

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL
COMMISSION ON THE STATUS OF WOMEN
COMMUNICATIONS PROCEDURE

The North Korea Freedom Coalition)	
Working Group on North Korean Women)	UN CSW 65 (2021)
% Jubilee Campaign ¹)	
9689-C Main St.)	Filed August 1, 2020
Fairfax, VA 22031)	

THE SITUATION OF NORTH KOREAN DEFECTORS
IN THE PEOPLE'S REPUBLIC OF CHINA

This report serves to inform the United Nations Economic and Social Council Commission on the Status of Women of the status of North Korean women who defect and the dangers that they are faced with when they cross the border into the People's Republic of China (China). The status of North Korean women in China is largely due in part to their statelessness as China does not recognize them as refugees or legal aliens, even if they are married to a Chinese man. Combined with threats of repatriation by the government, this statelessness leads to the exploitation of North Korean women in China. Additionally, there is evidence throughout this 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.

This report will focus on the issues that North Korean women defectors face when they leave the Democratic People's Republic of Korea and travel through China. The information that is included comes from United Nations documents and reports, non-governmental organizations, and interviews with North Korean survivors of human trafficking in the People's Republic of China.

As a result of the danger within their own country and their stateless status while in China, North Korean women in China are one of the most vulnerable populations of women in China. We call on the Commission on the Status of Women to recognize the vulnerability of North Korean women and girls in the People's Republic of China and to urge the Chinese government to cease their policies that enable this vulnerability and to comply with international law.

Legal status of North Korean Women Refugees in China as Overarching Issue

A number of concerns regarding the status of North Korean women in China stem from the status, or lack thereof, granted to these women by China. North Korean women who flee to China have no legal status as China continues to refuse to give them refugee status, instead

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

classifying them as either foreign or “economic migrants.”² As a result, North Korean women in China are stateless, which fuels their vulnerability and exploitation. Even if a North Korean woman marries a Chinese man, China does not grant the woman any legal status, which perpetuates her vulnerability to exploitation.³

Withheld Access to Medical Treatment

Due to China’s classification of North Korean women as foreign or economic migrants, they are often denied medical treatment.⁴ An illustration of this discrimination based on classification is the recent treatment of North Korean women seeking treatment for COVID-19 in China. A North Korean defector woman, who was married to a Chinese man, was turned away from receiving medical treatment and testing for COVID-19 because she was not Chinese and did not have a Chinese identification card.⁵ This is despite the fact that she had reportedly experienced symptoms of COVID-19.⁶ Though the hospital refused to grant her medical care, however, they were willing to disinfect her house and monitor her and those who lived in her neighborhood.⁷ Such lack of care based on the woman’s status in the middle of a global health crisis illustrates the discrimination that North Korean refugees face based on the withholding of status by the Chinese government.

This discrimination based on women’s status as a North Korean is in violation of China’s international commitment under the International Convention on the Elimination of All Forms of Racial Discrimination. Article 5 calls on State members to prohibit and eliminate racial discrimination in all its forms, including access to health and medical care.⁸ Denying health care services to North Korean women under normal circumstances on the basis of their nationality/origin, especially during a global health crisis, is a clear violation of this international standard.

Human Trafficking

Women refugees in China are vulnerable to human traffickers who often drug, detain, or kidnap North Korean women when they arrive in China.⁹ China’s refusal to grant North Korean refugees’ legal status - even after being married to a Chinese man - combined with its policy of repatriating women, discussed below, fuels the trafficking and sexual exploitation of North Korean women in China. Brokers often threaten to inform Chinese officials of the women’s

² Sil Yoon, *Cosmopolitanism: The Foundational Ground for a More Inclusive Understanding of Belonging to Protect the Human Rights of North Korean Stateless Women*, 20 June 2019, International Migration Vol. 58(2) 2020.

³ *Ibid.*

⁴ Human Rights Council, *Report of the Working Group on the issue of discrimination against women in law and practice*, 12 June 2014, A/HRC/26/39/Add.2, pg. 17.

⁵ Jang Seul Gi, [Sick N. Korean defector turned away from hospital in China](#), 27 February 2020.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *International Convention on the Elimination of All Forms of Racial Discrimination*, Art. 5.

⁹ U.S. State Department, [2020 Trafficking in Persons Report](#), pg. 157.

stateless status unless the women are obedient to them.¹⁰ For instance, a North Korean woman who was trafficked in China testified that, “When the [Chinese] police asked for my documentation, I cried and told them I was North Korean. I begged them to allow me to travel to Thailand [where North Koreans can claim asylum]. They arrested me and took me to the [security bureau]. I was there for ten hours and no one asked me any questions. They put me in their car and drove me to the countryside (...) I was sold to a marriage broker.”¹¹

Further, China’s former “one child” policy has fueled the demand for women resulting in North Korean women being sold as wives to Chinese men and other forms of sexual exploitation. Specifically, trafficking of North Korean women in China can take the form of forced prostitution, forced marriages to Chinese men, and cyber-trafficking from China to virtual buyers within and outside of China.¹² Of the North Korean women who become victims of sexual exploitation in China, approximately 50% become victims within 12 months of entry into China and 25% in less than one month.¹³

