North Korean Refugees in China

Introduction

During the Commission’s 2017 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, execution, and other inhuman treatment. The Chinese government regards North Koreans who enter China without proper documentation as illegal economic migrants and maintains a policy of forcible repatriation based on a 1998 border protocol with the DPRK. China’s repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees and the Convention’s 1967 Protocol, to which China has acceded. 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 “grounds for believing that [they] would be in danger of being subject to torture.”

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 reportedly showed that 1,414 refugees reached South Korea in 2016, continuing the trend of a significant decline in the number of refugees entering South Korea since 2009. International news media reported cases in which Chinese authorities detained North Korean refugees, causing concerns that authorities planned to repatriate them.

- **November 2016.** Chinese authorities reportedly detained over 30 North Korean refugees in Shenyang municipality, Liaoning province, while they were in transit to Southeast Asia. South Korean media reported that authorities later transferred the refugees to Dandong municipality, Liaoning—near the North Korean border—possibly in preparation for repatriation.

- **March 2017.** Chinese authorities reportedly detained in total about 20 North Korean refugees in the following four locations: Hubei province; Shenyang, Liaoning; Tianjin municipality; and an unknown location near the China-Laos border.

- **June 2017.** According to Human Rights Watch, Chinese authorities detained five North Korean refugees near Yanji city, Yanbian Korean Autonomous Prefecture (KAP), Jilin province.

- **July 2017.** According to South Korean news media Chosun Ilbo, Chinese authorities detained in total 43 North Korean refugees in the following three locations: 27 in Yunnan province; 5 in the Guangxi Zhuang Autonomous Region; and 11 in Jilin. The five members of a North Korean refugee family detained in Yunnan, including a former senior North Korean Workers’ Party official, reportedly committed suicide after Chi-
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Chinese authorities transferred them to Shenyang, Liaoning, for deportation. Moreover, according to a Daily NK report, Chinese authorities repatriated 70 North Korean refugees who were held in Tumen city, Yanbian KAP, Jilin.

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. In July 2017, Tomás Ojea Quintana, UN Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, voiced his concern over the increase in the number of detentions and repatriations of North Koreans refugees caught in China, urging the Chinese government to abide by its obligations under the 1951 UN Convention Relating to the Status of Refugees and to give “special protection to DPRK citizens who transit through China’s territory.” In response, China’s Ministry of Foreign Affairs spokesperson Lu Kang stated that “North Koreans who illegally enter Chinese territory are not refugees,” and that “the Chinese government has properly addressed the issue . . . in accordance with domestic and international laws and humanitarian principles.”

Crackdown on Foreign Aid Workers

During this reporting year, Chinese authorities appeared to have intensified crackdowns on organizations and individuals—including foreign aid workers, Christian missionaries and churches, and non-governmental organizations—that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.

- December 2016. Chinese authorities reportedly deported more than 30 South Korean citizens, including Christian missionaries, who were based in Yanbian Korean Autonomous Prefecture (KAP), Jilin province. According to United Press International, some of these South Koreans “were known to have been involved in assisting North Korean defectors,” and a South Korean diplomatic source described the simultaneous deportation of this many South Korean citizens as “unprecedented.”

- January 2017. According to international media reports, Chinese authorities deported 32 South Korean missionaries, who were based in Yanji city, Yanbian KAP. Many of the missionaries reportedly provided assistance to North Korean refugees to escape to South Korea.

- February 2017. Chinese authorities reportedly detained four people, including a South Korean missionary and a Korean-American pastor, at a hotel in Yanji. According to international media reports, Chinese authorities also detained two South Korean pastors and their family members in Qingdao municipality, Shandong province, and Qinhuangdao municipality, Hebei province, respectively. Chinese authorities reportedly accused the pastors of “human smuggling,” for assisting North Korean refugees at risk of repatriation.
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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 trafficked North Korean women has been linked to a sex ratio imbalance in China exacerbated by the Chinese government’s population planning policies. Sources indicate that the majority of North Korean refugees—approximately 70 to 80 percent—leaving the DPRK are women, 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. The Chinese government’s refusal to recognize these women as refugees denies them legal protection and is thought to encourage the trafficking of North Korean women and girls within China. 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. [For more information on the sex ratio imbalance and 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. The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen. Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality. Without proof of resident status, these children are unable to access education and other public services. In some cases, bribery of local officials reportedly has allowed some children to obtain identification documents. 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.
Notes to Section II—North Korean Refugees in China

1. James Burt, “Actions Speak Louder Than Words,” Korea JoongAng Daily, 6 February 17; John Hemmings and Talia Jessener, “Don’t Forget the Treatment of North Korean Defectors,” The Diplomat, 14 February 17; 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. 48. In November 2015, in its Concluding Observations on the Fifth Periodic Report of China, the UN Committee against Torture noted “over 100 testimonies received by United Nations sources . . . in which nationals of the Democratic People’s Republic of Korea have been systematically subjected to torture and ill-treatment.”


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.”


12. Ibid.


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Refugees," 24 June 17; UN High Commissioner for Refugees, Refugee Protection and International Migration, 17 January 07, para. 20.


21 Ibid.

22 Ibid.


25 Ibid.


27 “Trafficked Into China With No Escape for 15 Years,” Unification Media Group, reprinted in Straits Times, 3 November 16.


33 Ibid.
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35 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 Christine Chung, Committee for Human Rights in North Korea, “North Korean Mothers Fight To Be Reunited With Stateless Children Left Behind in China,” HRNK Insider (blog), 4 November 16.