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

I. Introduction

This report serves to inform the United Nations Economic and Social Council Commission on the Status of Women regarding the current conditions faced by North Korean women in the People's Republic of China. The precarious situation in which North Korean defector women are disproportionately vulnerable to exploitation and unlawful repatriation is a direct result of defectors' statelessness and designation as illegal economic migrants in China. The information included in this report comes from United Nations documents and reports, non-governmental organization publications, and news articles to demonstrate that the People's Republic of China is failing not only to uphold its obligations pursuant to international agreements on the rights of refugees, but also is falling short of protecting the rights and security of North Korean defector women.

As a result of the danger within their own country and their staleness status while in China, North Korean defector women in China remain an extremely marginalized and largely under-protected community. We call on the Commission on the Status of Women to recognize the fragile situation of North Korean refugee women in the People's Republic of China and encourage the Chinese government to comply with international and domestic law protecting the fair treatment and protection of refugees and of women.

I. Human Trafficking and Exploitation

It is a continuous and concerning trend that North Korean women and girls are trafficked into China for the purpose of being sold into marriages with Chinese men or forced into the sex and prostitution industry against their will. These traffickers often attempt to bribe or convince North Korean defector women that they will find them suitable employment; on the contrary, they sell these women for extremely low prices into various exploitative sectors. Within the first year of leaving the DPRK, defector women are often sold more than once and forced to partake in at least one form of sexual slavery. Around 60% of female North Korean refugees in China are trafficked into the sex trade, 50% of whom are then forced into prostitution, 30% sold into fraudulent

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

marriages, and 15% pushed into the mass cybersex industry. These defector women and girls are trapped between the Chinese government and the North Korean government who want to arrest and repatriate them, or imprison and torture them, respectively.²

One famous North Korean defector, Yeonmi Park, explained in both her 2015 book *In Order to Live* and in a recent interview how at age 13, she, her sister, and her mother were convinced to defect to China with the promise that they would live a peaceful life. Instead, immediately upon crossing the border, she witnessed her mother being raped; she and her mother were then sold for ≈ USD \$65 and ≈ USD \$ 300 dollars, respectively, to human traffickers. Yeonmi spent two years in captivity in China before she was able to escape for a second time to Mongolia. In September 2019, two North Korean defector women by the names of Lee Jin-hui and Kim Ye-na told *The New York Times* their separate stories of being smuggled out of the DPRK and into China, where they were sold to brokers. Jin-hui was detained in a three-room apartment and forced to perform sexual activities on camera for 17 hours a day, 7 days a week; Ye-na was sold into a sex trafficking ring, worked as a sex slave, and witnessed one woman she ‘worked’ with attempt to escape by jumping out the sixth-floor window.³

Prostitution, though it is criminalized according to Chinese legislation, is also a continuing violation of rights faced by North Korean defector women and girls in China. With a total of ten million prostitutes, and with prostitution accounting for six percent of the nation’s GDP, this is one of the most common industries for victims to be trafficked into. Often, they are forced into ‘employment’ at establishments that outwardly disguise themselves as entertainment or hospitality businesses – hotels, karaoke bars, cafes, bathhouses, restaurants – but are clandestine brothels. North Korean defector girls and women between the ages of 15 and 39 see multiple male ‘customers’ a night and are subjected to rape and, by extension, face higher likelihood of contracting sexually transmitted infections. Simultaneously, these women and girls are prevented from escaping due to their economic and often drug-induced dependency on their exploiters.⁴

While some North Korean women and girls are sold into sex trafficking rings and the cybersex industry, others are sold into marriages with Chinese men. Such a horrifying trend is spurred on by the high demand for marriageable women which are in shortage as a result of China’s One Child Policy and subsequent gender imbalance. In these loveless and unlawful marriages, they live as “concubine[s]”, are confined to the home, forced to engage in sexual activities, bear multiple children to their Chinese husbands, and conduct domestic labor on a daily basis.⁵ At the same time, however, the Chinese government has been promoting propaganda that claims that marriage trafficking is not the issue at hand, and that foreign wives will become satisfied in their marriages to Chinese men once they accustom to the new culture.⁶

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

³ Choe Sang-Hun, “[After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China](#)”, *The New York Times*, 13 September 2019.

