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THE SITUATION OF NORTH KOREAN DEFECTORS IN THE REPUBLIC OF KOREA

Background

The Korea Hana Foundation estimates that there are over 30,000 defectors currently living in South Korea.² Of the total 33,658 defectors, South Korea's Ministry of Unification reported in 2019 that 72.1% of all registered defectors living in South Korea are women.³ In 2018, of the 1,137 North Korean defectors who made it to South Korea, 85.2% were reported to be female by South Korea's Ministry of Unification and in 2019 80.7% of defectors were reported to be female.⁴ As such a high population of registered defectors are women, issues pertaining to the treatment of defector women by South Korea is of special concern when considering the status of women in South Korea. Women defectors face significant hardship fleeing oppression and, given the large population of women defectors, should be given special consideration by the South Korean government when working to improve the status of women.

The South Korean government and various organizations within South Korea have implemented programs to help defectors establish themselves within South Korea. However, the treatment of defector women, due in part to stigma against North Koreans living in South Korea, must be addressed by the South Korean government in order to comply with international human rights standards. Most concerns regarding the treatment of women defectors stem from stigma against North Korean defectors and the special vulnerabilities women defectors face when integrating into South Korean society.

Factors that Impact the Status of North Korean Women as Defectors in South Korea

Mental and Physical Health

North Korean women who arrive in South Korea face many challenges in their resettlement, many of which are affected by the depression and post-traumatic stress disorder (PTSD) that come as a result of their experience and the abuse they faced when defecting and before arriving in South Korea.⁵ The Ministry of Gender Equality and Family of the Republic of Korea has

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

² Korea Hana Foundation, [About the Korea Hana Foundation](#).

³ Ministry of Unification, [Policy on North Korean Defectors](#).

⁴ *Ibid.*

⁵ Jennifer Hough and Markus Bell, [North Koreans' public narrative and conditional inclusion in South Korea](#), 05 March 2020.

reported that approximately 65.2 percent of women refugees suffered from chronic diseases, 50 percent were at risk of depression, and over a quarter of refugees suffered from post-traumatic stress disorder (PTSD).⁶ These numbers are likely low as many women do not vocalize the fact that they have been victims of sexual violence and such victims often experience trauma and mental health concerns.⁷ Additionally, due to stigma associated with mental health, many women are not aware that they need help or that there is help they can receive from mental health services.⁸

Women Defectors Face Stigma once they arrive in South Korea because they are both Defectors and Survivors of Sexual Exploitation

Stigma Against North Korean Women Defectors Generally

Women defectors, by virtue of being identified as defectors, can face stigma from South Korean society which in turn affects their ability to thrive and provide for themselves and any children they may have. This stigma may come from the hostility that occurred between the two Koreas, negative stereotypes attributed to those from the North, and other external differences such as accents and style of dress.⁹ The extent of this stigma and the way it affects the lives of North Korean defectors is illustrated by the lengths that some go to in order to perfect a “Seoulite” accent by enrolling in a special institute for pronunciation correction for six months.¹⁰ A 2018 survey from the Korea Hana Foundation found that of all North Koreans who reported experiencing discrimination, 69.9% answered that discrimination was a result of “different communication culture of North Korean refugees,” 42.9% reported it was because of “negative perception towards North Korean refugees,” and 23.9% reported it was because of “feeling lack of professional knowledge and skills compared to South Koreans.”¹¹ With women being the majority of North Korean defectors in South Korea, this stigma and how it impacts their ability to provide for themselves and dependents is of special concern.

Additional Stigma for Rape Victims

As discussed further below, a significant number of North Korean Women who defect have been subject to sexual abuse and are further sexually exploited during the course of their journey to freedom in South Korea. Such exploitation may take the form of forced marriages, trafficking in brothels, or cyber-sex trafficking to online “customers.” Once in South Korea, in addition to stigma that is against them simply from being North Korean, these women face additional stigma for being victims of rape and sexual exploitation. This stigma makes the already difficult prospect of finding employment and adjusting to life in South Korea all the more isolating and difficult for defector women.

