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PROGRESS OF THE PEOPLE'S REPUBLIC OF CHINA ON THE IMPLEMENTATION
OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION AND THE
SUSTAINABLE DEVELOPMENT GOALS REGARDING NORTH KOREAN DEFECTORS

Executive Summary

This report serves to inform the United Nations Economic and Social Council Commission on the Status of North Korean Women who defect and the dangers that await them as they cross the border into the People's Republic of China (China). This report documents the numerous human rights violations North Korean women and girls face in China and provides statistics to support those facts. This report specifically focuses on human trafficking of North Korean women and girls, the unwillingness of the People's Republic of China to acknowledge North Korean defectors as refugees, and the ineffective and inaccurate statements by and actions of the government of the People's Republic of China.

This report will focus on the issue of North Korean defector refugees, especially women and girls who leave the Democratic People's Republic of Korea. The information included comes from United Nations documents and reports, statistics from the United Nations and non-governmental organizations (NGOs), and interviews of North Korean survivors of human trafficking in the People's Republic of China. Additionally, there is evidence throughout the report that demonstrates a failure by the People's Republic of China to adhere to the international agreements they have made and their own statements about protecting and promoting equal human rights.

We call on the Commission on the Status of Women to recognize the grave situation of North Korean women and girls in the People's Republic of China and to encourage the Chinese government to comply with international law and their own statements on the fair treatment of refugees and human rights for all women.

¹ Jubilee Campaign holds special consultative status with the Economic and Social Council.

I. Background

In recent years, gender-based violence has risen in the People's Republic of China effecting North Korean refugees who have fled.² From what records are available, there are thought to be many thousands of North Korean women and girls forced into the sex trade in the People's Republic of China.³

Upon arriving at the Chinese border, North Korean defectors often times meet with a “broker” who promises to either offer them jobs or a safe route to seek asylum in another country. North Korean women soon find out the true intention of these “brokers” and are then trafficked throughout mainland China. If caught at any point during their time in China, these North Korean refugees will be forcibly deported.

As United Nations High Commissioner for Refugees, Secretary-General António Guterres expressed grave concern over the safety and security of North Koreans refugees in the custody of the Chinese government because they would be at risk of refoulement.⁴ Secretary-General Guterres stated that the “UNHCR is deeply concerned about the safety and fundamental human rights of these individuals.”⁵ In fact, numerous NGOs recognize North Korean defectors as refugees *sur place*.⁶

II. Has the People's Republic of China taken any action in the last five years specifically tailored to address violence against specific groups of women facing multiple forms of discrimination?

In 2013, the government of the People's Republic of China released reports for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in which they state that they are actively working towards promoting the rights of women;⁷ however, several of the statements made in this report are repudiated by factual evidence, statistical data, and first-hand accounts, especially as it relates to North Korean women and girls.

In the 2019 CSW national-level review by China, their focus on violence against women in specific groups made no explicit mention of North Korean women or girls. Their focus has been

² Yoon Hee-soon, ‘Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China’. London: Korea Future Initiative (2019).

³ Zaugg, Julie. "These North Korean defectors were sold into China as cybersex slaves. Then they escaped." *CNN World*, CNN, 10 June 2019, www.cnn.com/2019/06/09/asia/north-korea-defectors-intl-hnk/index.html. [Accessed 31 July 2019].

⁴ UN High Commissioner for Refugees (UNHCR), UNHCR chief calls on states to respect non-refoulement after North Koreans deported from Laos, 30 May 2013.

