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Democratic People's Republic of Korea

Individual Submission to the UN Universal Periodic Review

19th session of the UPR

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EXECUTIVE SUMMARY

In this submission, Citizens' Alliance for North Korean Human Rights (NKHR) provides information under sections A, B, C and D:

- In section A, NKHR raises concern over DPRK's Women's Rights legislation and lack of practical legal implementation on the ground since the last 6th Session of DPRK's UPR.
- In section B, NKHR describes major concerns regarding women's rights and persons with disabilities.
- In section C, we describe concerns related to abductions and enforced disappearances.
- In section D, NKHR makes a number of recommendations in the areas of concerns listed.

ORGANIZATIONAL BACKGROUND

Citizens' Alliance for North Korean Human Rights (NKHR) is a non-partisan, non-religious and non-profit organization that was founded in Seoul in 1996. Members come from all parts of South Korea and include active and retired staff of international organizations, artists, professors, journalists, businessmen, activists, and asylum-seekers from North Korea. NKHR has been organizing international conferences on North Korean human rights and refugees since 1999. From 2002, the organization successfully advocated to establish the mandate of UN Special Rapporteur on the Situation of Human Rights in the DPRK and recently, the COI for the DPRK. NKHR produces various thematic reports on the conditions of human rights in North Korea. NKHR also helps North Korean refugees in third countries who are in danger of being trafficked or face involuntary repatriation. In South Korea, NKHR runs education programs for North Korean children and youth and college students. In 2011, the organization was awarded with the First John Diefenbaker Defender of Human Rights and Freedoms Award by the Canadian Government.

Citizens' Alliance for North Korean Human Rights submission to the UN Universal Periodic Review (DPRK) 19th Session April - May 2014

A. Analysis of the DPRK's Women's Rights Act

DPRK enacted the Women's Rights Act in December of 2010, along with the Children's Rights Act. The timing of both of these acts suggests that they were in many ways an outcome of North Korea's involvement at the UN (2005-2010) when North Korea was facing international pressure.

In this section, we provide short analysis to the Women's Rights Act. First of all, the Act is so vague as to make the implementation unlikely (assuming it is not supplemented by much more precise implementing legislation). Articles are expressed as general principles. Definitions are omitted. There is often no guidance as to which state agency is supposed to implement the law. Rights are discussed at broad levels of generality without mention of specific associated duties. There is sparse guidance about what concrete actions are necessary (or prohibited) by the law. Where plans are mandated, there is no guidance as to what these plans should contain. There are no timelines for implementation. There is little if any discussion of possible sanctions or other consequences for non-compliance.

Second, there are a number of quite significant omissions from the Act. The most significant ones are the lack of attention to gender stereotyping in society or sexual harassment, and the lack of a definitions section.

Third, the Act in most respects focuses on providing formal rather than substantive equality. There are many 'negative' provisions (i.e., prohibiting discrimination), but few 'positive' obligations, such as promoting gender equality, changing policies to reflect gender goals, reserving quotas for women, or in any other way incentivizing entities to reduce discrimination or improve the status of women.

Fourth, the monitoring and implementation apparatus is weak. The subjects are dealt with only formally, without the establishment of any independent bodies or specifically gender-focused institutions to deal with gender issues. Nor is there any role envisioned for non-governmental organizations in this area.¹

The fifth possible flaw is that the act may exist on paper only, without a serious intent of implementation. North Korean women who have recently escaped the country are widely unaware of the existence of the Act, or any means of its implementation. On the contrary, many of the policies of the state run contrary to the idea of rights and freedoms expressed in the Act itself. For example, women report that facing the elevation of women in the society, the State (through the Women's League) is re-enforcing the ideological education of the traditional role of women in a patriarchal society and educates them on bearing more children though the state does not provide services for the well-being, education or health of children and the free services system has collapsed long ago in North Korea.² The fact that the Act provides for equality of women with men in access to labor, wages, social safety, medical care or education is meaningless in practice. More than half of the women have to quit their official jobs to provide for their family. By doing so, they are not allowed any social safety in case of disability or old age. As unemployed officially, they are also restricted from using childcare services attached to workplaces or farms. Similarly, education or health services are available only to people who can pay the required fees. Thus, this is not a

¹ See our report: *Status of Women's Rights in the Context of Socio-Economic Changes in the DPRK*. Seoul: Citizens' Alliance for North Korean Human Rights, 2013, pp. 14-16. For the Analysis of Article by Article of the DPRK's Women's Rights Act, see pp. 48-69. https://eng.nkhumanrights.or.kr:444/board/bbs_list.php?board_table=bbs_report

² Ibid. pp. 24-26.

matter of equality between men and women but rather discrimination between those who can afford access and those who cannot, irrelevant of the gender.

