



PSCORE

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PSCORE Submission to the Committee on the Elimination of Discrimination against Women (CEDAW) on People's Republic of China (PRC) periodic report for the 85th Session

PSCORE (People for Successful COrean REunification) is a non-profit organization advocating for North Korean human rights internationally and domestically, ultimately working towards ensuring the successful, secure, and sustainable reunification of the Korean Peninsula through inter-lateral cooperation and well-structured policies. Since its founding in 2006, PSCORE has been an active and outspoken advocate for promoting human rights in the Democratic People's Republic of Korea (DPRK) through public exposure and other programs, such as mentoring, education, and investigating and reporting human rights violations. PSCORE is the only North Korean human rights-focused NGO in South Korea with consultative status to the UN Economic and Social Council, obtained in 2012.

1. The over-representation of North Korean women in the victims of human trafficking in the PRC

As a part of its interviews with North Korean defectors, PSCORE has gathered many information about the condition of North Korean Women's rights in China. A large number of human rights violations faced by women are linked to human trafficking and several actors are involved. The trafficking of North Korean escapees is very common, since they are vulnerable due to their status as illegal migrants in China. Trafficking can start from the DPRK, where people are deceived or abducted in order to make them cross the Chinese border. Then, they are sold in China, mostly for sexual or labor exploitation, or as wives, primarily for Chinese farmers. It happens mostly in Chinese provinces bordering the Korean-Chinese frontier, namely Jilin, Liaoning, and Heilongjiang.

The human trafficking taking place at the Chinese border is influenced by gendered norms making women more targeted for forced marriage, sexual exploitation, forced labor and domestic servitude. The large

majority of North Korean in China are women, it is estimated that they represent about 80 to 90% of the DPRK nationals in the PRC¹. The traffic can start from the DPRK since many North Koreans living in the northern border regions regularly cross the Tumen River. Traffickers seek out North Korean women at strategic points such as river crossings, train stations or markets and target those in vulnerable positions. Indeed, those who are struggling to make ends meet in the DPRK due to food shortages, lack of opportunities to earn an income, are the most likely to try to seek better opportunities in the PRC or third countries. According to the South Korean Ministry of Unification data, women escapees mostly have a low level of education (78.9% have a Primary school level or a Secondary school level)² and had low wages work positions in the DPRK (86.9% are workers or unemployed in the DPRK). Therefore, North Korean women, and more especially the most vulnerable ones, are the most targeted by Human trafficking in China.

2. Women's rights violation in the Human trafficking in women

The article 6 of the CEDAW declares that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women".³ Although the PRC stated in its response to the issues and questions of the CEDAW, specifically in response to paragraph 2 of the list, that "the provisions and spirit of CEDAW on prohibiting discrimination against women have been fully and effectively implemented and represented in the legal system of China",⁴ including the protection of freedom of marriage and the elimination of trafficking in women, the Chinese authorities have in no way contained this crisis affecting North Korean women. The North Korean trafficking victim SGS testified that she defected to China for the first time in 1998 and thought she would work there for a week, earn money, and return to her daughter afterwards.⁵ Due to her uncertain status, she could not find work. The North Korean Criminal Code criminalizes defection in Article 63 and individuals who eventually get repatriated are subjected to punishment in labor detention centers for up to more than five years up.⁶ The Chinese government does not recognize North Korean escapees as refugees or asylum seekers but as economic migrants and follows a strict repatriation policy⁷, which is the reason why many escapees live in fear that their origins might be discovered. By criminalizing victims of Human trafficking, the Chinese authorities are therefore participating in their precarious situation which makes it even more difficult for them to get out of traffic.

SGS testified: "*I decided to at least get married so I was sold to an ethnic Korean living in China through a broker and lived there for 5 years*".⁸ After five years she was repatriated to DPRK. The last time she

¹ T Bullock, 'North Korean Refugees Frequent Victims of Human Trafficking', *US Department of State*, 2005

² Republic of Korea, 'Policy on North Korean Defectors', *Ministry of Unification*, 2021.

³ United Nations General Assembly, 'Convention on the Elimination of All Forms of Discrimination Against Women', *UN General Assembly*, December 1979, Article 6.

⁴ Committee on the Elimination of Discrimination against Women, 'Replies of China to the list of issues and questions in relation to its ninth periodic report', *CEDAW C/CHN/RQ/9/*, March 2023, p. 3-4.

⁵ SGS, Interview by PSCORE, May 11, 2022.

⁶ Kim S., Lee K., Do K. and Hong, J., 'White Paper on Human Rights in North Korea 2019', *Korea Institute for National Unification*, 2019, p. 495.

