

# Preliminary Findings of the North Korean Exiled Community's Perceptions of Sexual and Gender-based Violence and Understandings of Relevant Accountability

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# Executive Summary

**I**t is nearly a decade since a United Nations Commission of Inquiry (COI) was mandated to advance accountability for violations of human rights in the Democratic People's Republic of Korea (DPRK). As the international community prepares to mark the ten-year anniversary of the COI, there remains no viable prospect for persons responsible for international crimes, including sexual and gender-based violence, being held accountable. This poses an acute challenge to the international justice system, to victims, and to the legacy of the COI.

In its report, the COI acknowledged that "violence against women, in particular sexual violence, proved to be difficult to document owing to the stigma and shame that still attaches to the victims" and further stated that "its inquiry may have only partially captured the extent of relevant violations."<sup>1</sup> To address these issues and to support ethical, trauma-informed, context-sensitive, and survivor-centred investigative practices that better account for the needs of survivors, Korea Future is bringing the voices of survivors to the forefront of discussions concerning documentation of sexual and gender-based violence in the DPRK. Our work is not taking place in a vacuum and builds upon a groundswell of guidelines, standards, and debates in support of survivor-informed and survivor-led investigations of sexual and gender-based violence, including The Murad Code<sup>2</sup> and The Hague Principles.<sup>3</sup>

This report provides a preliminary insight into our ongoing work.<sup>4</sup> Grounded in the necessary and consensual participation of the North Korean exile community,<sup>5</sup> our report is informed by desk-based research of existing standards and guidelines pertaining to the investigation and prosecution of sexual violence and a comprehensive online survey to review exiles' perceptions of sexual and gender-based violence and accountability pathways. Semi-structured conversations were held with selected survey respondents, further strengthening and corroborating survey outcomes.

The report begins by establishing a non-exhaustive list of acts perceived to constitute sexual and gender-based violence in the DPRK. These findings are based on a gender review of interviews from the North Korean Prison Database (NKPD) and consultations with a cross-section of exiled North Korean women and men. The list provides an initial context-specific indication of what is considered sexual violence by the affected community and shows that definitions can change from person to person and constitute more than rape.

The report then provides a contextual understanding of the normative social and cultural structures that frame perceptions of sexual and gender-based violence among 50 North Korean exiles who escaped the DPRK since 2015. Our findings suggest that many, if not all, understandings of human rights violations are gendered. Understanding the gendered nature of these violations reveals *why* certain people are targeted by certain acts, while applying an intersectional analysis helps us see the many layers and overlapping vulnerabilities that interact with gender, such as age and social status.

Finally, the report concludes with preliminary observations regarding survivor understandings of accountability and explores the role of survivors in these processes. Although this report does not comment on legal interpretations of acts of sexual violence, our findings can inform advances and debate within the legal field, for as The Hague Principles rightly notes, a "lack of [legal] understanding and authoritative guidance [on sexual violence] threatens to diminish efforts to fully address the sexual violence components of mass international crimes."<sup>6</sup>

# Recommendations

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## 1

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Many survivors engaged for this report exhibited incomplete or absent understandings of sexual violence and the gendered nature of such violence, including its intersection with gender identity and sexual orientation as a structural driver of sexual violence.

This inhibits survivors' abilities to fully recognise and report violations they experienced or witnessed in the DPRK, leading to under-reporting by human rights documenters. More importantly, the community's sensitivity towards gender issues more broadly, including sexual and gender-based violence, is necessary to ensure that survivors are not retraumatised if they engage in accountability processes beyond their participation in documentation. In other words, sensitising the community is one of the necessary preconditions for documenting sexual and gender-based violence in the DPRK context. Civil society organisations, foundations, and grant-makers should undertake community sensitisation programming to better inform survivors and the wider affected community of their fundamental human rights as they relate to sexual and gender-based violence.

## 2

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All survivors engaged for this report lacked full information and understanding of available justice and accountability options. Meaningful access to justice means that survivors have to understand the options available to them. A survivor-centred approach

to accountability requires states, multilateral institutions, and justice actors to engage in outreach to affected communities to inform survivors of their rights and to better understand their preferences for justice, which may include non-judicial or localised and community-based initiatives.

## 3

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States with feminist foreign policies, including Canada, France, Germany, and others, should engage with survivors and civil society to better understand and support the documentation of sexual and gender-based violence in the DPRK, which has been historically overlooked.

Gender-responsive, survivor-centred, and trauma-informed documentation can preserve credible crime-base information that may ultimately become admissible evidence in court and advance the cause of gender justice.

## 4

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The international community, including the United States, the European Union, and other likeminded actors, must seek to place sexual and gender-based violence in the DPRK context within a wider agenda addressing the prevention of conflict-related sexual violence, including through platforming gender justice issues for the DPRK in conferences, policies, and diplomatic interventions.



# Legal Framework

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This section provides a brief explanation of the structure of the DPRK's domestic legal framework and an overview of its international obligations relevant to sexual violence. Notwithstanding the absolute domestic authority of the Ten Principles for the Establishment of a Monolithic Leadership System (Ten Principles) over DPRK legislation, we establish that the DPRK is bound by international human rights law that contains protections against sexual and gender-based violence.

The DPRK has obligations, under domestic, treaty, and customary international law to prevent sexual and gender-based violence and provide effective access to remedies. Despite stating that "equality of women with men has been guaranteed both by law and in practice,"<sup>7</sup> perceptions of North Korean exiled women and men gathered by Korea Future suggests that the DPRK is in violation of these international obligations, specifically the duty to protect its citizens from sexual and gender-based violence.<sup>8</sup>

The DPRK's domestic legal framework as it relates to the prohibition of sexual and gender-based violence relies on at least three separate elements: **1)** the Ten Principles; **2)** the Socialist Constitution of the DPRK; and **3)** the Criminal Law of the DPRK. Of these, the Ten Principles rank highest in a hierarchy of authority, with the other elements listed according to their decreasing order of authority. As the most powerful entity in the DPRK, the ruling Workers' Party of Korea (WPK) is responsible for setting and monitoring the implementation of all domestic policies, including those that prohibit sexual and gender-based violence.<sup>9</sup>

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## • THE TEN PRINCIPLES

The Ten Principles, first released in 1974, serve as the *de facto* constitution of the DPRK. Regarded as the country's most powerful document, it consists of ten principal clauses that establish the specific attitudes, thoughts, and behaviours required of all citizens. In practice, the Ten Principles shape both the formulation and enforcement of domestic laws by serving as an authoritative guideline for determining alignment with what has been specifically taught or ordered by Kim Il Sung, Kim Jong Il, and now Kim Jong Un. Observance of the Ten Principles serves as the justification for enforcement of laws and policies that are in conflict with international and domestic human rights obligations, including those protecting individuals from sexual and gender-based violence. In this context, the protection from sexual and gender-based violence becomes dependent on *political* rather than legal imperatives.