⁵ *ibid.*

⁶ “World Report 2019: Rights Trends in North Korea.” *Human Rights Watch*, 17 Jan. 2019, www.hrw.org/world-report/2019/country-chapters/north-korea; Cohen, Roberta. “Human Rights and the North Korea Refugee Crisis.” *Brookings*, Brookings, 29 July 2016, www.brookings.edu/on-the-record/human-rights-and-the-north-korea-refugee-crisis/ [Accessed 31 July 2019].; “Lives for Sale – Personal Accounts of Women Fleeing North Korea to China,” *Committee for Human Rights in North Korea*, 2009. p.59

⁷ UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), *UN Committee on the Elimination of Discrimination Against Women: State Party Report 7 and 8, People's Republic of China*, 17 January 2013, CEDAW/C/CHN/7-8.

on women in remote and rural areas with no mention of North Korean women and the special vulnerabilities that they face.⁸ Therefore, as it relates to North Korean women and girls, the country has not taken any concrete steps in preparations for the upcoming 64th Session of the Commission on the Status of Women.

China has, however, shared their efforts to combat trafficking, of which many North Korean women are vulnerable. China, in their 2013 CEDAW report, drew attention to their 2007 “China National Plan of Action on Combating Trafficking in Women and Children (2008-2012).” Among the efforts cited were: “prevention and suppression of trafficking, victim rescue, repatriation and rehabilitation.”⁹ Repatriation has been observed to be a practice used by China however, it has not resulted in the desired effects expressed in the report of “minimiz[ing] the trafficking of women and children in criminal activities and minimiz[ing] the physical and psychological harm suffered by trafficked women and children,”¹⁰ as will be discussed below.

III. In the last five years, which forms of violence against women and girls have been prevalent in China against specific groups of women facing multiple forms of discrimination?

	Intimate partner violence/domestic violence, including sexual violence and marital rape
	Sexual harassment and violence in public places, educational settings and in employment
	Violence against women and girls facilitated by technology (e.g. cyber violence, online stalking)
	Femicide/Feminicide
	Violence against women in politics
	Child, early and forced marriages
	Other harmful practices
	Trafficking in women and girls
	Other

⁸ CSW 2019 National-Level Review by the People’s Republic of China (Chinese Original).

⁹ UN Convention on the Elimination of All Forms of Discrimination Against Women (2013), *supra* note 11.

¹⁰ *ibid.*

i. Trafficking in women and girls in the People's Republic of China

A demand for sex workers in the People's Republic of China has led to the exploitation and abuse of North Korean women and girls.¹¹ The one-child policy practiced by China, as well as the easy availability of fetal sex determination tests and abortion has contributed to the imbalance between the ratio of men and women in China that has been felt the most in rural areas. In rural Northeast China there are fewer young people staying at home and employers for light industry have a strong preference for hiring young women, leaving a disproportionate amount of unmarried men, many who suffer addiction, or are seriously ill. The scarcity of marriageable women in rural Northeastern China has made North Korean women even more vulnerable to forced marriages, where North Korean women are sold to Chinese men.¹²

Brokers try methods of coercion to lure in female defectors and if that does not work, they resort to abductions.¹³ Crude means of abduction are common and many use force or methods of surprise to capture North Korean women and girls. They are then sold or trafficked to numerous Chinese men for substantially low prices. Within the first year of leaving North Korea, women are sold more than once and forced to partake in at least one form of sexual slavery. Around 60% of female North Korean refugees in the People's Republic of China are trafficked into the sex trade.¹⁴ 50% of those are forced into prostitution, over 30% sold into forced marriage, and 15% are pressed into the cybersex industry. The women are extremely vulnerable to abuse and exploitation and are trapped between the government of China who want to arrest and repatriate them and the country they fled from.¹⁵

Those who do not have access to a broker are usually picked up as soon as they cross the border into the People's Republic of China. They are then sold to establishments and/or private individuals. Often, brokers are marriage traffickers that force the women and young girls to marry Chinese farmers due to the shortage of women in rural areas.¹⁶ This practice is happening at an alarming rate. Even though forced marriage in general is illegal in China, the rural areas still practice it.¹⁷ Prostitution is also illegal under Chinese law, yet North Korean women are being sold into brothels and karaoke bars where they are forced to serve customers as well as sleep with them. There is an estimate of 10,000,000 prostitutes in operation throughout China, which involves traffickers, brokers, public officials, and the clients who pay to buy, rape, and assault these women and girls.¹⁸

¹¹ Joshua Berlinger, "Report Claims Thousands of North Korean Women Sold into Sex Slavery in China," last modified May 21, 2019, <https://www.cnn.com/2019/05/21/asia/north-korea-sex-slavery-report-intl/index.html> [Accessed 31 July 2019].