⁶ Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea*, 25 February 2020, pg. 15, A/HRC/43/58.

⁷ Yoon Hee-soon, *Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China*, pg. 24, London: Korea Future Initiative (2019).

⁸ Laura Bicker, *Han Sunk-ok: Was this North Korean defector failed by the South?*, 23 August 2019.

⁹ Hae Yeon Choo, *Gendered Modernity and Ethicized Citizenship: North Korean Settlers in Contemporary South Korea*, *Gender and Society* Vol. 20, No. 5 (Oct. 2006), pg 590.

¹⁰ *Ibid.*

¹¹ Korea Hana Foundation, *2018 Settlement Survey of North Korean defectors in South Korea*, pg. 105.

Resulting Economic Hardship – Difficulty in Finding Employment

Due to hardship and stigma that face defectors in South Korea, especially women defectors, in 2018 it was reported that only 56.6 percent of North Korean women had employment in South Korea.¹² In that same year only 24.4 percent of North Korean defectors were reported to be receiving “livelihood benefits” from the government of South Korea.¹³ Many defector women lack the skills or education to find employment in the fast paced South Korean society.¹⁴ The disparity between the number of women employed and the number reportedly receiving “livelihood benefits” is concerning and should be addressed by the South Korean government. Further, while South Korea provides state housing to a reported 62.7 percent of North Korean defectors, this dependence upon government housing combined with economic difficulty has resulted in the perception of North Korean defectors, and therefore North Korean women, as second class citizens.¹⁵ Women who defect with children are under an increased burden to obtain employment and skills that will allow their children to survive and thrive in South Korea.

Hardship North Korean Women Face in South Korea can have Deadly Results

While South Korea makes efforts to assist North Korean defectors in their adaptation to South Korea,¹⁶ some, particularly women, fall through the cracks of such effort. The hardships women defectors face in adapting to life in South Korea was recently highlighted by the global outrage over the death of Han Sung-ok and her special needs son.¹⁷ Han Sung-ok was a woman from North Korea who had been trafficked into marriage abroad before escaping to South Korea.¹⁸ Although it appeared that she had adjusted well to life in South Korea, in late July 2019 she and her son were found dead in her apartment. It was determined they had been dead for two months and appeared to have starved to death.¹⁹ While the events surrounding their death are not fully understood, it has been suggested that Han Sung-ok faced hardship because she was unable to maintain employment while caring for her special needs son alone and while receiving very limited aid provided to defectors by the South Korean government.²⁰ These horrific circumstances demonstrate that South Korea has not upheld its obligations under Article 11(2)(f) of the Convention on the Elimination of All Forms of Discrimination against Women which requires members, “to encourage the provision of the necessary supporting social services to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities.”²¹

Their death has raised awareness of the isolation and plight of vulnerable women who defect to South Korea. Women defectors have raised concerns that this could have happened to any of

¹² Korea Hana Foundation, *2018 Settlement Survey of North Korean Refugees in South Korea*, p.136.

¹³ Ministry of Unification, [Statistics](#).

¹⁴ Jennifer Hough, *supra* note 4.

¹⁵ *Ibid.*

¹⁶ Ministry of Unification, [Humanitarian Assistance](#).

¹⁷ Laura Bicker, *supra* note 7.

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Convention on the Elimination of All Forms of Discrimination against Women*, Art. 11(2)(f).

them.²² Defectors have claimed that her death was “death by abandonment,” “death by indifference,” and “ironic” that “a North Korean escapes hunger and comes to South to die of starvation!”²³

Threatened Reparation by the South Korean Government

Concerns for the Safety of North Korean Women defectors because of South Korea’s Recent Reparation of North Korean Defector Fishermen – Concern over Possible Growth in Sexual Exploitation of Defector Women

In November 2019, the South Korean government repatriated two men who had sought to defect to South Korea.²⁴ The two fishermen reportedly had killed sixteen other fishermen on the ship and then sought to defect to South Korea on 2 November 2019 and were repatriated by 11 November 2019.²⁵ It is notably the first documented instance of North Korean defectors being returned by the South Korean government.²⁶ While this instance of reparation involved men and not women, the fact that the South Korean government returned two defectors with minimal due process or investigation is a concerning indication that women defectors could face similar treatment by the South Korean government in the future. Given that the majority of reported defectors are women, the South Korean Government’s decision should be seen as alarming for vulnerable women seeking refuge in South Korea.