## • THE SOCIALIST CONSTITUTION

Article 3 of the Socialist Constitution establishes that the state is guided by Kimilsungism-Kimjongilism<sup>10</sup> and that the Ten Principles take precedence of authority over both domestic and international law. In turn, articles protecting from sexual violence in the Socialist Constitution cannot be seen as either enforceable or enforced legal rights. For example, the Socialist Constitution nominally provides that "citizens shall enjoy equal rights in all spheres of State and public activities" (Article 65), that "all citizens who have reached the age of 17 shall have the right to vote and to be elected irrespective of sex [...]" (Article 66), and that "women shall be accorded equal social status and rights with men" (Article 77).<sup>11</sup>

## • CRIMINAL LAW

The criminal law of the DPRK, consisting partially of the Criminal Code and the Criminal Procedure Code, defines punishable acts of sexual violence as rape, coercion of sexual intercourse with a woman in a subordinate relationship, and sexual intercourse

with a minor.<sup>12</sup> Only the legislative provision concerning sexual intercourse with a minor acknowledges that men as well as women can be perpetrators or victims. In all three articles of criminal law, sexual and gender-based violence is narrowly interpreted as sexual intercourse, while the various acts that constitute sexual intercourse are left unspecified. Coercive, non-consensual sexual acts that do not involve penetration or physical contact are excluded. This demonstrates a limited scope in what is considered sexual violence in the DPRK and significant gaps that fail to protect victims.

## • INTERNATIONAL HUMAN RIGHTS LAW

International human rights law contains obligations which the DPRK is bound to respect.<sup>13</sup> The DPRK is a state party to two treaties which contain protections against sexual and gender-based violence, having acceded to the International Covenant on Civil and Political Rights (ICCPR)<sup>14</sup> and the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>15</sup>

The DPRK is bound by the provisions of ICCPR, including Article 6, which reaffirms the right to life, and Article 9, which guarantees the right to liberty and security. Further, the ICCPR upholds the right of both women and men to enjoy equal civil and political rights (Article 3) and equal protection under law (Article 14). While the ICCPR does not explicitly refer to sexual and gender-based violence, the Human Rights Committee has addressed state parties' obligations for the prevention of sexual and gender-based violence. For example, General Comment 35 calls upon states to "respond appropriately to patterns of violence against categories of victims such as [...] violence against women, including domestic violence." Further, the prohibition of torture and ill-treatment is contained in Article 7 of the ICCPR. The Human Rights Committee has found that acts of sexual violence may meet the threshold of torture when perpetrated by state agents.<sup>16</sup>

## SECTION I

### ACTS OF SEXUAL AND GENDER-BASED VIOLENCE

**T**he following is an illustrative, non-exhaustive list of acts that exiled North Korean women and men identified as constituting sexual and gender-based violence based on an attitudinal survey, in-depth consultations, and a gender review of NKPD interviews. For consistency, we employed terms established in The Hague Principles in the framing of this survey. Each exile's experiences and social position in the DPRK, People's Republic of China (PRC), and the Republic of Korea (ROK) will have influenced their perceptions of sexual and gender-based violence and their impact on victims. The following list should *not* be read as fully representative of all possible acts of sexual and gender-based violence in the DPRK. Acts are listed in alphabetical order and are non-hierarchical. For commentary on cultural attitudes towards sexual and gender-based violence by more recent exiles, refer to Section II.

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1

Subjecting a person to unwanted exposure to nudity or acts of a sexual nature.

2

Inspecting a person's sexual body parts, such as genitals, anus, breasts, and hymen without medical reason.

3

Kissing or licking a sexual body part.

4.

Establishing unwanted physical contact with a person by touching their genital organs or *vice versa*, or by lying or sitting on a person.

5

Forcibly impregnating a person.

6

Stripping a person of an individual's reproductive autonomy through forced pregnancy or forced sterilisation.

7

Verbally abusing a person by referencing the individual's body parts, which may be sexual.

8

Punishing a person for rejecting sexual advances.

9

Distributing or creating visual or audible depictions of a person in a state of nudity, partial undress, or performing actions of a sexual nature.

10

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

11

Forcing a body part into someone's body, however slightly.

12

Forcing an object or body part into someone's body, however slightly.

13

Harassing someone sexually by making them engage in unwanted sexual activity, which can be seen as insulting, embarrassing, or offensive. Unwanted sexual behaviour may include:

- a) Producing sexual noises, making statements or gestures that are sexual;
- b) Encroaching on another's privacy with mobile phones or other devices; or
- c) Staring at another person in a manner that could be reasonably viewed to be sexually objectifying or indicating a sexual desire.

## SECTION II

# PERCEPTIONS OF SEXUAL AND GENDER-BASED VIOLENCE

**T**o accurately capture the consulted North Korean exiles' understanding of sexual and gender-based violence and barriers to disclosure, we selected three themes: 1) understanding of sexual violence as a physical act; 2) victim blaming and consent, and; 3) gendered understanding of sexual violence. North Korean citizens receive no formal sex education in the DPRK. According to all interviewees, it is a topic that is not openly discussed socially or within families. While some information concerning sexual and gender-based violence, with an emphasis on prevention, is shared with exiles who seek refuge in the ROK, primary sources of information for many interviewees consisted of mainstream media and YouTube content.<sup>17</sup> Once exiled in the ROK, North Korean exiles are exposed to a broader terminology surrounding sexual violence. Still, embedded social norms from the DPRK are persistent and enduring.

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Survey respondents were presented with a list of terms and selected those they identified as being related to sexual violence. Participants were able to select multiple terms.

**WHAT DO YOU CONSIDER ACTS OF SEXUAL VIOLENCE?**



## IS PHYSICAL TOUCH NECESSARY FOR AN ACT TO BE 'SEXUAL'?



**T**he preceding findings reflect how survey respondents' understanding of sexual and gender-based violence centre on physical acts. More than half (14 women and 12 men) perceived that acts of sexual and gender-based violence must include a physical element. One quarter (seven men and six women) expressed uncertainty, while 22% (six men, five women) perceived that physical touch is not a necessary element. Acts with clear physical elements, such as sexual penetration, were strongly perceived to constitute sexual and gender-based violence, including rape, forced prostitution, forced pregnancy, molestation, physical violence, forced abortion, and sexual harassment.