¹² "Lives for Sale – Personal Accounts of Women Fleeing North Korea to China," *Committee for Human Rights in North Korea*, 2009. p.20-21. Though from 2009, the report cited Marcus Noland who predicts this pattern is likely to persist for another decade or two.

¹³ Joshua Berlinger (2019), *supra note 15*.

¹⁴ *ibid.*

¹⁵ Yoon Hee-soon, (2019), *supra note 2*.

¹⁶ Muico, N. K. (2005). *An Absence of Choice: The Sexual Exploitation of North Korean Women in China*. Anti-Slavery International.

¹⁷ *ibid.*

¹⁸ Yoon Hee-soon, (2019), *supra note 2*.

ii. Cybersex Trafficking and violence against women and girls facilitated by technology

Amongst the heightened normalization of sex trafficking, cybersex has become a demand, bringing in millions of dollars to Chinese citizens involved in operating this industry. Female North Korean defectors are captured and held in a small room, which is only accessible from the outside, and told that they will be given a portion of the money made or a chance to resettle in another country. In reality, they are forced to partake in dehumanizing acts in front of a computer screen for paid viewers and are beaten if they ask for the payment they were falsely promised. Cybersex live streams usually include North Korean girls from 9-14 years old because the rates are higher than for those who are 17-24.

The North Korean women and girls kept in these cybersex rooms were subjected to numerous abuses when they were on and offline. One survivor, Ms. Jang, whose name was changed due to security reasons, described the condition that she and the other girls were in: “we only had one room where we slept and ate. It was small. The windows were always closed so nobody could see us, and it became very hot (...) If we fell asleep while we were waiting [for online clients], [the trafficker’s wife] was told and she would stab us repeatedly with a sewing needle. She used a sewing needle so the marks would not show on camera.”¹⁹ This was only a small fraction of the abuse these defectors faced. Many have reported that they were forced to wear makeup during the live streams to hide the bruises obtained during offline attacks.²⁰

iii. Repatriation

In Article 6 Section 109, the government of the People’s Republic of China makes the claim that they are combating trafficking and have “been paying attention to providing quality relief, rehabilitation and resettlement services to rescued women and children.” They cite “rescue and protection of the victims” and the provision of “mental and physical rehabilitation” and vocational skills training and aid in kind to victims of trafficking, including psychological counselling and livelihood support.²¹ Contrastingly, a 2018 report by Korea Future Initiative revealed that trafficked North Korean women and girls do not receive such support from China.²² In fact, “once North Koreans are arrested, Chinese legislation provides that suspects should be questioned, identified, and repatriated to North Korea.”²³ In certain cases, for example in sub-bureaus near Shenyang and Yanji, police officers are known to have arrested and sold female North Koreans to human traffickers.”²⁴ The United States Department of State found in their 2018 Trafficking in Persons Report that “despite an official policy promulgated in 2016 limiting the maximum time women could be detained for prostitution offenses to 72 hours, officials continue to detain Chinese and foreign women on prostitution charges for months at a time without screening for sex trafficking.”²⁴ The practice was still in place in 2019 where women and girls are not screened for trafficking indicators or offered options to legally remain in the country, thus leaving North Korean defector women and girls incredibly vulnerable.²⁵

¹⁹ *ibid.*

²⁰ *ibid.*, p. 37.

²¹ UN Convention on the Elimination of All Forms of Discrimination Against Women (2013), *supra note 11*.

