

Written Statement for the Congressional Executive Commission on China

Greg Scarlatoiu, *Executive Director*

U.S. Committee for Human Rights in North Korea (HRNK)

June 8, 2023

The witness wishes to thank the Congressional Executive Commission on China for the invitation to submit this written testimony. The witness wishes to thank and credit HRNK's team for the thorough, tireless, and effective work invested into this report, especially Ingyu Choe, Raymond Ha, Rick Hessevoort, Doohyun Kim, Elizabeth J. Kim, Kaylee Kim, Daniel McDowall, and Isabella Packowski. The witness also wishes to thank the North Korean escapees and human rights leaders who answered the questionnaire designed in support of this report, including Ji Seong-ho, Jung Gwang-il, Kang Cheol-hwan, Lee So-yeon, Lee Hyun-seung, Ko Young-hwan, Kim Ji-eun, Phillip Lee, Kim Sung-eun, and many others who chose to remain anonymous.

The Issue

North Koreans who manage to escape Kim Jong-un's oppressive, totalitarian regime often first flee to China, where they have no protected legal status or opportunity to seek asylum. As a result, North Koreans seldom find safety in China and are highly vulnerable, living under the constant threat of deportation to North Korea. North Korean escapees face serious hardships and challenges in China. They are victims of human rights violations committed by the Chinese Communist Party (CCP) and by Chinese individuals. The status of North Koreans in China has decidedly worsened under COVID. HRNK is currently assessing how the human security and human rights of North Koreans have been affected by restrictions imposed under the pretext of COVID prevention, including that of North Koreans who are trapped in China.

Living Conditions

Living conditions for North Koreans in China are appalling. In addition to these harsh conditions, North Koreans are vulnerable to physical, emotional, and sexual exploitation.¹ For the most part, North Korean refugees hide in isolated refuges, which may come in the form of hidden rooms in cities like Yanji or isolated rural settlements in the mountains. These shelters are often of very low quality, lacking proper sanitation and running water. The only facility available is the *kang*, a "raised platform heated by underfloor pipes upon which the Korean household sleeps, eats, and spends any leisure time."² The situation is so poor that one individual, in a letter to the UN, stated that "we North Korean refugees in China [...] live worse than dogs in a mountain hut."³

This lifestyle is very turbulent and insecure. Scholars like Andrei Lankov have described it as a "hybrid of shuttle trading, smuggling, and fugitive status," as these people live under the constant fear of being caught by either the Chinese or North Korean authorities.⁴ Their condition is "akin

¹ Hazel Smith, "North Koreans in China: Defining the Problems and Offering Some Solutions," *Research Paper for the Center for East Asian Studies* (2005): 124.

² *Ibid.*, 125.

³ *Ibid.*

⁴ Andrei Lankov, "North Korean Refugees in Northeast China," *Asian Survey* 44, no. 6 (2004): 871.

to indentured servitude,” given the extreme dependence of North Korean refugees on their employers for all aspects of life.⁵

Finding work is paramount to their survival. North Korean refugees may find work in remote mountainous farming areas. They may provide other forms of casual or unskilled labor, such as becoming waiters, dishwashers, construction workers, or maids.⁶ The remuneration which refugees receive for their work is abysmal. As a result of the North Koreans’ “illegal” status in China, their wages are far below that of the locals. There are structural barriers to filing complaints about working conditions due to the absence of legal protections.⁷

North Korean Women in China

Women represent the majority of North Koreans who escape to China. North Koreans flee into China for different reasons, many desperate to escape the oppression under the Kim regime and seeking economic survival. North Korean women and girls are often lured to China by human traffickers under the premise of finding work. As a result, many are sold as “brides” to rural Chinese men or forced into prostitution or online sex work. Based on HRNK’s interviews with escapees, many are subject to exploitation and abuse. Because China considers North Korean refugees to be “illegal economic migrants,” these women and girls are even more vulnerable to abuse. They can be turned over to the authorities, arrested, and refouled despite a credible fear of persecution by the North Korean authorities. Those who are repatriated are subject to torture and inhumane treatment at detention facilities in North Korea. North Korean women suspected of having become pregnant with Chinese men even suffer forced abortions and infanticide.