⁷ Aldrich, R., 'An Examination of China's Treatment of North Korean Asylum Seekers', *North Korean Review*, 7(1), 2011, p. 36-48.

⁸ *Ibid.*

escaped with her daughter was in 2020 when the two got sold for 20,000 CNY each, which converts to approximately 2,900 USD.

If the article 16.1 (b) of the CEDAW Convention state that “The same right freely to choose a spouse and to enter into marriage only with their free and full consent”⁹ North Korean women trafficked for forced marriage in China is mostly due to the massive gender imbalance since China’s one-child policy and the shortage of women, especially in rural areas. Although some North Korean women testified that they agreed to marriage to a Chinese man in order to flee North Korea,¹⁰ those marriages were neither recognized by the North Korean nor the Chinese government because of the illegal status of the women in China as escapees without legal papers. Some women choose to marry a stranger as they face a lack of alternatives, but too often also force, fraud, or coercion is involved. Another victim testified:

*“I was sold unknowingly. I just thought I was going to work, so I went with him. It was a house in the countryside and many bad things happened to me. I couldn’t get away because I didn’t know the way. In the beginning, I didn’t have a cell phone and many guards were posted outside. I was just happy to live without being taken away because I knew what would happen to me if I got caught. As far as I’m concerned, I don’t think I will heal from the past. Even if those people were good to me.”*¹¹

- KBR

Numerous testimonies of North Korean women trafficked into forced marriage indicate that their husbands physically and sexually abuse them. Because these abuses happen in the household and due to the irregular status of the women, the victims find themselves unable to reach out or speak up and endure the abuses in fear of repatriation to the DPRK. As KJY¹², a defector who was a victim of human trafficking in China and sold as a wife explained about domestic abuse that “Even if rumors spread, over there the men are never blamed and only the women are frowned upon for ‘asking for it’. That’s why they knew they could get away with it because they knew I wouldn’t speak out so easily.”

3. Violation of the *non-refoulement* principle

China committed to several obligations under international law to protect North Korean escapees besides the CEDAW. One of them is the Convention Relating to the Status of Refugees that China ratified in 1982. Article 33 specifies the so-called principle of *non-refoulement* of refugees and those whose status is not yet determined.¹³ North Koreans would qualify under that term also, as they face political punishment upon repatriation. Six years later, China ratified the Convention against Torture and Other Cruel, Inhuman or

⁹ United Nations General Assembly, ‘Convention on the Elimination of All Forms of Discrimination against Women’, *UN General Assembly*, December 1979, Article 16.1 (b).

¹⁰ *Ibid.*

¹¹ KBR, Interview by PSCORE, August 20, 2020.

¹² KJY, interviewed by PSCORE, March 23, 2019.

¹³ United Nations Human Rights Office of High Commissioner, ‘Convention relating to the Status of Refugees’, *United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950*, July 1951, Article 33.

Degrading as well. In this agreement, the commitments made by the Chinese government are much broader and it also forbids extradition explicitly.

Even if the PRC has ratified the CEDAW that states in its introduction that “Noting that the Charter of the United Nations reaffirms faith in fundamental human rights”¹⁴, China still continues to deport back North Korean escapes, who are mostly women. However, it has been recognized by the UN¹⁵ that North Korean escapees face brutal Human Right violation if deported back to the DPRK. North Korean escapees are imprisoned in detention camps where torture, execution, sexual assault, degrading and inhuman treatment without a fair trial.¹⁶ This has been recognized by the international community¹⁷ and the PRC is also aware of this danger.

The Chinese government repeatedly breaks these obligations and enables the inhuman treatment of people fleeing from suffering. China does not actively offer refuge, let alone proper status examination procedures or trials.¹⁸ Several of our testimonies mention the repatriation to the DPRK experiences leading almost always to a radical worsening of their circumstances.¹⁹ Knowing that repatriation could happen at any moment in their lives, it exposes escapees to a constant fear of punishment, aware that they may lose everything they have, including their family. It, therefore, forces victims of Human Trafficking, mostly women, to stay in the traffic to avoid the Chinese authorities.

4. North Korean Mothers’ Rights in China

Article 12.1 of the CEDAW states “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning”²⁰. However, women sold in China are denied any access to health and reproductive care including access to contraceptives and abortion. More than that, this traffic is also a violation of article 16.1 (e) of the CEDAW stating that women have the “rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights”²¹. It is noted then that the PRC affirmed in its response to the questions of the Committee on the Elimination of Discrimination against Women, particularly in response to paragraph 18 of the list of issues and questions, its implementation of "family planning services [...] provided to all women of childbearing age at maternal

¹⁴ United Nations General Assembly, ‘Convention on the Elimination of All Forms of Discrimination against Women’, *UN General Assembly*, December 1979, p. 1-2.