B. Women's Rights and Persons with Disabilities

Due to lack of economic reforms and rampant corruption in the society, the situation deteriorates rapidly in many areas of human rights.

When the rationing system collapsed in the mid-1990s, a full-scale underground economy was born. The state encouraged women to take on additional economic activities aside from their daily jobs. Married women older than 23, often quit their jobs to devote themselves to ensuring their household's food security. Meanwhile, men had to continue to register at their workplaces despite the fact that food distribution, or wages were provided irregularly or not at all. Thus, the burden of economic activity fell largely on women.

Changes in the economy and in the growing roles of women had a large impact on the family environment. Women started to demand more rights at home. Traditionally inclined men often reply with violence. Both men and women confirm that beatings of women are so inherent in the culture that it is considered normal. Women report that there still is no place to seek help in case of physical abuse. The police will not intervene as it is seen as a domestic issue. The reported incidents of violence are still high and there were no efforts to tackle this problem by the state authorities, even though the problem has continuously been raised with North Korea since 2005. For example, in the random group of 60 interviewed women from various North Korean Provinces, 83% were aware of violence in their neighborhood and 21% admitted to have been beaten regularly.

There is a growing trend to get out of abusive marriages through a divorce, although it is not equally available to all women. The procedure is complicated and it is said to be resolved when a woman uses her economic power to bribe the judge. A growing number of women simply leave their husbands, avoiding the complicated divorce procedure and financial cost.

Free access to medical services as provided by the state is virtually impossible. A patient may receive a free visit with the doctor, but any medical treatment or medicines have to be paid for by the patient. The patient also needs to secure his own food and food for the doctors in charge when staying in the hospital or rely on provisions from family members.

In case of pregnancy and childbirth, in the group of 60 interviewed women from various areas in the DPRK, almost half reported that they did not see a doctor throughout their pregnancy. The majority of women reported that they learned about contraception only when they had already given birth and were desperate not to have more children. Contraception is generally considered to be a female responsibility. Thus, the major birth control method is abortion. According to our survey on 60 women, 23 women reported to have had an abortion and 21 had it more than once. Abortion in North Korea is said to be illegal. Consequently, many pregnancies are aborted at homes, without anesthesia and proper sanitary conditions. Women also report lack of education in terms of sexually transmitted diseases including HIV/AIDS. Some women heard it mentioned during the meetings of the Women's League but it was not explained by the medical expert. They were not given explanations on how it can be transmitted or how it can be prevented.

One additional problem that should be mentioned here is the increasingly widespread use of narcotics, especially with the lack of access to medical services. Opium is still most commonly available, and people tend to grow it near homes, because it is considered in North Korea as an herbal medicine. Use of methamphetamine is growing rapidly.

There are traditional social norms that allow for the discrimination of the disabled in North Korea. There are no neutral words, such as “person with disability” used by North Koreans, so it is common to use derogatory terms toward various disabled groups. It was reported to us that in case a family has a problem with the disabled and wants to find a solution, they seek help locally from the safety officer (police). It was reported that the police might help to send the disabled child away if it is burdensome for the family, or if he constitutes a threat to the family. Also, a former official of the Ministry of Public Safety (police) reported that there is an island with “Hospital 83” to which disabled persons are being sent for medical tests such as dissection of body parts, as well as tests of biological and chemical weapons. Apart from the island, our interviewee reported of a long-term labor re-education camp, *Kyohwaso* No. 1 in Kaechon where disabled are often sent to.

C. Abductions carried out by DPRK against ROK nationals

Since the 1953 ceasefire that stopped the Korean War, approximately 3,835 Republic of Korea (ROK) citizens are reported to have been abducted and taken to the Democratic People’s Republic of Korea (DPRK). Of these post-war abductees, 3,310 persons were returned to the ROK within one year of the abductions,³ and nine abductees were able to flee the DPRK on their own. The 2013 South Korean Ministry of Unification White Paper estimates that by 2011, about 517 abductees remain in the DPRK.⁴

The majority of these 517 are fishermen who were taken while on their vessels in the Yellow Sea near the Northern Limit Line delineating DPRK and ROK waters, or in the East Sea. The other victims includes passengers of a commercial Korean Air flight; vacationing teenagers; members of the ROK Navy; Vietnam War POWs; soldiers; and at least one government inspector. The DPRK denies that there are any abductees currently within its borders, despite testimonies of captured DPRK spies, testimonies of abductees who managed to escape, and reports derived from the ROK government’s investigations. The DPRK claims that those who remained in their country after being taken remained voluntarily.

