

Congressional-Executive Commission on China

Hearing

on

North Korean Refugees and the Imminent Danger of Forced Repatriation From China

Tuesday, June 13, 2023 – 10:00 a.m.

2360 Rayburn House Office Building & Virtual via Cisco Webex

Statement of Senator Jeff Merkley

Cochair

Congressional-Executive Commission on China

- Thank you very much, Chairman Smith. This Commission tries to do its part to shine a light on the plight of North Korean refugees in China, with this year marking the 20th year that we have dedicated a chapter of our Annual Report to this topic. Yet we last held a hearing on this 11 years ago, so this hearing is way overdue and thank you for arranging it. In many ways, not much has changed. In fact, the announcement for the Commission's first public event on North Korean refugees, way back in 2004, included many of the same characterizations we'll hear about today: desperate individuals fleeing North Korean government persecution and severe food shortages; Chinese authorities' willful refusal to assess any of these individuals as refugees; stonewalling UN Refugee Agency efforts to help those in need.
- Precisely because so little has changed is why we can't avert our eyes. Human rights abusers play a waiting game, waiting for the world to grow weary, outrage to dissipate, and people to move on. But those who are suffering, they cannot move on. The North Korean and Chinese governments are playing the same cynical game, and we can't let them off the hook.
- As we'll hear about today, the Chinese government has obligations under Chinese law, under international law, and under basic humanitarian decency to provide individualized determination of the refugee status of asylum seekers. Instead, China's approach flouts the principle that anyone has the right to seek asylum, treating all North Korean escapees as illegal immigrants. If anything, this is backward, and all North Koreans who escape to China should be understood to be at risk. The 2014 UN Commission on Inquiry on human rights in North Korea was clear: the forcible repatriation of thousands of North Koreans subjects them to crimes against humanity. Just being a North Korean in China means an individual would be in grave peril if sent back to North Korea. The UN Commission on Inquiry was equally clear about that: China's approach violates the international principle of non-refoulement, which is supposed to guarantee that nobody will be repatriated to a country where they would face torture; cruel, inhuman or degrading punishment; and other irreparable harm. Irreparable harm is what awaits the vulnerable North Koreans that Chinese authorities plan to send back to the gulag.
- As much as has not changed on this topic over the last two decades, we're also holding this hearing because of what has changed. COVID-19 changed much in our world, and the

landscape of North Korean defection is no different. Border closures and tougher travel restrictions on both sides of North Korea's border with China made defection more difficult and more expensive. Now, the potential easing of North Korea's border closures raises the specter that China will again start forcibly repatriating North Koreans. The other thing that has changed is the same thing we observe in so many other contexts: China's Orwellian surveillance state supercharges its ability to keep an eye on the people it seeks to control, including, sadly, North Korean refugees. Vulnerable people facing either repatriation or hiding now face a much more difficult task in remaining hidden or in receiving help without catching the attention of authorities who wish them ill.

- This all leaves a bleak situation for North Korean refugees in China, but those of us fighting for human rights should not shy away from the challenge and instead must redouble our efforts. I look forward to our witnesses' counsel on what we can do, and just on a personal note, I traveled to South Korea and to the border in China with North Korea where the three highways exist a few years ago. In South Korea I met with refugees, some of whom had swum across the border, some of whom had crossed the land border to China, some who had come through the Demilitarized Zone. One young woman who I'll never forget had escaped only to be returned as a teenager with her father. He faced horrific punishment. She faced less harsh punishment but still a very difficult course. He encouraged her to escape again but knowing what would happen to his family but she actually did succeed, and I think about that father trying to get his daughter to freedom knowing the torture that he would be facing. We're going to be hearing from you all as experts and I'm so glad you've come to share your knowledges, your experiences. Thank you.