Notably, just one in five women interviewed perceived sexual and gender-based violence to constitute "forced rape".<sup>18</sup> Excluding one interviewee who sought exile in the ROK recently, women interviewees who had resided in the ROK since 2017 understood sexual and gender-based violence to include a broader range of acts than they had considered while residing in the DPRK. Since being exiled in the ROK, these women perceived that unwanted sexualised physical contact also constituted a form of sexual and often gender-based violence. A majority of the same women considered sexual remarks, including comments concerning physical appearance, to be further acts of sexual and gender-based violence.

To a large extent, men who were interviewed expressed a narrower view of sexual and gender-based violence. Generally, men perceived that sexual and gender-based violence was not limited to vaginal penetration. For example, a majority of the men perceived unwanted sexual remarks, staring, and touching may constitute sexual and gender-based violence. At the same time, four out of five men expressed a view that these standards were "too extreme", "strict", or "disadvantageous to men".<sup>19</sup> One man<sup>20</sup> commented that he was "careful" not to accidentally touch a woman since living in the ROK, given his view that this act may be considered a crime in the ROK. Another man<sup>21</sup> explained that after living in the ROK since 2021, he is both cautious about looking at women owing to his perceived risks and of touching other men due to a perceived negative connotation of being considered homosexual.

Responses from the most recently escaped man<sup>22</sup> reveal the importance of engaging the North Korean exile community with information of non-physical acts of sexual violence to support better documentation and ultimately gender justice. After thinking "hard about women's issues," he commented that "the DPRK is a lot more relaxed about issues between men and women. Women don't report or make a big fuss like they do [in the ROK] if a man accidentally touches a woman's body part. [...] There are lots of women who dupe men. Women's issues are worse in the DPRK, but there is no such thing as 'sexual harassment' there as there is in the ROK."

## Victim blaming due to the narrow understanding of consent

**I**nterviewees explained that patriarchal and heteronormative customs dominate within the workplace and home in the DPRK, allowing sexual violence to become trivialised and victims to be framed as being responsible for jeopardising their own security and social worth by being “careless” or indiscreet.<sup>23</sup>

According to the interviewees, victims will endure further suffering if they report their experiences of sexual and gender-based violence in the DPRK. Interviewees<sup>24</sup> who had escaped the DPRK most recently commented that victims do not report their perpetrators to law enforcement, even if the victims have social influence or wealth. Social norms dictate that a woman who has been raped is no longer suitable for marriage.<sup>25</sup> This perspective is widespread even among younger generations who are customarily believed to be more receptive to changing or external norms and have a more tolerant perspective of sexual intercourse before marriage. According to the interviewees, victims who report sexual and gender-based violence will be met with a social backlash and will be stigmatised as “opportunistic,”<sup>26</sup> “unfaithful,”<sup>27</sup> or “mentally ill.”<sup>28</sup>

To measure survey respondents’ and interviewees’ understanding of consent, we presented a set of scenarios and asked whether they believed the hypothetical situation constituted sexual violence. The two following subsections analyse select understandings of consent that may make disclosure more challenging for victims and those documenting sexual violence.

## Conflation of intimacy with consent

Interviewees generally conflated rape perpetrated by an acquaintance, a friend, or anyone associated with a victim with consensual sex.<sup>29</sup> In the context of rape, only 12 out of 50 survey respondents perceived intimate partner rape to be an act of sexual violence. During in-depth consultations, less than half of interviewees (one man and three women)<sup>30</sup> were familiar with the term 'intimate partner rape,' suggesting the term is not fully recognised in the DPRK, which may partly account for the act not being considered sexually violent. However, while a lack of familiarity with the term may contribute to our findings, interviewees who were unfamiliar with the term did not perceive that intimate partners, such as spouses, could rape one another despite the same interviewees agreeing that domestic violence was a widespread issue when they resided in the DPRK.

**PERSON A AND PERSON B ARE PARTNERS. PERSON B EXPECTS SEXUAL INTERCOURSE WITH PERSON A. PERSON A IS TIRED. PERSON B BECOMES ANGRY WITH PERSON A. PERSON A ENGAGES IN SEXUAL INTERCOURSE TO APPEASE PERSON B. TO WHAT EXTENT IS THIS SEXUAL VIOLENCE?**



Responses to this scenario demonstrate that survey respondents were largely either unsure or disagreed that coerced sex initiated by a romantic partner could constitute an act of sexual violence. This suggests that intimacy or familiarity between a perpetrator and victim plays a role in perceptions of sexual violence. In turn, this may contribute to under-reporting and under-documentation of sexual and gender-based violence perpetrated by an intimate partner.



## Perceptions of coercive environments

Understood broadly, sexual acts under conditions that are coercive may amount to sexual and gender-based violence. When a person is under the influence of oppressive external factors such as fear of violence, as in detention, genuine consent is not possible. Korea Future’s investigations indicate that perceptions of coercive dynamics are poorly understood by North Koreans interviewed for the NKPD. In 223 documented incidents of sexual and gender-based violence in the DPRK penal system,<sup>31</sup> our investigators found that a majority of interviewees did not perceive certain acts committed in a coercive environment, including forced abortion, body cavity searches, threats of sexual abuse, and rape, as constituting acts of sexual and gender-based violence. Similarly, over 40% of survey respondents viewed coercive sexual acts with public officials that subsequently resulted in additional privileges to be consensual. Participants in the survey for this report indicated that in such scenarios, the victims had benefited from sexual contact and the acts did not constitute sexual violence.<sup>32</sup>

**A DETAINEE PERFORMS SEXUAL ACTS TO A CORRECTIONAL OFFICER. THE DETAINEE RECEIVES EXTRA VISITATION RIGHTS AND IS EXCLUDED FROM MANUAL LABOUR. TO WHAT EXTENT IS THIS SEXUAL VIOLENCE?**



## Gendered understanding of sexual violence

Every interviewee and the vast majority of survey respondents (41 out of 50) perceived that men cannot be victims of sexual and gender-based violence.<sup>33 34</sup> A majority of interviewees understood sexual acts to be predominantly heterosexual violence committed by men against women and perceived that sexual and gender-based violence could only occur when a man physically overpowered a woman.<sup>35</sup> This appeared to shape a dominant belief among interviewees that men are not and cannot be victims of sexual and gender-based violence in the DPRK.<sup>36</sup>

Where cases of men being raped or sexually assaulted were discussed with interviewees, it was widely assumed that the victim was simply physically weak or too timid to protect himself against an “inferior”<sup>37</sup> perpetrator. Notably, the perpetrator was always seen to be a woman rather than a man.

