29 April 2021.⁷³



Unification The Ministry also previously announced in July 2020 that it would be investigating 25 other defector organizations to see if they had the necessary documentation for continued operation. If their licenses were to be revoked, they would be unable to raise funding or receive tax exemptions, and therefore they would face difficulties continuing their work on helping North Koreans escape and providing shelter and guidance during their defection journeys.⁷⁴ In response to the announcement, United Nations Special Rapporteur on the situation of human rights in North Korea, Tomás Ojea Quintana, expressed concern about the possible detrimental effects of investigations on operations the humanitarian of defector organizations, and explained that the UN would be seeking explanation from the South Korean government.75

Also over the past few years, the *North Korean Refugee Protection Center* has been criticized for engaging in human rights violations during

interrogations of defectors. In 2013, a North Korean defector was improperly charged with espionage as a result of a false testimony that his defector sister was coerced into providing by South Korean authorities.⁷⁶ In September 2020, two officers of the South Korean Armed Force Intelligence Command were convicted on sexual assault charges for repeatedly raping and sexually abusing a North Korean defector woman named Lee for over a year and a half. Lee was forced to undergo two abortions to terminate pregnancies caused by her abuse, and she reported being suicidal. Months earlier, in July 2020, South Korea's National Police Agency announced it would be investigating a case involving a local police officer who was accused of raping a defector woman at least 12 times over the course of 2 years.77

More recently, in October 2022, a Seoul court ruled against a North Korean defector woman and her husband who had previously sued the National Intelligence Service for alleged illegal detention and torture. including beina interrogated for 165 days and 176 days respectively. The couple also reported that they had been forced to run laps around a field and were subjected to isolation and abusive language. Database Center of North Korean Human Rights (NKDB) Director of International Cooperation. Hanna Song, reported that although "the threat [of espionage] that comes from Pyongyang is very real", "from a human riahts perspective. iť s important that psychological counselors and other experts should be part of the process to ensure that the rights of North Koreans are protected before their status is decided." Ethan Shin of the Transitional Justice Working Group (TJWC) reported that the interrogation and resettlement process exposes defectors to human rights violations and he urges the National Intelligence Service to treat defectors foremost as legitimate migrants rather than as potential spies.⁷⁸ In June 2021, it was reported that the NIS underwent improvements to address violations of the rights of defectors, including abbreviating prolonged interrogation lengths, removing CCTV cameras from residential areas, requiring consent from defectors' to record their testimonies, and providina human rights attorneys durina questioning.79

Many North Korean defectors have reported feeling pressured to abandon their previous North Korean customs and dispose of their physical memorabilia they took with them during the escape in order to dispel any suspicions among authorities that they may be engaged in espionage rather than are legitimate migrants.

"North Korean refugees are unusual in that they often flee their country with only the clothes on their back. They leave behind any objects that may suggest they are escaping North Korea. With few tangible items to connect them to home, their memories take on a heightened importance in the destination country. But North Koreans in South Korea are a suspect community. They are from an enemy state, and their memories and attempts to reconnect to friends and family in the North are politicized south of the DMZ." 80



Some defectors, however, do stay true to some cultural traditions. To commemorate the lives of deceased family members they will not use the typical South Korean portraits but instead place sketches of family on a shrine with food offerings; some will even go to the DMZ itself to conduct ancestor worship as it is the closest they can get to their buried relatives in the North.⁸¹ One male defector who has been in South Korea for years, Jun Heo, suffers from homesickness, specifically in regards to his friends and hometown, and even occasionally views his old neighborhood in North Korea via *Google Earth* to see whether it has changed or remained the same.⁸²

C. Negative Social Stigma

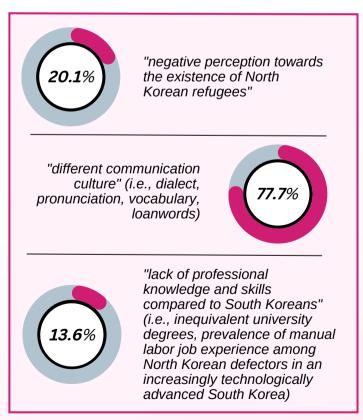
Unfortunately, the South Korean government is not alone in its suspicions and distrust towards North Korean defectors, as broader society has similarly harbored prejudice and pity towards the defector community. Upon their entry into South Korea, they are distinguishable by their recognizable North Korean dialect, clothing, and hairstyles; their identifiable natures have singled them out for prejudice. Such negative stigmas towards defectors could stem from the strained relationship between the two Koreas. stereotypes about North Koreans beina communist sympathizers, and irreconcilable culture.83 differences in lifestyles and Additionally, numerous prejudiced misconceptions South Koreans have about North Korean defectors include that they are "aggressive, impolite, dependent on state welfare, or even a burden on society."84 With specific regards to refugee women, many South Koreans hold the false stereotype that North Korean defector women - many of whom have suffered sexual violence before, during, and after migration - are sex workers or "sexually unfaithful."

Many studies of the ethnically and racially homogenous South Korean society have revealed that citizens have historically exhibited a higher rate of acceptance towards North Korean migrants – who share the same ethnicity - than they do towards other foreign immigrants. However, partisan politics and the nation's slight shift towards prioritizing civic identity (identity along shared lines of "political values such as universalism, equality of opportunity, and the rule of law") over ethnic identity as a factor in acceptance of 'outsiders', have played a role in the ever-fluctuating and unpredictable South Korean perception of North Korean defectors. The minimization of "ethnic homogeneity" and "multiculturalism larger focus on and globalization" in national curriculum adds further nuance and indicates that younger, more educated South Koreans are less likely to accept defectors as a single group based on shared ethnicity alone and rather take on a selective or

individualized approach towards accepting North Korean defectors based on shared political and civic values. Furthermore, increasingly polarizing partisanship plays a tremendous role in South Korean civilians' views on the nation's reception of migrants, as conservative political parties vocally harbor progressively anticommunist anti-North Korea views which are likely to become even more mainstream in the coming years under the leadership of the *People Power Party*.⁸⁵

Korea Hana Foundation's 2021 Settlement Survey conducted on defectors revealed that the major perceived causes of discrimination they face include: "different communication culture" (77.7%), "negative perception towards the existence of North Korean refugees" (20.1%), and "lack of professional knowledge and skills compared to South Koreans." (13.6%).⁸⁶

Figure 1. Perceived Causes of Discrimination in South Korea, as Identified by North Korean Defectors



Source: Korea Hana Foundation (North Korean Refugees Foundation), <u>2021 Settlement Survey</u> <u>of North Korean Refugees in South Korea</u>, July 2022.

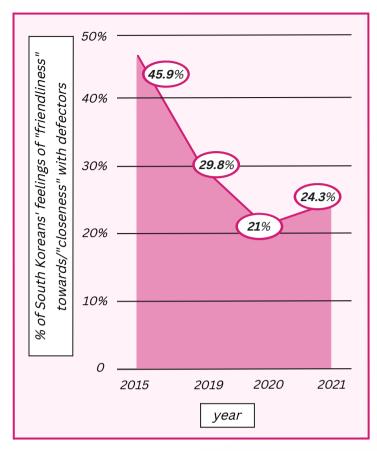
In a June 2020 survev of South Korean citizens, only half responded that they would be willing to hire a North Korean "settler". The survey conductors stated that misperceptions of North Koreans being inclined to participate in organized crime and theft - both of which occur at relatively high frequencies in the DPRK - may contribute to the fact that only half of respondents would consider hiring a defector⁸⁷ defector, Yeong-nam Eom, One reported receiving zero replies while applying to jobs in South Korea using his resume which listed his educational and professional experience from his time in North Korea. When he altered his resume to reflect school and professional experiences he acquired in South Korea, Eom received numerous interested replies from companies and potential employers.⁸⁸ 34-yearold female defector Hyangmi reported that despite graduating from a technical college and gaining experience in accounting while in North Korea, and subsequently becoming fluent in Mandarin during her stay in China directly following defection, she was only able to find a job in South Korea after claiming she was Chinese rather than North Korean.89

Research conducted in 2021 upon South Korean citizens revealed characteristics of North Korean defectors (i.e., sex, age, marital status, employment or lack thereof, faith, time spent in South Korea, etc.) which made nationals more or less likely to hire North Korean defectors or welcome them as neighbors. The survey results revealed that some factors could detrimentally affect defector women's ability to successfully assimilate to life in South Korea. For example, South Korean citizens reported being less likely to hire or welcome as neighbors: defectors over the age of 65 years; defectors who are

unemployed; defectors who have only recently arrived in South Korea; and defectors who have few colleagues or whose colleagues are only other North Korean defectors. One is led to question how recently defected (3 years ago or less) refugees are supposed to foster meaningful social relationships with South Korean citizens when they are disfavored by the general population in comparison with defectors who have resided in South Korea for upwards of 12 have already established vears and relationships with citizens. Similarly, it is an issue that because the majority of defectors and, extension. defector women, are less bv educated and do not have specialized employment experience from their time in North Korea, South Korean citizens and employers are much less likely to socialize with or hire these defectors in comparison with defectors who have secondary/tertiary education and technical skills. It appears that South Koreans prefer socializing with or hiring defectors with esteemed careers (high-skill jobs such as doctors and computer programmers) or longer resettlement history (7+ years in SK, 12+ years in SK) and acclimation to social, educational, and employment life in South Korea. This presents obstacles to newer defectors and it is therefore unsurprising that many defectors indicate their first few years in the South to be the most difficult.90

In April 2022, the Korea Institute of Public Administration published its Korea Social Integration Survey to shed light on South Korean society's perception of minorities. Disappointingly, the survey of 8,000 South illustrated Korean citizens that negative perceptions of North Korean defectors have more than doubled since 2016. Six years ago, 12.1% of respondents reported harboring about unfavorable feelings defectors. proportion which has increased to 25.1% of respondents of the 2022 survey. Lee Sang-shin, a researcher at the Korea Institute for National Unification, reported that this "baseless" and unfounded negative stigma towards defectors can be attributed to lack of interactions with the community as a whole:

"We know that they are here, we watch North Korean defectors on TV, but we have little chance to mingle with them, to realize that they actually share the Korean values, our history and belief in democratic systems." ⁹¹ *Figure 2.* Annual Fluctuations in Positive Perceptions of Defectors among South Koreans



Sources: Seoul National University Institute for Peace and Unification Studies (IPUS), *Inter-Korean Integration Index 2021*, 27 December 2021.

Seoul National University Institute for Peace and Unification Studies, <u>Unification Consciousness Survey 2021</u>, 4 July 2022.