²² Yoon Hee-soon, (2019), *supra note 2*.

²³ *ibid.*

²⁴ United States Department of State, *2018 Trafficking in Persons Report - China*, 28 June 2018.

²⁵ United States Department of State, *2019 Trafficking in Persons Report - China*, 20 June 2019.

China defends their actions by describing individuals who are forcibly repatriated as, “economic migrants.”²⁶ According to their 2013 CEDAW report, China calls North Koreans who come to China for economic reasons, “illegal immigrants” and “not refugees.”²⁷ China goes on to say they have been “handling individual cases in this regard in accordance with its domestic law, international law and in the spirit of humanitarianism, fully taking into account the actual situation of the persons involved.”²⁸ According to China, “[t]he dignity and rights of North Koreans who enter China by illegal means and for economic reasons are respected and they are treated in the spirit of humanitarianism, by providing them with necessities of life.”²⁹

China, by repatriating individuals that they consider “economic migrants”, blatantly contradicts the statements that they are treated “in the spirit of humanitarianism”³⁰ and goes against the 1951 Convention and Protocol Relating to the Status of Refugees adopted by the General Assembly and acceded to by China on September 24, 1982. As stated previously, North Korean refugees should be considered a refugee *sur place*.³¹

In fact, China repatriating North Korean defectors is in direct violation of Article 33 Section 1 of the 1951 Convention and Protocol Relating to the Status of Refugees, which states that “no contracting state shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”³² According to the People’s Republic of China, North Koreans are considered illegal economic immigrants who are subject to arrest and deportation. The constant fear of being deported keeps North Korean women and girls in situations that further their exploitation.

A case study from a woman who came to the People’s Republic of China, who was in search of a job to help her family, explained how she was caught and then sold by Chinese trafficker posing as a police officer. “He told me that if I got caught by a Chinese person while wandering around, I would be sold to an old Chinese man. Therefore... it would be much better for me to stay in this village by marrying a Korean ethnic man. Then, he introduced me to a man... I could do nothing else but follow him, because I crossed the river illegally”.³³

As stated by the landmark United Nations Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, the People’s Republic of China has been forcibly repatriating persons who depart from the Democratic People’s Republic of Korea.

²⁶ UN Convention on the Elimination of All Forms of Discrimination Against Women (2013), *supra note 11*.

²⁷*ibid.*

²⁸*ibid.*

²⁹*ibid.*

³⁰*ibid.*

³¹ “World Report 2019: Rights Trends in North Korea.” *supra note 10*.

³² UN Convention and Protocol Relating to the Status of Refugees.

³³ Muico, N. K. (2005). *An Absence of Choice: The Sexual Exploitation of North Korean Women in China*. Anti-Slavery International.

IV. United Nations Sustainable Development Goals

The above examples of abuse, trafficking, and violation of internationally accepted norms illustrates that the PRC is failing to implement the United Nations Sustainable Development Goals listed below³⁴:

Goal 5: Achieve gender equality and empower all women and girls

Goal 5 ³⁵
5.1 Eliminate all forms of discrimination against all women and girls everywhere
5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

V. Global indicator framework for the Sustainable Development Goals (SDG) and targets of the 2030 Agenda for Sustainable Development³⁶

Below are the Sustainable Development Goal indicators that are of great pertinence when considering the plight of North Korean women and girls in the People's Republic of China. Considering them can elucidate the failure of China to meet the above sustainable goal 5³⁷:

SDG Indicator ³⁸ :
24 (5.2.2) Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence
30 (6.6.1) Proportion of women aged 15-49 years who make their own informed decisions regarding sexual relations, contraceptive use and reproductive health care
50 (16.2.2) Number of victims of human trafficking per 100,000 population, by sex, age and form of exploitation
51 (16.2.3) Proportion of young women and men aged 18-29 years who experienced sexual violence by age 18

VI. Beijing Platform for Action³⁹

³⁴ “Sustainable Development Goal 5: Gender Equality.” UN Women, www.unwomen.org/en/news/in-focus/women-and-the-sdgs/sdg-5-gender-equality.

