

Action-Plan for Working-Group Addressing Violence Against North Korean Women and Girls in the DPRK and in Exile **Version for Discussion** **Presented at UN Commission on Status of Women Meeting - March 18, 2016, NY** Betsy Kawamura, Women4NonViolence in Peace + Conflict Zones, March 11, 2016

I General Mission and Objectives: The goal of these recommendations is to explore effective and comprehensive means to forward issues of SGBV (sexual and gender based violence) committed against North Korean women, both inside North Korea and in exile, onto Women, Peace and Security (WPS) agendas at United Nations entities, civil-society levels and at jurisprudential centres via formation of a dedicated Working Group. A Working Group 'WG' would convene on a regular basis and systematically forward analyses, new developments and courses of recommended action to relevant centers such as the UN High Commissioner for Human Rights in Geneva (and New York), the new UN field office in Seoul coordinated with the UN COI, the Hague International Criminal Court, UN Women and other appropriate UN and non-UN entities including jurisprudential centres focused on the DPRK (also in Asian regions) to enhance quality-of-life and security for North Korean women and children in the North and in exile/refuge. The enhancement of women's rights and gender-equity will contribute toward the stabilization of the Korean Peninsula with profound impact afar.

The WG will use all existing UN resolutions and conventions as tools to protect women-at-large (and the girl-child), secure gender-equity and to assist women refugees. These resolutions and conventions include the CEDAW, UNSCR 1325 and more recent allied resolutions under Women, Peace and Security (WPS), the recent Council of Europe Convention (Istanbul Convention) on preventing and combating violence against women, the Palermo Protocol, as well as international and intra-national laws protecting the rights of women and children against sexual violence and trafficking. The WG will ensure the inclusion of testimonials of North Korean refugee women and children who have experienced SGBV, endeavor to address the acrimonious plight of children borne to the women while in exile in China and keep good communications with relevant Special Rapporteurs and judicial bodies. Implementation of UNSCR 1325 and allied WPS resolutions will work to include that women's participation in governance will be achieved by amplifying voices of North Korean refugee women, in particular those who were severely marginalized by sexual violence, both in and outside of the DPRK. These recommendations attempt to catalyze discourse and formation of a Working Group, to set plans accordingly for the rest of 2016 and to make preparatory plans for UN CSW 61 and other appropriate platforms for 2017 and beyond.

II Brief Background: Amidst the provocative actions of the DPRK at the start of 2016 including nuclear weapon testing, alleged satellite launch and February 7's missile test, the UN Security Council (UNSC) unanimously adopted resolution 2270 against North Korea. SCR 2270 imposes significant measures on North Korea that include restrictions on trade, financial restrictions, the inclusion of new designations and the requirement that member states inspect all North Korean cargo going through their territory. The resolution was presented by the United States with the support of China, a sharp reversal in stance, given Beijing's longtime support of its neighbor. Resolution 2270 is a significant enhancement of and addition to, previous UNSC resolutions adopted against the DPRK and was described by the U.S. ambassador to the UN, Samantha Power as a "seismic shift in the way the council approaches DPRK proliferation concerns. These measures go beyond the traditionally activity-based sanctions to include more general restrictions on North Korean trade and finance. They represent a shift

in the design of the multilateral sanctions regime on North Korea. “ However, to be effective, the general consensus is that it must be followed with robust enforcement.

On March 2, 2016 South Korea’s legislature passed the North Korean Human Rights Act, which includes the establishment of an archive of human rights violations committed by the DPRK government against the North Korean people. The bill is meant to create a center in South Korea’s *Unification Ministry* tasked with collecting, archiving and publishing information about human rights in North Korea. It is required to transfer that information to the Justice Ministry, a step parliamentary officials say would provide legal grounds to punish rights violators in North Korea when the two Koreas eventually reunify.

Back in 2014, the U.N. Commission of Inquiry on North Korea published a report laying out abuses including systems of political prison camps holding up to 120,000 people. Over 320 North Korean witnesses were interviewed across different countries. The Commission urged the Security Council to refer North Korea to the International Criminal Court over its human rights record including alleged violence against women. A HCHR office was set in Seoul to start collecting data on such human rights violations and crimes against humanity including SGBV.

The European Union and Japan have recently drawn up a draft resolution on North Korea’s human rights abuses for submission later this March to a U.N. human rights panel, according to government sources. In the latest effort to shed light on the communist state’s woeful human rights conditions, they would begin a process to review the resolution toward the end of March before tabling it at the 13th session of the U.N. Human Rights Council in Geneva, Switzerland. The council’s latest session opened on February 29 and will end on March 24. The council has adopted a resolution, handed in by the EU and Japan, in March each year to call international attention to the North’s human rights situations.