Two surveys conducted by Seoul National University's Institute for Peace and Unification Studies (IPUS) in 2021 and 2022 further shed light on how South Korean residents' positive perceptions of "friendliness" towards and "closeness" with North Korean defectors have deviated from previous years - many of which exhibited incremental increases in such positive feelings each year. According to the survey whose scope was slightly smaller than others discussed herein but whose respondents' demographic characteristics are better representative of the entire defector population] in 2020, only 21% of South Korean citizens felt friendliness/closeness towards defectors, down from 29.8% in 2019. The 2020 percentage was the lowest ever recorded since the annual survey was initiated in 2008, and was far below the highest perception of friendliness/closeness

towards defectors (45.9%) which was recorded in 2015. In 2021, the reported percentage of South Korean citizens with feelings of friendliness/closeness towards defectors rebounded slightly to 24.3%.⁹²

A 2021 study of North Korean defector women revealed that, due to the double negative bias they receive as both defectors from a communist country and as victims of sexual violence, they are more likely to hide their identities as defectors and instead pretend to be native South Koreans in order to evade ostracism and discrimination in both society and employment. Additionally, they are much more likely to avoid seeking therapy and other forms of counseling for mental health and trauma. Research revealed that "repeated exposure to prejudice and discrimination from the mainstream society could result in internalization of those prejudicial beliefs, and such internalized stigmatization could contribute to lowering North Korean refugee women's self-confidence and overall attitude towards life. Such perceived and internalized social stigma could worsen overall mental health and even serve as a major barrier to help-seeking behaviors."93 While negative social stigma alone did not greatly affect female respondents' "suicidal ideation severity" rate or "estimated probability of suicide attempt", when combined with "high trauma exposure", the suicidal severity rate rose significantly.

One well-known North Korean defector woman. Yeonmi Park, explained in 2018 while she was in South Korea that "I'm not welcome. I am a second-class citizen here."94 Defector Kim Ryonhui also explained her life in South Korea: "Living here for seven years taught me what it really is like to live here as a North Korean defector. North Korean defectors are forever strangers in this country, classified as second class citizens. I would never want my daughter to live this life. North Korean defectors are treated like cigarette ashes thrown away on the streets."95 Another defector, Sunny Kim, faced bullying during her early days in South Korea; in middle school she was asked by a classmate "are you a sleeper agent trying to kill the South president?". She was repeatedly Korean harassed in the comments section of her YouTube videos to the point where she decided to film only videos about her daily life in South Korea.96

One anonymous North Korean defector shared the following experience with researcher Kyung Hyo Chun:

"We speak the same language, feel the same thing, even look similar but still South Koreans change their attitudes abruptly once they find out that I am from North Korea. In the beginning, they didn't know that I'm a North Korean defector and they treated me no different from other people [....] But since I revealed my identity [...] they don't trust me anymore, and look down on me. To them, North Korean defectors are poor and uneducated people who try to deceive them." 97

The overarching negative and exclusionary stigma towards North Korean defectors can be illustrated in the story of Kang Sae-byeok, a fictional character – whose tragic story is lauded as highly authentic and true to the experience of real defectors - in South Korea's viral television show Squid Game. Kang, a North Korean defector from North Hamgyong Province, faces discrimination and adopts a fake South Korean accent to obscure her true identity, as when it is revealed she is a defector those around her accuse her of being a "communist" and a "spy". In the show it is implied that Kang, who can barely afford to support herself, was resigned to place her younger brother in an orphanage to receive care and education. Kang, who pickpockets to earn money, is pitted against violent and untrustworthy financial brokers who wish to scam her out of money by making false promises that they can fund her mother's escape from North Korea and entry into South Korea. Eventually, Kang is resigned to enter a survival game in which there are only two options: be eliminated and killed, or be the sole winner of the \forall 45.6 billion grand prize, which Kang hopes to win and use to fund her mother's escape.98

Researchers have highlighted that 'celebrity' North Korean defectors have to consistently tailor their public narratives in order to be accepted by South Korean society and evade any possible suspicions from the government. Furthermore, "denouncing North Korea's human rights abuses performs the dual function of highlighting both personal distance from the North Korean state and alignment with the 'good' discourse of human rights." Defectors such as Jun Heo who may wish to relish in positive memories of family and community in the DPRK often must refrain from such discourses so that they do not draw unwanted attention from the decreasingly tolerant South Korean government. Even following their interrogations at the NIS and subsequent transitional learning period at the *Hanawon* (*"House of Unity"*) facility, defectors are still required to attend regular meetings with social workers and healthcare professionals; this guarantees physical and mental treatment and assistance, but also allows the government to monitor defectors' activities in the South.⁹⁹



Above: Visor from the 북한이탈주민과 함께하는 2012 어울림 한마당 ("2012 Social Event/Festival with North Korean Defectors") in South Korea

Television shows and other programs regarding North Korean defectors – for example, *Now on My Way to Meet You* and *Moranbong Club* – feature narratives that emphasize tragedy and shocking elements of life in the DPRK, which in effect "reduces North Korea and its people to a monolithic touchstone of suffering" and coerces defectors to relive traumatic events and identify themselves primarily as victims and only secondarily as resilient survivors.¹⁰⁰ Mass media additionally "plays the role of primary agent in circulating and fortifying the image of North Korean defectors as cultural others."¹⁰¹

Regrettably. though North even Korean defectors - primarily women - leave their home country in order to find a better life in a third country, a large portion experience major difficulty in socially adapting to and establishing sustainable lives in South Korea. One noteworthy example of the poverty and hardship that defectors face in South Korea is the unfortunate case of 42-year-old Han Sung-ok and her 6-year-old son Kim Dong-jin who were found deceased in their apartment in July 2019 having likely succumbed to starvation. Sung-ok had initially entered South Korea in 2009 alone and worked to earn money to fund her husband's and son's defections from North Korea. After eight years of living in South Korea and having a second son, the family moved to China as Sung-ok's husband suffered from the decline in the shipbuilding industry. In 2018, after divorcing her husband. Sung-ok returned to South Korea with her youngest son, Dong-jin, though she realized it would be difficult to work as she couldn't find a childcare facility that would accept her epileptic son. Sung-ok could not afford a cellphone, was unable to make friends, and never entered the workforce. She lived in a \approx USD \$75/month apartment and relied on government-provided child support which was decreased from \approx USD \$165/month to just \approx USD \$82/month after Dong-jin turned six. In July 2019, Sung-ok's and Dong-jin's bodies were found by a meter-man who was visiting the apartment to collect overdue fees. Forensic scientists noticed that the only food in the apartment was a small container of chili powder and determined they had likely died two months prior of starvation; around that time, Sung-ok had withdrawn the remaining \approx USD \$3.20 from her bank account. Despite living just yards from a district government office and being eligible for disability support due to her son's medical condition, she never accessed these lines of help. "She either didn't know how to navigate the South Korean system and find the help that was available, or just felt so hopeless about her situation that she gave up trying." 102

More recently, in late October 2022, authorities from the *Seoul Housing and Communities Corporation* followed up on an unnamed defector woman who had failed to pay rent for a few months. They found the 49-year-old woman deceased in her apartment, decomposed to nearly just her skeletal remains, and an autopsy

D. Poverty

revealed that she had died an entire year earlier likely from starvation. The defector woman, who arrived in South Korea in 2002, worked for fifteen years at Korea Hana Foundation as a counselor for other North Korean defectors, and she had actually been praised as a North Korean defector resettlement success story. It is reported that even though Seoul officials periodically check up on defectors, the woman requested authorities to cease their protection and assistance services for her in 2019. In the months and years prior to the discovery of this deceased defector woman, and in the light of the death of Han Sung-ok and her son in 2019, South Korea's Ministry of Health and Welfare had issued numerous warnings of an impending welfare crisis which would be further intensified by pandemic-related stressors and hardships.¹⁰³

Another recent defector case, though not regarding a woman defector specifically, further shed light on the financial and social hardships that defectors experience tremendous difficulties overcoming. In January 2022, 29-year-old North Korean defector Kim Woo-joo shocked the world when he took up the extremely dangerous process of re-defecting to the DPRK by crossing the demilitarized zone (DMZ). Re-defections to North Korea are extremely uncommon but not completely unheard of, and many such cases are similar to Kim's in which obstacles to assimilation and prosperity in the South leave defectors disillusioned with their new lives. Kim, who originally came to South Korea in November 2020, was able to make ends meet by working as a night-time office janitor; during the day, however, he remained a recluse in his small apartment, failing to socialize with his neighbors or make friends. While in North Korea, Kim was a talented gymnast and also had a stable career in a developed industry, but "you can't come to South Korea and expect to do an equivalent job." 104

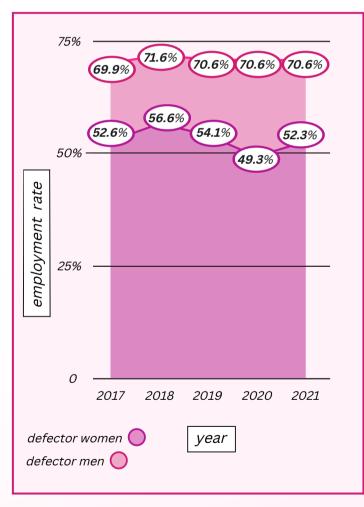
North Korean defectors do receive government assistance upon their arrival to South Korea in the form of educational classes – teaching about credit cards, driving, developing employable skills – and the provision of their first low-rent apartments. However, "despite being a dynamic free market democracy, success [in South Korea] depends on a system of informal connections. These tend to be based on regional origins and graduation from certain

educational institutions." 105 Defectors, many of whom did not benefit from higher education and instead worked primarily in manual labor industries, are unable to participate in the competitive and highly specialized employment sector in South Korea. To make matters worse, a 2018 study found that only 43% of defectors who attended vocational training classes at Hanawon had actually found such instruction and assistance to be helpful in securing a job. and a substantial 30.6% of those who completed this employment training program were still inactive in the labor market. Researchers have postulated that the reason for this inability to harness vocational skills and apply it to the real world stems from the fact that many defectors "end up considering these trainings as [only] a necessary passage to resettle in the South Korean society" and that "they fail to reflect upon the significance and the meaning of these training programs in connection to their future careers." Moreover, defectors were observed to have low rates of employment hope, or "the noncognitive drive that generates actions to push towards reaching a future goal", often resulting from low self-worth and perceptions of minimal self-capabilities.¹⁰⁶



Korea Hana Foundation's 2021 Settlement Survey of North Korean Refugees in South Korea reveals that the employment rate of female defectors is 52.3% in comparison with the male defector employment rate of 70.7%. Furthermore, the average three-month wage of male defectors amounts to nearly 3.07 million Korean won (≈ USD \$2,150), whereas female defectors' average three-month wage is 1.96 million won (\approx USD \$1,370). The lower wage for North Korean defector women can largely be attributed to the more general issue of the large wage disparity between genders in South Korea (the highest pay gap of all OECD nations), as well as the fact that defector women are considered more suitable for the less profitable manual labor and service industries due to their lower education levels. 107

Figure 3. Employment Rates of North Korean Defectors by Gender



Source: Korea Hana Foundation's <u>Settlement Survey of North Korean</u> <u>Refugees in South Korea</u> (2017; 2018; 2019; 2020; 2021)

E. Mental and Physical Health

North Korean defectors have experienced difficulties recognizing their own psychological problems, as there is no concept of 'depression' (우울증) or 'mental health' (정신 건강) in the DPRK, and therefore defectors have no awareness of such disorders. Moreover, most mental conditions and mental health illnesses are considered by the North Korean regime – and by extension, by the North Korean people – as a problem with the individual's ideology and *juche**(주체사상), and lead to punishment.¹⁰⁸

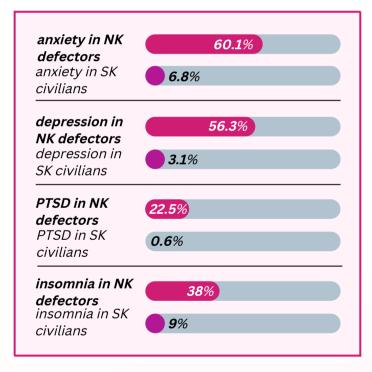
Medical studies and surveys of defectors have consistently illustrated that "exposure to cruel and inhumane treatment by authorities" in the DPRK and during defection is significantly associated with higher levels of depression, PTSD, and also anxiety disorders (60.1%), attention disorders, insomnia (38%), somatic symptoms, and lower social functioning among defector populations.¹⁰⁹Indeed, research has revealed that poor mental health among defector populations is associated with compounded "pre- and post-migration experiences". 95% of North Korean defectors had been either directly or indirectly exposed to starvation and/or disease in the DPRK, 95.3% had witnessed relatives or neighbors die of extreme hunger in the DPRK, and 96% had witnessed relatives or neighbors being publicly executed by North Korean authorities.¹¹⁰ The Ministry of Gender Equality and Family of the Republic of Korea has reported that approximately 65.2% of female refugees suffered chronic diseases, 50% were at risk of developing depression, and over 25% suffered with post-traumatic stress disorder (PTSD).111

* Juche (주체사상) is the official ideology of the DPRK which postulates that the nation is distinctly separate from the rest of the world and is self-reliant under the direction of the Supreme Leader.

