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Congressional-Executive Commission on China

Hearing on the forced repatriation of North Korean refugees from China

Written Statement provided by Joanna Hosaniak, Deputy Director General

Honorable Chairs and Members of the Congressional-Executive Commission on China,

Citizens' Alliance for North Korean Human Rights would like to thank the Commission for the opportunity to submit this written statement. In consideration of the issue of forced repatriation of North Korean refugees from China, it is important to consider the often-overlooked economic and trade relations of China with Democratic People's Republic of Korea (DPRK/North Korea) and how policies of refoulement of refugees by China benefit Chinese companies and both states.

The Chinese government's classification of North Korean refugees as illegal economic migrants, and their deportation to DPRK to face extreme punishment, prevents North Koreans (a majority women and girls) from accessing necessary resources, such as administrative or legal procedures, to legalize their status in China under domestic or international law. They are vulnerable to deportation back to North Korea, even in cases where they are victims of trafficking or qualify as refugees. Those who are deported face a range of harsh punishments, including lengthy prison terms, torture, and forced labor in detention.

It is often argued that China is pursuing such policies to maintain political ties with North Korea, and to prevent destabilizing the regime. However, looking from the economic perspective, the continued repatriation of North Korean refugees from China provides an unimpeded supply of free forced labor for the North Korea's detentions, which often produce products for China-based companies at significantly lower cost. This is extremely concerning as it suggests that Chinese businesses are profiting from the abuse of North Korean refugees. As such, the Citizens' Alliance for North Korean Human Rights would like to request the Commission to look into this intricate supply chain and business connections between China and North Korea and how they affect abuses faced by the North Korean refugees.

1. Crimes against humanity in North Korean supply chain and connection to the refugee issue

The Citizens' Alliance's years-long ongoing investigation into the role of the North Korean regime's top structures in export linked to large-scale human rights abuses (Report: "Blood Coal Export from North Korea") has revealed that the DPRK sustains its economic system through a coercive quota system, which requires civilians to submit quotas of goods for the export of minerals, agricultural and livestock products, metal, construction materials, etc. This pyramid of extortion is enforced through each Ministry and Party organ and is imposed on every citizen throughout society.

The quotas of goods are also fulfilled using forced labor and slavery in detentions. In particular, detained populations produce the top commodities for export, which are often the target of the most restrictive international sanctions, such as coal and minerals. Our investigative findings indicate that production in detentions is based on intergenerational discrimination based on the *songbun* system, which determines which citizens will replenish the slave labor force in the infamous prison system. North Koreans deported from China, most of whom are women, are held in detention facilities that sustain themselves and provide revenue for the regime through forcing

labor upon detainees. The lower the *songbun*, the more vulnerable a deported North Korean is to harsher work and life conditions in detention.

The hunting system for prisoners and slave labor is enforced by the Ministry of State Security (MSS/secret police) which, together with the Ministry of People's Safety (MPS/police) and Korea People's Army (KPA), sits under the current Leader in the State Affairs Commission - the top organ of the State. The law enforcement ministries have numerous subsidiaries that are corporations trading in the production obtained through slavery labor in detentions. These companies have their intermediaries operating in China to supply their produce to China-based businesses.

The MSS is the primary investigative authority dealing with persons deported from China who have crossed the border with the aim to find work or seek asylum in third countries, or as victims of trafficking.

Former MSS Officers and prosecutors from North Korea reported during Citizens' Alliance's investigation that the seriousness of crimes is evaluated based on the discriminatory *songbun* classification, using biased information unverified by an independent court. Furthermore, these insiders reported that women repatriated from China should consider themselves "lucky" for being released from pre-trial detention to police custody where they faced trial and subsequent detention in *kyohwaso* prison (long-term correctional prison with forced labor) operated by MPS or police. This is because it is for the MSS, not any independent decision-maker or court, that decides at the pre-trial secret investigation stage which women will remain in MSS custody to risk being sent to MSS political prison camps from which a release is unlikely, and which women will be handed over to MPS custody to face trial and sentence in MPS operated detentions.

Women interviewed after 2012 also reported an increase in the punishment for border crossing, to a five-year sentence in *kyohwaso* prisons on average for illegal border crossing. This reflects reported legislative amendments to North Korean criminal law, and should be viewed and further analyzed through the lenses of the

quota system of production in detentions which forms a vicious cycle of hunting for free forced labor. Women have always been, and continue to be, the primary victims of this cycle. In this way, the MSS is providing constant supply of slave labor force.