⁴ Yoon Hee-soon, *Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China*, *supra* note 1.

⁵ Kelley E. Curie, John Cotton Richmond, & Samuel D. Brownback, “[How China’s ‘missing women’ problem has fuelled trafficking and forced marriage](#)”, *South China Morning Post*, 13 January 2021.

⁶ Human Rights Watch, [Submission to the Committee on the Elimination of Discrimination against Women on China](#), 9 February 2021.

In some cases, forced marriage and cybersex/prostitution is not mutually exclusive. In response to an OHCHR survey of 636 defector women who had reached a safe third country between 2018 and 2019, 7% reported being sold more than three times, 45% sold twice, and 41% sold once. One North Korean defector woman revealed that she was sold into marriage with a Chinese man, and that after five years of marriage her husband sold her for a second time to a broker who forced her to work in the cybersex industry.⁷

In July 2021, the United States Department of State released its annual Trafficking in Persons (TIP) report in which it outlined each nation's record regarding human trafficking, as well as relevant prevention and protection measures. China was listed as one of the only 17 nations [out of 190 total] on the Tier 3 list for "countries whose governments do not fully meet the TVPA's [Trafficking Victims Protection Act of 2000] minimum standards and are not making significant efforts to do so."⁸ As evidence of the situation of North Korean defector women in China, and to the negligent anti-trafficking measures undertaken by the government, the TIP report stated the following:

Many North Korean refugees and asylum-seekers living irregularly in the PRC are particularly vulnerable to trafficking. Traffickers lure, drug, detain, or kidnap some North Korean women upon their arrival in the PRC and compel them into commercial sex in brothels and bars, through internet sex sites, or in relation to forced marriage...

The government did not undertake efforts to identify trafficking victims within its highly vulnerable North Korean migrant population, nor did it provide suspected North Korean trafficking victims with legal alternatives to repatriation. [...] The government continued to restrict access of UN agencies attempting to monitor and assist refugees near China's border with North Korea...

Unlike in previous years, the PRC government did not report holding an annual inter-ministerial meeting to coordinate anti-trafficking efforts during the reporting period. [...] For the fourth consecutive year, the government did not report the extent to which it funded anti-trafficking activities in furtherance of the action plan [National Action Plan on Combating Human Trafficking]...

II. Family Separation

Another agonizing reality that North Korean defector women face is having to leave their children – born to Chinese fathers – behind when they escape once again from China and seek life in South Korea. Recent estimates show that there are approximately 30,000 such half-Chinese half-North-Korean children residing in China that were denied birth registrations and as a result lack legal citizenship and face statelessness.⁹ North Korean mothers that are sold into marital servitude in

⁷ Yoon Hee-soon, *Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China*, *supra* note 1.

⁸ United States Department of State, *Trafficking in Persons Report*, June 2021.

⁹ Rachel Judah, "[On Kim Jong-un's birthday, remember the 30,000 stateless children he has deprived of recognition](#)", *The Independent*, 7 January 2018.

China often are forced to bear children to their Chinese husbands as “collateral” or insurance that the mother won’t leave. However, the reality is that many of these North Korean mothers escape to South Korea in hopes to find careers that will help them raise money to bring their children to the new nation with them; all of this is done out of the determination to help their children out of China, where they are unable to access education, health care, jobs, and other necessities as a result of their stateless status. While some women are able to bring their children to them and reunite in South Korea after years of raising money, it is a rare miracle.

However, while these North Korean mothers are in South Korea urgently working to secure funding to acquire their children from China, they face tremendous guilt and sadness at the thought that they have to leave their children behind temporarily; many feel they have abandoned their children. For those that are unlucky, their Chinese husbands will cut contact with them, and the mothers are then unable to locate their children for future correspondence and reunification efforts; at the same time, these children are either uninformed that they have a mother at all or are told by relatives in China that their mothers purposefully deserted them. For many mothers, they have no choice but to keep working in hopes that they can bring their children to South Korea soon; one mother, Yoon Seol Mi, explained: “what choice did we have? Our choice was to survive. My child was my purpose.... It was for her that I survived.” Ms. Yoon fortunately was able to reconnect with her 8-year-old daughter Yena in 2016 and successfully brought her to South Korea to live with her and her new husband.¹⁰

