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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 as a direct result of defectors' statelessness and designation as illegal economic migrants. North Korean defector women are additionally sold by brokers into unwanted marriages or into sexually exploitative industries where they face myriad human rights violations.

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 legislation securing the fair treatment and protection of refugees and of women.

II. Legal Background: DPRK-PRC Relations

The political arrangement between the PRC and the Democratic People's Republic of Korea (DPRK) has cornered North Korean women into a precarious situation during and following defection. The Chinese government refuses to classify the defectors as legitimate refugees and instead discriminatorily labels them as "economic migrants" who are allegedly motivated to escape singularly due to famine and poverty in the DPRK. Additionally, "Beijing is honoring a bilateral agreement – the 1986 Mutual Cooperation Protocols for the National Security and Maintenance of Social Order in the Border Regions – with Pyongyang outlawing illegal border crossings to legalize the forced repatriation of North Korean refugees."² Without refugee status, the human rights of North Korean defectors in the PRC are easily violated, and defectors are unjustly excluded from policies and programs existing to protect individuals from exploitation and/or trafficking.

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](#), *The Diplomat*, 29 October 2021.

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, the PRC is obligated to refrain from repatriating North Korean defectors. More specifically, each of these treaties stipulate that states parties are prohibited from refouling refugees “to the frontiers of territories where his [or her] life or freedom would be threatened.” North Korean defectors who are forcibly repatriated to the DPRK are subjected to horrific punishments, and refouled women defectors face gender-specific atrocities and rights violations such as sexual assault, forced abortions, and forced miscarriages.

In January 2020, it was reported that Chinese authorities had gone to great lengths to crack down on defectors, including using their cell phone history to locate them; it was not further clarified, however, whether the information would be used to repatriate them to the DPRK.⁶ Later that same year, in September, it was reported that Chinese authorities had arrested a group of five defectors, including a 49-year-old woman, a 48-year-old man, a 14-year-old girl, a pregnant woman, and another woman of an unreported age. The detention sparked concern that the group would be forcibly repatriated to the DPRK. It is also noteworthy that defectors who are identified and accosted by authorities for the purpose of repatriation often languish in Chinese detention centers for weeks and months on end. In August 2021, UN officials had sent a letter to the Chinese government requesting information on the detention and health statuses of no fewer than 1,170 North Korean defectors who had been revealed to be arrested. The government’s response the following month in September simply reiterated its stance that the principle of non-refoulement of refugees does not apply to North Korean defectors who are considered “illegal migrants”.⁷ In June 2022 it was observed that a Public Security Border Defense Corps (PSBDC) facility in Jilin province had been constructing new perimeter fences and additional buildings; these developments could indicate continuous violations of non-refoulement in future years.⁸

Nearly two years later in November 2021 Chinese authorities escalated their surveillance practices against North Korean defector women by ambushing their Chinese husbands’ homes and subsequently inspecting defectors’ cell phones and downloading data. Sources in Jilin and Heilongjiang provinces detailed that the purpose of these raids is to crack down on any “ideological problems”. The fact that these incursions are carried out by provincial authorities - rather than city or county officials - indicates that they are undertaken according to instructions from the upper echelons of the Chinese government.

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

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

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

⁶ Tae-jun Kang, China Tightens Grips on North Korean Defectors, *The Diplomat*, 13 Jan 2020.

⁷ Jeong Eun Lee, UN asks China not to send 7 North Korean refugees back home, *Radio Free Asia*, 15 Mar 2022.

⁸ Hanna Song, Testimony of Hanna Song Director of International Cooperation, Database Center for North Korean Human Rights (NKDB) before the Congressional Executive Commission on China (CECC) on “North Korean Refugees and the Imminent Danger of Forced Repatriation from China”, 13 Jun 2023.

