

Briefing Paper 1

Sexual and gender-based violence

MARCH 2024

Summary

This briefing paper presents evidence of widespread sexual and gender-based violence in the penal system of the Democratic People's Republic of Korea (DPRK). It is intended to provide governments and multilateral institutions with information that can expand opportunities for accountability and the incorporation of credible information of human rights violations in policy development and diplomatic engagements.

The following data is derived from Korea Future's **North Korean Prison Database**, a growing archive based on 259 detailed in-person interviews with survivors, witnesses, and former state-affiliated agents conducted between 2021 to 2023.

Key Figures



WOMEN

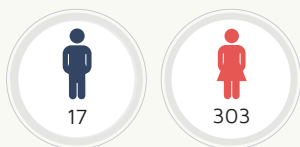
especially those aged between 30-39, are the most common victims of sexual and gender-based violence.



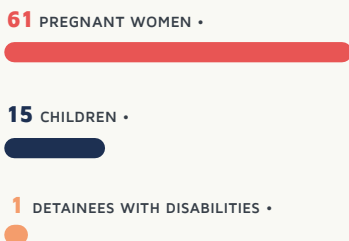
PREGNANT WOMEN

who have been *refouled* from China are most at risk of sexual and gender-based violence in the penal system.

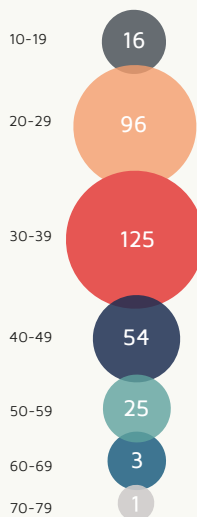
GENDER



VULNERABLE POPULATION



AGE



MOST PREVALENT FORMS OF SEXUAL VIOLENCE IN PENAL FACILITIES:

- Forcing a person to undress completely or partially
- Inspections of genitals, anus, breasts, or hymen without medical necessity

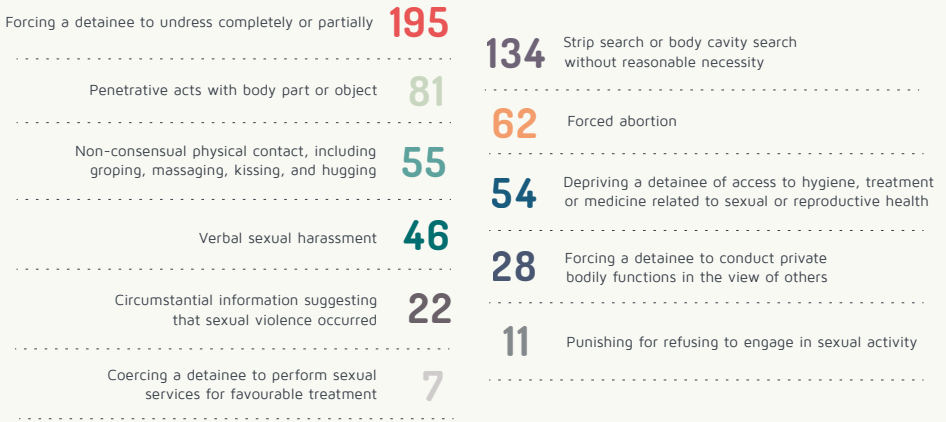


Sexual and gender-based violence is documented most frequently in **detention centres**.

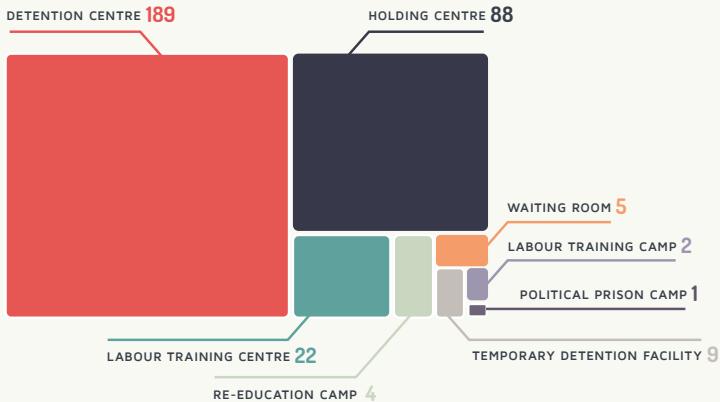


Ministry of State Security personnel are the most common perpetrators of sexual and gender-based violence.

PATTERNS OF SEXUAL AND GENDER-BASED VIOLENCE



PENAL FACILITIES WHERE SGBV IS DOCUMENTED



PERPETRATING STATE ORGANISATIONS



Case example

INVASIVE BODY INSPECTIONS

Upon arrest, 77% of *refouled* women were subjected to body searches. This ranged from a body search to more invasive procedures that involved penetrative inspection of the vaginal and anal cavities. Women were also subjected to “pumping”, or forced repetitive squats, to dislodge prohibited items (such as money) from the body in view of male penal facility personnel and detainees.