2. Production “Made in China” in North Korean detentions

Similarly to political prison camps operated mostly by MSS, the *kyohwaso* prisons operated by MPS are also major sites of production (mining, lumbering, farming, production of goods). Women repatriated from China who served sentences in those prisons have been reporting for more than a decade that some *kyohwaso* prisons have been operating large wards for women deported from China where women produced textiles, wigs, or fake eyelashes labelled “Made in China”.

In recent years the data provided from the General Administration of Customs in China disclosed increasing import in such beauty products from North Korea to China. According to NK Pro, Chinese import of wigs or eyelashes from North Korea jumped from 37 metric tons in December 2022 to 121 metric tons in April 2023 and constituted 71 percent of China’s overall trade with North Korea. According to a Radio Free Asia report from 2021, a 20-kilogram (44 pound) box of raw materials for wig manufacturing costs 7,000 yuan (about U.S. \$1,100), but the finished products made from those materials can earn a profit of more than 30,000 yuan (about \$4,600). While some of these products have been stockpiled due to closed borders with China during the pandemic, this type of produce constitutes substantial earning for the North Korean regime (valued at \$22.6 mln in April) and Chinese companies.

Reports indicate at least 1,000 prisoners in Chinese prisons awaiting deportation to North Korea because of the closed border. Given high production in North Korean detentions for Chinese companies, the reopening of borders will cause a surge in deportations from China that will only exacerbate grave human rights violations and labor exploitation used for the benefit of Chinese companies.

3. Conclusion

This statement provides a general overview of the worrying situation of forced repatriation of North Korean refugees from China to North Korea, which is accompanied by their subsequent production in detentions in North Korea. These detentions are used to supply produce for Chinese companies, leading to a cycle of exploitation and human rights abuses.

It is clear that further action must be taken in order to combat this issue, including pressuring Chinese officials into ceasing all forms of forced repatriation and enforcing stricter regulations regarding businesses engaging in unethical practices within their borders. Ultimately, it is the responsibility of the importer to ensure that their products have not been produced using forced labor.

For this reason, the U.S Customs and Border Protection has issued a notice of enforcement guidance for companies importing goods from North Korea and China. Currently, cosmetic and beauty products such as wigs or eyelashes that are produced also in North Korean detentions are not listed on the sanctions lists. But even if they are included in the future, it is not preventing Chinese companies from maintaining business relations with North Korean companies and benefiting from the trade. Due to the lack of transparency on the Chinese side, US authorities should adopt in the North Korean case a similar approach to its position on Chinese production in Xinjiang.

There is a high probability that portion of products originating from North Korea but produced for Chinese companies have been made in prisons detaining repatriated North Korean refugees from China using forced labor and other human rights violations, in some cases amounting to crimes against humanity. All products sold by Chinese companies, especially those registered in Jilin Province bordering North Korea, can therefore be assumed to have used forced labor unless due diligence can prove otherwise. Such products should be restricted from international export, given that free unrestricted export enables supply extracted from detained North Koreans through Chinese companies.

Accordingly, Congress needs to consider expanding the existing sanctions regime to require exporters of products reported as originating from China's border regions with North Korea to demonstrate that they did not entail prison labor or slave labor from North Korea. By creating such a presumption and shifting the burden of proof from the US authorities to the Chinese exporters, the latter would have a strong incentive to root out prison labor or slave labor from their supply chain.

Our organization also calls upon the United States to raise issues and make recommendations concerning China's policy of forcible deportations for North Korean refugees and the exploitation of North Korea's prison labor at China's fourth Universal Periodic Review (UPR) which is scheduled to take place in January or February 2024. It would be helpful to also call for China to disclose the number of North Koreans arrested and forcibly repatriated or waiting in detention to be repatriated each year.

It is also necessary for the governments to consider updating and strengthening the UN's accountability work for North Korea's crimes against humanity, including China's responsibility, taking into consideration the accountability mechanisms for Syria and Myanmar created by the UN in 2016 and 2018 respectively to prepare case files for future judicial process.

Third countries like Mongolia, Vietnam and Laos where many North Korean escapees in China are heading to in search of freedom must also be compelled to respect the principle of non-refoulement and give them a free passage to South Korea or other countries where they want to resettle.

Your consideration of these matters and solutions is very much appreciated.

Sincerely yours,

Joanna Hosaniak