In one experience raised by legal analyst Ethan Hee-Seok Shin of the Transitional Justice Working Group (TJWG) in June 2023, an anonymous defector woman was briefly detained and subsequently released by Chinese authorities “because they decided that their job was bringing criminals to justice, not arresting and deporting innocent women whose only crime was fleeing North Korea”. Shin also explained the following about “residence permits” that have recently been issued to defectors in certain Chinese municipalities:

“While these documents allow the holders to move, for instance by bus, within the locality, they are primarily a means of control for the local Public Security authorities that enables a systematic monitoring of the North Korean women. These permits are not a pathway to full-fledged Chinese citizenship, do not provide access to medical or other basic services[,] and certainly do not allow traveling beyond the localities let alone resettling in a third country like South Korea.”⁹

Many defector women, due to the persistent threat of repatriation to the DPRK and increasing implausibility of becoming a legally recognized refugee in the PRC, have courageously ventured to resettle in third countries. Interestingly, in some cases this decision is made reluctantly. One North Korean woman who had resided in the PRC since her escape from the DPRK in 1998, had successfully concealed her identity as a defector for more than twenty years, and had established a happy life and long-term career in a large metropolitan city, reached a difficult conclusion in 2020 that it would be safer for her to relocate to a third country lest her identity be disclosed to Chinese authorities who are increasingly eager to repatriate defectors.¹⁰

III. Legal Background: Women’s Rights in the PRC

It is important to note that an overarching culture of gender disparities and insufficient legal protections for women in the PRC present further obstacles to defector women who resettle there. The foundational national ‘gender equality’ legislation is the 1992 Law of the People’s Republic of China on the Protection of Rights and Interests of Women which offers only the most rudimentary rights and freedoms to women, including the right to education, political office, and employment on a non-discriminatory basis.¹¹ On the other hand, one robust legislation addressing gender issues is the 2015 Anti-Domestic Violence Law which explicitly criminalizes infliction of physical or psychological harm upon an individual; it additionally outlines protections to victims and survivors.¹²

Despite legal efforts to catalyze gender equality, there still exist observable inadequacies. In late 2021, the #MeToo sexual assault accountability movement reached the PRC when renowned tennis player Peng Shuai publicly accused former Vice Premier Zhang Gaoli of coercive sexual

⁹ Ethan Hee-Seok Shin, Congressional-Executive Commission on China: Hearing on North Korean Refugees and the Imminent Danger of Forced Repatriation from China, 13 Jun 2023.

¹⁰ Korea Institute for National Unification [South Korea], White Paper on Human Rights in North Korea 2022, Apr 2023.

¹¹ [China] Law of the People’s Republic of China on the Protection of Rights and Interests of Women, 3 Apr 1992. [Revised 2005; 2022].

¹² [China] Anti-Domestic Violence Law of the People’s Republic of China (Order No. 37 of the President of the PRC), 27 Dec 2015.

activity. After having disappeared from the public eye for weeks, Peng returned for a newspaper interview in which she claimed she was not sexually assaulted and that Chinese society “misunderstood” her remarks. It is still widely speculated that Peng had been forced to backtrack on her accusations as such is par for the course for the government’s reaction to “comments that erode the standing of the Communist Party”.¹³ Other similar cases include that of television host Zhou Xiaoxuan who sued her colleague, famous presenter Zhu Jun, for sexual harassment, and whose case was discarded by a court in 2020¹⁴; and an anonymous female employee at ecommerce company Alibaba who reported a male coworker for sexual assault perpetrated while on a business trip.¹⁵

The PRC has additionally failed to reduce gender gap in the workforce; throughout the past thirty years, the gender employment gap in the PRC has widened, with the proportion of employed and employment-seeking women dropping from 79% in 1990 to 68% in 2019.¹⁶ Reasons for this drastic decline include sexual harassment in the workplace, perpetuation of traditional gender roles, and the disproportionately wide gender wage gap. A June 2022 analysis of 10.3 million resumes from Chinese job recruitment websites in 2015 recorded that the gender wage gap is approximately 29%, with the average annual salary of women (66,503 Chinese yuan ¥) falling nearly ¥ 30,000 less than their male counterparts’ (¥ 92,918).¹⁷