Rates of suicidal ideation (28.3%), suicide plans (13.3%), and suicide attempts (17.3%) among North Korean defectors of both genders are also much higher than the averages of ideation, plans, and attempts among the populations in

South Korea, other Asian countries, and the western world. An October 2020 survey of 140 North Korean defector women in South Korea found that 60% had either contemplated or attempted suicide within the past 12 months. Furthermore, among respondents, 93.6% had been subjected to at least one type of traumatic event (i.e., witnessing execution, witnessing or experiencing rape or inhumane imprisonment). though as a whole, defector women had experienced on average seven traumatic events post-defection. preand Interestingly, depression, harmful alcohol use, and trauma exposure did not play as large of an expected role in suicidal ideation and attempts among North Korean defector women. Rather, "negative life events" such unemployment, as interpersonal disputes, somatic illnesses, and acculturation difficulties - were more strongly associated with suicidal ideation and attempt.¹¹

Figure 4. Mental and Physical Afflictions among North Korean Defector Population



More recently, a 2022 survey of 300 defectors which sought to focus on the long-term trajectory of mental illnesses among the community revealed that a large portion of defectors suffered from mild depressive symptoms but were extremely unlikely to report these feelings and seek help. The researchers did highlight one of the main findings that "the proportion of women was higher in the high/increasing symptom group than in the low/stable symptom group. Specifically, approximately 94% [of] individuals in the high/increasing symptom group were women." As is consistent with global findings on gender and mental illness, North Korean defector women were at a higher risk of developing major depressive disorder. It is important to note that defector women do experience unique rights violations during their defection and resettlement that their male counterparts typically do not encounter, such as sexual assault and/or trafficking into prostitution and/or unwanted marriages. One interesting finding of this study is that survivors of trauma are much more likely to exhibit social anxiety disorders and general distrust of others, and in North the context of Korean defectors' assimilation to South Korean society, these disorders can complicate defectors' ability to form interpersonal relationships.¹¹³

Figure 5. Mental Illnesses Faced by North Korean Defector Women Residing in South Korea

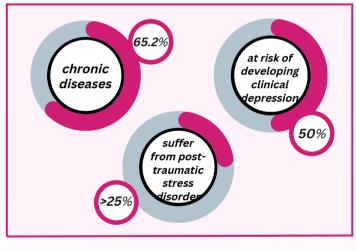
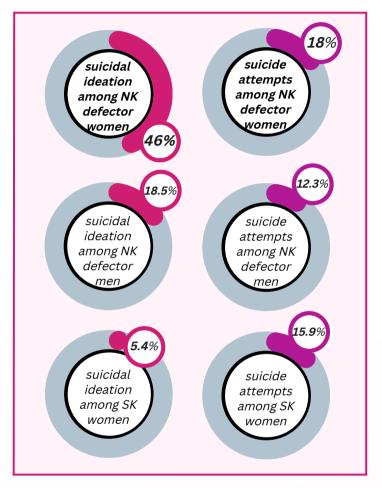


Figure 4 Source: Jin-Won Noh & So Hee Lee, <u>*Trauma History and Mental Health of North Korean Defectors*</u>, Current Behavioral Neuroscience Reports, 6 October 2020.

Numerous studies on the acculturation of North Korean defectors in South Korea reveal that the existence of social network diversity has a positive influence on their mental health and additionally acts as a "stress buffer" and as a preventive/protective factor against suicidal ideation and realization. Many defector women have reported that church membership has been a great source of "emotional and material support" and is the primary social arena through which they developed interpersonal relationships and self-esteem. A study of North Korean defector women revealed that "network diversity moderated the effect of post-migration discrimination on suicidal ideation [....] It is possible that by being connected to people across diverse domains, these women had more access to various solutions and necessary resources to cope with discrimination, an ongoing stressor [....]" ¹¹⁴

Figure 6. Rates of Suicidal Ideation and Attempts among North Korean Women Defectors in Comparison with Defector Men and South Korean Citizens



Sources: Boyoung Nam, Jae Yop Kim, Jordan DeVylder, & JoonBeom Kim, <u>Suicidal Ideation and Attempt Among North Korean Refugee</u> Women in South Korea: Factors that Distinguish Suicide Attempt from <u>Suicidal Ideation</u>, Suicide and Life-Threatening Behavior, 23 April 2021.

Kyoung Ae Kong, Young Eun Kim, Sunho Lim, Bo Young Kim, Ga Eun Kim, & Soo In Kim, <u>Depressive Symptoms and Suicidal Ideation in</u> <u>Individuals Living Alone in South Korea</u>, Diagnostics, 27 February 2022.

Ji Hyun An, Kyoung Eun Lee, Hyo Chul Lee, Hae Soo Kim, Jin Young Jun, Hye In Chang, Suk Sun Kim, Su Yeon Lee-Tauler, & Jin Pyo Hong, *Prevalence and Correlates of Suicidal Thoughts and Behaviors among North Korean Defectors*, Psychiatry Investigation, 2018.

Kim Arin, <u>"South Korea's young suicides rise despite overall drop"</u>, *The Korea Herald*, 14 June 2022.

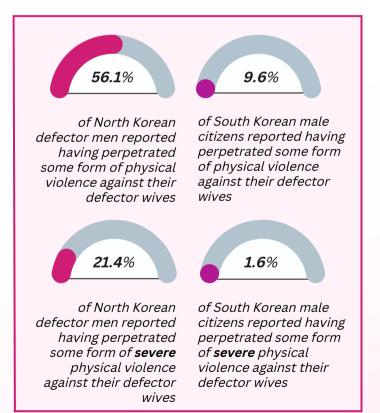
With regards to the physical health of North Korean defectors, women are much more likely than their male counterparts to exhibit high rates of sexually transmitted infections (i.e., syphilis, HIV), unsurprisingly as a result of the sexual trauma many are subjected to. Additionally, female defectors also have been reported to suffer from cervical cancer upon their arrival to South Korea. Logically, women who develop physical illnesses as a result of sexual trauma during the defection process similarly exhibit higher rates of PTSD and other trauma "difficulties in healthcare disorders. Finally, access are common problems for defectors or immigrants" – largely due to negative stigma in the host society towards voluntary and involuntary migrants - and "these difficulties are intensified in the sexual and reproductive health domains for female defectors", many of whom did not even receive necessary obstetric and gynecological (OB/GYN) care in the DPRK and therefore are unaware of the necessity of such medical care, especially if they have been subjected to sexual violence.115

As previously discussed in this report, the frequency of intimate partner violence (IPV) towards women is significantly higher among North Korean refugee populations than the South Korean population. A 2020 survey was conducted upon the husbands of North Korean defectors - 897 were South Korean husbands and 101 were North Korean refugee men themselves. A much larger portion of North Korean defector men (56.1%) than South Korean men (9.6%) reported having perpetrated some form of domestic violence upon the North Korean defector women to whom they were married. Furthermore, North Korean husbands were 13 times more likely (21.4%) to inflict serious forms of violence upon their wives than South Korean husbands (1.6%). This can largely be attributed to North Korean males' "perceived inferiority resulted from discrepant acculturation levels [to South Korean society] between partners" as well as "perceived threats to their [male partners] patriarchal authority" in a more gender-equal South Korean society. This research also revealed that "there was a significant relationship between the home country and IPV". Whereas the indicators of "stress" and "attitude toward violence" were not risk factors for South Korean males' IPV towards their female partners, higher stress and tolerant views on domestic violence - the latter of which is common in the DPRK - were statistically significantly associated with higher rates of IPV

perpetrated by North Korean refugee husbands towards their female defector partners.¹¹⁶

Fortunately, per the National Health Insurance System (NIHS), North Korean defectors are guaranteed medical aid and healthcare as beneficiaries (type 1) upon their entry into Hanawon. As type 1 beneficiaries, their medical and health expenses are paid for by "public funds" and taxes.117 Research of the NIHS database found that 22,753 North Korean defectors (67% of approximately 34,000 total defectors¹¹⁸) received medical care in 2018, 78% of which were women and 70% of which were between the ages of 20 and 40. Regrettably, defector women exhibited a higher disease burden, which is defined as the impact of a health problem in terms of cost, mortality, and morbidity. The leading causes of premature deaths among the defector population in South Korea were self-harm/suicide (25%), followed by lung and liver cancers and disease.

Figure 7. Rates of Intimate Partner Violence towards North Korean Defector Women as Reported by their North Korean Defector Husbands and their South Korean Husbands



Source: Boyoung Nam, MSW, Jae Yop Kim, PhD, & Wonjung Ryu, BA, <u>Intimate</u> Partner Violence Against Women Among North Korean Refugees: A Comparison <u>With South Koreans</u>, Journal of Interpersonal Violence, 2020.