Women and girls face abject conditions in China’s “Red Zone,” a region in China in which authorities hunt refugees to send back to North Korea. Although the numbers are still disputed, it is estimated that up to 500,000 female North Koreans, some as young as 12, hide in this region. They are subjected to systematic rape, sexual slavery, forced marriage, unwanted pregnancy, forced labor, and cybersex trafficking. This mistreatment has become normalized within the region. Additionally, the COVID pandemic and associated lockdown measures have made movement much more difficult for these individuals. As many as 80% of female North Korean refugees fall into the hands of human traffickers and are sold into the sex trade, which is estimated to generate more than \$105 million a year for Chinese and North Korean organized crime networks.⁸

North Korean Children in China

Children are another vulnerable group of North Koreans living in China. This includes children who have traveled with their families, children of “mixed” marriages, and orphans. More recently, there has been a growing prevalence of stateless children in China, born outside of North Korea but not in possession of Chinese citizenship. Life for these children is extremely arduous. For the most part, they remain indoors to avoid detection. Because very few of these North Korean

⁵ Joel Charny, “North Koreans in China: A Human Rights Analysis,” *International Journal of Korean Unification Studies* 13, no. 2 (2004): 83; Smith, 125.

⁶ Smith, 125; Lankov, 862.

⁷ Smith, 125.

⁸ Julian Ryall, “North Korean girls exploited in China's 'Red Zone',” *Deutsche Welle*, March 27, 2023. <https://www.dw.com/en/north-korean-girls-exploited-in-chinas-red-zone-report/a-65137209>.

children speak Chinese, this increases the risk of detection and creates barriers to accessing education.⁹ Some live in shelters provided by humanitarian organizations or churches and receive basic schooling.¹⁰ Not all children are so fortunate, and only a handful have access to even this very basic form of education.

A significant number of children are orphans and cross the border in groups. These are almost always boys aged between 12 and 18. Groups are generally made of up of 10 to 15 people, but can sometimes be as large as 30.¹¹ These children are known as *kkotjebi* (“fluttering swallows”) and could often be seen wandering the streets in cities like Yanji during the famine of the 1990s.¹² The area in which these orphan groups can be found is enormous. While most live in the northeastern region of China, some go as far as Beijing or to the provinces further south. Some even go to Vietnam, Cambodia, Myanmar, and Thailand.¹³ Having initially crossed the border, these groups may work for loggers in exchange for shelter and meet up with other North Korean children once they reach a city. Frequently, they beg from South Korean tourists, though this is particularly risky because they become easy targets to spot as a result of their ragged clothing.¹⁴ Additionally, the general health of these orphans sets them apart. Chung Byung-ho discusses how “many of them have visible signs of malnutrition in their faces and bodies, and most are very short for their age. Many are also afflicted with various skin diseases.”¹⁵ In extreme cases, a 16-year-old boy may be just 132 centimeters tall, or an 18-year-old may speak with a voice that has not broken yet. In terms of housing, these orphans will live in secret shelters.¹⁶

As a result of the severe famine of the 1990s in North Korea, a new group of young people has emerged—stateless children. Having been born outside of North Korea, they do not have legal status there. They cannot legally reside in China, and they are not eligible for Chinese citizenship. Additionally, as marriages between North Koreans and Chinese citizens are illegal, these refugees are similarly not afforded Chinese citizenship, and therefore are denied basic rights such as health, education, or welfare.¹⁷

Recent Developments and China's International Legal Obligations

With the gradual loosening of border restrictions and easing pandemic prevention measures, North Korean escapees are at great risk of being forcibly repatriated to North Korea. According to UN Special Rapporteur Elizabeth Salmón, if repatriated, these escapees risk being sent to a *kwan-li-so*, where they will be subjected to a myriad of human rights abuses, including torture.¹⁸ As of October 2022, the UN estimated that there were as many as 2,000 North Koreans currently

⁹ Ibid.

¹⁰ Ibid., 126.

¹¹ Chung Byung-ho, “Living Dangerously in Two Worlds: The Risks and Tactics of North Korean Refugee Children in China,” *Korea Journal* 43, no. 3 (2003): 199.

¹² Ibid.; Smith, 125.

¹³ Chung, 194.

¹⁴ Ibid, 202.

¹⁵ Chung, 203.

¹⁶ Ibid., 205.

¹⁷ Smith, 126; Charny, 87.