It is estimated that about 29,000 refugees from North Korea have resettled in the ROK. The significant majority of those leaving the DPRK – estimated as much as 75% are women – of which many become victimized by sexual gender based violence such as prostitution, human trafficking, forced marriages, sexual assault and exposure to the sex-industry in China. China continues as of today to violate the UN Convention to Protect Refugees (1951) by refouling North Korean refugees back to the North, where they face almost certain persecution that can lead to death. In the North, the system of guilt by association of up to 3 generations of family members has sent distant relatives to prison camps. There is admissible evidence via testimonies of survivors of prison camps (kyo hwa so, kwan liso) of systematic GBV carried out to women prisoners and their children and accounts of infanticide and forced abortions (see David Hawk’s work).

It is not the mission of this ‘think-piece’ to discuss all categories of human rights violations and crimes against humanity against North Korean citizens, but to point out the exacerbating situation of SGBV punishing ordinary women and young girls in prison camps, in exile in China and in other Asian regions and the pervasive severe lack of women’s rights existing in the North. Even upon resettlement in safe countries, it is important to consider challenges and barriers of the refugee women to enter more mainstream career paths after being exposed to extensive trauma and SGBV back in North Korea and in China. The WG will also consider the burden of Asia (China) as one of the largest suppliers of human trafficking, and sex trafficking in particular.

The suggested Action Points below are meant to provide relief for North Korean refugee women and young girls at highest levels of the UN and various international governing bodies possible and to amplify these survivors’ voices all the way to The Hague International Criminal Court if possible. This would naturally be accomplished with augmentation by civil society. It could be a very positive day indeed, if The International

Criminal Court's Trust Fund for Victims in The Hague can start to envision 'healing' reparations for survivors of gender and sexual violence from the DPRK. Such a day may mark the beginning of sustainable 'healing' for North Koreans, including new generations born outside of The Korean Peninsula and Asia, i.e. in the West who wish reconciliation with their 'home country'.

We hope that the points below can benefit the 200,000+ North Korean refugees languishing in China, 120,000 incarcerated in the bowels of North's prison camps, the estimated 1,500 in the European Union, 40 in Australia, approximately 180 each in USA, Canada and Japan – not to mention new groups who risk their lives to seek freedom in every conceivable and inconceivable way. I hope it may also catalyze and enable human rights and women's empowerment for the 24 million ordinary citizens in North Korea. I would like to point out that what is mapped below is meant to be a *dialogue-opener*, to widen further avenues for cross-productivity, synchronized action and clear thinking out-of-the-box. As Susanne Scholte often mentions, *Acta Non Verba* must be the motto of our day while being actively seized of this matter! With much gratitude and respect for your time and concerns and looking forward to convening on March 18 at UN CSW. B.Kawamura Women4Nonviolence in Peace+Conflict Zones www.w4nv.com

III Action Points for 2016 and beyond: Below are suggested Action Points for 2016, keeping in mind the comment by the Special Rapporteur to DPRK (Marzuki Darusman) at Human Rights Council's 31st session Agenda item 4 that a “.. *framework on accountability measures for crimes against humanity and other human rights violations must be a component of discussions on the future of The Korean Peninsula, including a unification scenario.*” It is of interest to note that China apparently made a sizeable donation to UN Women in 2015, and that they have recently passed a law on domestic violence. China's recent cooperation to pass SCR 2270 could indicate an appropriate time to discuss refoulement issues. This also applies to Russia, in regards to the passing of SCR 2270 and acknowledging the provocative nature of the North. I believe very strongly that we must seize this moment and actively create further windows of opportunities for universal dialogue with potential partners to protect North Korean women and their children, especially those in exile/refuge. Below are some suggested action points:

- **Coordinate with existing Working Groups at UN CSW on plans for the rest of 2016 as well as for 2017 efforts that would highlight the plight of North Korean women and girls in the DPRK and those in exile.** This year's topic of reviewing elimination and prevention of all forms of violence against women and girls flows well with NK refugee women facing SGBV. I have reviewed all of this year's UN CSW official and unofficial events, **and rather sadly our March 18th event hosted by the US Mission featuring North Korean refugee women witnesses is the only one discussing NK issues amongst the 500+ events (!) – that is besides the WomenCrossingDMZ focused more on theoretical 'peace-making' between DPRK and USA. This is a very urgent sign that we must act within all of our powers now to put NK gender violence issues *simultaneously* at top of DPRK-related discussions at all UN Security Council and General Assembly platforms for remaining part of this year 2016 and beyond. Women's security issues must no longer be 'separated' or omitted from general peace and security discussions at all United Nations meetings.**
- **Discuss specifically how NK issues can be included in Ministerial-level round-table discussions leading to preparations for 2017 CSW 61. We must bring key North Asian Missions to this dialogue** (Please see background on page 5 “*Useful Background on UN CSW*”) and engage directly with Mr. Jun Saito (Japan) and Vice-Chair designate (Asia-Pacific States Group) to catalyze such discussions,