A study of a small group of North Korean women residing in South Korea revealed that the obstacles to defectors' complete satisfaction with South Korean health care include, overarchingly: lack of understanding of the health care system, hospital/emergency including protocol: unintuitive medical terms; unfamiliar medical interventions and treatment types: overlytechnical doctors' questions, instructions, and advice; and medical information overload. This indicates that improvements can and should be made to improve both physical and non-physical accessibility to health care for the defector population.¹¹⁹ A 2020 survey of North Korean defectors - of which 90.4% were women revealed that there does exist some residual linguistic medical illiteracy, with 94.1% of respondents not knowing the term "pap smear", "nausea", 85.3% not knowing 74.3% not knowing "dietary", and 72.1% not knowing "herpes". With regards to functional health literacy, 61.8% of surveyed defectors were found to have a "high" functional understanding of health, though responses to factual questions about hypertension, lifestyle diseases (i.e., noncommunicable diseases including heart disease. pulmonary disease, diabetes, osteoporosis, etc.), and medications had relatively low accuracy rates. While the rate of intentional drug misuse among the surveyed defector population was remarkably low, 61.8% of respondents reported having forgotten or skipped taking medications. 51.5% reported discontinuing medication use without consulting a medical professional. and 50% reported using medications not prescribed to them or combining use of prescribed and non-prescribed drugs¹²⁰ Assessing and improving the healthcare system for North Korean defectors – especially expanding the understanding of the importance of following medical advice - is imperative, as physiological and psychological health have been identified as the primary determinant of defector women's perceived quality of life (OOL).¹²¹

A 2018 survey of 150 North Korean defectors resettled in South Korea – 58% (87) of which were female – sought to discern whether they engaged in *Health-Promoting Lifestyle Behaviors* (HPLBs). Results indicated that, of the six HLPBs – (1) health responsibility, (2) physical activity, (3) nutrition, (4) spiritual growth, (5) interpersonal relations, and (6) stress management – North Korean defectors engaged in far less interpersonal relations than surveyed South Korean citizens, possibly due to fear and anxiety of revealing their status as a defector in

a culture where there is negative stigma if one is identified as such. This might be exacerbated by the interesting observation that, "since more than half a century has passed since the division of the two Koreas, the younger generation of South Koreans are less likely to consider North Koreans as part of the same nation and may have [unfavorable] attitudes toward them, compared to the sixty-or-older group". With regards to spiritual growth, the majority of North Korean defectors (64%, 96 individuals) reported religious identifying with community. а predominantly Christian, in comparison with 46% of South Korean respondents. This can be attributed to the multitude of interactions defectors have with faith-based organizations involved in assisting defectors with assimilating to South Korean society. Spiritual growth has been associated with improved health, as it provides comfort during difficult times, a sense of belonging, and support from peers. Defectors involved in religious activity reported higher rates of optimism, purpose, self-care, regular medical checkups, and more. Additionally, North Korean defectors suffering from higher rates of stress were remarkably less engaged in physical and mental self-care, physical activity, proper nutrition, and interpersonal relations, and they exhibited lower levels of contentment and/or satisfaction with their lives.¹²²



F. Sexual Exploitation and Prostitution

As was briefly touched upon in previous sections, there have been a few noteworthy cases in which North Korean women and girls have been subjected to sexual violence by South Korean authorities during the transition process to life in a new country and society. However, ordinary South Korean male citizens also play a horrific role in the online sexual exploitation of North Korean women and girls. Approximately 60% of female North Korean refugees in China were trafficked into the sex trade, 50% of whom were then forced into prostitution, 30% sold into fraudulent marriages, and 15% pushed into cybersex activities against their wills.¹²³ The ever-expanding illicit cybersex industry exploits women and girls - often restrained to the small homes of their captors who are forced to perform degrading and humiliating sexual activities on camera upwards of 17 hours a day for a live paying audience.124 Over the past few years, survivors of this sinister crime have testified that the majority of their clients were South Korean men who they identified by their distinct accent; even some South Korean websites hosted these illegal cybersex "services".125

Additionally, other defector women report that, while working in the forced prostitution industry in China, a large portion of the clientele were wealthy South Korean businessmen and elites. One woman stated:

"[T]here are many South Koreans. [...] We put advertising cards under their doors. [...] The cards are in the Koreanlanguage and advertise what we offer. [...] We are mostly taken to bars. South Korean companies want [prostitutes] for their businessmen. [...] Prostitution was my first experience of meeting a South Korean person."¹²⁶

Image by <u>Sam Balye</u> on Unsplash

The number of these women who are exploited through cyber-trafficking and forced prostitution is likely underreported as many are reluctant to share their cases for fear that they will be recognized by their 'clients' and perpetrators upon arrival in South Korea. South Korea's overarching culture of victim-blaming, antifeminism, and negative stigma towards survivors of sexual violence further deter accurate incident reporting, prosecution of perpetrators, and necessary preventive measures and legislative improvements. In September 2020, the same month that two officers of the South Korean Armed Force Intelligence Command were convicted for repeatedly raping a defector woman, NK News published an interview in which two defector women - both of whom are themselves survivors of sexual violence they experienced in China during the defection process -denied that defector women are ever subjected to sexual violence at the hands of South Korean authorities. Lee Soon-sil, 53, claimed, "I just don't buy it. Do you have any idea how caring and devoted these officers are to us defectors? It's probably those women's fault - those who don't try diligently enough to resettle here after defecting, those who give up their bodies here and there so easily." Jeong Jinhwa, 55, made similar disparaging comments: "[The victim] was an adult. Unlike back in North Korea, she would have known that she could say no here. She could have just chosen not to open the door for him."¹²⁷



South Korea is signatory to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. It is therefore incumbent upon the government to take measures to prosecute citizens and businesses that benefit from the cybersex and physical sexual trafficking of North Korean women and girls. Simply outlawing pornography websites can only go so far to protect vulnerable likelv individuals: it would encourage perpetrators to access "unregulated mediums, such simply using a virtual private network (VPN) to circumvent country-specific restrictions or access the off-the-grid network of the dark web " 128

IV. The Situation of North Korean Women in the People's Republic of China

A. Legal and Systemic Inequality of Women in China

Similar to South Korea, Chinese legislation and institutions espouse male superiority and remain highly patriarchal despite some bills which allegedly aim to eliminate obstacles to equality that Chinese women face in employment, education, public life, and private family life. The foundational national 'gender equality' legislation is the 1992 Law of the People's Republic of China on the Protection of Rights and Interests of Women which, prior to its 2022 amendment which will be discussed soon, had only been revised once in 2005, though not substantially. This law outlines women's equal rights to primary, secondary, and tertiary educational attainment (Article 16); to hold public political office and to vote according to conviction (Articles 10, 11); to seek out and acquire employment, and promotions, on a nondiscriminatory basis by gender (Article 23); to have property rights equal to their male counterparts (Article 30); to be free from unlawful detention (Article 37); and to be free from dismissal from employment on the basis of maternity status marital (Article or 27). Additionally, this law prohibits the "abducting of,

trafficking in, or kidnapping of women" (Article 39); sexual harassment (Article 40); prostitution (Article 41); and domestic violence (Article 46).¹²⁹

In October 2022, after having previously announced their intention to revise the Law on the Protection of Women's Rights and Interests in January 2022, the Chinese government introduced the amended legislation, reportedly with the goal to further cement women's equality and specifically to tackle workplace sexual harassment which has been rampant in China¹³⁰ Specifically, "the updated law explicitly forbids sexually harassing a woman against her will by means of words, texts, images or physical acts. It also requires that authorities who receive reports of harassment process the cases promptly and provide a formal written response the complainant." 131 Ironically to and disappointingly, the revised law appears to criticize the media for its reporting of women's issues such as high-profile sexual harassment cases and cast doubt on media integrity, stating that the news must be "objective" and "moderate" and refrain from "exaggerating facts and overstating them." Moreover, numerous women's rights Chinese activists have expressed their collective perception that the new law, rather than being an impetus for progressive change, is more of a symbolic, nonactionable gesture to 'follow-up' on President Xi's multiple verbal commitments to advance gender equality. These commitments have remained unfilled, and during the 20th Chinese Communist Party Congress (16 October – 22 October 2022), for the first time ever, no woman was elected into the Politburo.

Critics of the revised Law on the Protection of Women's Rights and Interests have compared it to the more practical and applicable 2015 Anti-Domestic Violence Law of the People's Republic of China. This law specifically outlines what actions constitute domestic violence - "the inflicting of physical, psychological or other harm by a family member on another by beating. trussing, injury, restraint and forcible limits on personal freedom, recurring verbal abuse, threats and other means". Additionally, the law sets aside funding for anti-domestic violence work Article 4); guarantees victim privacy when requested (Article 5); directs that vulnerable women - the disabled, pregnant, breastfeeding, and elderly - are entitled to specialized protection (Article 5); outlines the duties of mandated reporters, such as welfare and childcare workers (Article 14); defers and/or waives female victims' litigation fees (Article 19);

and confers personal protection and restraining orders to victims upon request (Chapter 4).¹³²

Despite these legal protections, women still face harassment and violence both in the workplace and in their own homes. Meanwhile, the Chinese and public's tendencv aovernment's to whitewash crimes against women and stamp out the #MeToo sexual assault accountability movement casts suspicion on the nation's purported intentions to truly advance gender equality. In November 2021, after 35-year-old famous female Chinese tennis player Peng Shuai publicly accused former Vice Premier 75year-old Zhang Gaoli of inviting her to his home in 2018 and forcing her to engage in sexual intercourse with him, Peng disappeared from the public eye for weeks, with her allegations and social media profiles scrubbed from the Chinese internet. Only after mounting international criticism and the decision of the Women's Tennis Association's Mr. Steven Simon to cancel all upcoming tournaments in China and Hong Kong Special Administrative Region did Peng return to the public, and in such a way that appeared suspiciously curated and dismissive. In mid-December, Peng sat down for an interview with Lianhe Zaobao newspaper and claimed that she was not sexually assaulted and that her original post had been "misunderstood" by the general public. She further responded to concerns for her safety by claiming that she had not been targeted by the Chinese government for travel restrictions and surveillance. It is still widely suspected that Peng had been forced to backtrack on her accusations as such is par for the course for the government's reaction to "comments that erode the standing of the Communist Party".133

29-year-old rising television host Zhou Xiaoxuan sued famous presenter Zhu Jun for emotional damages incurred after Jun reportedly sexually harassed, groped, and forcibly kissed Zhou while she was interning at *China Central Television* (CCTV) in 2014. Zhou had initially posted her accusations under the pseudonym of Xianzi in 2018 before the *#MeToo* movement had reached China. In 2020, the court had ruled that Zhou had produced insufficient evidence and therefore her allegations did not meet the burden of proof, thus dismissing the case; in August 2022, the court rejected Zhou's appeal.¹³⁴

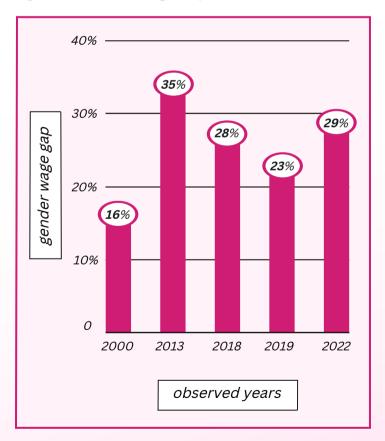


Image by <u>si.robi</u> on Flickr (CC BY-SA 2.0)

In November 2021. China's second-largest ecommerce industry giant Alibaba "dismissed" an unnamed female employee after she had posted on the company's webpage allegations that a male former co-worker had sexually assaulted her while on a business trip. Alibaba had initially dismissed the accused male employee in light of the incident, but had additionally fired ten other employees who had "publicized" the case. 135