¹⁸ Anthony Kuhn, “North Korean defectors in China face deportation as COVID border controls ease,” *NPR*, April 25, 2023. <https://www.npr.org/2023/04/25/1169464713/north-korea-defectors-deportation-china>.

detained by Chinese authorities as illegal migrants, at risk of being forcibly returned to North Korea.¹⁹

Pursuant to its international legal obligations under the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, China must recognize North Korean nationals fleeing persecution in their homeland as *refugees sur place*, precisely because they face a credible fear of persecution upon refoulement. Both China and North Korea are in violation of international law and basic human rights and should be held accountable. In the aftermath of the COVID pandemic, North Koreans in China are even more vulnerable. They remain in hiding without access to adequate healthcare, or they have been detained by Chinese police as they await North Korea's border reopening.

Special Rapporteur Salmón has called on China to not repatriate the North Korean escapees once border restrictions are lifted. However, in response to Special Rapporteur Salmón's comments at the UN Human Rights Council in March, China stated that “those North Koreans who have entered China illegally are not refugees,” and that China “attaches great importance to protecting the legal rights of foreign nationals in China, and to suppressing trafficking in women and children.” However, the escapees' legal status is irrelevant. Under international law, according to Special Rapporteur Salmón, if people are deported to face persecution, torture, or other serious human rights violations, then “these states are prohibited from transferring or removing individuals from their jurisdiction to a place where these awful things may happen.”²⁰ These concerns were most recently reiterated during the UN Committee on the Elimination of Discrimination Against Women (CEDAW)'s 85th session in Geneva in May. The committee raised concerns about the forced deportation of North Koreans in China and the (lack of) legal protection, particularly North Korean women and their children. Beijing reiterated its stance that North Korean women come to China for “economic reasons” and therefore do not qualify for legal protection. According to Chinese authorities, North Koreans engaging in illegal activities will be “sent back to their country.”²¹

Estimates of the North Korean Population in China

Due to COVID-related restrictions in both North Korea and China, it has become even more difficult than before to assess the approximate number of North Koreans in China. The sources contacted for this report provided a wide range of estimates regarding the North Korean refugee population in China, ranging from as few as 5,000 to as many as 250,000. This reflects the difficulty of obtaining accurate estimates due to the refugees' precarious status in China. Ms. Kim Ji-eun, a Seoul-based reporter for *Radio Free Asia*, derived an estimate of 100,000 to 200,000 based on her experience with WeChat groups (*quan*) formed by North Korean refugees in China to exchange information. Each group typically has between 300 to 600 members, and she estimates that there are dozens, if not hundreds, of such chat groups.

¹⁹ UN Office of the High Commissioner for Human Rights, “Report of the UN Special Rapporteur on the situation of human rights in the DPRK to the General Assembly, 2022.” <https://seoul.ohchr.org/en/node/495>.

²⁰ Kuhn, “North Korea defectors in China face deportation.”

²¹ Ifang Bremer, “UN committee questions China about forced deportation of North Korean women,” *NK News*, May 16, 2023. <https://www.nknews.org/2023/05/un-committee-questions-china-about-forced-deportation-of-north-korean-women/>.

There are also a variety of estimates regarding the number of officially dispatched North Korean workers in China. Nevertheless, multiple sources report that most of these workers are in the three northeastern provinces of Jilin, Liaoning, and Heilongjiang.

According to ROK National Assemblyman Ji Seong-ho of the People Power Party, the ROK government estimated that there were 50,000 North Korean workers in China prior to the onset of the COVID pandemic. While this number has likely fallen due to restrictions on overseas workers placed by UN Security Council resolutions 2375 and 2397, he added that most of these workers have likely remained in China after the expiration of their visa.

Ms. Kim Ji-eun estimated that there are between 120,000 and 150,000 North Korean workers in China who have not been able to return due to COVID-related border restrictions. According to a source in Dandong, around one year into the COVID pandemic, the DPRK consulate in Dandong gathered the passports of all North Korean workers dispatched to the region to extend their visas. During this process, it was revealed that there were 100,000 North Korean workers in Dandong. Ms. Kim added that there are also industrial parks in Yanji, Changchun, and nearby areas that host between 5,000 and 6,000 North Korean workers. The highest estimate came from an individual involved in rescuing North Korean refugees, who put the number of officially dispatched North Korean workers in China at 500,000.

There was a narrower range of estimates regarding the number of North Koreans who are currently held in detention by Chinese authorities, ranging from around 100 to 3,000. Assemblyman Ji Seong-ho reported that there are at least 1,300 in detention, mostly in the three northeastern provinces. Pastor Kim Sung-eun of the Caleb Mission gave a similar estimate of 1,200 North Korean escapees who were arrested during the COVID pandemic and are currently being held in detention facilities operated by China's border security forces, located along the Sino-North Korean border. A former North Korean overseas worker stated that the Chinese police appears to have been carrying out more frequent arrests of North Korean refugees recently.