keeping in mind Asia-Pacific Regional Coordination Mechanisms (p.7),

which are extensive. **We can identify many UN groups mentioned on page 7 that are relevant to DPRK and actively bring our analysis to Mr. Jun Saito and his valuable team.**

- **Interface also with the Special Representative of the UN Secretary-General on Sexual Violence in Conflict, Ms. Zainab Hawa Bangura,** and Team of Experts-Rule of Law/Sexual Violence in Conflict to see how North Korea and SGBV issues can be brought to *high-priority discussions* to catalyze change in China's treatment of NK women and their children. This topic should be systemically discussed at UN Women, especially during this current crisis security situation. We can remark on the importance of putting DPRK and North Asia issues on National Action Plans for UNSCR 1325 internationally.
- **Coordinate with 2016 events and identify discussion opportunities at Geneva, UN High Commissioner for Human Rights including those on preventing torture.** Meet and discuss courses of action for field-investigate inside China regarding NK women in hiding with the **Special Rapporteur on Trafficking in Persons, Ms. Joy Ngozi Ezeilo,** and discuss refoulement as well as issues of NK women and girls being led into the sex industry. **2016 events at Geneva:** <http://www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx>
- **Coordinate with country representatives designing National Action Plans (NAP) on UN SCR 1325 on Women, Peace and Security WPS- especially from Asian regions to include recommendations and analysis of North Korean refugee women.** States directly affected include ROK, DPRK, China, Mongolia, Japan, Russia, Thailand, Laos, Vietnam, and Cambodia. So far, the ROK and Japan are the only countries mentioned in this group with NAPs. The ROK NAP concretely addresses North Korean refugee women. For countries aforementioned without NAPs on 1325, concerted effort must be made to communicate to them the situation of North Korean refugee women and universal measures needed for protection. See bottom of page 8 on NAPs.

For countries out of Asia such as United Kingdom and USA who are part of the Security Council, have NAPs on UNSCR 1325 and vested interests in DPRK issues, we must inform them of our initiatives. This goes for States who have received North Korean refugees in their countries, which includes various European countries, Canada, and Australia. *This would in effect alert all countries party to the 'Six-Party Talks', those on the UN Security Council, those in South Asia often used for transition by refugees fleeing from DPRK, and nations accepting North Korean refugees into their countries.*

- The UN Country Team (UNCT) for North Korea comprises six resident UN agencies – FAO, UNFPA, UNICEF, WFP, UNDP, and WHO – and 8 non-resident UN agencies. The UNCT ensures inter-agency coordination and decision-making at the country level. The main purpose of the Country Team is for individual agencies to plan and work together, as part of the Resident Coordinator system, to ensure the delivery of tangible results in support of the development agenda of the Government. **Remarks:** via our Working Group, we can find ways to engage directly or indirectly with UN groups already in DPRK to improve women's rights, effect changes on policies re refugee women. (<http://kp.one.un.org/country-team>)

- Explore ideas of countries willing to *actively* seek out North Korean women and children hiding in China to bring them to safe passage to third countries – *without interference and refoulement by China back to DPRK*. If the UN Security Council members wish to ‘*walk their talk*’ in regards to the importance of women’s security, they can inject initiatives to protect

North Korean women and children under current crisis situation between North and South Korea. China, who funded and sponsored the Beijing Platform back in 1995 have a great chance to step up to its initial role and reputation, in enabling immediate and permanent protection of North Korean women and their children. *As a current global economic and political power, China has a major role to fulfill – and ‘good action’ now can favorably impact its financial and political relations and future with the USA, its neighbours and other major world powers. China will take the monthly leadership on the UNSCR agenda for April of 2016. What a brilliant time it may be to bring up this discussion for positive resolve. Please see page 8.*

To note, the concept of setting up a Working Group to look at sexual/gender issues of North Korean women including those exiled is in line with the *spirit* of the Special Rapporteur’s recommendation (c) To establish a group of independent experts with a mandate (i) to establish the present state of international law and prevailing State practices with regard to accountability; (ii) to determine an appropriate approach to ensure State accountability for crimes against humanity committed by the Government of the Democratic People’s Republic of Korea; and (iii) to recommend creative and practical mechanisms of accountability to secure truth and justice for the victims of crimes against humanity in the Democratic People’s Republic of Korea. The Special Rapporteur stated that given the resource constraints faced by the Office of the High Commissioner and its field presence in Seoul, which has its own mandate. The group of experts should be established by the **Human Rights Council**.