According to an OHCHR survey of 636 women who had reached safety in a third country between 2018 and 2019, most had spent several years in China and many of the women were trafficked.¹⁴ NGOs estimate that 70% to 80% of North Korean women who make it to China are trafficked, for between 6,000 and 30,000 yuan (\$890 to \$4,500), depending on their age and beauty.¹⁵ It is estimated that of exploited female North Korean refugees that are trafficked, 50% are forced into prostitution, 30% in forced marriages, and 15% are trafficked through cyber-sex trafficking.¹⁶ Of women sold in the sex trade in China, 7% reported being sold more than three times, 7% three times, 45% were sold twice, and 41% were sold only once.¹⁷ Further, NGO’s have reported that approximately ¼ of the human trafficking of North Korean women and girls in China is the result of direct sales by Chinese nationals, Chinese police officers, and sub-brokers.¹⁸

In response to inquiries over these statistics by news sources, a Chinese government spokesperson stated “I want to stress that the Chinese government pays high attention to foreign citizens' legitimate rights according to law, also combat activities of human trafficking women

¹⁰ Sil Yoon, *supra* note 1.

¹¹ Yoon Hee-soon, [Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China](#), pg. 21, London: Korea Future Initiative (2019).

¹² Julie Zaugg, [These North Korean defectors were sold into China as cybersex slaves. Then they escaped](#), 10 June 2019.

¹³ ‘Sex Slaves, *supra* note 10 at pg. 20.

¹⁴ Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea*, Advanced Unedited Version, pg. 13, 25 February 2020, A/HRC/43/58.

¹⁵ Julie Zaugg, *supra* note 11.

¹⁶ Joshua Berlinger, [Report Claims Thousands of North Korean Women Sold into Sex Slavery in China](#), last modified May 21, 2019.

¹⁷ ‘Sex Slaves, *supra* note at pg. 25.

¹⁸ *Ibid.* at pg. 20.

and child."¹⁹ The number of North Korean women and girls who experience sexual exploitation in China shows that these claims are empty and false.

Additionally, China has been designated in the U.S. State Department's 2020 Trafficking in Person's Report as a tier 3 nation, meaning that the government of the People's Republic of China does not meet the minimum standards for the elimination of human trafficking.²⁰ The report notes that China has decreased its efforts to protect victims and noted that officials will frequently return escaped victims of forced marriages to their "husbands."²¹ Specifically regarding North Korean refugees, the report notes that the Chinese government has not taken efforts to identify trafficking victims within the refugee population, has not provided North Korean trafficking victims with alternatives to reparation, and continues to detain and repatriate refugees without screening individuals to identify victims of human trafficking.²²

Prostitution

While prostitution is a crime under Chinese law, sexual exploitation of women through forced prostitution (human trafficking) is a common occurrence for vulnerable North Korean women and girls. There are over 10,000,000 women who are exploited through prostitution in China, and some brothels specifically advertise young North Korean prostitutes.²³ The magnitude of the problem of exploitation of North Korean women through forced prostitution is illustrated by the fact that prostitution is estimated to contribute to 6% of China's gross domestic product.²⁴

Forced Marriage

North Korean women, as a vulnerable population, are often bought by Chinese men to serve as wives due to the shortage of women in China that is a result of its former One Child policy. As with prostitution, forced marriages are illegal in China, yet numerous North Korean women refugees are trafficked into forced marriages in China. One North Korean woman who crossed the border in 2011 stated that "after crossing the border, we went to the house of a man in Liaoning, China. I think he was a broker. I stayed at his house for a week. Then a man came and I realized that I had been sold to him. When I was taken to the man's house I did not like him or the house. I called the broker to say I did not like it, but I was told I did not have a choice."²⁵ In order to "payback" the man's cost of purchasing a wife, North Korean refugee women who are trafficked into marriages typically are forced to perform domestic labor, agricultural and manual labor, and are exploited sexually by their husbands and oftentimes his male relatives.²⁶ For example, one survivor stated, "When [my friend] first escaped to China, she [was married into] a

¹⁹ Julie Zaugg, *supra* note 11.

²⁰ 2020 *Trafficking in Persons Report*, *supra* note 8 at pg. 153.

²¹ *Ibid.* at pg. 154.

²² *Ibid.* at pg. 155.

²³ *Sex Slaves*, *supra* note 10 at pg. 32.

²⁴ *Ibid.*

²⁵ OHCHR, [Human rights violations against women detained in the Democratic People's Republic of Korea "I still feel the pain..."](#), July 2020, pg. 10.