According to the testimonies, abductees were often assigned to be farmers, factory workers, or other laborers and ordered to marry a North Korean woman and start a family. Marriage and family were used to anchor the ROK nationals in the DPRK and make leaving the country more difficult. Abductees were heavily investigated and watched even after marriage, and it was often the spouse who reported on the abductee’s activities.

The DPRK government showed a tendency to retain younger abductees, presumably because they were believed to be more amenable for readjustment into DPRK society. For example, in the case of the fishing boat *Myeongdeok-ho*, 22 crew members were abducted on November 20, 1965. Less than three months later, the DPRK returned the boat along with 13 crew members. DPRK never released the remaining 9 youngest abductees, who were 16 to 20 years old. Many young abductees who showed promise were trained to teach future DPRK espionage agents about the ROK. It is believed that abducted persons whom the DPRK presumably did not find useful enough to absorb into society but who they did not repatriate were sent to various prison camps or in some cases executed.

Competent authorities including the United Nations Working Group on Enforced or Involuntary Disappearances (WGEID), the International Committee of the Red Cross (ICRC), the ROK government, and non-governmental organizations have tried every available step to get a response

³ South Korean Ministry of Unification, White Paper, 141 (2012)(Korean ver.); South Korean Ministry of Unification, White Paper, 117-8 (2010).

⁴ South Korean Ministry of Unification, *supra* note 8, at 141.

by delivering requests to the DPRK on the cases of the post-war abductees from the ROK, but according to our knowledge, all are still outstanding.

Families interviewed by NKHR report that they have tried to request confirmation of life status through the Red Cross, when applying for a spot in the official inter-Korean reunions for separated families. Since 2000, there have been 18 rounds of separated family reunions, but most of the families chosen were those who had been separated during the Korean War, not victims of post-Korean War abduction. Most people NKHR interviewed were denied a spot based on the response they received from the Red Cross regarding their family member up North. Under “Life Status” of the abductee, the Red Cross form from the DPRK stated only, “Verification Not Possible” or “Deceased.”

Yet, there have been few instances in which families of post-war abductees were granted a spot in a family reunion. It is then clear that at least several victims of enforced disappearance are alive in the DPRK. The DPRK government is highly selective about the people it chooses to send to the family reunions, giving only those who they deem the most loyal to the regime an opportunity to meet their families.

The DPRK has also failed to respond adequately to all cases in which the WGEID has requested information to clarify the circumstances surrounding the abductions; therefore, all cases remain outstanding.⁵

However, the DPRK government cannot claim that ROK nationals are living in their country voluntarily and therefore are not victims of enforced disappearance. The fact remains that these people were taken forcibly from ROK territory, often under the threat of gunfire. Secondly, there has been no independent assessment to determine whether the taken people willingly chose to remain in the DPRK. Without such an independent assessment, we can only believe that the abductees’ voices are being silenced by the DPRK government. The DPRK has not conducted or participated in any investigation even though the fates of the victims of enforced disappearance remain unclarified.

The families of the 517 abductees have experienced lifelong trauma, anguish, and sorrow caused by the abductions of their loved ones. Of the 517, 322 abductees are 70 years or older in 2013. Many of the spouses, parents, and children of the abductees NKHR tried to contact have already passed away not knowing the fate of their family members.

D. Recommendations

DPRK authorities should be requested to address the reports on the treatment of persons with disabilities and to address the negative cultural discrimination toward persons with disabilities through education programs.

North Korea is strongly recommended to draft a separate law regarding violence against women. Furthermore, it could use the expertise of UNIFEM or acclaimed women’s rights NGOs to create programs and conduct nation-wide trainings on violence against women.

The DPRK government should respond to the cases presented by WGEID in a clear, unambiguous manner and provide the whereabouts and life-statuses of the abductees.

- If the people in question are deceased, the DPRK government should clearly state the date and cause of death, as well as provide information about the period of time when they were

⁵ U.N. H.C.R. Rep. of the Human Right Council, *supra* note 2, ¶144, at 47.

alive in the DPRK, such as address of residence, occupation, and other information as permissible.

- If the abduction victims are alive, the DPRK government should allow and provide a line of communication between them and their family members in the South, including but not limited to written and telephonic communication, video reunions, and physical reunions.

The DPRK government should sign and ratify the Convention for the Protection of All Person from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances.