

NORTH KOREAN REFUGEES IN CHINA

Introduction

During the Commission's 2018 reporting year, the Chinese government's policy of detaining North Korean refugees and repatriating them to the Democratic People's Republic of Korea (DPRK) remained in place, despite substantial evidence that repatriated persons face torture, imprisonment, forced labor, execution, and other inhuman treatment.¹ The Chinese government regards North Korean refugees in China as illegal economic migrants² and maintains a policy of forcible repatriation based on a 1998 border protocol with the DPRK.³ China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.⁴ China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."⁵

Repatriation of Refugees and Border Conditions

This past year, heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face, and may be limiting the outflow of refugees from the DPRK. South Korean Ministry of Unification data indicated that 1,127 North Korean refugees reached South Korea in 2017, continuing a trend of significant decline since 2009 when the yearly number of refugees entering South Korea peaked at 2,914.⁶ The North Korean government's imprisonment and torture of repatriated North Koreans render North Koreans in China refugees *sur place* who fear persecution upon return to their country of origin, regardless of their reason for leaving the DPRK.⁷ The Chinese government, however, has refused to recognize them as such, insisting that the refugees are illegal economic migrants.⁸ According to South Korea-based news media Daily NK, after North Korean leader Kim Jong-un's March 2018 visit to China, Chinese authorities increased the monetary reward for reporting North Korean refugees hiding inside China.⁹ As a result, Chinese authorities reportedly caught and detained many North Korean refugees.¹⁰

Throughout the 2018 reporting year, Chinese authorities reportedly detained, and in some cases, repatriated North Korean refugees to the DPRK:

- **September 2017.** Chinese authorities reportedly detained a group of eight North Korean refugees near the China-Laos border.¹¹
- **November 2017.** Chinese authorities reportedly detained a group of 10 North Korean refugees—which included a young boy, his mother, and a nuclear scientist—in Shenyang municipality, Liaoning province.¹² Authorities later repatriated the group to the DPRK, after which the nuclear scientist reportedly committed suicide in detention.¹³ According to an April 2018 Telegraph report, in a rare event, North Korean authorities released the mother and the boy, possibly as a result of an

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“improvement in inter-Korean relations” and “pressure from the international community.”¹⁴

- **March 2018.** Prior to North Korean leader Kim Jong-un’s visit to China in late March, Chinese authorities reportedly detained seven North Korean refugees in the following two locations: a railway station in Shenyang and an unknown location in Kunming municipality, Yunnan province, near the China-Laos border.¹⁵ Chinese authorities reportedly detained an additional 30 North Korean refugees during and after Kim’s visit to China.¹⁶ The South Korean government reportedly considered stepping up efforts to prevent repatriation of North Korean refugees in China following the detention of the 30 refugees.¹⁷ According to reports, Chinese authorities released the 30 refugees due to international pressure.¹⁸

- **July to August 2018.** Chinese authorities reportedly detained a married North Korean couple at an unknown location in early July, after which the wife committed suicide in detention.¹⁹ Chinese authorities repatriated the husband and the wife’s body to the DPRK in August.²⁰

Crackdown on Foreign Missionaries

During this reporting year, Chinese authorities appeared to have intensified crackdowns on organizations and individuals, particularly South Korean Christian missionaries and churches, that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.

- **December 2017 to January 2018.** According to international media reports, Chinese authorities deported 32 South Korean missionaries who had been based in Yanji city, Yanbian Korean Autonomous Prefecture (KAP), Jilin province.²¹ Some of the missionaries reportedly had been assisting North Korean refugees.²²

- **February 2018.** According to international media reports, the South Korean Ministry of Foreign Affairs confirmed that Chinese authorities had detained several South Korean missionaries in Yanbian KAP, including a missionary surnamed Kim who was detained for violating immigration law.²³ Chinese authorities also reportedly detained four Christian missionaries in Yanji, including two Chinese citizens and a Korean American.²⁴

Furthermore, according to South Korean and international media reports, Chinese authorities in the three northeastern provinces of Heilongjiang, Jilin, and Liaoning have expelled hundreds of South Korean missionaries since late 2016.²⁵ The expulsion of South Korean missionaries reportedly has resulted in the closure of many South Korean-run churches in the region.²⁶ Approximately 1,000 South Korean missionaries reportedly had been working in China, mostly in the northeast region.²⁷ Many of these missionaries have assisted North Korean refugees in fleeing to South Korea and other countries.²⁸ Sources also indicate that the expulsion of South Korean missionaries may be connected to Chinese authorities’ crackdown on “illicit religious activities.”²⁹