IV. Human Trafficking and Exploitation During and After Defection

It is a continuous and concerning trend that North Korean women and girls are trafficked into the PRC 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. 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 agriculture, domestic service, and factories.¹⁸

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 the PRC 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. These defector women and girls are trapped between the Chinese government – which wants to arrest and repatriate them – and the North Korean government – which wants to imprison and torture them. In response to an OHCHR survey of 636 defector women who had

¹³ Raymond Zhong & Chris Buckley, Why the International Concern Over Peng Shuai?, *The New York Times*, 20 Dec 2021.

¹⁴ Karina Tsui, Chinese court rejects appeal in landmark sexual harassment case, *The Washington Post*, 10 August 2022.

¹⁵ The Guardian, China’s Alibaba accused of firing female employee who alleged colleague sexually assaulted, 12 Dec 2021.

¹⁶ Yen Nee Lee, Women in China are losing out in the workforce – that’s bad news for the economy, *CNBC*, 22 Jun 2020.

¹⁷ Wei Bai, Yan-Li Lee, Jingyi Liao, Mei Xie, & Tao Zhou, The Gender Pay Gap in China: Insights from a Discrimination Perspective, *Cornell University*, 19 Jun 2022.

¹⁸ United States Department of State, 2023 Trafficking in Persons Report: North Korea, Jun 2023.

reached a safe third country between 2018 and 2019, 7% reported being sold more than three times, 45% sold twice, and 41% sold once.¹⁹ Research and advocacy organizations estimate that 70% to 80% of North Korean women who make it to the PRC are trafficked, for between ¥ 6,000 and ¥ 30,000, depending on their age and beauty.²⁰

The majority of North Korean girls and women sold into the prostitution industry are ‘employed’ at establishments that outwardly disguise themselves as entertainment or hospitality businesses – hotels, karaoke bars, cafes, bathhouses, barber shops, restaurants – but which are in reality 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 a higher likelihood of contracting sexually transmitted infections. Korea Future Initiative surveyed 45 North Korean women who had been trafficked into the PRC; respondents highlighted occurrences of: groping (38 incidents); penetrative vaginal rape (32 incidents); forced masturbation (17 incidents); penetrative anal rape (12 incidents); gang rape (6 incidents); and oral rape (4 incidents). More than 67% of respondents were additionally subjected to non-sexual physical violence, having been beaten, punched, slapped, and even pierced with needles.²¹

The PRC also has a high demand for marriageable women due to the gender imbalance resulting from its previous One Child Policy. Presently, there are roughly 30 million more men than women.²² North Korean defectors often fill the gap by being forcibly married off to Chinese men. 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 perform domestic labor on a daily basis.²³ Reprehensibly, the children of North Korean women and their Chinese husbands are used as collateral to discourage defector women to escape to other third countries. The reality, however, is that many of these mothers do flee to other countries in the hopes of ending their forced marriages and finding 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 the PRC, where they are unable to access education, health care, jobs, and other necessities as a result of their stateless statuses. While some women are able to bring their children to them and reunite after years of raising money, such a miracle is unfortunately and exceedingly rare. In May 2023, it was reported that multiple defector women had unsuccessfully attempted to escape to the ROK but were accosted by Chinese authorities and returned to their homes where they feel “mental[ly] anguish[ed]” and “suffocated” from being monitored by their Chinese husbands and families by marriage, and being denied allowances as they may use them to attempt fleeing again.²⁴ One woman stated:

“I twice tried to run off... and was arrested by police both times, and I was freed after this person [her Chinese partner] paid the fine. However, now he won’t let

¹⁹ Yoon Hee-soon, Sex Slaves: The Prostitution, Cybersex & Forced Marriage of North Korean Women & Girls in China, *Korea Future Initiative*, 2019.

²⁰ Isabel G. Skomro, North Korean Escapees Discuss Human Rights at HKS Event, 21 Apr 2021.