Thank you all very much for your time and care and it goes without saying that there is much to discuss, but more importantly to act upon i.e. Acta Non Verba via Susanne Scholte! In Peace - B. Kawamura , Founder Women4Nonviolence in Peace+Conflict Zones. Tel +1 808 627 5772 www.w4nv.com

Laborare est orare est laborare

IMPORTANT NOTES RELATED TO PARAGRAPHS ABOVE:

A Useful Background on UN CSW

UN Women, is the United Nations Entity for Gender Equality and the Empowerment of Women - See

more at: <http://www.unwomen.org/en/about-us/about-un-women#sthash.JHpG8CRe.dpuf> **Commission of the Status of Women** <http://www.unwomen.org/en/csw/csw60-2016> The

Membership of the CSW for

2016 http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/60/csw60_membership.pdf?v=1&d=20150803T165658

The Bureau for the 60th session (2016) comprises the following members:

2016

Priority theme is: *Women's empowerment and the link to sustainable development*. **Review theme: The elimination and prevention of all forms of violence against women and girls.** - See more at:

<http://www.unwomen.org/en/csw#sthash.YhUOPoja.dpuf>

H.E. Mr. Antonio de Aguiar Patriota (**Brazil**), Chair (Latin American and Caribbean States Group)

- Ms. Fatma Al Zahraa Hassan (**Egypt**), Vice-Chair (African States Group)
- Ms. Šejla Đurbuzović (**Bosnia and Herzegovina**), Vice-Chair (Eastern European States Group)
- **Mr. Jun Saito (Japan), Vice-Chair designate (Asia-Pacific States Group)**
- Mr. Andreas Glossner (**Germany**), Vice-Chair designate (Western European and other States Group)

- See more at: <http://www.unwomen.org/en/csw/member-states#sthash.cUnd533D.dpuf> **Women and Peace and Security (WPS) Working Groups :**

[Working Group on Arbitrary Detention](#)

[Working Group on Enforced or Involuntary Disappearances](#)

[Working Group on Discrimination against women in law and in practice](#)

[Working Group on Contemporary Forms of Slavery](#)


Other

Special Representative of the Secretary-General on Sexual Violence in Conflict Team of Experts-Rule of Law/Sexual Violence in Conflict

4. North Asian UN working groups on women peace and security

United Nations Regional Groups of Member States

Asia-Pacific Group

- 
- Afghanistan
 - Bahrain
 - Bangladesh
 - Bhutan
 - Brunei Darussalam
 - Cambodia
 - China
 - Kyrgyzstan
 - Lao People's Republic
 - Lebanon
 - Malaysia
 - Maldives
 - Marshall Islands
 - Micronesia (Federated States of)
 - Mongolia
 - Myanmar

- Cyprus
- Democratic People's Republic of Korea
- Fiji
- India
- Indonesia
- Iran (Islamic Republic of)
- Iraq

Nauru
Nepal
Oman
Pakistan
Palau

- Samoa
- Saudi Arabia
- Singapore
- Solomon Islands
- Sri Lanka
- Syrian Arab Republic
- Tajikistan
- Thailand
- Timor-Leste
- Tonga
- Turkey*
- Turkmenistan
- Tuvalu
- United Arab Emirates
- Uzbekistan

Japan
Jordan
Kazakhstan
Kuwait
Papua New Guinea
Philippines
Qatar
Republic of Korea
Vanuatu
Vietnam
Yemen