This case of reparation is especially concerning as the South Korean government was seemingly willing to violate their own laws and international commitment regarding defectors and refugees in general. The Republic of Korea has ratified the United Nations Convention Against Torture and, in this instance, has violated Article 3 regarding the prohibition of returning a person to another State where there “are substantial grounds for believing that he would be in danger of being subject to torture.”²⁷ Additionally, Article 6 of the Constitution of the Republic of Korea states that, “Treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea. The Status of aliens shall be guaranteed as prescribed by international law and treaties.”²⁸ The Republic of Korea has violated its own Constitution as well as international standards under the Convention Against Torture.^{29 30}

²² Hakyung Kate Lee, [North Korean mother and son defectors die of suspected starvation in Seoul](#), 22 September 2019.

²³ *Ibid.*

²⁴ Dr. Yeosang Yoon (NKDB), [Two North Korean Defectors Who Have Been Forcefully Repatriated from South Korea Must Be Protected](#), Database Center for North Korean Human Rights News, 11 November, 2019.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Art. 3.

²⁸ Constitution of the Republic of Korea, Article 6.

²⁹ The Committee for Human Rights in North Korea, [Universal Periodic Review](#), 4 October 2018, pg. 2-3.

³⁰ Dr. Yeosang Yoon (NKDB), *supra* note 23. “According to Article 9, the government may not decide to provide protection to the following persons:

1. International criminal offenders involved in aircraft hijacking, drug trafficking, terrorism or genocide, etc.;

Most alarming is the justification given by the government for their disregard for the fate of the two men. Seoul's Unification Ministry reportedly stated that the reasons for reparation were, "[f]irst, they didn't become South Korean nationals since we didn't see their sincere intentions to defect. Hence, our local laws didn't apply to them. Second, the accused escapees posed a threat to our people's safety, which led us to the decision to expel them."³¹ Ministry spokesman Lee Sang-min further justified the reparation by stating that, "[w]e also assessed that if they were accepted into our society, they would pose danger to our people's lives and safety as vicious criminals who cannot be recognized as refugees under international law."³²

This decision and justification by the South Korean government has been criticized by human rights lawyers as the two men were never formally indicted or convicted of the crimes they were accused of before being deported.³³ Further, it is the South Korean National Intelligence Service that determines whether a person is a defector and once this is confirmed they are automatically recognized as a citizen of South Korea.³⁴

Defector Waitresses Sincerity in Defecting Questioned

Another concerning case for the plight of defector women in South Korea is the controversy that surrounded twelve waitresses who defected to South Korea in 2016.³⁵ The defection of the twelve women who had worked as waitresses in a third country was controversial as there was concern that they had not defected willingly. The typical process for North Korean defectors was deviated from and the women were subject to secretive month-long debriefing sessions run by South Korean intelligence services.³⁶ It eventually was determined that there had not been any coercion involved in their decision to defect to South Korea.

It is worth noting that this defection was one of the largest defections in history.³⁷ Additionally, the South Korean government's decision to make the defection public was inconsistent with the practice of not identifying defectors in order to ensure their safety and the safety of their

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2. Offenders of nonpolitical and serious crimes, such as murder;
 3. Suspects of disguised escape;
 4. Persons who have earned their living for at least ten years in their respective countries of sojourn;
 5. Persons who have applied for protection when three years elapsed since their entry into the Republic of Korea;
 6. Other persons prescribed by Presidential Decree as unfit for the designation as persons eligible for protection.

The government announced that the two North Koreans apply to the second item and hence they are ineligible for protection. In addition, it added that as the two men were significant threats to the security of people in South Korea, it is only right that they shall be deported."

³¹ Choi Si-young, ['Due process ignored in deporting North Korean fishermen'](#), The Korea Herald, 2 December 2019.