Whereas economies such as the United States. Japan and the European Union have successfully reduced their respective gender employment gaps, China's has actually widened. From 1990 to 2019, the percentage of male employees or men looking for work (ages 15-64) dropped only approximately six points (≈89% to \approx 83%) whereas the percentage of employed or employment-seeking women dropped approximately eleven percentage points (from ≈79% in 1990 to ≈68% in 2019). Sexual harassment in the workforce has been identified as one of the primary causes of this widening gap in China, alongside "worsening bias about women's right to work and leadership in the workplace", and traditional views about women's primary role as mothers and caretakers.¹³⁶ Furthermore, the wide gender wage gap further disincentivizes women's engagement in formal employment. A June 2022 analysis of 10.3 million resumes from Chinese job recruitment websites in 2015 – covering applicants' genders, ages, educational experiences, and employment experiences – found that the gender wage gap is approximately 29%, with the average salary of women (¥ 66,503) falling nearly ¥ 30,000 less than their male counterparts' (¥ 92,918). The study further confirmed the Family Constraint Theory which "holds that the married women tend to undertake more familv care responsibilities than men, which reduces their competitiveness and thus pay in the workplace." The resume analysis revealed that the gender pay gap was much smaller for the unmarried than the married. This observation calls into question the efficacy of the Law on the Protection of Rights and Interests of Women which explicitly prohibits the reduction of a woman's salary on the basis of her maternal status.137

Figure 8. Gender Wage Gap in China



Sources: Wei Bai, Yan-Li Lee, Jingyi Liao, Mei Xie, Tao Zhou, "The Gender Pay Gap in China: Insights from a Discrimination Perspective", Cornell University, 19

Mariya Brussevich, Era Dabla-Norris, & Bin Grace Li, IMF Working Paper: China's Rebalancing and Gender Inequality, WP/21/138, International Monetary Fund, May 2021

Xinhua, "Gender wage gap narrows in China as more women enter management: report", 7 March 2020

Mikey Redding, "Gender Wage Gap in China", The Borgen Project, 12 September 2021

Similarly, the enactment of laws combating domestic violence have not manifested in the eradication thereof. Recent statistics reveal that 40% of Chinese women are subjected to domestic abuse and 10% of murders in the whole of China are attributed to intimate partner violence (IPV). Moreover, the average Chinese woman endures an average of 30 isolated incidents of domestic violence/IPV before seeking outside assistance. As previously discussed, the 2015 Anti-Domestic Violence Law does outline protective measures for victims. such as reporting mechanisms, child support, and legal assistance; however, many have pointed out certain lackluster provisions in the act.

"Even within the 2015 law, one of the first few articles states, 'Family members shall help each other, love each other and live in harmony, and perform familial obligations.' This highly coveted notion often outweighs a victim's safety in domestic violence cases because law enforcement's first steps in cases normally lean toward conflict resolution or a written warning instead of initial separation. Unfortunately, this only encourages further violence and conflict and often discourages women from seeking help in domestic violence cases." 138

To further exacerbate the situation, and as has been repeatedly observed in every region of the world. the COVID-19 pandemic and corresponding lockdown measures have confined women to the home with potential abusers, thus raising the rate of domestic violence.¹³⁹ During the pandemic, social worker Guo Jin launched a campaign called Anti-Domestic Violence Little Vaccine, through which women survivors of domestic violence could communicate over WeChat to encourage reporting incidents and offer legal and other advice; the campaign has gathered over 8.3 million views throughout the past few years.

Researchers have observed that many individuals conflate the risina awareness/condemnation of domestic violence in China as a success of the Anti-Domestic Violence Law, when in reality it is largely due to a "string of graphic, high-profile cases".¹⁴⁰ In mid-September 2020, a Tibetan woman content creator by the name of Lhamo was livestreaming from the kitchen of her home in Sichuan

province when her ex-husband, Tang, entered her home, poured gasoline on her, and set her on fire. After the incident, Tang was arrested and Lhamo spent weeks in Sichuan Provincial People's Hospital before succumbing to her burns and passing away in October. Following Lhamo's death, further details were revealed about the couple's hostile relationship. Tang and Lhamo had met as teenagers and initiated a romantic relationship. After marrying a decade ago, in one incident Tang had physically abused Lhamo to the point of breaking her arm, at which point she divorced him. A local police officer also reluctantly revealed that Lhamo had reached out to them multiple times for help since 2019 but that all they had done in response was "talk to Tang about behaving himself." 141

Home security footage was released in January 2022 depicting a male citizen of Xi-an physically beating his wife while a child, presumed to be the couple's, watches. Police initially arrested the man and detained him for five days after which they released him without charges. Authorities reported that the assault was the result of an escalated argument over unfinished household chores, and that "officers had since 'criticised and educated' the woman".¹⁴²

Also in January 2022, a video taken in Feng county went viral depicting an unkempt and mumbling middle-aged woman restrained to the floor by a chain around her neck. After the video received much global attention and concern, the very same day, Feng county officials alleged that the woman's surname was Yang, that she had been tied up due to repeated "violent fits", and that she was married to a man with the last name Dong with whom she had eight children. Immediately, this statement was met with large suspicion by Chinese internet users who cited that it would be extremely difficult to circumvent the nation's One and Two Child Policies. In the days and weeks following the publication and video of the statement, numerous reports were released alleging that it is very common for women to be trafficked to Feng county and marry local men against their will. One anonymous social media user reported that her aunt had been trafficked to Feng county from Sichuan province and forced into marriage: after having one male child with her husband she ran away. Another internet user stated that residents of rural regions will send off their daughters to

marry against their wills in Feng county in exchange for a dowry for the bride's family. In February, backing up on their original claims, Feng county officials reported that the woman's name was not Yang but Xiaohuamei and that she was a woman who recently went missing from a rural village in Yunnan province. Authorities claimed that the woman's mother had reached out to a Feng county resident asking to send Xiaohuamei to Jiangsu province for medical treatment for an unspecified illness or disorder. Along the way, authorities claimed, Xioahuamei had been lost track of and ended up in Feng county. Finally, also in February, authorities confirmed that Xiaohuamei's purported husband had been arrested on charges of illegal detention of his wife; additionally, they had apprehended on charges human trafficking the villager who of Xiaohuamei's mother asked to send her daughter to receive medical care. Recently, however, a woman identified as the disappeared Xiaohuamei's half-sister reported that she had visited the woman in Feng county and that it does not appear to actually be her half-sister who went missing.143

In the years following the implementation of the *2015 Anti-Domestic Violence Law*, operators of domestic violence reporting mechanisms and hotlines have recorded higher rates of incident reporting and use of social media to seek assistance. Survivors have also showed higher resilience and perseverance by engaging in the long and tedious process of applying for protection orders against their abusers and seeking prosecution. Regrettably, however, as of November 2020, only 6,000 restraining orders

against domestic abusers had been filed. Even though authorities are tasked with issuing written warnings to perpetrators when incidents are judged to be too insignificant to warrant arrest, many Chinese local officials are reluctant to issue such cautions at all, and some localities had only provided warnings in 10% of cases of domestic violence reported to the police. To further exacerbate the difficulties survivors face in achieving protection from their abusers, the nationwide restraining order approval rate is only about 66%, and in some regions this rate declines to 33%.¹⁴⁴ It is similarly guite difficult for victims of domestic violence at the hands of their spouses to file for divorce on such grounds. Researchers who recently examined 257 divorce cases in China ranging from 2015 to 2021 found that: (1) domestic violence claims were only upheld in 8% of the cases; (2) in 65% of cases the courts rejected the plaintiff's divorce requests; and (3) in 26% of cases the courts outright rejected accusations of violence.145

> **B.** Legal and Systemic Inequality of North Korean Defectors in China

The political arrangement between China and North Korea has cornered North Korean women into a precarious situation in China. The Chinese government refuses to classify the defectors as legitimate refugees and instead discriminatorily labels them as "economic migrants" who are allegedly motivated to escape singularly due to famine and poverty in North Korea. Additionally, "Beijing is honoring a bilateral agreement - the 1986 Mutual Cooperation Protocols for the National Security and Maintenance of Social Order in the Border Regions – with Pyongyang outlawing illegal border crossings to legalize the forced repatriation of North Korean refugees."146 Without refugee status, the human rights of North Korean defectors in China are easily violated, and defectors are unjustly excluded from policies and programs existing to protect individuals from exploitation and/or trafficking.

China's obligations under Article 5 of the

International Convention on the Elimination of All Forms of Racial Discrimination prohibit medical and healthcare discrimination.¹⁴⁷ In addition, China is also obliged to protect a woman's right to access health care and health facilities per the Convention on the Elimination on All Forms of against Women.¹⁴⁸ Women Discrimination defectors from North Korea experience such discrimination in China. This past September (2021), Daily NK spoke to a source in China about how defector women have not received COVID-19 precautionary measures. It relayed:

"Female defectors in China aren't able to go to the hospital to receive proper medical treat even if their husband is Chinese . . . There are many Chinese who have received three shots of the COVID-19 vaccine. but defector women are unable to receive the vaccine because of their status as illegal aliens."149

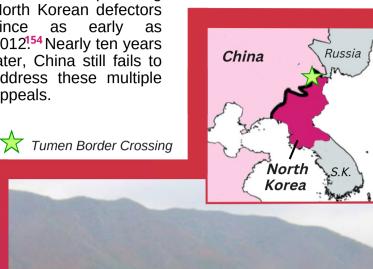
In addition, the source said that China's central government has permitted the country's provinces and autonomously governed areas in June 2021 to proceed with vaccinations of North Korean women inside the country "as they see fit."¹⁵⁰This seemingly dismissive statement gives way for a cavalier mishandling of the health crisis.

China, pursuant to the 1951 Convention Relating to the Status of Refugees¹⁵¹, its 1967 Protocol¹⁵², and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁵³, is obligated to refrain from repatriating North Korean defectors. More specifically, each of these treaties stipulate that states parties are prohibited from refouling refugees "to the frontiers of territories where his [or her] life or freedom would be threatened." As has already been discussed in this present report. North Korean defectors who are forcibly repatriated to the DPRK are subjected to horrific punishments, and refouled women defectors face gender-specific atrocities and riahts violations such as sexual assault, forced abortions, and forced miscarriages.

Numerous entities, including the UN Committee Against Torture, the UN Special Rapporteur on the Situation of Human Rights in the DPRK, the UN High Commissioner of Refugees, the UN Committee on the Rights of the Child, the US

Congressional-Executive Commission on China, Human Rights Watch, Amnesty International, the Committee for Human Rights in North Korea (HRNK), and more have been urging China to

refrain from repatriating North Korean defectors since early as as 2012¹⁵⁴ Nearly ten years later, China still fails to address these multiple appeals.