III. Threat of Repatriation

North Korean defectors, all of whom are classified by the Chinese government as illegal economic migrants, are constantly facing the threat of repatriation to the DPRK. In January 2020 it was reported that Chinese authorities have gone to great lengths to crack down on defectors, including by using cellphone history to track down their location, though it was unclear whether the information would be used to locate them and repatriate them or work to assimilate them into Chinese society.¹¹ Hopes were dashed, however, when news in the latter half of 2020 and early quarter of 2021 reported that North Korean defectors – including women – were being deported or were under threat of repatriation. In December 2020, the UN High Commissioner for Human Rights, the UN Special Rapporteur on the situation of human rights in the DPRK, and the UN Special Rapporteur on torture sent a letter urging the Chinese government to refrain from repatriating a group of five North Korean defectors – including a teenage girl and a pregnant woman – who were arrested after escaping to China in September.¹²

The People’s Republic of China is obligated to not forcibly return North Korean defectors pursuant to the 1951 Convention Relating to the Status of Refugees¹³, its 1967 Protocol¹⁴, and the

¹⁰ Marcus Yam, “They left behind children to find freedom. The choice haunts North Korean refugee women”, *Los Angeles Times*, 16 March 2021.

¹¹ Tae-jun Kang, “China Tightens Grips on North Korean Defectors”, *The Diplomat*, 13 January 2020.

¹² Elizabeth Shim, “U.N. confirms North Korean defectors at risk of repatriation from China”, *United Press International*, 30 December 2020.

¹³ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189.

¹⁴ UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁵; each of these treaties stipulate that states parties are prohibited from refouling refugees “to the frontiers of territories where his life or freedom would be threatened”. Such is evidently the case for repatriated North Korean defector women who, as the OHCHR reported in July 2020, face torture, sexual violence and rape, forced abortion and infanticide, and other human rights violations in DPRK detention centers.¹⁶

In light of the myriad human right atrocities that North Korean defectors would face upon repatriation to the DPRK, is incumbent upon China to refrain from repatriating North Korean defectors and defector women despite the North Korean government’s encouragements, inducements, and threats. In February 2021 it was reported that North Korean Ministry of State Security officials have called defectors in China and the Republic of Korea (South Korea), telling them that they will receive their confiscated homes and farms if they return to the DPRK; when incentives fail, authorities threaten branding defectors as “traitors to the fatherland”.¹⁷

It is important to note that the UN Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea in 2014 stated that China’s repatriation of North Korean refugees to their homeland where they face imminent forced labor and possible execution may amount to “aiding and abetting crimes against humanity”.¹⁸ China cannot claim that it is unaware of the human rights atrocities it is returning North Korean defectors to with its policy of refoulement, as these abuses have been well documented in recent years. Moreover, numerous entities, including the UN Committee Against Torture, the UN Special Rapporteur on the Situation of Human Rights in the DPRK, the UN High Commissioner of Refugees, the UN Committee on the Rights of the Child, US Congressional-Executive Commission on China, Human Rights Watch, Amnesty International, The Committee for Human Rights in North Korea (HRNK), and more have been urging China to refrain from repatriating North Korean defectors since as early as 2012¹⁹; nearly ten years later, China still fails to address these multiple appeals.

IV. COVID-19 and North Korean Defector Women

Due to China’s classification of North Korean defectors as foreign or economic migrants rather than as legitimate refugees, they are often denied sufficient medical treatment, as was highlighted in a 2014 report on the UN Working Group on the issue of discrimination against women in law

¹⁵ UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, United Nations, Treaty Series, vol. 1465.

¹⁶ United Nations Office of the High Commissioner for Human Rights, *Human rights violations against women detained in the Democratic People’s Republic of Korea: ‘I still feel the pain...’*, July 2020.

¹⁷ Jeong Tae Joo, “North Korean authorities are encouraging defectors in China to return home”, *Daily NK*, 9 February 2021.

¹⁸ UN Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea, *Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea*, A/HRC/25/63, 7 February 2014.