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Trafficking of North Korean Women

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The demand for North Korean women has been linked to a sex ratio imbalance in China exacerbated by the Chinese government's population planning policies.³⁰ Sources indicate that the majority of North Korean refugees leaving the DPRK are women,³¹ many of whom are trafficked by force or deception from the DPRK into or within China for the purposes of forced marriage and commercial sexual exploitation.³² The Chinese government's refusal to recognize these women as refugees denies them legal protection and may encourage the trafficking of North Korean women and girls within China.³³ China is obligated under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to take measures to safeguard trafficking victims and suppress all forms of trafficking of women.³⁴ [For more information on the sex ratio imbalance and the trafficking of women in China, see Section II—Population Control and Section II—Human Trafficking.]

Children of North Korean and Chinese Parents

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to the children's lack of legal resident status in China. According to some estimates, the population of children born in China to North Korean women ranges between 20,000 and 30,000.³⁵ The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.³⁶ Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality.³⁷ Without proof of resident status, these children are unable to access education and other public services.³⁸ The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child.³⁹

Notes to Section II—North Korean Refugees in China

¹ See, e.g., “Fear of Forced Repatriation Rising Among Defectors in China,” *Daily NK*, 12 October 17; “North Korean Defector Speaks Out After China Repatriates Family,” *Voice of America*, 16 January 18; UN Committee against Torture, *Concluding Observations on the Fifth Periodic Report of China*, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 46. In November 2015, in its *Concluding Observations on the Fifth Periodic Report of China*, the UN Committee against Torture noted that “over 100 testimonies received by United Nations sources . . . in which nationals of the Democratic People’s Republic of Korea indicate that persons forcibly repatriated to the Democratic People’s Republic of Korea have been systematically subjected to torture and ill-treatment.”

² Human Rights Watch, “Human Rights in North Korea,” 5 June 18; “North Korean Defector Speaks Out After China Repatriates Family,” *Voice of America*, 16 January 18; “Experts Urge Pressure China To Stop Repatriating Defectors,” *Daily NK*, 15 November 17.

³ Democratic People’s Republic of Korea Ministry of State Security and People’s Republic of China Ministry of Public Security, *Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas*, signed 8 July 98, effective 28 August 98, arts. 4, 9. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases of “calamity or unavoidable factors.”

⁴ Convention Relating to the Status of Refugees, adopted on 28 July 51 by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429(V) of 14 December 50, entry into force 22 April 54, arts. 1(A)(2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . .” Article 33 of the 1951 Convention mandates that, “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” United Nations Treaty Collection, Chapter V, *Refugees and Stateless Persons, Convention Relating to the Status of Refugees*, last visited 16 April 18. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees (1967 Protocol), adopted by UN General Assembly resolution 2198 (XXI) of 16 December 66, entry into force 4 October 67; United Nations Treaty Collection, Chapter V, *Refugees and Stateless Persons, Protocol Relating to the Status of Refugees*, last visited 16 April 18. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982. See also Human Rights Watch, “Human Rights in North Korea,” 5 June 18; Evan Jones, “North Koreans Can’t Escape Human Rights Abuses, Even When They Flee,” *Huffington Post*, 25 January 18.

⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 3. Article 3 states that, “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” United Nations Treaty Collection, Chapter IV, *Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, last visited 16 April 18. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. UN Committee against Torture, *Concluding Observations on the Fifth Periodic Report of China*, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 46. In February 2016, in its *Concluding Observations on the Fifth Periodic Report of China’s compliance with the Convention*, the UN Committee against Torture stated its concerns about China’s lack of “national asylum legislation and administrative procedures” for determining refugee status, as well as China’s “rigorous policy of forcibly repatriating all nationals of the [DPRK] on the ground that they have illegally crossed the border solely for economic reasons.” See also Evan Jones, “North Koreans Can’t Escape Human Rights Abuses, Even When They Flee,” *Huffington Post*, 25 January 18.

⁶ Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” last visited 10 July 18; “No. of Defections by North Koreans Falls 21 Pct in 2017: Data,” *Yonhap News Agency*, 5 January 18; “North Korean Defector Numbers Slump as Controls Tighten,” *Agence France-Presse*, reprinted in *South China Morning Post*, 5 January 18.

⁷ UN High Commissioner for Refugees, *Refugee Protection and International Migration*, 17 January 07, paras. 20–21; Human Rights Watch, “Human Rights in North Korea,” 5 June 18; Ariana King, “North Korean Defector Describes Horrors Following Chinese Repatriation,” *Nikkei Asian Review*, 12 December 17.