In January 2020, it was reported that Chinese authorities had gone to great lengths to crack down on defectors, including using their cellphone history to locate them; it was not further clarified, however, whether the information would be used to repatriate them to North Korea.¹⁵⁵ Later that same year, in September, it was reported that Chinese authorities had arrested a group of five defectors, including a 49-year-old woman, a 48-year-old man, a 14-year-old girl, a pregnant woman, and another woman whose age is unreported. The detention sparked concern that the group would be forcibly repatriated to the DPRK.¹⁵⁶

In February 2021 *North Korean Ministry of State Security* officials called defectors in China and South Korea, telling them that why will receive their previously confiscated homes and farms if they return to the DPRK. When incentives fail, authorities threaten branding defectors as "traitors to the fatherland".¹⁵⁷ In prior years, apparently "even if the police knew that there were North Korean refugees living in an area, they did not arrest them unless they started causing problems. Now they are actively searching for them and arresting them, so all the North Korean refugees are terrified."¹⁵⁸

In late July 2021, Radio Free Asia revealed that a group of 50 North Korean defectors – including a mother who was already sent back once before - was removed from Dandong and repatriated to the DPRK, and that there remain hundreds more defectors in the Shenyang area that are at risk of deportation. One source explained that "there remain hundreds more defectors who escape from North Korea and [live] quietly in hiding with Chinese husbands. They are usually released immediately, but the ones who have conflicts with local residents or other problems are arrested and imprisoned."159 One anonymous Chinese citizen from Shenvang reported that a close friend had called him in the middle of the night because he could not reach his girlfriend, a North Korean defector who worked at a local restaurant. Four days later, it was revealed that the defector woman had been hospitalized with breathing difficulties and shock in response to being arrested by Chinese authorities while working. She further revealed that there were at least ten other defector women that she had met while imprisoned. ¹⁶⁰

In August 2021, authorities in the North Koreaadjacent Chinese provinces of Liaoning and Jilin ambushed homes of North Korean defectors and

arrested them. One detained individual was a North Korean defector woman who had been living in China for a decade with her husband and young child. Chinese authorities arrested her and charged her with human trafficking simply because she provided food, clothing, and shelter to recently defected North Koreans. Ironically, China is misusing its limited antihuman trafficking capabilities to detain individuals engaged in providing necessary support to recent defectors, rather than to prosecute individuals who are known to be luring and trafficking North Korean defectors.¹⁶¹

Also in August 2021, UN officials had sent a letter to the Chinese government requesting information on the detention and health statuses of no fewer than 1,170 North Korean defectors who had been revealed to be arrested. The government's response the following month in September simply reiterated its stance that the principle of *non-refoulement* of refugees does not apply to North Korean defectors who are considered "illegal migrants".¹⁶²

Increasingly, the fear has mounted that the Chinese government will use its advanced surveillance technologies - such as those used in Xinjiang to monitor and baselessly arrest Uvghur and Turkic minorities - to track North Korean defectors' everv movement and arbitrarily repatriate them.¹⁶³ In mid-February 2022, when a group of 20 North Korean female textile workers reportedly went missing from their dormitory and were suspected of going into hiding as refugees, the North Korean consulate urged Chinese authorities to leverage all means possible to locate the disappeared women. However, due to the fact that there had been no evidence of their using identification cards to buy transportation tickets, it is believed that this was a planned escape into another Southeast Asian country with the assistance of a guide to plan their travel as covertly as possible.¹⁶⁴

The United States Department of State's Annual Report on Trafficking in Persons (TIP) reported the trend in which they are repatriated without an assessment of their circumstances of trafficking, and despite widespread knowledge of the horrors that will likely face them upon return:

"The government did not undertake efforts to [...] provide suspected North Korean trafficking victims with legal alternatives to repatriation. [...] Authorities continued to detain North Korean asylum-seekers and forcibly return some to North Korea, where they likely faced severe punishment or death. [...] The government did not report screening these individuals for indicators of trafficking."¹⁶⁵

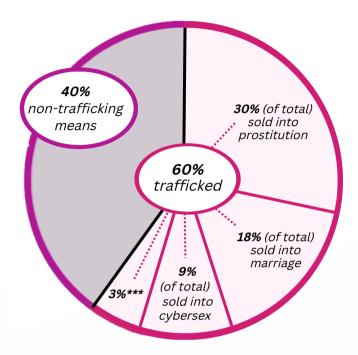
China's Land Borders Law went into effect on January 1, 2022 for the purpose of "protect[ing] territorial sovereignty and land border security' amid long-standing territorial disputes and concerns over the spread of COVID-19." It is widely purported that this law will further embolden Chinese law enforcement to continue forcibly repatriating North Korean defectors.¹⁶⁶ Months later, in mid-March 2022, two high-level United Nations representatives – Tomás Ojea Quintana, Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; and Nils Meltzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment – sent a letter iterating their concern for seven North Korean defectors who had been recently detained, one of which suffered from unspecified poor health.¹⁶⁷ The most recent estimate regarding the number of North Korean defectors who are currently detained and facing the threat of refoulement by Chinese authorities is at least 1500 refugees.¹⁶⁸

C. Trafficking and Sexual Exploitation of Defector Women in China

It is a continuous and concerning trend that North Korean women and girls are trafficked into China for the purpose of being sold into marriages with Chinese men or forced into the sex and prostitution industry against their will. These traffickers often attempt to bribe or convince North Korean defector women that they will find them suitable employment. On the contrary, they sell these women for extremely low prices into various exploitative sectors. In addition to compelling the refugees into commercial sex in brothels and bars or on the internet, they're also coerced into forced labor in agriculture, domestic service, and factories.¹⁶⁹ This dynamic has been occurring since the early stages of North Korean migration in the 1990s. One famous North Korean defector, Yeonmi Park, explained in both her 2015 book In Order to Live and in a recent interview how at age 13, she, her sister, and her mother were convinced to defect to China with the promise they would

be adopted and live a peaceful life. Instead, immediately upon crossing the border, she witnessed her mother being raped. She and her mother were then sold for \approx USD \$65 and \approx USD \$300 dollars, respectively, to human traffickers. Yeonmi spent two years in captivity in China before she was able to escape for a second time to Mongolia.

Figure 9. Means by which North Korean Defector Women Enter China



*** trafficked into China but details undisclosed

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

Within the first year of leaving the DPRK, 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 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 mass cybersex industry.¹⁷⁰ These defector women and girls are trapped between the Chinese government – which wants to arrest and repatriate them – and the North Korean government – which wants to imprison and torture them. In response to 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, 45% sold twice, and 41% sold once.¹⁷¹ Korean NGOs estimate that 70% to 80% of North Korean women who make it to China are trafficked, for between 6,000 and 30,000 yuan (\$890 to \$4,500), depending on their age and beauty.¹⁷²

In China, with an estimated ten million individuals engaged in sex work, prostitution accounts for 6% of the nation's GDP. Korea Future Initiative reported in 2019 that cybersex trafficking is one of China's booming industries with an annual profit of \approx \$185 million.¹⁷³ The business of the sale of North Korean women is worth an estimated \approx \$105 million annually.¹⁷⁴ Rising wages in northern Chinese cities have led to a greater demand for prostitutes to serve the male population, according to the KFI report. In southern China, the influx of trafficked women from Vietnam, Laos, and Cambodia has functionally met that demand. In northeastern provinces of China, however, men have expressed a preference for North Korean prostitutes.175

girls women trafficked into Often, and 'employed' prostitution become at establishments that outwardlv disquise themselves as entertainment or hospitality businesses - hotels, karaoke bars, cafes, bathhouses, barber shops, restaurants - but which are in reality clandestine brothels. North Korean defector girls and women between the ages of 15 and 39 see multiple male 'customers' a night and are subjected to rape and, by extension, face a higher likelihood of contracting sexually transmitted infections. Korea Future Initiative surveyed 45 North Korean women who had been trafficked into China; respondents highlighted occurrences of: groping (38)incidents): penetrative vaginal rape (32 incidents); forced masturbation (17 incidents); penetrative anal rape (12 incidents); gang rape (6 incidents); and oral rape (4 incidents). More than 67% of respondents were additionally subjected to non-sexual physical violence, having been beaten, punched, slapped, and even pierced with needles.¹⁷⁶ Simultaneously, these women and girls are prevented from escaping due to their economic and often druginduced dependency on their exploiters.¹⁷⁷



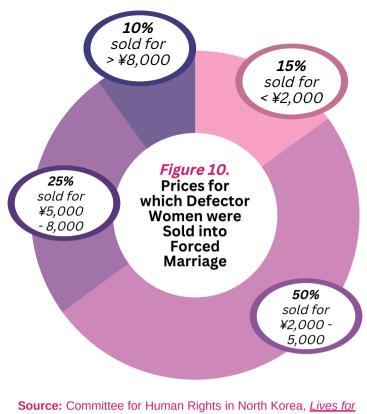
Two North Korean defector women described their terrible situations in China:

"We only had one room where we slept and ate. It was small. The windows were always closed so nobody could see us and it became very hot (....) If we fell asleep when we were waiting [for online clients], [the trafficker's wife] was told and she would stab us repeatedly with a sewing needle. She used a sewing needle so the marks would not show on the camera."¹⁷⁸

"I felt like dying 1,000 times, but I couldn't even kill myself as the boss was always watching us. The front door was always locked from the outside and there was no handle on the inside. Every six months, he would take us out to the park."¹⁷⁹ In September 2019, two North Korean defector women by the names of Lee Jin-hui and Kim Yena told *The New York Times* their separate stories of being smuggled out of the DPRK and into China, where they were subsequently sold to brokers. Jin-hui was detained in a three-room apartment and forced to perform sexual activities on camera for 17 hours per day, 7 days per week. Ye-na, on the other hand, was sold into a sex trafficking ring in which she was sexually enslaved and witnessed one woman she 'worked' with attempt to escape by jumping out of the sixth-floor window.¹⁸⁰

China also has a high demand for marriageable women due to the gender imbalance resulting from China's One Child Policy. In China presently, there are roughly 30 million more men than women.¹⁸¹ North Korean defectors often fill the gap by being forcibly married off to Chinese men. In these loveless and unlawful marriages. they live as "concubine[s]", are confined to the home, forced to engage in sexual activities, bear multiple children to their Chinese husbands, and perform domestic labor on a daily basis.¹⁸² At the same time, however, the Chinese government has been promoting propaganda that claims that marriage trafficking is not an issue and that foreign wives become satisfied in their marriages to Chinese men once they accustom to the new culture.¹⁸³ In some cases, forced marriage and cybersex/prostitution are not mutually exclusive. According to the previously discussed OHCHR survey of defector women who had reached a safe third country between 2018 and 2019, 7% of respondents reported being sold more than three times and 45% reported being sold twice. One defector woman revealed that she was sold into marriage with a Chinese man, and that after five years of marriage her husband sold her for a second time to a broker who forced her to work in the cybersex industry.184

In 2009, a *Committee for Human Rights in North Korea* survey of 20 defector women revealed that 15% were sold for under 2,000 yuan (\approx USD \$257 circa 2009), 50% were sold for 2,000 to 5,000 yuan (\approx USD \$257 to \$642), 25% were sold for 5,000 to 8,000 yuan (\approx USD \$642 to \$1,027), and 10% were sold for prices higher than 8,000 yuan. An additional 19 North Korean women were uncertain regarding amount of money they were sold for, and nine could not confirm whether there was any transfer of money involved in their sales into forced marriage.¹⁸⁵



Source: Commutee for Human Rights in North Korea, <u>Lives for</u> Sale: Personal Accounts of Women Fleeing North Korea to <u>China</u>, 2009.

