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COMMISSION ON THE STATUS OF WOMEN
COMMUNICATIONS PROCEDURE

The North Korea Freedom Coalition)	
Working Group on North Korean Women)	UN CSW 67 (2023)
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THE SITUATION OF NORTH KOREAN WOMEN
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 of the current conditions faced by North Korean women in the People's Republic of China (PRC). In the PRC, 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.

We call on the Commission on the Status of Women to recognize the fragile situation of North Korean refugee women in the PRC and encourage the Chinese government to comply with international and domestic law protecting the fair treatment and protection of refugees and of women.

II. China-NK Relations

The political arrangement between the countries of China and North Korea has put women escapees from North Korea to China in a precarious situation. China refuses to classify the defectors as "refugees," and instead labels them as "economic migrants" allegedly due to North Korea's historic food and financial troubles. In reality, however, "Beijing is honoring a 1986 bilateral agreement with Pyongyang outlawing illegal border crossings to legalize the forced repatriation of North Korean refugees."² Without refugee status, North Korean defectors are not guaranteed human rights in China; no policies or programs exist to protect them from exploitation or trafficking. If Chinese authorities are able to locate the refugees, they are often forcibly deported.

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

² Jason Bartlett, [China's New Land Border Law is a Nightmare for North Korean Refugees](#), 29 Oct 2021.

The PRC, pursuant to the 1951 Convention Relating to the Status of Refugees³, its 1967 Protocol⁴, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁵, is obligated to refrain from repatriating North Korean defectors; specifically, 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.” When the Chinese government repatriates North Korean refugees back to the DPRK, those defectors face harsh punishments. Article 62 of the North Korean Criminal Law states “citizens that commit treason against the fatherland, including those who flee to other countries . . . shall be subject to five years or more of correctional labor . . . and in serious cases, to unlimited-term correctional labor punishment or the death penalty.”⁶

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, the 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 2012⁷. Nearly ten years later, China still fails to address these multiple appeals. China’s “Land Borders Law” went into effect on January 1, 2022 for the purpose of “protect[ing] territorial sovereignty and land border security’ amid long-standing territorial disputes and concerns over the spread of COVID-19.”⁸ This law will likely further embolden Chinese law enforcement to continue forcibly repatriating the North Korean defectors.

a. Repatriation Reality

In January 2020 it was reported that Chinese authorities have gone to great lengths to crack down on defectors; the authorities had used 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.⁹

In late July 2021, Radio Free Asia revealed that a group of 50 North Korean defectors – including a mother who was already sent back once before – were removed from Dandong and repatriated to the DPRK, and that there remain hundreds more defectors in the Shenyang area that are at risk

³ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189.

⁴ UN General Assembly, Protocol Relating to the Status of Refugees, 31 January 1967, United Nations, Treaty Series, vol. 606.

⁵ UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations, Treaty Series, vol. 1465.

⁶ Chae Mims, The Statelessness of the Children of North Korean Women Defectors in China, Issue 2 (2020).

⁷ 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.

⁸ Jason Bartlett, China’s New Land Border Law is a Nightmare for North Korean Refugees, 29 Oct 2021.

⁹ Tae-jun Kang, China Tightens Grips on North Korean Defectors, *The Diplomat*, 13 January 2020.

of deportation. One source explained that “there are also women who escape from North Korea and lived quietly in hiding with Chinese husbands. They are usually released immediately, but the ones who have conflicts with local residents or other problems are arrested and imprisoned.”¹⁰ In August 2021, authorities in the North Korea-adjacent Chinese provinces of Liaoning and Jilin ambushed homes of North Korean defectors and arrested them. One detained individual was a North Korean defector woman who had been living in China for a decade with her husband and young child; Chinese authorities arrested her and charged her with human trafficking simply because she provided food, clothing, and shelter to recent North Korean defectors. Ironically, China is misusing its limited anti-human trafficking capabilities to detain individuals engaged in providing necessary support to recent defectors, rather than to prosecute individuals who are known to be luring and trafficking North Korean defectors.¹¹

Increasingly, the fear has mounted that the Chinese government will use its advanced surveillance technologies – such as those used in Xinjiang to monitor and baselessly arrest Uyghur and Turkic minorities – to track North Korean defectors’ every movement and arbitrarily repatriate them.¹² 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.¹³