One interviewee commented how a man who was a victim of sexual violence would be publicly denounced for failing to “fend off one woman.”<sup>38</sup> Another interviewee explained that a man who became a victim of sexual violence “would be considered stupid because he was sexually assaulted by a woman. He would be ostracised.”<sup>39</sup> This commonly held view was not limited to women alone. One man<sup>40</sup> expressed scepticism that men could be sexually assaulted by women, even in contexts that exhibited power imbalances.

**“There are no instances where men are molested or raped. Would a woman do it to a man? To put it in South Korean terms, older women who like sex could potentially do it to younger men. But that is because the younger guy wanted it and the married woman did, too.”**

All interviewees largely refuted the notion of a

man being sexually violated by another man and conflated sexual violence targeted at men with homosexuality, which itself is considered non-existent in the DPRK by most North Koreans. One interviewee<sup>41</sup> shared that homosexuality was only spoken of in the context of it being a product of a corrupt capitalist culture. Two interviewees suggested<sup>42</sup> that consensual sex between men, which were conflated with the rape of a man, were criminalised in the DPRK. One man<sup>43</sup> who had most recently escaped from the DPRK expressed confusion about the idea that men could be sexually abused or assaulted by other men:

**“How would a man violate another man? Do those kinds of people exist? Perhaps people who are in detention could do it. I have never heard about such a thing. Homosexuality is illegal. But there is also no one that is homosexual. There are so many women. Why would you do it with a man? If someone does it with a man, he would be crazy.”**

Findings suggest that prevalent homophobia, the conflation of homosexuality and sexual violence perpetrated by men against men, and the associated discrimination will continue to prevent and discourage men who are victims of sexual violence from reporting their experiences to human rights documenters. Nearly 70% of survey respondents shared that men would not speak about sexual violence they experienced. More broadly, this environment may also discredit men who are victims and lead to stigmatisation within the exile community and a view within human rights documentation that sexual violence targeting men does not occur in the DPRK.

### SECTION III

## ACCOUNTABILITY AND JUSTICE

**T**his section examines understandings of accountability for sexual and gender-based violence among the exiled community in the ROK. An important finding, which has a bearing on survey respondents' identification of accountability and justice options, was a general lack of awareness of and sensitisation to accountability pathways, both at the domestic and the international level. Information dissemination among the affected community would, in this respect, be beneficial.

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## Prevention of Sexual and Gender-based Violence and Accountability for Victims in the DPRK

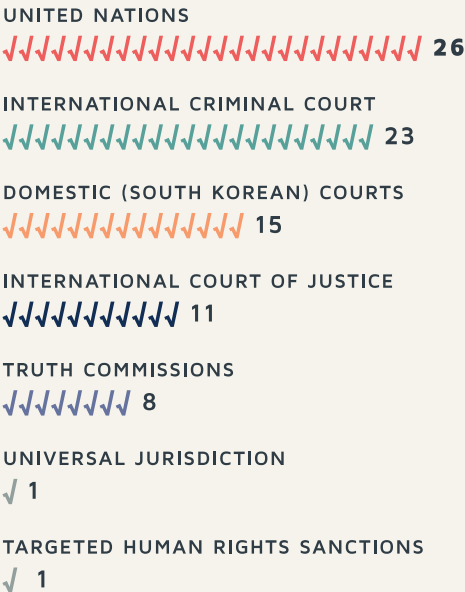
Most survey respondents identified legal reform within the DPRK as necessary to support increased accountability. Nearly 80% (39 out of 50) expressed the belief that the enforcement of sentencing for perpetrators is a necessary form of redress for victims. All interviewees perceived that the revision of criminal law, heavier sentencing of perpetrators, and more aggressive prosecutorial efforts to hold perpetrators to account must be prioritised in the DPRK if sexual and gender-based violence is to be deterred.

Conversely, a significant caveat was that the survey respondents also expressed that legal reform and active prosecutions were entirely unrealistic in the DPRK, given there existed no political incentive for the ruling WPK to enforce laws relating to such crimes. Interviewees<sup>44</sup> explained that rape, which is the sole act of sexual violence that is stipulated in the Criminal Code, is not considered a serious crime relative to so-called “anti-socialist” and anti-Party crimes, meaning that the prohibition of rape is rarely enforced and rarely prosecuted. One interviewee<sup>45</sup> noted that the lack of legislation targeting sexual violence in the DPRK may derive from the WPK’s desire to conceal “negative” aspects in society that counter their domestic propaganda.

Other interviewees<sup>46</sup> suggested that widespread corruption of state agents undermines the enforcement of laws criminalising sexual violence. Interviewees suggested that only victims from politically powerful or wealthy families would be able to afford to pay the necessary financial bribes to ensure a full investigation into perpetrators of sexual violence, given the crime was not deemed a political priority. In a case where a perpetrator was prosecuted, it was understood that the outcome of a trial would be dependent on whether the defendant or victim offered a larger bribe to associated public officials.<sup>47</sup> One interviewee explained, “people would prefer to take justice into their own hands and physically assault the perpetrator, rather than report the case. The law is useless in the DPRK.”<sup>48</sup>

It is notable that just one interviewee<sup>49</sup> stressed that shifts in cultural norms and attitudes should accompany legal changes, while three interviewees suggested that a lack of sex education contributes in part to the prevalence of sexual violence in the DPRK.<sup>50</sup> Further, many interviewees perceived that victims of sexual and gender-based violence stood a better chance of seeking justice through ROK courts. Necessary practicalities for this approach were not well understood and appeared to be informed by reporting of domestic cases of sexual violence within the ROK.