²¹ *Supra* note 19.

²² *Supra* note 19.

²³ 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 Jan 2021.

²⁴ Lee Chae Eun, Defectors in China who fail to reach S. Korea complain of mental anguish, *Daily NK*, 19 May 2023.

me make phone calls and follows me everywhere to watch me, claiming I'm alive because of him. This is the worst hell possible. My parents and siblings left to be happier and live better, so nowadays, I don't know what I live for. It's getting harder and harder... and the future is gloomy as I don't know how long I'll have to live here like this".²⁵

V. Poverty

The vast majority of North Korean – and foreign – women that are sold into forced marriage once they enter the PRC are transported to rural regions such as the nation's three northeastern-most provinces. The men to whom North Korean defector women are sold, as already briefly discussed, are often impoverished due to their living in a rural area with fewer job opportunities or due to mental/physical disabilities that render them unable to work.²⁶ On the other end of the spectrum are the women and girls who are engaged in forced prostitution who, after substantial payments to their procurers and landlords, earn somewhere between ¥ 3,000 and ¥ 4,000 monthly. While this income is substantially lower than the average monthly income in the PRC (¥ 30,000), they are forced to remain in the prostitution industry because they generally lack the skills to participate in a modernized employment sector, and because they are financially dependent upon and contractually tied to their proprietors.²⁷

The Chinese government fails to take sufficient action to penalize companies and factories operating within the country that employ North Korean defectors²⁸ who are forced to work upwards of ten hours daily and whose only opportunity for rest are spent in on-site shipping containers fashioned into employee residences, where they are routinely monitored and have their personal property inspected by security authorities to ensure that they are not equipped with mobile phones which would provide them with information on the outside world.²⁹

VI. Poor Mental, Physical Health and Insufficient Care

Unsurprisingly, a vast portion of North Korean defectors in the PRC suffer from some confluence of mental illnesses and disorders resulting from the trauma they suffered during defection and after defection. In 2019, a survey of 20 defector women residing in Liaoning Province revealed that “most [defector] women in China are suffering from symptoms of depression and anxiety”, and claimed that some causes of such difficulties include fear of repatriation and difficulties adapting to Chinese society and learning a new language.³⁰

²⁵ Ibid.

²⁶ Committee for Human Rights in North Korea, Lives for Sale: Personal Accounts of Women Fleeing North Korea to China, 2009. ; Ana Belén Martínez García, Denouncing Human Trafficking in China: North Korean Women's Memoirs as Evidence, *State Crime*, 2019.

²⁷ Ibid.

²⁸ Seulkee Jang, N. Korean laborers in China suffer hardships despite easing of lockdowns, *Daily NK*, 11 Jul 2022.

²⁹ Ministry of Unification Center for North Korean Human Rights Records [South Korea], 2023 Report on North Korean Human Rights, Jul 2023.

³⁰ Kim Jeong Yoon, Report by Chinese authorities details 'mental anxiety' suffered by defectors, *Daily NK*, 14 Sept 2020.

There have been multiple reports on the poor health of North Korean women working in Chinese factories, the majority of whom suffer from malnutrition and poor health largely and are unable to access medical care largely due to their lack of financial resources and their status as non-citizens. In December 2020, it was reported that North Korean factory workers in the Jilin Province of the PRC 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.³¹

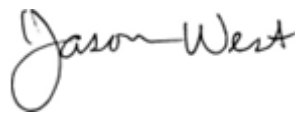
VII. Conclusion

North Korean women and girls who defect from the DPRK and flee to neighboring PRC 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 PRC 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. The PRC must cease the practice of sending these defectors – survivors in their own right already – back to the DPRK, and must also ensure that all necessary measures are taken to tackle the trafficking complex that preys on this vulnerable population. We urge the PRC to stop the refoolment 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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³¹ Seulkee Jang, [North Korean workers in China battle fatigue, tuberculosis](#), *Daily NK*, 17 Dec 2020.