²⁶ *Sex Slaves*, *supra* note 10 at pg. 42.

family of three men: a father and his two sons. She was forced to have sex with the men alternately. And she could not run away. I cannot even imagine what it was like.”²⁷

Cyber-Trafficking

Cyber-Trafficking is a growing form of sex-trafficking and exploitation of North Korean women and girls in China. Distinct from other forms of trafficking, but just as horrific, cyber-trafficking is the “recruitment and transportation of victims and their live-streamed rape, sexual abuse, and sexual exploitation by traffickers, some of whom operate under the instructions of a paying online audience.”²⁸ North Korean women who were cyber-trafficked report that they were forced to carry out humiliating and dehumanizing acts on cameras such as stripping, nudity, masturbation, and are filmed live while being raped and subjected to physical violence.²⁹

Each of these forms of trafficking of North Korean women and girls violates China’s own laws, as noted, and its international commitments under the Convention on the Elimination of All Forms of Discrimination against Women. Specifically, Article 6 of the Convention provides that, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”³⁰ While China has criminalized prostitution and forced marriages of women in writing, documentation and testimony of North Korean women in China clearly show that these laws are ineffective and blatantly not enforced – at least in regards to North Korean women in China.

Separation of North Korean Women from their Children in China

As many as 30,000 children born in China to North Korean women and Chinese men have not been registered upon birth in China, rendering them stateless and vulnerable to possible exploitation.³¹ Because the children are born to women who have fled as refugees and are often the children of Chinese men, they are additionally not recognized by their mother’s home country.³² Due to North Korean refugee mothers’ vulnerability, if they leave China they are often forced to leave their children behind, which affects the well-being of both the mother and child left behind.³³ Women who find jobs are sometimes able to save money and arrange for their children to travel from China, but this is rarely the case.³⁴

North Korean refugee women in China are further deprived of their maternal rights because China’s policies that make these women vulnerable to exploitation and abuse also allow their

²⁷ *Ibid.* at pg 3.

²⁸ *Ibid.* at pg. 37.

²⁹ *Ibid.*

³⁰ *Convention on the Elimination of All Forms of Discrimination against Women*, Art. 6.

³¹ Rachel Judah, [On Kim Jong-un’s birthday, remember the 30,000 stateless children he has deprived of recognition](#), 7 January 2018.

³² *Ibid.*

³³ A/HRC/43/58, *supra* note 13 at pg. 13.

³⁴ Hyung-Jin Kim, [Half-North Korean, half-Chinese kids struggle in South Korea](#), 3 December 2019.

Chinese husbands to sell their children.³⁵ Other women who enter China when pregnant or with children face the risk of their North Korean children being sold by their traffickers or Chinese husbands once the mothers are trafficked into marriage.³⁶

Repatriation leaves North Korean Women Refugees Vulnerable to Abuse

North Korean women refugees in China are under constant threat of repatriation by China which fuels their vulnerability to exploitation within China. Reports estimate that every year China arrests approximately 6,000 North Korean refugees and repatriates them.³⁷ These numbers are likely inaccurate and lower than the actual number of women defectors returned given the number of women that are reported to have successfully fled China and reached a nearby third country, up to approximately 33,658 defectors, with an estimated 72.1% of defectors being women.³⁸

Given the high number of women refugees fleeing through China, China's refusal to acknowledge its obligations to protect refugee women and policy of repatriation is particularly concerning for the status of North Korean women in China, as it promotes impunity for trafficking.

North Korean women who defect meet the Refugee Convention's definition of a refugee.³⁹ Nevertheless, China has continued to classify North Korean refugees as "economic migrants" whose migration to China is only for economic needs.⁴⁰ This is in contrast to the United Nation's Special Rapporteur's reports and numerous other reports on the fate of repatriated refugees.⁴¹

China's repatriation of North Korean women is in violation of China's international commitments under the Convention Relating to the Status of Refugees and its 1967 Protocol. Specifically, by repatriating these women, China violates its obligations under Article 33 of the Convention Relating to the Status of Refugees which prohibits the removal of a refugee to a country where their life or freedom is threatened.⁴² Further, China is in violation of its commitment to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – particularly Article 3 which prohibits returning a person to another State "where there are substantial grounds for believing" that they "will be in danger of being subjected to torture."⁴³

³⁵ Sil Yoon, *supra* note 1.

³⁶ *Ibid.*

³⁷ *Sex Slaves*, *supra* note 10 at pg. 23.

³⁸ Ministry of Unification, [Policy on North Korean Defectors](#).

³⁹ *Convention Relating to the Status of Refugees*, Article 1A[2].

⁴⁰ Sil Yoon, *supra* note 1.

⁴¹ *Human rights violations against women detained in the Democratic People's Republic of Korea*, *supra* note 24.

⁴² *Convention Relating to the Status of Refugees*, Art. 33.

⁴³ *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Art. 3.

In order to help prevent the abuse of vulnerable North Korean women refugees, China must recognize their human rights obligations and end their practice of repatriation of women to North Korea where they face detention and abuse.

Concluding Remarks

North Korean women remain one of the most vulnerable groups of women within the People's Republic of China and their protection should be a priority in accordance with the Commission on the Status of Women. China must acknowledge these North Korean women defectors as refugees who face imminent danger if repatriated and honor their international commitments under the Convention Relating to the Status of Refugees. We call on the Commission on the Status of Women to recognize the dire conditions of North Korean women and girls in the People's Republic of China and to encourage the Chinese government to comply with international law.

Respectfully Submitted:



Ann Buwalda, Esq.
President, Jubilee Campaign



Jason West, Esq.
Vice Chairman, North Korea Freedom Coalition