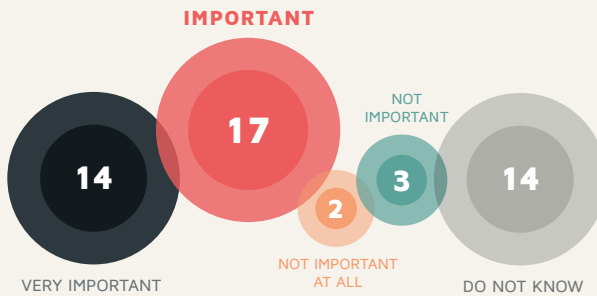
**WHICH JUSTICE AND ACCOUNTABILITY  
MECHANISMS ARE YOU AWARE OF?**



**W**hile survey responses indicated limited familiarity with available accountability mechanisms, a series of in-depth interviews indicated that a substantive understanding of the mechanisms was in many cases almost entirely absent. For example, survey respondents' knowledge of the United Nations as a means of pursuing accountability was premised not on the stated mechanisms, but on a perception of authority that stemmed from seeing supplies and medicine marked with the United Nations insignia in black markets in the DPRK<sup>51</sup> or simply by hearing the United Nations discussed in passing.<sup>52</sup> One interviewee claimed to be familiar with the International Criminal Court and International Court of Justice, but explained that both mechanisms were mentioned in an illegally smuggled foreign movie concerning World War II, which suggests the interviewee was unfamiliar with either entity.<sup>53</sup>

### DO YOU THINK IT IS IMPORTANT FOR SURVIVORS OF SEXUAL VIOLENCE TO SHARE THEIR TESTIMONIES WITH THE INTERNATIONAL COMMUNITY?

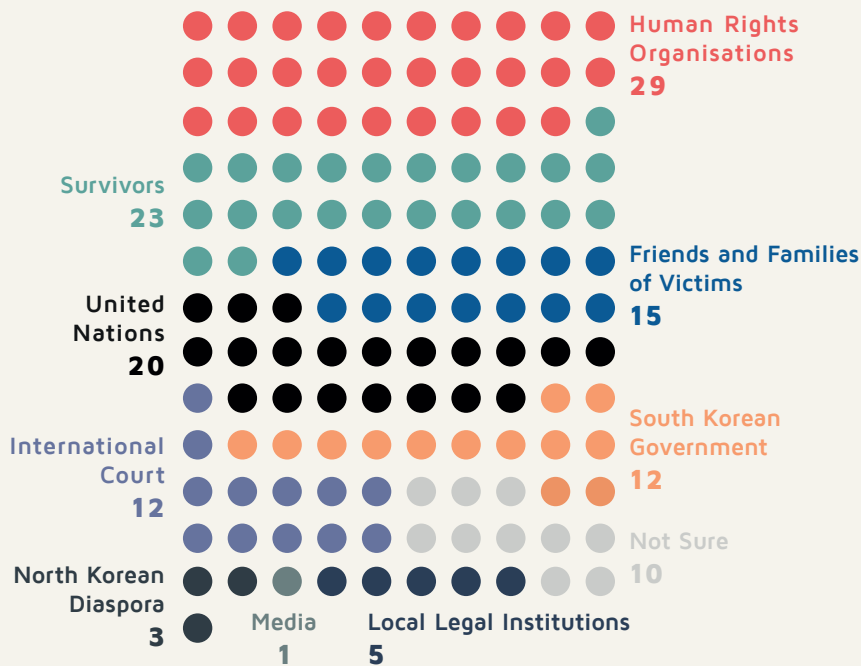
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**R**egardless of the level of understanding each respondent held concerning accountability mechanisms, most believed that the international community should play a central role in challenging impunity. Over 60% of the survey respondents believed it was 'very important' or 'important' for survivors of sexual and gender-based violence to share their testimonies with the international actors.

Independent human rights organisations were identified by survey respondents as being the most important actors in the pursuit of accountability, followed by survivors. There exists a need for human rights organisations, survivor-led organisations, and the North Korean diaspora to collaborate more thoroughly and to integrate survivor-informed needs and perspectives into documentation work that may ultimately become admissible evidence in courts. This collaboration, coupled with efforts to empower survivors to lead their own narratives, is imperative to advancing the cause of gender justice.

WHO SHOULD LEAD THE MOVEMENT  
TO BRING JUSTICE TO SURVIVORS AND VICTIMS?



# Conclusion

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The preliminary findings in this report establish a non-exhaustive list of acts perceived to constitute sexual and gender-based violence in the DPRK by a cross-section of exiled North Korean women and men. It should not be seen as an absolute or complete list. The report also provides initial context for the commission of sexual and gender-based violence in the DPRK, including concepts such as consent. Again, our understanding of this context continues to evolve. We will build upon these findings to expand knowledge of sexual and gender-based violence in the DPRK, to support future documentation, and to further survivor-informed and survivor-led approaches to documentation and the pursuit of justice.

To meet this challenge, Korea Future is working with survivors and other relevant stakeholders, including psycho-social service providers and exile-led civil society organisations, to develop comprehensive guidelines for survivor-centred and survivor-informed documentation of sexual and gender-based violence for the DPRK. We remain committed to placing survivor experiences at the heart of these conversations to enhance understanding of the various forms of sexual and gender-based violence experienced by victims to allow for more inclusive and culturally nuanced responses, including through justice processes.



## Appendix I.

# Methodology

In order to ascertain whether barriers such as stigma and shame influence survivor attitudes toward disclosure, and consequently impact opportunities for effective human rights documentation and accountability, we conducted an attitudinal survey of 50 exiled North Koreans (25 women and 25 men) and semi-structured, in-person, and confidential interviews with 10 exiled North Koreans (five women and five men) who escaped after 2015.

We identified the survey respondents and interviewees from Korea Future's network of exiled North Koreans in the ROK, including 186 exiles who participated in Korea Future's women's leadership projects and over 260 exiles who engaged in our investigation for the NKPD.

The survey and interview questions were designed to better understand:

- 1) North Korean exiles' perceptions toward sexual and gender-based violence in order to identify potential social and cultural barriers to a survivor's decisions to participate in accountability;
- 2) desired accountability and justice options for sexual and gender-based violence from within the diaspora, and;
- 3) attitudes toward disclosure of sexual and gender-based among North Koreans.

The terminologies and concepts related to sexual and gender-based violence that Korea Future used during the survey and interviews were derived from various sources, including The Hague Principles and the International Federation for Human Rights' *Glossary on Sexual and Gender-Based Violence*.

The analysis of data was focused on two key aspects:

- 1) assessing definitions, knowledge, and perceptions of sexual violence, and;
- 2) cataloguing the forms of justice and accountability sought by the affected community. All analytical processes controlled for respondents' socio-demographic characteristics. We followed ethical and safety best practices for researching sexual and gender-based violence, engagement with interviewees, and the assessment of the survey results.