Some information is also available about the number of North Korean escapees being held at specific facilities. Mr. Kang Chol-hwan of the North Korea Strategy Center noted that there are at least 500 held in detention facilities across China, including those in Beijing, Dandong, and Shenyang. This includes officially dispatched workers and North Korean officials who were caught while trying to escape. Mr. Kang specifically noted that 280 are held at a police detention facility in Shanghai. Mr. Jung Gwang-il of No Chain stated that 300 are held at the border holding facility in Tumen, and another 300 at a jail in Yanji. According to escapee testimony received last month by Ms. Lee So-yeon of the New Korea Women's Union, 400 North Korean refugees are being detained at a border police station in Jilin Province, awaiting repatriation to North Korea.

Ms. Kim Ji-eun, who estimated that there are between 500 and 1,000 North Koreans in detention in China, stated that these individuals would likely be repatriated to North Korea once border restrictions are lifted. A representative of an organization involved in rescuing North Korean refugees put the number of detainees at 3,000, but also reported that these individuals are awaiting repatriation. A former North Korean overseas worker noted that when these refugees are repatriated, North Korea's Ministry of State Security officers are likely to impose harsher

punishments than before and extort the detainees more severely, as no refugees have been repatriated in the past 2 to 3 years due to COVID.

New Trends and Developments

The sources contacted for this report provided noteworthy information about recent developments in the situation of dispatched North Korean workers and North Korean refugees in China.

Assemblyman Ji Seong-ho, based on testimony from North Korean escapees who have recently arrived in South Korea, noted that North Korea appears to be sending workers overseas under the guise of sending students or military personnel. He noted that this practice merits further investigation.

Ms. Kim Ji-eun also stated that the North Korean and Chinese authorities have made secret arrangements to send North Korean workers across the border. These workers, mostly women between 19 and 30 years old, are selected from the border areas and quietly taken across the border at night by bus. They do not have passports, and they do not go through customs when crossing the border.

Pastor Kim Sung-eun stated that last year, he saw a large industrial park being built at the North Korea-China Free Trade Zone in Tumen, Jilin Province. Some North Korean workers had already arrived at this site. Others at the site said that more workers were expected to be sent there from North Korea. The Chinese government has a perception that North Korean workers are meticulous, skilled workers who are cheaper to employ than Chinese workers.

Mr. Jung Gwang-il drew attention to the dire situation of North Korean workers in China who could not return home due to COVID-related restrictions. These workers, mostly young women who worked at sewing factories, were out of work once their initial contract expired. The economic slowdown in China due to COVID only added to their troubles. These workers were “sold” by local brokers to carry out various kinds of short-term work, and some of these North Korean women resorted to working at local restaurants. Many suffer from malnutrition, with some resorting to collecting and boiling vegetables that were thrown away at local markets. Mr. Jung added that some of these women have reportedly committed suicide, as they could not send enough money back home to repay the bribe they gave to be sent overseas.

Ms. Kim Ji-eun added that if North Korean workers fall ill while in China, they pay out of pocket for medical treatment. Official representatives of North Korean companies sometimes provide an interpreter if someone must go to the hospital, but they do not provide additional assistance. If a North Korean worker is seriously ill and admitted to a hospital, Chinese doctors and nurses are forbidden from speaking directly to such patients. In these instances, the North Korean worker is essentially left to die.

Lastly, Mr. Jung Gwang-il reported that some local authorities are allowing female North Korean refugees to remain in China. Specifically, in rural areas of Heilongjiang Province, North Korean women who have married Chinese men and have given birth to two or more children are issued temporary identification papers by local officials. These children are also officially registered in

the *hukou* system. This practice reportedly stems from the recognition that the father will face difficulties in raising the children alone if the North Korean mother is forcibly repatriated.