¹⁹ Lee Yeon Cheol, “UN Urges China to Stop Repatriation of North Korean Defectors”, *Voice of America*, 15 December 2015. ; Roberta Chen, “China’s Repatriation of North Korean Refugees”, *Brookings Institute*, 5 March 2012. ; Human Rights Watch, “China: Don’t Force 8 Refugees Back to North Korea”, 23 April 2017. ; Amnesty International, “China urged to avoid forced repatriation of 21 North Koreans”, 14 February 2012. ; United States Congressional-Executive Commission on China, *Annual Report 2020*, December 2020.

and practice.²⁰ Though this report is seven years old, a recent case involving a North Korean defector woman implies that such remains a common occurrence, which is of particular concern during the current serious pandemic situation. In February 2020, a North Korean defector woman married to a Chinese citizen visited a local hospital after suffering from COVID-19 symptoms, but was swiftly turned away by hospital staff when she was unable to produce a Chinese identification card; though the authorities offered to disinfect her home, she was forced out of the hospital and resorted to taking fever reducers to attempt to treat her symptoms.²¹

This discrimination based on the woman's status as a North Korean defector is in clear contravention of China's obligation under the International Convention on the Elimination of All Forms of Racial Discrimination, which in article 5 prohibits medical and healthcare discrimination;²² China also obliged to protect women's right to access health care and health facilities per the Convention on the Elimination on All Forms of Discrimination against Women.²³ Furthermore, it is important to note that the UN Working Group on discrimination against women and girls published a statement in 2021 that "responses to the COVID-19 pandemic must not discount women and girls" and that "specific attention should be paid to women and girls from marginalized groups and their specific needs in terms of accessibility and adequacy of information about the pandemic, the ability to maintain social distance, and access to testing and treatment as well as other necessities [...]"²⁴

In December 2020, it was reported that North Korean factory workers in the Jilin Province of China were experiencing high rates of tuberculosis as a result of both malnutrition from the insufficient meals they were fed at work which weakened their immune systems, and the COVID-19 preventive measures implemented in the workspace that stopped movement in the factories and forced workers to continue sharing common living, working, and eating spaces.²⁵ Another article by Radio Free Asia highlighted that many of North Korean workers in Chinese provinces – in particular Dandong – are women; large portions of these female workers are suffering lowered wages, insubstantial meals, and strenuous work, but are stranded in a foreign country working for Chinese companies; they must meet hard currency quotas as demanded by the North Korean government or else they cannot leave. Not only are the Chinese companies profiting off of North Korean defector laborers without providing adequate working conditions or food, "Chinese authorities had instructed police not to enter places of business employing North Koreans, a sign that Beijing was willing to look the other way in the face of sanctions violations."²⁶

²⁰ 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.

²¹ Seulkee Jang, "Sick N. Korean defector turned away from hospital in China", *Daily NK*, 27 February 2020.

²² UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660.

²³ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, United Nations, Treaty Series, vol. 1249.

²⁴ UN Working Group on discrimination against women and girls, *Responses to the COVID-19 pandemic must not discount women and girls*, OHCHR.

²⁵ Seulkee Jang, "North Korean workers in China battle fatigue, tuberculosis", *Daily NK*, 17 December 2020.

²⁶ Jieun Kim, "North Korean Workers Stranded in China After Being Idled by COVID-19", *Radio Free Asia*, 29 June 2020.

It is also important to note that China's COVID-19 pandemic prevention measures, notably lockdowns executed via closed public transportation services, limited highway access, and national identification checks have posed tremendous obstacles for North Korean defectors wishing to escape to China and who have already made it across the border.²⁷ Two sources who work to help defectors relocate told Voice of America in February 2020 that thousands of North Korean defectors were trapped at various locations in China because their journey to safety – sometimes to other countries – was interrupted by China's lockdown measures; many have been forced to abandon their journeys and temporarily settle illegally in China, “a country that has long sent them back to certain punishment”.

V. Conclusion

North Korean women and girls who defect from the DPRK and flee to neighboring China are regrettably met with some of the same human rights violations that they were attempting to escape from – sexual violence, trafficking, restrictions on movement. It is essential that the People's Republic of China recognize these women and girls as refugees and extend all legal protections to them to prevent the suffering that stems from their lack of status. China must cease the practice of sending these defectors – survivors in their own right already – back to the DPRK; China must also ensure that all necessary measures are taken to tackle the trafficking complex that preys on this vulnerable population.

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²⁷ William Gallo, “China Coronavirus Lockdown Complicates North Korea Refugee Journeys”, *Voice of America*, 8 February 2020.