## Appendix II.

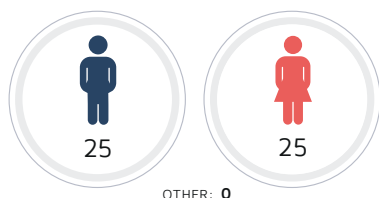
# Interviewee Demographics

UNIQUE REFERENCE NUMBER	GENDER	AGE RANGE	YEAR OF ESCAPE	YEAR OF ARRIVAL	PLACE OF RESIDENCE IN DPRK
A-1	WOMAN	30s	withdrawn	withdrawn	NORTH HAMGYONG
A-2	WOMAN	30s	2017	2017	NORTH HAMGYONG
A-3	WOMAN	40s	2017	2017	RYANGGANG
A-4	WOMAN	30s	2016	2017	RYANGGANG
A-5	WOMAN	20s	2019	2020	NORTH HAMGYONG
A-6	MAN	60s	2019	2019	RYANGGANG
A-7	MAN	30s	2019	2019	RYANGGANG
A-8	MAN	20s	withdrawn	2021	KANGWON
A-9	MAN		withdrawn		
A-10	MAN	40s	2019	2019	RYANGGANG

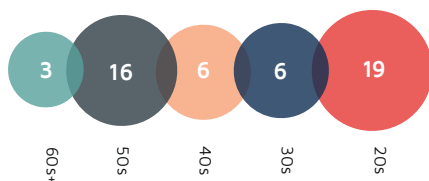
## Appendix III.

# Selected Survey Respondent Data

### GENDER



### AGE



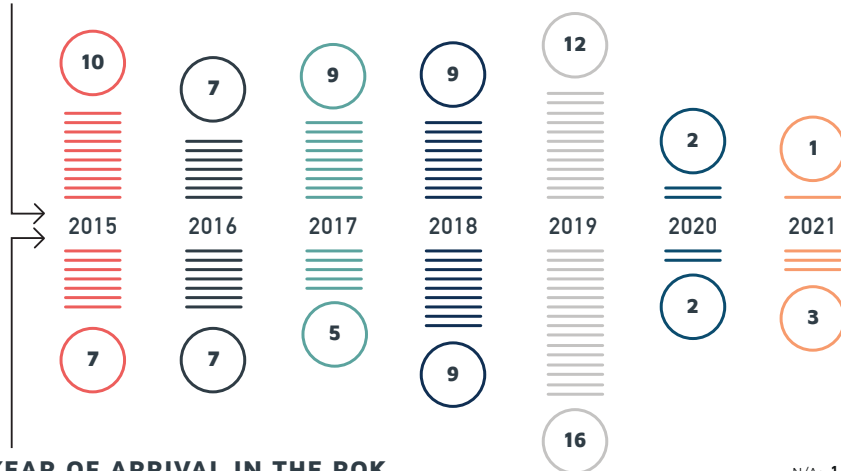
### RELIGION



### DISABILITY



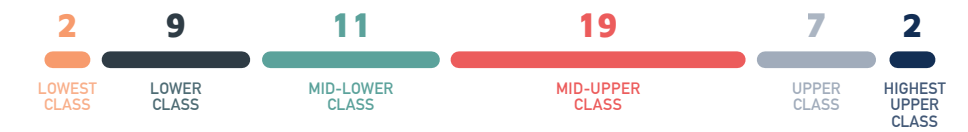
### YEAR OF FINAL ESCAPE FROM THE DPRK



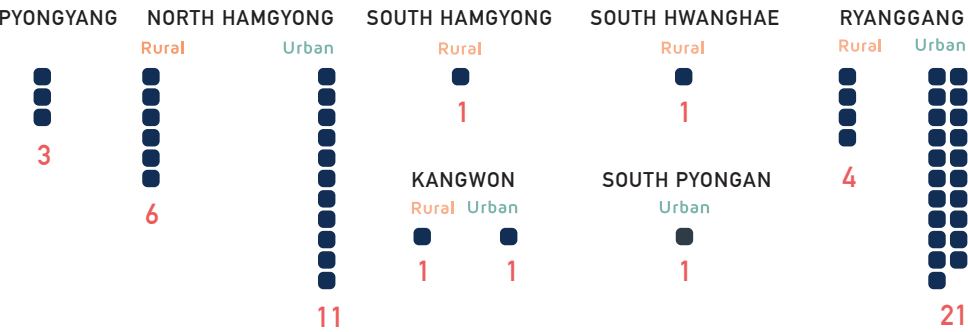
### YEAR OF ARRIVAL IN THE ROK

N/A: 1

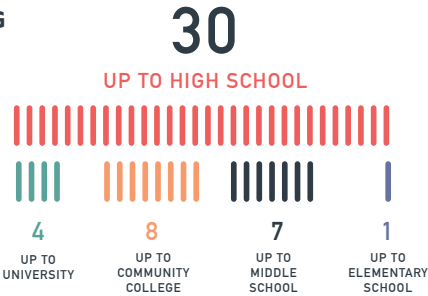
ECONOMIC STATUS IN DPRK



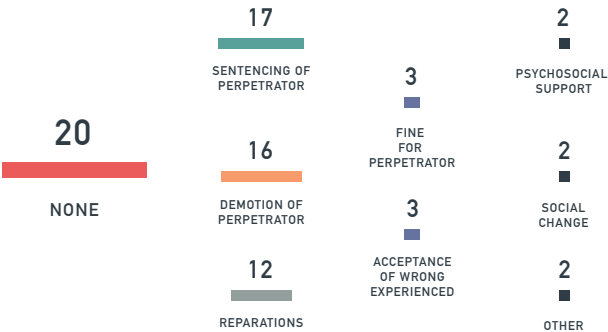
RESIDENCE IN THE DPRK



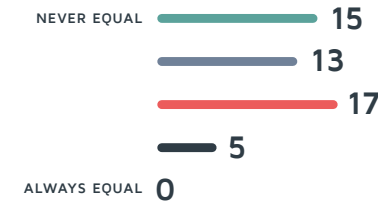
HIGHEST DEGREE OR LEVEL OF SCHOOLING COMPLETED IN THE DPRK



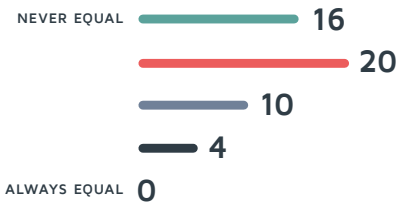
WHAT FORMS OF JUSTICE ARE AVAILABLE IN THE DPRK?



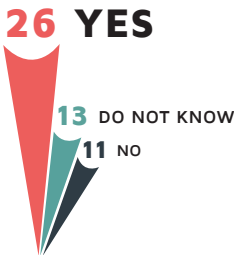
ARE WOMEN AND MEN EQUAL  
IN THE DOMESTIC SPHERE?