⁸ Human Rights Watch, “Human Rights in North Korea,” 5 June 18; “North Korean Defector Speaks Out After China Repatriates Family,” *Voice of America*, 16 January 18; “Antonio Guterres To Be Next UN Secretary-General,” *Dong-a Ilbo*, 7 October 16.

⁹ “Chinese Authorities Raise Reward Money for North Korean Defectors,” *Daily NK*, 24 April 18.

¹⁰ *Ibid.*

¹¹ “North Korean Authorities Resort to All Tactics To Catch Defectors,” *Daily NK*, 27 October 17.

¹² Sofia Lotto Persio, “North Korean Defector Numbers Fall to Lowest Level Since Kim Jong Un Took Power,” *Newsweek*, 5 January 18; “North Korean Nuclear Scientist Commits Suicide on Forced Return From China,” *Radio Free Asia*, 28 December 17; Taehoon Lee and Joshua Berlinger, “Defector’s Family Returned to North Korea After Being Caught in China,” *CNN*, 29 November 17.

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¹³Sofia Lotto Persio, “North Korean Defector Numbers Fall to Lowest Level Since Kim Jong Un Took Power,” *Newsweek*, 5 January 18; “North Korean Nuclear Scientist Commits Suicide on Forced Return From China,” *Radio Free Asia*, 28 December 17.

¹⁴Nicola Smith, “North Korea Releases Young Mother Caught Trying To Defect, in Unusual Move Amid Diplomatic Thaw,” *Telegraph*, 9 April 18.

¹⁵Kim Myong-song, “7 N. Korean Defectors Arrested in China,” *Chosun Ilbo*, 30 March 18.

¹⁶“Yielding to International Pressure, China Releases 30 North Korean Defectors” [Qufu yu guoji yali zhongguo shifang 30 ming tuobeizhe], *Liberty Times Net*, 17 April 18; Daguym Ji, “Seoul May Send Staff to China-DPRK Border To Prevent Defector Repatriations: MOU,” *NK News*, 6 April 18.

¹⁷Daguym Ji, “Seoul May Send Staff to China-DPRK Border To Prevent Defector Repatriations: MOU,” *NK News*, 6 April 18.

¹⁸“Bowling to International Pressure? China’s Rare Release of 30 North Korean Defectors” [Xiang guoji yali ditou? zhongguo hanjian fu shifang 30 ming tuobeizhe], *Apple Daily*, 17 April 18; Lee Kil-seong, “China Frees 30 N. Korean Defectors,” *Chosun Ilbo*, 18 April 18; “Yielding to International Pressure, China Releases 30 North Korean Defectors” [Qufu yu guoji yali zhongguo shifang 30 ming tuobeizhe], *Liberty Times Net*, 17 April 18.

¹⁹Kim Yoo Jin, “Defectors Choose Suicide Over Arrest and Repatriation,” *Daily NK*, 16 August 18.

²⁰*Ibid.*

²¹Chen Jianyu, “To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries” [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; “Many South Korean Christian Missionaries Detained in China and Expelled” [Duo ming nanhan de jidujiao chuanjiaoshi zai zhongguo bei daibu he quzhu], *AsiaNews*, 2 November 17.

²²“Many South Korean Christian Missionaries Detained in China and Expelled” [Duo ming nanhan de jidujiao chuanjiaoshi zai zhongguo bei daibu he quzhu], *AsiaNews*, 2 November 17.

²³*Ibid.*; Chen Jianyu, “To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries” [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17.

²⁴“Many South Korean Christian Missionaries Detained in China and Expelled” [Duo ming nanhan de jidujiao chuanjiaoshi zai zhongguo bei daibu he quzhu], *AsiaNews*, 2 November 17; Chen Jianyu, “To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries” [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17.

²⁵“China Expells Hundreds of South Korean Christians,” *BosNewsLife*, 10 December 17; Zhuang Ruimeng, “Missionaries Expelled by China for Assisting North Korean Defectors” [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, “China Deports Christians for Supporting North Korea Defectors,” *Express*, 31 October 17.

²⁶“China Expells Hundreds of South Korean Christians,” *BosNewsLife*, 10 December 17; Zhuang Ruimeng, “Missionaries Expelled by China for Assisting North Korean Defectors” [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, “China Deports Christians for Supporting North Korea Defectors,” *Express*, 31 October 17.