Consequences of Repatriation

There was broad agreement among multiple sources regarding the consequences of forcible repatriation for North Korean refugees. Refugees who are judged to have crossed the border for economic reasons are sentenced to time at a mobile labor brigade (*ro-dong-dan-ryeon-dae*) or a long-term prison-labor facility (*kyo-hwa-so*). In these instances, detainees can use bribes or rely on connections to reduce their sentence. Assemblyman Ji Seong-ho noted that the minimum sentence is 6 months at a *kyo-hwa-so*, and Ms. Kim Ji-eun noted that the sentence can range from 5 to 15 years at a *kyo-hwa-so*. Ms. Kim added that 90% of all forcibly repatriated North Korean refugees eventually die after their return, since conditions at the *kyo-hwa-so* are extremely harsh. An escapee who left North Korea in 2019 reported that the punishment for repatriated refugees depends on how long the refugee has stayed in China. Another North Korean escapee who spent almost 20 years in China added that the punishment is more severe for those who have spent more time in China. This witness further noted, however, that it is possible for North Korean refugees to use bribes and connections to be released from detention from local and municipal authorities while in China.

North Korean refugees who attempted to escape to South Korea or encountered Christianity during their escape attempt are punished severely. These individuals are sentenced to death or sent to political prison camps (*kwan-li-so*). Mr. Kang Chol-hwan noted that since 2014, all North Korean refugees who have been forcibly repatriated are sent to *kwan-li-so*.

North Korean workers who were officially dispatched overseas are subject to investigation upon return. Assemblyman Ji Seong-ho noted that officially dispatched workers who encountered South Koreans, Americans, or other Westerners or watched unauthorized content (e.g., YouTube) while overseas are investigated by the Ministry of State Security or the Overseas Workers' Bureau. Any workers who are found to have engaged in such conduct are immediately returned to North Korea. He added that the punishment depends on the seriousness of the violation, and that such individuals are unlikely to be sent overseas again. Mr. Ko Young-hwan, a policy advisor to the ROK Ministry of National Defense, stated that workers who have encountered a South Korean citizen (or missionary) while overseas are sentenced to 1 to 5 years at a *kyo-hwa-so*.

Ms. Kim Ji-eun provided a similar account. Korean Workers' Party (KWP) authorities or security agencies (Ministry of Social Safety, Ministry of State Security) conduct a preliminary investigation of workers who have returned to North Korea. Workers must confess and declare any infractions they committed during their time overseas. If they are discovered trying to hide such violations, they are subject to further investigation by security agencies, where they may be detained during interrogation. They may be able to avoid punishment by paying a bribe, but this bribe may be so large that they must pay almost all the money they earned and retained while overseas.

Multiple sources confirmed that officially dispatched workers who are caught while trying to escape while overseas are treated no differently from North Korean refugees who are caught in China during escape attempts. After being forcibly repatriated, they are given, at minimum, a life

sentence and may be sentenced to death. Mr. Phillip Lee of Unification Hope Mission noted that 10% to 20% of North Korean escapees were originally officially dispatched workers.

If an officially dispatched worker escapes while overseas, there are consequences for the worker's family members back home in North Korea. This applies not only to officially dispatched workers, but also to other North Korean refugees who have escaped. Assemblyman Ji Seong-ho stated that due to an increase in the number of escapees over the years, it is now difficult for the North Korean authorities to punish the remaining family members of all escapees. Nevertheless, these family members are subject to close surveillance by the Ministry of State Security, and they are forbidden from holding key official positions in North Korea. A North Korean escapee who arrived in South Korea in 2020 stated that remaining family members would be under "severe surveillance." Mr. Phillip Lee also noted that remaining family members will not be able to join the KWP or attend college.

Other sources also reported that remaining family members are typically banished to remote areas of North Korea. Ms. Kim Ji-eun noted that this is to make it difficult for the escapee to establish contact with remaining family members. She added that the remaining family members will be completely ostracized by others in North Korea.

Policy Recommendations

Further research and documentation are needed to clarify the number, status, and humanitarian situation of North Korean refugees and officially dispatched workers currently trapped in China.

China must be persuaded to cease and desist its policy of refouling North Korean refugees, under the pretext that they are "illegal economic migrants." This is a direct and blatant violation of China's obligations under the 1951 UN Refugee Convention and the 1967 Additional Protocol.

Both the U.S. government and U.S. civil society must urgently seek ways to reach out to the North Koreans trapped in China and educate them on the path to seeking asylum in the United States.

North Korean refugee protection and rescue must become a pillar of U.S. North Korea human rights policy, in accordance with the letter and the spirit of the U.S. North Korean Human Rights Act.

In order to provide the resources necessary for North Korean refugee protection and rescue, the North Korean Human Rights Act, which expired in September 2022, must be reauthorized.