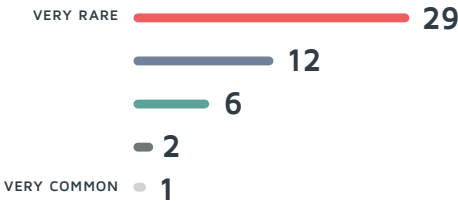
ARE WOMEN AND MEN EQUAL  
IN THE WORKPLACE?



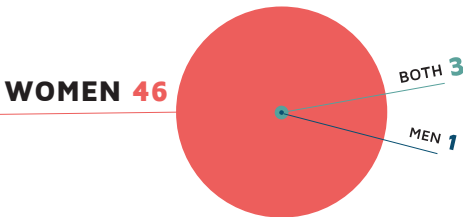
IS PHYSICAL TOUCH NECESSARY  
FOR AN ACT TO BE 'SEXUAL'?



HOW COMMON IS SEXUAL VIOLENCE  
AGAINST MEN IN THE DPRK?



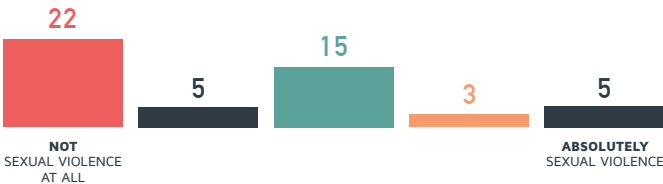
WHO ARE MORE COMMONLY VICTIMS  
OF SEXUAL VIOLENCE IN THE DPRK?



ARE PERPETRATORS PUNISHED  
IN THE DPRK?



PERSON A OFFERS PERSON B AN OPPORTUNITY FOR PROMOTION IF PERSON B ENGAGES IN SEXUAL INTERCOURSE WITH PERSON A. PERSON B ENGAGES IN SEXUAL INTERCOURSE WITH PERSON A. IS THIS SEXUAL VIOLENCE?



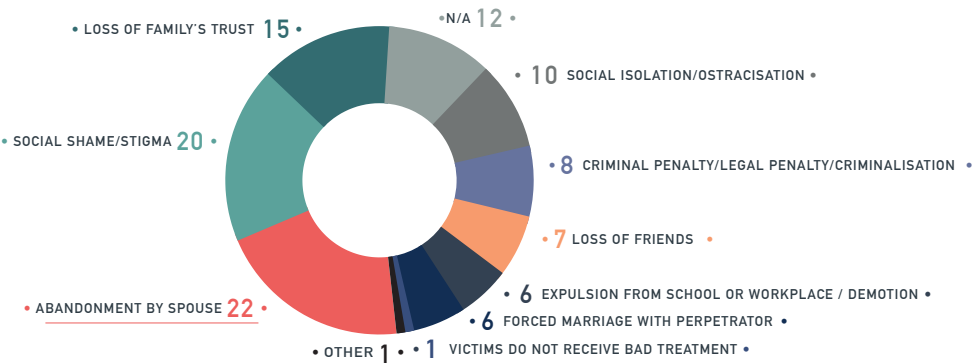
ARE THERE DIFFERENT STIGMAS ATTACHED TO WOMEN AND MEN  
WHO EXPERIENCE SEXUAL VIOLENCE IN THE DPRK?



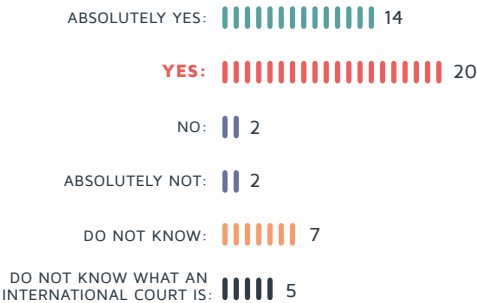
ARE VICTIMS OF SEXUAL VIOLENCE TREATED NEGATIVELY  
IN THE DPRK?



CONSEQUENCES FOR THE  
VICTIM OF SEXUAL VIOLENCE



DO SURVIVORS WISH TO  
PURSUE LEGAL ACTION  
IN INTERNATIONAL COURTS?



WHAT ARE THE NEEDS OF VICTIMS?



**WHICH TERMS DID YOU LEARN IN THE DPRK?**



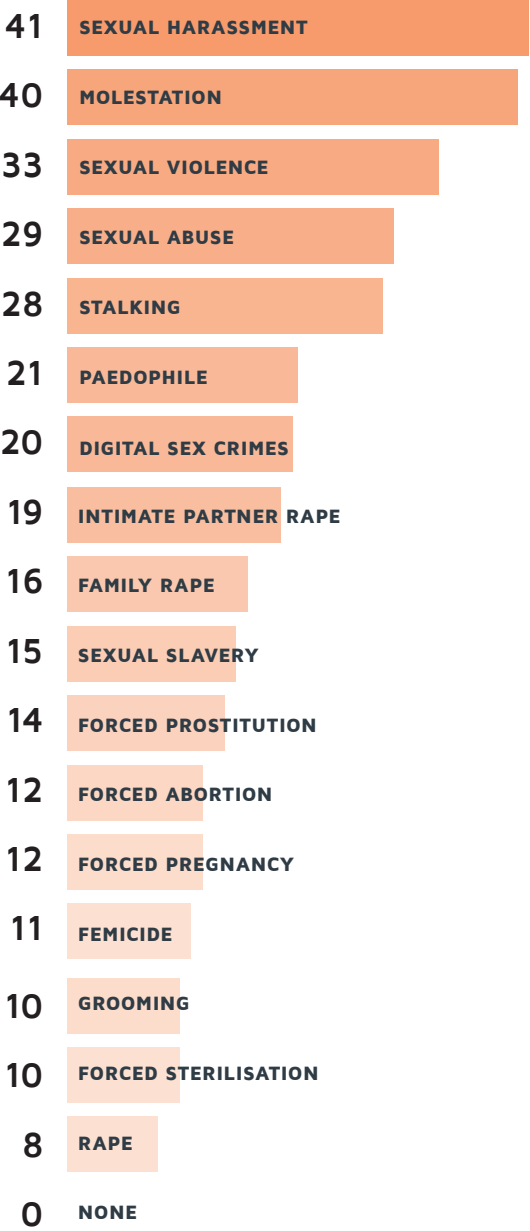
**WHICH TERMS CAN YOU EXPLAIN AND UNDERSTAND FULLY?**

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**WHICH TERMS DID YOU LEARN WHEN YOU CAME TO THE ROK?**



<sup>1</sup> Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (2013). UN Commission of Inquiry Report (p. 8). Retrieved February 7, 2022, from <https://www.ohchr.org/en/hr-bodies/hrc/co-idprk/commission-inquiryon-h-rin-dprk>