³⁵ *ibid.*

³⁶ Resolution adopted by the General Assembly on Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development A/RES/71/313. 6 July 2017.

³⁷ Division, U. (2019). SDG Indicators — SDG Indicators. [online] Unstats.un.org. Available at: <https://unstats.un.org/sdgs/metadata/> [Accessed 31 Jul. 2019].

³⁸ *Ibid.*

³⁹ United Nations, *Beijing Declaration and Platform of Action* (1995).

In September of 1995, at the Fourth World Conference on women, an international dialogue on the economic, political, and social status of women around the world, Beijing released a Platform for Action that focused on urging governments to take action to ensure gender equality and empowerment of women in certain aspects of life, including health, media, the environment, society, the economy, the political sector, domestic life, and more.⁴⁰ Below are the specific goals that are not being met by the People’s Republic of China:

Category	Recommendation to Government
A. Women and Poverty	58, k. Ensure the full realization of the human rights of all women migrants, including women migrant workers, and their protection against violence and exploitation;
D. Violence Against Women	124, b. Refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;
D. Violence Against Women	125, b. Establish linguistically and culturally accessible services for migrant women and girls, including women migrant workers, who are victims of gender-based violence;
D. Violence Against Women	125, c. Recognize the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host country depends on employers who may exploit their situation;
D. Violence Against Women	128 Encourage the dissemination and implementation of the UNHCR Guidelines on the Protection of Refugee Women and the UNHCR Guidelines on the Prevention of and Response to Sexual Violence against Refugees;

D. Violence Against Women	130, c. Step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;
D. Violence Against Women	130, d. Allocate resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care, and take measures to provide for the social, medical and psychological care of the victims of trafficking;
I. Human Rights of Women	230, c. Limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women; formulate any such reservations as precisely and as narrowly as possible; ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and regularly review them with a view to withdrawing them;

⁴⁰ *ibid.*

I. Human Rights of Women	230, m. Address the acute problems of children, inter alia, by supporting efforts in the context of the United Nations system aimed at adopting efficient international measures for the prevention and eradication of female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse and consider contributing to the drafting of an optional protocol to the Convention on the Rights of the Child;
I. Human Rights of Women	230, n. Strengthen the implementation of all relevant human rights instruments in order to combat and eliminate, including through international cooperation, organized and other forms of trafficking in women and children, including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism, and provide legal and social services to the victims; this should include provisions for international cooperation to prosecute and punish those responsible for organized exploitation of women and children;

VII. Concluding remarks

New light is being brought to the issue of North Korean women and girls being subjected to human rights violations in the People's Republic of China. Hundreds of North Koreans arrive in the People's Republic of China every day in hopes of improving their lives. However, they are faced with the new horrors when they cross over the border into the People's Republic of China. They are trafficked and sold into many different forms of modern-day slavery and forced to perform sexual acts against their will. Meanwhile, this industry practice brings in millions of dollars to the rural areas of the People's Republic of China.

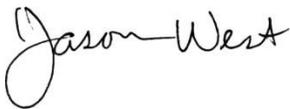
The only way to combat the issue is for the government of China to (1) acknowledge and condemn those who participate in this industry and (2) to acknowledge these North Korean women and girls as refugees and extend legal protections to them to prevent further suffering and exploitation. In accordance with international law, North Korean defectors should not be repatriated to the Democratic People's Republic of Korea and China should provide forms of relief so that they may avail themselves of their rights.

We call on the Commission on the Status of Women to recognize the grave situation of North Korean women and girls in the People's Republic of China and to encourage the Chinese government to comply with international law and their own statements on the fair treatment of refugees and human rights for all women.

Respectfully Submitted,



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