North Korean women that are sold into marital servitude in China often are forced to bear children to their Chinese husbands as "collateral" or insurance that they will not try to leave. However, the reality is that many of these North Korean mothers escape to South Korea in hopes to end their forced marriages and find careers that will help them raise money to bring their children to the new nation with them. All of this is done out of the determination to help their children out of China, where they are unable to access education, health care, jobs, and other necessities as a result of their stateless statuses. While some women are able to bring their children to them and reunite in South Korea after years of raising money, it is a rare miracle. Alternatively, defector women who have "been residents of the country for more than 20 years who have a child or children with a Chinese husband" can pay for a temporary hukou (Chinese government document) to establish legal residence in China, however, there are very few providers of this service within the country.¹⁸⁶

D. Poverty

The vast majority of North Korean – and foreign women that are sold into forced marriage once they enter China are transported to rural regions such as the nation's three northeastern-most provinces.¹⁸⁷ The men to whom North Korean defector women are sold, as already briefly discussed, are often impoverished due to their living in a rural area with fewer job opportunities or due to mental/physical disabilities that render them unable to work. Many are unable to afford a dowry to marry a Han Chinese wife, and so they opt to purchase foreign women who are trafficked and sold at low prices.188 Meanwhile, the dearth of marriageable Han women in rural provinces is exacerbated by the fact that many young people born there eventually relocate to urban areas for higher education and, thus, more lucrative career opportunities. This includes young women who are recruited into urban-based light industry work. A 2003 study by the China Development Research Foundation and the United Nations Development Program discovered that the urban regions of China exhibit a rate of per capita disposable income that is 3.23 times higher than in rural areas; similarly, the rural per capita consumption rate is 3.6 times lower than the urban counterpart.¹⁸⁹

With regards specifically to North Korean women sold into prostitution and/or cybersex work, a 2009 survey revealed that they earn 400 to 700 yuan (≈ USD \$59-\$103) for having sexual intercourse with customers, that their average net monthly income was 3,000 to 4,000 yuan (\approx USD \$442-\$590) after reimbursing their workplaces and madams as well as paying rent. Though this appears to be a very low income, North Korean women view it as a substantial improvement from working in North Korea where they remain in poverty despite their efforts to earn money – and a preferable alternative to working in lower-paying industries in China, such as domestic work and the food industry.¹⁹⁰

Finally, non-defector women who are employed in Chinese factories for the financial gain of the Korean government suffer greatly due to a confluence of factors. In July 2022, it was reported that North Korean factory workers (not defectors) in Dandong, many of whom are women, have struggled financially despite the lifting of lockdown orders and resumption of working. In one specific manufacturing factory, North Korean workers earned just 150 yuan (≈ USD 22) monthly for a few months. North Korean women have reported being unable to send money back to the DPRK to pay for the fees associated with membership in the Socialist Women's Union of Korea.¹⁹¹ Additionally, on the grounds that, according to Kim Jong Un, he has "generously allowed them to work in China", North Korean workers were for some time required to send 50% of their monthly income to the Workers' Party of Korea as "loyalty payments" which would be used to fund construction projects. This is only exacerbated the fact that employers have been bv withholding even more of North Korean workers' salaries in order to reimburse North Korean diplomats who have pestered them for money in exchange for "watching their back".¹⁹²



Image by <u>Chris</u> on Flickr <u>(CC BY-NC 2.0)</u>

The next section of this report will explain in depth the status of North Korean women's mental and physical health in China, however, it is important to mention in this section that there is a visible connection between poverty and nutrition/physical health. Due to the increase in loyalty payments to North Korea, rising inflation, and a decline in monthly wages, North Korean women factory workers in China have been unable progressively to purchase basic foodstuffs, not only high protein foods such as eads and meat, but also cheaper staple foods such as produce and rice. As a result, they resort to eating very little, and the food that they are able to purchase tends to be less healthy in general and neither provides the quantity nor variety for proper nutrition and energy. They similarly have experienced difficulties purchasing the most basic daily necessities - soap, shampoo, toilet paper, oral products - and therefore their hygiene and physical health is further worsened. Young women workers in their 20s and 30s specifically have expressed embarrassment as they cannot afford tampons, pads, other menstruation products, and even toilet paper, and are therefore resigned to unwanted free bleeding which visibly stains clothes and garners unwelcome attention. Workers have reported that limited supply and inflationary prices of medication has restricted them from purchasing treatment from more common and less severe illnesses. leaving them to resort to less effective alternative healing methods. 193



The last portion of North Korean women working in China are defectors who engage in "low-pay, low-skilled. no-questions-asked iobs the undocumented migrants can hope to get are traditionally seen as 'female jobs'"; these include working as domestic workers and caregivers for the elderly and infirm, as well as working in restaurants as servers or cleaners.¹⁹⁴ While Chinese restaurants - more popular, more successful - have been permitted to reopen contingent upon their development of delivery services and outdoors seating, restaurants owned and operated by North Korean defectors have been restricted from continuing service as they only provide indoor seating and are unable to provide meal delivery or outdoor dining areas. One anonymous source explained to Daily NK that "'I thought with the COVID-19 situation improving, all the big restaurants and factories run by North Koreans would soon reopen, but nobody knows when they will fully restart operations. North Korean workers have to worry about food because they have little on hand to eat, and I worry whether they will be able to endure much longer." 195

E. Mental and Physical Health

Unsurprisingly, a vast portion of North Korean defectors in China suffer from some confluence of mental illnesses and disorders resulting from the trauma they suffered both in their home country and while escaping. Women surveyed in two Chinese cities in 2006 exhibited significantly higher rates of anxiety, depression, and schizophrenia than their male counterparts. These mental health issues often corresponded with higher rates of psychosomatic problems, drug dependence and/or abuse, and suicidal ideation. The survey further emphasized that the North Korean defectors in China most vulnerable to developing mental illnesses were "female in gender, the thirties in age bracket, 3 - 5 years in duration of stay in China, and longer period in protective facilities".¹⁹⁶ A more recent survey conducted in 2019 by security forces in Liaoning Province of 20 North Korean defector women found that "most [defector] women in China are suffering from symptoms of depression and anxiety", and claimed that the most likely causes of such difficulties were trauma from life in North Korea, trouble dealing with having left families behind, fear of repatriation, and difficulties adapting to Chinese society and learning a new language. Interestingly, the Chinese report mentioned neither the trafficking of North Korean women into China for sexual purposes nor the multitude of mentally and physically traumatic experiences associated with defection and trafficking which surely contribute to the development of anxiety and depression among this population.¹⁹⁷

Due to China's classification of North Korean defectors as foreign or economic migrants rather than as legitimate refugees, they are often denied sufficient medical treatment, as was highlighted in a 2014 report of the UN Working Group on the issue of discrimination against women in law and practice.¹⁹⁸ Though this report is seven years old, recent incidents during the COVID-19 pandemic have exemplified that this observation holds true to this day. In February 2020, a North Korean defector woman married to a Chinese citizen visited a local hospital after suffering from COVID-19 symptoms, but was swiftly turned away by hospital staff when she was unable to produce a Chinese identification card; though the authorities offered to disinfect her home, she was forced out of the hospital and resorted to taking fever reducers to attempt to treat her symptoms.¹⁹⁹

In December 2020, it was reported that North Korean factory workers in the Jilin Province of China were experiencing high rates of tuberculosis as a result of both malnutrition from the insufficient meals they were fed at work which weakened their immune systems, and the COVID-19 preventive measures implemented in the workspace that stopped movement in the factories and forced workers to continue sharing common living, working, and eating spaces.²⁰⁰ Another article by Radio Free Asia highlighted that many of North Korean workers in Chinese provinces – in particular Dandong – are women; large portions of these female workers are suffering lowered wages, insubstantial meals, and strenuous work, but remain stranded in a foreign country working for Chinese companies.* In May 2022, there was an outbreak of COVID-

19 in a dormitory where North Korean factory workers resided. Instead of providing these individuals medical intervention and treatment, authorities transported them to a hotel in Shenyang to isolate during their infection.²⁰¹

* While these women are not classified as defectors, as they were sent by the North Korean government to work in China and send remittances back to their home country, it is still important to note as it affects a large population of North Korean women.

In addition to being ineligible for medical treatment even in the case of acute infection due to their illegal status, many North Korean refugees have reported that they have not received a single dose of a vaccine, as getting inoculated requires the presentation of national identification card. Moreover, much of the population of rural China – where the majority of North Korean defector women reside due to their marriages with rural Han Chinese men - is unaware of the availability of COVID-19 selftesting diagnostic kits. As a result, defectors who have contracted COVID-19 and have not been provided vaccinations against the illness are exhibiting more severe symptoms, with some having passed away. The COVID-19 infection rate of defectors, in addition to the Chinese general population, has exponentially increased since January 2023 following Chinese President Xi Jinping's reversal of his Zero-Covid Policy which focused on extremely rigorous isolation lockdown which and measures caused exasperated and exhausted citizens to take to the streets in protest.202





Jubilee Campaign is a non-profit organization established in 1991 which promotes the human rights and religious liberty of ethnic and religious minorities around the world, as well as works to restore the dignity of victims of human trafficking, and provide support to refugees in search of a peaceful tomorrow.

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The North Korea Freedom Coalition (NKFC) is a nonpartisan coalition founded in June 2003 to work for the freedom, human rights, and dignity of the North Korean people. NKFC currently has over 70 public member organizations representing millions of American, South and North Korean, and Japanese citizens as well as other nations, along with many individual members. nkfreedom.org

- M info@nkfreedom.org
 - 0 @NKFC
 - North Korea Freedom Coalition

It is a widely accepted fact that mental health and physical health are intrinsically connected and can reciprocally affect each other; in other words, an improvement in mental health can improve one's physical health and vice versa. Similarly worsening mental health can negatively affect one's physical health, and vice versa. One anonymous source in China reported that "many defectors in China are expressing their despair, talking of 'bitter sorrow' about not being recognized by the Chinese government and how it would be 'better to die than live like this." 203 Additionally, in July 2022, multiple unnamed sources emphasized that North Korean women workers in China have been experiencing "lethargic depression" as well as agitation and frustration over their circumstances. Despite not being provided with medical evaluation and diagnoses for mental illness due to their illegal status, it has been widely reported that the general morale in factories employing and dormitories housing defector women is extremely glum. 204

V. Conclusion & Recommendations

North Korean women are one of the most marginalized populations in the world, evidenced by the fact that they face hardships and human rights violations in their home nation as well as in countries they escape to in hopes of a better life. They are effectively unable to avoid the cycle of vulnerability, inequality, and exploitation in the Democratic People's Republic of Korea, the People's Republic of China, and the Republic of Korea. The situation for North Korean defector women has only worsened as a result of the pandemic with regards to increased domestic violence and exploitation of women for labor in the Democratic People's Republic of Korea, worsening poverty and social isolation in South Korea, and difficulties receiving medical care in China due to their stateless status. Each of these factors has negatively impacted North Korean women's physical and mental health.

We urge these three nations to take measures to protect and empower North Korean defector women, and we renew our call on the *Commission on the Status of Women* to incorporate consideration for these marginalized women into its program of work.

Making recommendations with regards to advancing human rights in North Korea is very unique in comparison with other countries on which we engage. North Korea's relationship with the United Nations and the international community is fraught, with the DPRK rebuffing virtually all global condemnation of rights violations and attempted engagement from the United Nations. We would still like to make recommendations to the DPRK regardless of whether such recommendations are actually taken in consideration. We urge the North Korean government to ratify its 2010 Women's Rights Act after comprehensive revision, as it remains vague and fails to outline criminal prosecution for violence against women. We would also urge the North Korean government to remodel the Socialist Women's Union into an entity advancing gender equality and women's rights rather than an institution of "social control and material coercion". We further recommend that the North Korean government investigate and prosecute Party officials who have engaged in harassment, sexual assault, and other human rights violations against women involved in the public sector such as the military and informal market economy.