<sup>2</sup> Murad Code Project (2022). Murad Code. Retrieved February 7, 2022, from <https://www.muradcode.com/>

<sup>3</sup> Women's Initiatives for Gender Justice (2015). The Hague Principle. Retrieved February 7, 2022, from <https://4genderjustice.org/ftp-files/publications/The-Hague-Principles-on-Sexual-Violence.pdf>

<sup>4</sup> Our findings are based on an attitudinal survey of 50 exiled North Koreans and semi-structured, in-person and confidential interviews with 10 exiled North Koreans who escaped the DPRK after 2015. We engaged with participants from Korea Future's networks in the diaspora, explaining informed consent and the use of information to all who took part.

<sup>5</sup> Despite women accounting for 72% of the North Korean diaspora settled in the Republic of Korea (ROK, or South Korea), many face significant barriers, including overlapping forms of gender- and identity-based discrimination and indirect forms of discrimination, which create hidden barriers to their entry into this work.

<sup>6</sup> Women's Initiatives for Gender Justice (2015). The Hague Principle (p.62). Retrieved February 7, 2022, from <https://4genderjustice.org/ftp-files/publications/The-Hague-Principles-on-Sexual-Violence.pdf>.

<sup>7</sup> United Nations. Consideration of reports submitted by States parties under article 18 of the Convention (CEDAW/C/PRK/2-4). 2016

<sup>8</sup> Korea Future (2022). North Korean Prison Database. Retrieved February 7, 2022, from <https://nkp.d.io>

<sup>9</sup> The WPK is also responsible for monitoring the conduct of all high-ranking personnel and for conducting daily monitoring and reporting of all mid- and low-ranking personnel in every state institution, including law enforcement. Ultimate responsibility within the WPK rests with its General Secretary, Kim Jong Un.

<sup>10</sup> See USCIRF. Kimilsungism-Kimjongilism and the Right to Freedom of Religion, Thought, and Conscience in North Korea, July 2022, <https://www.uscifr.gov/sites/default/files/2022-07/2022%20North%20Korea%20Report.pdf>. "In Kimilsungism-Kimjongilism, the individual must strive to follow the guidance of Kim Il Sung and Kim Jong Il in both the internal and external aspects of life. It is not a new ideology, having first been announced as Kimilsungism by Kim Jong Il in 1974, when the Ten Principles were released. It became known as Kimilsungism-Kimjongilism after the death of Kim Jong Il in 2011."

<sup>11</sup> The Criminal Law of the Democratic People's Republic of Korea (2009). Article 293, 294 and 295. Retrieved February 7, 2022, from [https://www.hrnk.org/uploads/pdfs/The%20Criminal%20Law%20of%20the%20Democratic%20Republic%20of%20Korea\\_2009\\_%20\(1\).pdf](https://www.hrnk.org/uploads/pdfs/The%20Criminal%20Law%20of%20the%20Democratic%20Republic%20of%20Korea_2009_%20(1).pdf)

<sup>12</sup> Articles 293, 294, and 295.

<sup>13</sup> As a Member State of the United Nations, the DPRK has committed to the promotion and protection of human rights as enshrined in the United Nations Charter and is bound by the Universal Declaration of Human Rights (UDHR) insofar as it represents customary international law. This report focuses exclusively on international human rights law (state responsibility), rather than international criminal law, (concerning individual criminal accountability).

<sup>14</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR); the DPRK acceded to the ICCPR on 14 September 1981.

<sup>15</sup> International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 03 January 1976) 993 UNTS 3 (ICESCR); the DPRK acceded to the ICESCR on 14 September 1981. The ICESCR upholds fundamental human rights that obligate the DPRK to protect women and men from violence. For example, the right to the highest standard of physical and mental health is a right often absent in violence targeting women or men.

<sup>16</sup> UN Human Rights Committee (HRC). CCPR General Comment No. 28. Article 3 (The Equality of Rights Between Men and Women), 29 March 2000, CCPR/C/21/Rev.1/Add.10, available at: <https://www.refworld.org/docid/45139c9b4.html>.

<sup>17</sup> A-1, A-2, A-6, A-9

<sup>18</sup> A-5

<sup>19</sup> A-7, A-8, A-9, A-10

<sup>20</sup> A-7

<sup>21</sup> A-8

<sup>22</sup> A-9

<sup>23</sup> A-3, A-6, A-10

<sup>24</sup> A-8, A-9

<sup>25</sup> A-1, A-2, A-3, A-4, A-5, A-7, A-8, A-9, A-10

<sup>26</sup> A-9

<sup>27</sup> A-3, A-6

<sup>28</sup> A-6, A-7, A-8, A-9, A-10

<sup>29</sup> A-5, A-10

<sup>30</sup> A-1, A-2, A-4, A-10

<sup>31</sup> North Korean Prison Database.

<sup>32</sup> A-9, A-10

<sup>33</sup> A dominant social position held by men was said to persist despite the changing roles of women in the DPRK. A-3, A-6, A-7, A-9

<sup>34</sup> Interviewees between the ages of 20 and 40 stated that power disparities between men and women had become less visible among the younger generations, but that men retained power in both the domestic and public spheres. A-4, A-9

<sup>35</sup> A-1, A-2, A-3, A-5, A-7, A-8, A-9, A-10

<sup>36</sup> Ibid.

<sup>37</sup> A-1, A-2, A-3, A-5, A-7, A-8, A-9, A-10

<sup>38</sup> A-5

<sup>39</sup> A-3

<sup>40</sup> A-9

<sup>41</sup> A-6

<sup>42</sup> A-8, A-9

<sup>43</sup> A-9

<sup>44</sup> A-4, A-6, A-10

<sup>45</sup> A-3

<sup>46</sup> A-1, A-2, A-3, A-5, A-6, A-7, A-8, A-9, A-10

<sup>47</sup> A-1, A-3, A-5, A-7, A-8, A-10

<sup>48</sup> A-7

<sup>49</sup> A-4

<sup>50</sup> A-2, A-6, A-7

<sup>51</sup> A-2

<sup>52</sup> A-2, A-4

<sup>53</sup> A-3