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 previously confiscated homes and farms if they return to the DPRK; when incentives fail, authorities threaten branding defectors as “traitors to the fatherland”.¹⁴ In prior years, apparently “even if the police knew that there were North Korean refugees living in an area, they did not arrest them unless they started causing problems. Now they are actively searching for them and arresting them, so all the North Korean refugees are terrified.”¹⁵

The United States Department of State’s annual report on Trafficking in Persons (TIP) reported the lack of services provided to North Korean defectors and the trend in which they are repatriated to the DPRK without an assessment on their circumstances of trafficking, and despite widespread knowledge of the horrors that will likely face them upon return:

“The government did not undertake efforts to identify trafficking victims within the PRC’s highly vulnerable North Korean migrant population, nor did it provide suspected North Korean trafficking victims with legal alternatives to repatriation. Although significantly fewer North Korean nationals transited the PRC while seeking asylum in third countries due to pandemic-related border closure, authorities

¹⁰ Jieun Kim, Concern About Fate of 50 North Korean Escapees Sent Home by China, *Radio Free Asia*, 19 July 2021.

¹¹ Jeong Yon Park, Leejin Jun, & Eugene Whong, Arrests of North Korean Wives of Chinese Men Spook Refugee Community, *Radio Free Asia*, 20 August 2021.

¹² Edward White, China urged to stop forcibly returning North Korean defectors, *Financial Times*, 22 July 2021.

¹³ 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.

¹⁴ Jeong Tae Joo, North Korean authorities are encouraging defectors in China to return home, *Daily NK*, 9 February 2021.

¹⁵ Jeong Yon Park, Arrests of North Korean Wives of Chinese Men Spook Refugee Community, *Radio Free Asia*, 20 Aug 2021.

*continued to detain North Korean asylum-seekers and forcibly return some to North Korea, where they likely faced severe punishment or death, including in forced labor camps; the government did not report screening these individuals for indicators of trafficking.*¹⁶

III. Human Trafficking and Exploitation

a. Lucrative Sex Trafficking

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 marriages, and 15% pushed into the mass cybersex industry.¹⁷ 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. 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.¹⁸ Korean 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.¹⁹

In China, with an estimated ten million individuals engaged in sex work, prostitution accounts for six percent of the nation's GDP. Korea Future Initiative reported in 2019 that cybersex trafficking is happening in China and the annual profit is \$185 million.²⁰ The business of the sale of North Korean women is worth an estimated \$105 million annually.²¹ Rising wages in northern China cities have led to a greater demand for prostitutes among the male population, according to the KFI report. In southern China, the influx of trafficked women from Vietnam, Laos and Cambodia has functionally met that demand. In northeastern provinces of China, however, men have expressed a preference for North Korean refugees.²²

One North Korean woman defector described her terrible situation in China: “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 when 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 the camera.”²³ Another trafficked North Korean refugee recalled: “I felt like dying 1,000 times, but I couldn't even kill myself as the boss was always watching us,” she said. Her captor was a man of South Korean descent who slept in

¹⁶ United States Department of State, [Trafficking in Persons Report](#), July 2022.

¹⁷ Yoon Hee-soon, [Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China](#), Korea Future Initiative, 2019.

¹⁸ *Id.* at note 1.

¹⁹ Isabel G. Skomro, [North Korean Escapees Discuss Human Rights at HKS Event](#), 21 Apr 2021.

²⁰ The Committee for Human Rights in North Korea, [The Trafficking of North Korean Women to China](#), 09 May 2021.

²¹ Dr. Ewelina U. Ochab, [Trafficking of North Korean Women in China](#), 01 July 2019.

²² Isabel G. Skomro, [North Korean Escapees Discuss Human Rights at HKS Event](#), 21 Apr 2021.

²³ Lisa Schlein, [Report: Women Forcibly Deported by China to North Korea Suffer Appalling Abuse](#), 28 July 2020.

the living room to keep a close eye on the women. “The front door was always locked from the outside and there was no handle on the inside,” said Kwang. “Every six months, he would take us out to the park.”²⁴

b. Traffickers on the Border

Traffickers just over the Chinese border lure, drug, or detain North Korean women upon their arrival. Some of the traffickers even speak Korean to try to appear more trustworthy to the defectors. In addition to compelling the refugees into commercial sex in brothels and bars or on the internet, they’re also coerced into forced labor in agricultural work, domestic service, and factories.²⁵ This dynamic has been happening since the early stage of the North Korean migration in the 1990s.