³² Hyonhee Shin, [South Korea expels two North Koreans suspected of killing 16 fishermen](#), Reuters, 6 November 2019.

³³ Dr. Yeosang Yoon (NKDB), *supra* note 23.

³⁴ *Ibid.*

³⁵ Hyonhee Shin, [South Korean watchdog finds no foul play in defection of North Korean waitresses](#), Reuters, 10 September 2019.

³⁶ Patrick Winn, [Why North Korean peace talks may hinge on 12 singing waitresses](#), The World, 15 September 2017.

³⁷ Hyonhee Shin, *supra* note 34.

families.³⁸ It is particularly concerning that the sincerity of the defectors' motives was questioned by South Korean entities such as South Korean Lawyers for a Democratic Society (Minbyun) group, which President Moon was formerly a member and leader.³⁹

These instances of defectors' sincerity being questioned is concerning when it comes to the status of defector women in South Korea. Third country policies on repatriation and the resulting expansive sexual exploitation of defected North Korean women is an indication of the seriousness of South Korea's wavering stance on accepting defectors from North Korea, and the resulting implications for North Korean women who seek refuge in South Korea.

Exploitation of Defector Women through Human Trafficking

South Korea has signed and ratified the Trafficking in Persons Protocol which is an important step in addressing the sexual exploitation of women within South Korea, especially vulnerable populations such as defector women.⁴⁰ However, because of defector women's vulnerability and the stigma against defectors in employment and society, defector women remain vulnerable to sexual exploitation through trafficking within and outside of South Korea.

Exploitation Outside of South Korea by South Korean Men

Women defectors are reportedly trafficked at alarming rates when en route to freedom in South Korea. The forum for trafficking ranges from forced marriages, trafficking into brothels, and the growing forum of cyber-trafficking.⁴¹

Reports on the exploitation of women defectors on their route to South Korea show that women who are prostituted are often done so at the hand of South Koreans working in third countries.⁴² Further, women who were prostituted in third countries were often marketed to be exploited by South Korean men who were traveling for business. For example, a woman who was exploited through prostitution in a third country stated, "[t]here are many South Koreans ... We put advertising cards under their doors [in hotels] ... The cards are in the Korean-language and advertise what we offer ... We are mostly taken to bars [by the pimp]. South Korean companies want [prostitutes] for their businessmen ... Prostitution was my first experience of meeting a South Korean person."⁴³ Although this exploitation is occurring in a third country, exploitation that occurs because of South Korean men and businesses is the responsibility of the South Korean government and a failure to uphold its commitment to the Trafficking in Persons Protocol.

³⁸ *Ibid.*

³⁹ Chad O'Carroll, [South Korea's restaurant worker defector controversy: what should happen next?](#), 18 July 2018.

⁴⁰ United Nations Treaty Collection, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000.

⁴¹ Julie Zaugg, [These North Korean defectors were sold ... as cybersex slaves. Then they escaped](#), 10 June 2019.

⁴² [Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China](#), pg. 33.

⁴³ *Ibid.* at pg. 35.

Sexual exploitation of defector women through cyber-trafficking is of particular concern for South Korea as a large percentage of online male consumers of these exploited women are South Korean men.⁴⁴ The number of these women who are exploited through cyber-trafficking is likely under reported as women are hesitant to vocalize their exploitation for fear of being recognized by “clients” once they arrive in South Korea.⁴⁵ However, women who do speak up have identified South Korean accents and Korean speakers as a sizable portion of cyber-sex abusers.⁴⁶ Further, South Korean websites have advertised cyber-sex websites featuring defector to their users.⁴⁷ Together, these factors illustrate how South Korea is complicit in the sexual exploitation of vulnerable defector women and that they should work to address complicity through websites hosting cyber-trafficking, advertisements of cyber-trafficking websites, and the number of South Korean men participating electronically in the exploitation of defector women.