²⁷Chen Jianyu, “To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries” [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; Zhuang Ruimeng, “Missionaries Expelled by China for Assisting North Korean Defectors” [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, “China Deports Christians for Supporting North Korea Defectors,” *Express*, 31 October 17.

²⁸Chen Jianyu, “To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries” [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; Zhuang Ruimeng, “Missionaries Expelled by China for Assisting North Korean Defectors” [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Jon Rogers, “China Deports Christians for Supporting North Korea Defectors,” *Express*, 31 October 17.

²⁹Zhuang Ruimeng, “Missionaries Expelled by China for Assisting North Korean Defectors” [Xiezhu tuobeizhe xuanjiaoshi zao zhongguo quzhu], *Awakening News Networks*, 9 November 17; Chen Jianyu, “To Counter THAAD, Mainland China Expelled 32 South Korean Missionaries” [Fanzhi sade lu quzhu 32 ming nanhan chuanjiaoshi], *China Times*, 12 February 17; “China Expells [sic] Hundreds of South Korean Christians,” *BosNewsLife*, 10 December 17.

³⁰See, e.g., Steven W. Mosher, “North Korea Exports Women to China,” *Fox News*, 12 December 17; Matthew Little, “Many North Korean Women Face Forced Marriage in China, or Rape in North Korean Prisons,” *Epoch Times*, 14 December 17; Thomas Maresca, “Why the Overwhelming Majority of North Korean Defectors Are Women,” *USA Today*, 10 December 17.

³¹Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” last visited 10 July 18. South Korean Ministry of Unification data show that as of July 2018, 83 percent of North Korean refugees (1,127) who entered South Korea in 2017 were females; and 72 percent of all North Korean refugees (31,827) who entered South Korea since 1998 were females. See also Erik Ortiz, “Two Decades After Being Sold, North Korean Woman Finds Salvation in Seoul,” *NBC News*, 23 February 18; Faras Ghani, “‘Father of Defectors’ on Life After North Korea,” *Al Jazeera*, 21 February 18.

³²Kim Kwang-tae, “Journey to Freedom by N. Korean Victims of Human Trafficking,” *Yonhap News Agency*, 22 December 17; Steven W. Mosher, “North Korea Exports Women to China,” *Fox News*, 12 December 17; Matthew Little, “Many North Korean Women Face Forced Marriage in China, or Rape in North Korean Prisons,” *Epoch Times*, 14 December 17.

³³Kim Kwang-tae, “Journey to Freedom by N. Korean Victims of Human Trafficking,” *Yonhap News Agency*, 22 December 17; Matthew Little, “Many North Korean Women Face Forced Marriage in China, or Rape in North Korean Prisons,” *Epoch Times*, 14 December 17; Casey

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Lartigue, Jr., “North Korean Defectors’ Take on ‘#MeToo’ Campaign,” *Korea Times*, 14 February 18.

³⁴ Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 6; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Elimination of All Forms of Discrimination against Women, last visited 10 July 18. China signed the Convention on July 17, 1980, and ratified it on November 4, 1980. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, arts. 6–9; United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol To Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, last visited 10 July 18. China acceded to the Protocol on February 8, 2010.

³⁵ Kim Kwang-tae, “Journey to Freedom by N. Korean Victims of Human Trafficking,” *Yonhap News Agency*, 22 December 17; Rachel Judah, “On Kim Jong-un’s Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition,” *Independent*, 7 January 18.

³⁶ PRC Nationality Law [Zhonghua renmin gongheguo guoji fa], passed and effective 10 September 80, art. 4. Article 4 of the PRC Nationality Law provides that, “Any person born in China whose parents are both Chinese nationals and one of whose parents is a Chinese national shall have Chinese nationality.”

³⁷ Kim Kwang-tae, “Journey to Freedom by N. Korean Victims of Human Trafficking,” *Yonhap News Agency*, 22 December 17; Rachel Judah, “On Kim Jong-un’s Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition,” *Independent*, 7 January 18.

³⁸ Kim Kwang-tae, “Journey to Freedom by N. Korean Victims of Human Trafficking,” *Yonhap News Agency*, 22 December 17; Rachel Judah, “On Kim Jong-un’s Birthday, Remember the 30,000 Stateless Children He Has Deprived of Recognition,” *Independent*, 7 January 18.

³⁹ Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination on the basis of nationality. See also Evan Jones, “North Koreans Can’t Escape Human Rights Abuses, Even When They Flee,” *Huffington Post*, 25 January 18.