“When I arrived at the Ministry of State Security penal facility, two women stripped us completely. They made us take off our bras to check if there was anything in them. They put on rubber gloves and stuck their hands in our wombs as deep as they could go, and sent us to the prison cell.”

- Testimony of A2090

“[Detainees] undergo body inspections. They check us for AIDS, too. Everyone has to do it. Women conduct it for women [detainees] but male correctional officers can see you. They get aggressive if you’re embarrassed and refuse to strip”

- Testimony of A0539

Relevant acts of sexual violence

Having the person undress completely or partially

Inspecting someone’s genitals, anus, breasts, or hymen without medical or similar necessity

Penetrative acts with body part or with objects

Case example

VERBAL ABUSE

Refouled women are subjected to various forms of dehumanising and derogatory verbal sexual harassment. Our findings show that 14% of cases cited male officers verbally harassing women detainees about their bodies and their relationships with Chinese men during arrest, investigation, and imprisonment.

⋮

"Do you like Chinese balls that much!?" They say these things to the women that lived in China...The women who bring their children that they had in China are severely beaten. Verbal abuse is a given but since we are criminals, since we were caught for running away, we just have to accept it. What else can we do?"

- Testimony of A2505

⋮

Relevant acts of sexual violence

Verbal (sexual) harassment

DENIAL OF MEDICAL TREATMENT FOR REPRODUCTIVE HEALTH

Women subjected to forced abortions are denied appropriate treatment for recovery following painful procedures that result in physical and psychological harms. Medical support and medication is rarely provided. We documented instances where women were forced into hard labour immediately following their procedures.

"I was about a month pregnant when I was detained. I was pregnant during my detention with the Ministry of State Security. They forcibly induced a miscarriage when I went to the holding centre. I was given no anaesthetic and I wasn't allowed to make a sound. I walked to the hospital on foot over a mountain and went through a forced abortion. My back was in excruciating pain. There was no treatment, no medicine. They let me rest for a day and [I] was forced to work immediately the following day."

- Testimony of A1492

Relevant acts of sexual violence

Depriving someone of access to hygiene, treatment, or medicine related to menstruation, pregnancy, childbirth, fistula care, rectal hematoma, HIV or other sexually transmitted infections, sexual maiming, disfigurement, gynaecological, urological or urinary treatment, or any other aspect of sexual health or reproductive health

Case example

DENIAL OF ACCESS TO MENSTRUAL HYGIENE

Women in detention are not provided with menstrual pads. Many are forced to resort to fashioning pads out of their clothing during menstruation, and some are deprived of the freedom to wash themselves or their makeshift pads, resulting in health complications and deteriorating hygiene conditions in penal facilities.

"I didn't have menstrual pads. I had cloth pieces cut from clothes. You have to be self-sufficient in that situation. You make several of them by cutting it into multiple pieces...I think I did the same in other Ministry of State Security facilities. You have to take care of it out of sight because it's considered to be shameful. I don't remember exactly what I did during my period but I remember being completely ignored when I told them I was on my period before they made me 'pump'"

- Testimony of A2389

Relevant acts of sexual violence

Depriving someone of access to hygiene, treatment, or medicine related to menstruation, pregnancy, childbirth, fistula care, rectal hematoma, HIV or other sexually transmitted infections, sexual maiming, disfigurement, gynaecological, urological or urinary treatment, or any other aspect of sexual health or reproductive health

Having someone perform, in view of others, bodily functions that are normally conducted in private, including measures related to menstrual hygiene, urination and defecation

Conclusion

This briefing paper demonstrates that reasonable grounds exist to believe that the DPRK is in breach of its obligation to prevent sexual and gender-based violence within its penal system. Victims have been subject to invasive body inspections, forced abortions, and a denial of medical care for reproductive health and menstrual hygiene. Incidents of sexual and gender-based violence constitute serious breaches of international law. These incidents should therefore be investigated and, where they amount to international crimes, prosecuted. Ensuring that the truth is established and that justice and accountability can be delivered through viable domestic and international legal and political pathways must be central to policy development and diplomatic engagements of the DPRK.



¹ The definition of “discrimination” has been expanded upon by CEDAW General Recommendation No. 19 and, subsequently, CEDAW General Recommendation No. 35 to encompass forms of sexual and gender-based violence. Available at: <https://www.refworld.org/docid/52d920c54.html> (General Recommendation No. 19) and <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/231/54/PDF/N1723154.pdf?openElement> (General Recommendation No. 35)

² The DPRK is also in violation of Article 12 of the ICCPR by subjecting person to forced abortion as a punitive measure.

³ The UN Committee on Social, Economic and Cultural Rights (General comment No. 22 (2016) on the right to sexual and reproductive health) and the Special Rapporteur on the right to health (Right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2011) have determined that forced abortions violate the right to health. Available at: <https://docstore.ohchr.org/SelfServices/FilesHandler>.



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