Exploitation of North Korean Women within South Korea

In addition to the exploitation defectors face when seeking freedom in South Korea, they also face sexual exploitation in South Korea. Although less common than in third countries, it is reported that defector women are trafficked into forced marriages with South Korean men.⁴⁸ Additionally, women defectors are subject to abuse by officials who should be protecting them. For example, a South Korean police officer tasked with caring for defectors is currently being investigated by South Korea’s National Police Agency for repeatedly raping a woman defector at least a dozen times.⁴⁹ While the South Korean government is investigating this case, it is unacceptable that the woman’s abuse had continued over a two-year period.⁵⁰ During this time, she had requested help from district police but the abuse was never investigated.⁵¹ Her case brings to light the perilous status of defector women in South Korea.

Sexual exploitation of North Korean women is consistent with an alarming trend of sexual exploitation of all women in South Korea. This trend includes the recently discovered Nth chat rooms that involved over two hundred-sixty thousand users participating in horrific online exploitation of 103 females, 26 of whom were minors.⁵² The Burning Sun scandal, which revealed the exploitation and trafficking of women in K-Pop star affiliated clubs is another example of this trend of exploitation of women.⁵³ The South Korean government has announced an interagency plan to address digital sexual exploitation, but more must be done to prevent the exploitation of women, particularly vulnerable women defectors.⁵⁴ South Korea, as a signatory to the UN Protocol on Human Trafficking, is responsible to take actions that prevent trafficking and

⁴⁴ Su-Min Hwang, [The North Korean Women who had to escape twice](#), 18 January 2019.

⁴⁵ *Sex Slaves*, *supra* note 41, at pg. 37.

⁴⁶ *Ibid.* at pg. 39.

⁴⁷ *Ibid.* see also Subin Kim, [Operators of webcam sit exploiting defector women indicted](#), NK News, 24 February 2015.

⁴⁸ *Sex Slaves*, *supra* note 41 at pg. 8.

⁴⁹ Elizabeth Shim, [South Korea to investigate case of defector raped by police](#), 29 July 2020.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² Olivia Enos, [As South Korea Cracks Down on Sexual Exploitation Online More Must be Done to Fight Human Trafficking](#), 17 June 2020.

⁵³ Julia Hollingsworth and Yoonjung Seo, [Former K-po star Seungri has been indicted on prostitution charges](#), 31 January 2020.

⁵⁴ Erika Nguyen and Heather Barr, [Thinking Beyond Punishment to Combat Digital Sex Crimes](#), 20 May 2020.

exploitation from occurring in country and by its citizens, including the exploitation of women defectors.

Treatment of Defector Human Rights Organizations

Recently, President Moon and his administration has come under criticism for his adverse actions against North Korean human rights activists and their organizations.⁵⁵ By revoking human rights organizations' licenses, South Korea has impacted their ability to raise funds and work to address human right conditions in North Korea.⁵⁶ These actions will negatively affect the status of defector women in South Korea directly as these actions send a clear message that the South Korean government is not supportive of efforts to improve the human rights conditions of vulnerable women. One of the human rights groups speaking out regarding the decision to audit North Korean human rights organizations, is women led New Korea Women's Union.⁵⁷ The New Korea Women's Union speaks up against human right violations that occur against North Korean women and provides desperately needed psychological counseling and job training.⁵⁸ Given the vulnerability of North Korean women in South Korea, the South Korean government should be assisting rather than suppressing human rights groups, such as the New Korea Women's Union.

Conclusion

North Korean women defectors are among one of the most vulnerable populations in the world, given the trauma and abuse they face within Korea and while escaping. South Korea has done much to offer protections to women defectors in South Korea, but more must be done to ensure that these women are treated in accordance with international standards regarding the status of women.

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⁵⁵ Elizabeth Shim, [U.N rapporteur to inquire into audits of North Korea rights groups](#), 22 July 2020.

⁵⁶ ROK Drop, [Moon Administration to Pull Civic Group License from North Korean Human Rights Groups](#), 30 June 2020.

⁵⁷ Daily NK, [NKHR nonprofits reject unilateral "office inspections" by MOU](#), 24 July 2020.

⁵⁸ Kim Ji-soo, [Lee So-yeon speaks out for NK female defectors](#), 20 April 2016.