Asia-Pacific Regional Coordination Mechanism

Theme group	Chair	Member
Education for All	UNESCO	ADB, ESCAP, FAO, ILO, OHCHR, UNAIDS, UNDP, UNEP, UNESCO, UNFPA, UNHCR, UNICEF, UNODC, UN WOMEN, WB, WFP
Environment and disaster risk management	UNEP, ESCAP, OCHA	ADB, ESCAP, FAO, ILO, ITU, OCHA, OHCHR, UNCCD, UNCRD, UNDP, UNEP, UNESCO, UNFPA, UNICEF, UNIDO, UNISDR, UNHABITAT, UNHCR, WHO, WB, WFP
Health	UNFPA and UNAIDS (co- chairs)	ESCAP, FAO, ILO, IOM, ITU, OCHA, OHCHR, UNAIDS, UNDP, UNESCO, UNFPA, UNHCR, UNICEF, UN WOMEN, UNODC, WHO, WB
Poverty and hunger	FAO, ESCAP and UNDP-RCC (co- chairs)	FAO, ESCAP, ILO, OCHA, OHCHR, UNCRD, UNDP, UNESCO, UNFPA, UNICEF, UNIDO, UNIFEM, UNODC
International migration including trafficking	IOM and ESCAP	ESCAP, ILO, IOM, OCHA, OHCHR, UNAIDS, UNDP, UNESCO, UNFPA, UNHCR, UNIAP, UNICEF, UN WOMEN, UNODC, WHO, WB
Gender equality and empowerment of women	ESCAP and UN WOMEN	ADB, ESCAP, FAO, ILO, IOM, ITU, OHCHR, UNAIDS, UNCCD, UNDP, UNESCO, UNFPA, UN-HABITAT, UNHCR, UNICEF, UNIDO, UN WOMEN, UNISDR, WB, WFP, WHO
Youth	ESCAP and UNFPA	ESCAP, ILO, UNDP, UNESCO, UNFPA, UN-HABITAT, UNICEF, and WHO

<http://www.rcm-asiapacific-un.org/thematic-working-groups.html>

Other

Unite to End Violence Against Women

<http://www.un.org/en/women/endviolence/index.shtml>

B Useful Background on Members of UN Security Council:

Permanent and Non-Permanent Members. The Council is composed of 15 Members: • five permanent members: China, France, Russian Federation, the United Kingdom, and the United States,

and ten non-permanent members elected for two-year terms by the General Assembly (with end of term date): o Angola (2016) o Egypt (2017) o **Japan (2017)** o Malaysia (2016) o New

Zealand (2016) o Senegal (2017) o Spain (2016) o Ukraine (2017) o Uruguay (2017) o Venezuela (Bolivarian Republic of) (2016) <http://www.un.org/en/sc/members/>

Schedule of which country assumes monthly leadership Every month, the presidency of the Security Council rotates between the 15-member body, **giving them the chance to set the agenda and lead meetings of the body.** <http://www.un.org/en/sc/presidency/>

Month	Presidency	End of Membership Term
January	Uruguay	31 December 2017
February	Venezuela	31 December 2016
March	Angola	31 December 2016
April	China	Permanent Member
May	Egypt	31 December 2017
June	France	Permanent Member
July	Japan	31 December 2017
August	Malaysia	31 December 2016
September	New Zealand	31 December 2016
October	Russian Federation	Permanent Member
November	Senegal	31 December 2017
December	Spain	31 December 2016

C UNSC Resolutions on Women Peace and Security www.peacewomen.org

In October 2000, United Nations Security Council Resolution (UNSCR) 1325 was drafted and adopted by UN Security Council. In response to persistent advocacy from civil society, the UN Security Council has so far adopted six more resolutions on “Women, Peace and Security”. These resolutions are: Security

Council Resolution 1325 (2000); 1820 (2009); 1888 (2009); 1889 (2010); 1960 (2011); 2106 (2013); 2122 (2013); and 2242 (2015). The seven resolutions should be taken together under a single umbrella, as they comprise the **Women, Peace and Security international policy framework**. They guide work to promote and protect the rights of women in conflict and post-conflict situations. **This Agenda has transformative potential - the potential to escape cycles of conflict, to create inclusive and more democratic peacemaking and to turn from gender inequality to gender justice.** Additionally, as binding Security Council resolutions, they should be implemented by all Member States and relevant actors, including UN system entities and parties to conflict. Read about each of the WPS resolutions or find translations in your language below <http://www.peacewomen.org/resolutions-texts-and-translations> For general info, see <http://www.peacewomen.org>

Currently, 57 countries have adopted a National Action Plan on SCR 1325. For most updated list check

<http://www.peacewomen.org/member-states>

The latest one is Resolution 2242 (2015) “Through resolution 2242 (2015), adopted unanimously ahead of a high-level open debate on the topic, the Council decided to integrate women, peace and security concerns across all country-specific situations on its agenda. It expressed its intention to dedicate consultations to the topic of women, peace and security implementation, convene meetings of relevant Council experts as part of an informal experts group on women, peace and security, and invite civil society to brief during its country-specific considerations.” <http://www.un.org/press/en/2015/sc12076.doc.htm>

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