We urge the Chinese government to justly categorize North Korean defectors as legitimate refugees rather than as economic migrants, as this new classification would guarantee their equitable access to education, employment, and healthcare opportunities. We also call upon the Chinese government to uphold its obligation to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol which, through the principle of non-refoulement - strictly prohibit signatory nations from repatriating refugees to nations where "his life or freedom would be threatened". China continues to send defectors back to North Korea, where women defectors face punishments unique to their gender, such as sexual assault, forced abortions, and induced miscarriages.

A horrific and pervasive trend that occurs is the human trafficking of North Korean defector women into China where they are sold into marriages, prostitution, and the cybersex industry. We would like to urge the Chinese government to use its limited anti- human trafficking measures to crack down on brokers who sell North Korean refugee women, as well as to investigate instances of the online exploitation of defector women and girls, including by removing websites featuring sexually abusive material and by prosecuting traffickers and exploiters, not just the individuals who sell them into prostitution or who imprison them and force them to livestream their own sexual abuse, but also viewers of such material.

With regards to South Korea, we urge the government to cease making concessions to the North Korean government by unjustly cracking down on defector-operated organizations which offer support to recently defected refugees and which publicly condemn the North Korean government. We recommend that the government investigate cases of sexual violence against defector women perpetrated by state actors responsible for assisting in their resettlement in light of recent legal cases, as well as prosecute South Korean individuals who are identified as consumers of illicit online content featuring defector women and girls. The South Korean government must further engage defectors in education and training to ensure their participation in society and sustainable employment, as well as improve the healthcare system by offering services specifically to North Korean women who have suffered great trauma during both their time in North Korea and the defection process and who have minimal knowledge about the necessity of medical care.

VI. Our Advocacy at the UN Commission on the Status of Women in New York March 2023

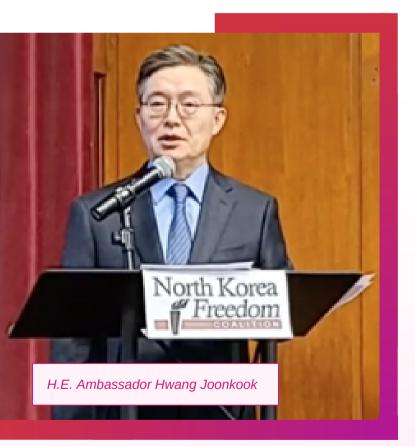
Jubilee Campaign worked with the North Korea Freedom Coalition and its numerous member organizations - namely Isabella Foundation, Esther Prayer Movement, Defense Forum Foundation, and Freedom Speakers *International* - to provide a stage for three North Korean defector women to share their story of survival and courage.

At our CSW 67 side event Highlighting the Role of North Korea's Resilient Women, moderator Suzanne Scholte. President of Defense Forum Foundation. offered the following remarks: "During today's event we also want to press that human rights issues must be at the forefront regarding North Korea. They are the key to ending this brutal dictatorship. In fact, a dear friend and the highest ranking defector, the late Hwang Jang Yop, described human rights as 'the Achilles' heel of the Kim dictatorship'. We know that Kim Jong Un initiated a brutal crackdown and a shoot-to-kill order on the border because North Koreans were accessing information from the outside and starting to learn the truth about their circumstances; starting to understand what human rights meant; starting to understand that South Korea was a prosperous nation; starting to understand that Americans weren't vankee imperialist rulers occupying South Korea, [a discourse which] they're fed from childhood as propaganda."



Suzanne Scholte, President, Defense Forum Foundation

Keynote speaker, Ambassador of South Korea to the United Nations, the Honorable Hwang Joonkook. emphasized that "Because the ongoing human rights violations in North Korea are committed by the government and its agencies, rather than certain criminal the organizations. case of human rights violations in North Korea has no parallel in the international community." Ambassador Hwang notes that already a decade has passed since the UN's establishment of the Commission of Inquiry on the situation of human rights in the DPRK (North Korea), and that regrettably there have been no meaningful improvements in addressing rights violations, but rather а deterioration of the status of civilians. Vulnerable populations, including women and girls, are most affected by food insecurity and insufficient and inadequate healthcare, both of which have intensified during the COVID-19 pandemic. "We will continue todo our part to keep building momentum for a breakthrough on the human rights situation in the DPRK. I believe that this morning's meeting will contribute to our further efforts."



We also were honored to have the South Korean Ambassador for North Korean Human Rights, the Honorable Lee Shinhwa, to provide remarks via video: "The OHCHR's (UN Office of the High Commissioner for Human Rights) recent report on Promoting accountability in North Korea (A/HRC/52/64) also highlighted heartbreaking cases of female victims of transnational human trafficking, forced labor and marriage, sexual [violence], and forcible repatriation. Women [in North Korea] face gender-based discrimination and violence. As a woman myself, I empathize with the suffering and pain endured by North Korean women and girls, and I am dedicated to actively exploring ways to protect their basic rights."



H.E. Ambassador Lee Shinhwa

Defector Han Songmi tearfully shared her story. Born in 1993 in the midst of a national famine, she witnessed on many occasions her biological father beating her mother. "This kind of domestic violence was committed in my surroundings whether it was day or night - husbands beating their wives." North Korean women have no opportunity to seek redress for the aggressions committed against them, and they are expected to accept beatings. Living in the DPRK, Songmi was totally unaware that domestic violence was a form of women's rights violations and gender violence. After she divorced her husband. Songmi's mother and Songmi lived in a barn for over two years eating just rice. Eventually, in search of a better life for herself and her daughter, Songmi's mother left her with relatives in North Korea so she could escape to China to work and earn money to bring Songmi to her. "My mom was the center of my universe; then, when was 12 years old, she suddenly disappeared. I felt that my universe had collapsed." Upon her own escape in 2011,

Sonami suffered multiple "terrible moments": coming to the decision to commit suicide if she was captured; falling into ice while crossing the Tumen River and experiencing agonizing pain all over her body; being kidnapped by brokers; and having to separate from a best friend she made in China who shared similar experiences with Songmi. Finally, after escaping through China, Thailand, and Laos, Songmi reunited with her mom in South Korea. "I would like to thank my mom from the bottom of my heart for giving me two different lives: one where she gave birth to me, and one where she rescued me from North Korea". Myriad North Korean children to this day remain in the DPRK, separated from their parents, unaware that they were not abandoned but that their parents are working abroad in hopes of extricating them as soon as possible. Songmi expressed that she feels encouraged that human rights violations in North Korea have been met with international scrutiny and censure."I'm grateful that there are people in this world who are concerned about the status of women in North Korea."



Suzanne Scholte and defector Songmi Han

Another defector, Ji Hannah, escaped to South Korea in 2016. While in North Korea during the Arduous March, her husband passed away due to complications from liver disease, leaving Hannah no choice but to work in the illegal and unsafe market sector. But after the North Korean government seized all of Hannah's earnings in 2009 2009 and later returned her money which devalued by 99 percent, Hannah decided to escape the DPRK. She promised her sons that she would set up a new life for them in China first and then pay their way to join her, but she was captured while trying to defect. For two months in detention, Hannah was provided only one daily meal and was confined to a tiny cell with no toilet. In another detention facility, she was stripped naked and digitally penetrated by a female officer who was checking Hannah's pelvic cavity for any money she might have hidden. After being released from detention and having her possessions seized by authorities. Hannah decided to attempt a second defection; however, she was arrested in China and repatriated to the DPRK, where she was detained once again. Hannah recalled being physically tortured in attempts to coerce her to confess, but she remained resilient by thinking about her sons. After another two-vear correctional sentence during which she suffered innumerable additional violations, Hannah's third escape was successful, and she was able to rescue her children. "What I have said so far is only a small part of the human rights violations in North Korea, and our brothers, parents, and friends are still suffering. On behalf of the 25 million North Koreans, I hope our testimony will be an opportunity to improve rights in North Korea. I beg you to diplomatically pressure the Chinese government so that it's inhumane act of forcefully repatriating defectors will stop."



Lee Haeun, a newer defector who escaped North Korea just three and some years ago in 2019, had previously been detained in the DPRK in 2015 after she was apprehended for engaging in illicit trading activity in the border regions near China in order to earn a sustainable income."At that time, I had an eleven-year-old daughter, and for her, I had to survive and live." Haeun witnessed and experienced horrific treatment in detention, being viciously interrogated, forced into stress positions, and made to engage in strenuous activity to the physical extentof falling unconscious. "Could you imagine how painful it was? I had to bear the pain and shed tears while biting my lips. I got comforted remembering my daughter's sweet appearance." When one woman made a mistake, the entire detainee group was severely punished. "However, my suffering was far less than other women in my cell." Those who tried to escape prison would be brutally beaten with birch tree bats, leaving their skin swollen and discolored and their legs temporarily immobilized; soon afterwards, they were executed for their insubordination. As a result of trauma she endured living in and escaping the DPRK. Haeun has suffered migraines, depression, insomnia, and panic disorder, afflictions which her daughter similarly experiences. "After I settled in South Korea, I came to realize that women can enjoy freedom and God-given human rights."



Our final defector speaker. Lee Seohvun, left North Korea alongside her entire family in 2014. Her story - though largely dissimilar to the other panelists as she was born into an elite family in Pyongyang exhibits that a family's status and livelihood wholly depends on their devotion to the North Korean government. Only when she was presented with an opportunity to study abroad in China did Seohyun learn the reality of ordinary North Korean women, such as their vulnerability to starvation, poverty, domestic and sexual violence, and human trafficking. "Before I learned those facts, I was pretty proud of my country and myself. The more I got to know the reality of my country and the truth of the leadership during my study in China, the more I was struck in my heart. Those things I believed were wrong." Seohyun tried to remain hopeful for transformation that would guarantee civilian rights and freedoms, her optimism vanished when her best friend, a fellow North Korean student, was abducted from China by DPRK authorities and sent to a political prison camp with her entire family after her father was executed for his association with Kim Jongun's uncle, Jang Songthaek. Kim had previously ordered the assassination of Jang for allegedly being too politically ambitious and holding traitorous beliefs about the ruling Workers' Party. Seohyun could not believe that her friend, an exemplary student and model citizen in North Korea, had been punished for her father's seemingly minor transgression which the autocracv considered unforgivable. "Our panelists have endured immense oppression and hardship, survived, and discovered their courage to stand for better futures for all North Korean women. I am confident in the belief that when North Korea is liberated and the Kim dictatorship is overthrown, [...] women will be at the center of the country's transformation."

Jubilee Campaign Executive Director Ann Buwalda rounded out our panel with some closing remarks and recommendations. As previously mentioned, the currently inactive UN Commission of Inquiry on Human Rights in North Korea published its findings nearly a decade ago in 2014. "That report presents many of the same style testimonies, but hundreds of them. And yet there are deniers of persecution taking place in North Korea. As long as we continue to raise these profiles and raise the fact that these atrocities are happening, they cannot be committed in silence."

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