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 be adopted and 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.²⁶

c. Fallout from China’s One-Child policy

China has a high demand for marriageable women given the gender imbalance as a result of China’s One Child Policy. In China presently, there are roughly 30 million more men than women.²⁷ North Korean defectors often fill the discrepancy by being forcefully married off to Chinese nationals. 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.²⁸ At the same time, however, the Chinese government has been promoting propaganda that claims that marriage trafficking is not the issue

²⁴ Isabel G. Skomro, [North Korean Escapees Discuss Human Rights at HKS Event](#), 21 Apr 2021.

²⁵ United States Department of State, [Trafficking in Persons Report](#), July 2022.

²⁶ Choe Sang-Hun, [After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China](#), *The New York Times*, 13 September 2019.

²⁷ The Committee for Human Rights in North Korea, [The Trafficking of North Korean Women to China](#), 09 May 2021.

²⁸ 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.

at hand, and that foreign wives will become satisfied in their marriages to Chinese men once they accustom to the new culture.²⁹

China, however, does not legally recognize marriages between North Korean women and Chinese men, and North Korean-Chinese children may only obtain a birth registration document (*hukou*) by losing their mothers via refoolment.³⁰ “Many women do not disclose that they became pregnant with Chinese men in China for fear that they would be subjected to more beatings and interrogation.”³¹ Recent estimates show that there are approximately 30,000 half-Chinese half-North-Korean children residing in China that were denied birth registrations and as a result lack legal citizenship and face statelessness.³²

Defector women who have “been residents of the country for more than 20 years who have a child or children with a Chinese husband” can pay for a temporary *hukou* (Chinese government document) to establish legal residence in China.³³ There are very few carriers of these within the country.

IV. COVID-19 and North Korean Defector Women

Due to COVID-19 lockdowns throughout China, many North Korean defectors were trapped and could not continue their journey to safe locations—sometimes to other countries.

China’s obligations under Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination prohibits medical and healthcare discrimination.³⁴ In addition, China is also obliged to protect a woman’s right to access health care and health facilities per the Convention on the Elimination on All Forms of Discrimination against Women.³⁵ Women defectors from North Korea also experience such discrimination in China. This past September (2021), Daily NK spoke to a source in China about how defector women have not received COVID-19 precautionary measures. It relayed:

Female defectors in China aren’t able to go to the hospital to receive proper medical treatment even if their husband is Chinese . . . There are many Chinese who have received three shots of the COVID-19 vaccine, but defector women are unable to receive the vaccine because of their status as illegal aliens.³⁶

²⁹ Human Rights Watch, Submission to the Committee on the Elimination of Discrimination against Women on China, 9 February 2021.

³⁰ Chae Mims, The Statelessness of the Children of North Korean Women Defectors in China, Issue 2 (2020).

³¹ The Committee for Human Rights in North Korea, The Trafficking of North Korean Women to China, 09 May 2021.

³² Rachel Judah, On Kim Jong-un’s birthday, remember the 30,000 stateless children he has deprived of recognition, *The Independent*, 7 January 2018.

³³ Jeong Tae Joo, Many Female North Korean Defectors in China Unable to Receive COVID-19 Shots, 23 Sept 2021.

³⁴ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660.

³⁵ UN General Assembly, Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249.

³⁶ Jeong Tae Joo, Many Female North Korean Defectors in China Unable to Receive COVID-19 Shots, 23 Sept 2021.

In addition, the source said that China's central government has permitted the country's provinces and autonomously governed areas in June 2021 to proceed with vaccinations of North Korean women inside the country "as they see fit."³⁷ This seemingly permissive statement gives way for a cavalier mishandling of the health crisis.

V. Conclusion

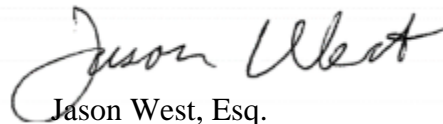
North Korean women and girls who defect from the DPRK and flee to neighboring China are regrettably met with some of the same human rights violations that they were attempting to escape from – sexual violence, trafficking, restrictions on movement. It is essential that the People's Republic of China 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.

We urge China to stop the refolement of North Koreans to their country and instead allow them legal protections or safe passage to a third country.

Respectfully Submitted:



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³⁷ *Id.*