¹⁵ Human Rights Council, ‘Report of the commission of inquiry on human rights in the Democratic People’s Republic of Korea’, Twenty-fifth session, February 2014.

¹⁶ PSCORE, ‘Human Rights in the DPRK: 10 years after the COI’, November 2022.

¹⁷ Human Rights Council, ‘Report of the commission of inquiry on human rights in the Democratic People’s Republic of Korea’, *Twenty-fifth session*, February 2014.

¹⁸ SGS, Interview by PSCORE May 11, 2022.

¹⁹ KEJ, Interview by PSCORE, April 8, 2019; SGS, Interview by PSCORE, May 11, 2022; CJH, Interview by PSCORE, May 12, 2022.

²⁰ United Nations General Assembly, ‘Convention on the Elimination of All Forms of Discrimination against Women’, *UN General Assembly*, December 1979, Article 12.1.

²¹ United Nations General Assembly, ‘Convention on the Elimination of All Forms of Discrimination against Women’, *UN General Assembly*, December 1979, Article 16.1 (e).

and child health centers to enable them to freely and responsibly decide on the number and spacing of their children".²² Despite this statement, the reality is that due to the sex and human trafficking where North Koreans are sold as wives, many of them become pregnant against their will and many children are born from a North Korean mother and a Chinese father following an unwanted marriage. And no help, either in terms of health or psychological support, is given to them.

*"While living in China there wasn't much good, I don't want to remember it/all the situations were incomprehensible. I had a child after 5 years. I gave birth to that child whether I wanted to or not."*²³

- LHE

Because mothers "have no status whatsoever"²⁴ according to the words of a defector, their children have no status either: they cannot be registered to the authorities because their mothers are illegals. This is a violation of article 9.2 "States Parties shall grant women equal rights with men with respect to the nationality of their children"²⁵. These children don't exist administratively and they are stateless, preventing them from accessing their basic rights, such as freedom of movement, or accessing education. If they were declared, they would be identified as North Koreans by the Chinese police and be deported to the DPRK. Therefore, the Chinese authorities, by deporting these children to the DPRK where they face human rights violations, are actively participating in the denial of North Korean women's rights.

Because of their legal status in China, North Korean women are denied the right guaranteed by article 16 (b) of the CEDAW Convention "The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children"²⁶. If rare cases of children being registered by the local police only under the name of the Chinese father can happen it's all at the discretion of the Chinese family, thus at an individual level of decision. Trafficked women are denied any legal link to their children and therefore only Chinese fathers can see the possibility of being recognized as fathers and accessing the rights related to this status. One woman defector shared her experience about the consequences of her repatriations and subsequently attempting to flee the country and being brought back four times. When she managed to get back to China again, her former husband had already remarried and forbade her to see their child.

*"My Han Chinese husband has already remarried. I thought that the only place left for me to go was South Korea. I stayed in China for about 20 days. The broker said it was hard to move. When I said I wanted to find my son and see him, my ex-husband said that "I'm not going to show him his mother because his relationship with the new step-mother is not good yet", so I came without seeing him."*²⁷

- SGS

²² Committee on the Elimination of Discrimination against Women (2023), 'Replies of China to the list of issues and questions in relation to its ninth periodic report', *CEDAW C/CHN/RQ/9*, p. 13.

²³ LHE, Interview by PSCORE, February 22, 2019.

²⁴ *Ibid.*

²⁵ United Nations General Assembly, 'Convention on the Elimination of All Forms of Discrimination against Women', *UN General Assembly*, December 1979, Article 9.2.

²⁶ United Nations General Assembly, 'Convention on the Elimination of All Forms of Discrimination against Women', *UN General Assembly*, December 1979, Article 16 (b).

²⁷ SGS, Interview by PSCORE, May 11, 2022.

This story illustrates how illegal repatriation from the Chinese authorities multiplies human rights violations and the suffering of many escaping North Koreans and the people close to them. Many Chinese families do not allow North Korean wives to get legal status and use this situation to control them.

Article 5 (b) insists that States Parties should "ensure that family education includes a proper understanding of maternity as a social function, [...] [and] understood that the interest of the children is the primordial consideration in all cases."²⁸

The PRC has affirmed in its response to the Issues and Questions of the Committee on the Elimination of Discrimination against Women, specifically in response to paragraph 2 of the list of issues and questions, its formal adherence to the principles of CEDAW, having implemented it in the country's legal system. This includes the objective "to protect women's freedom of marriage and [...], on issues such [...] as child custody"²⁹. However, the reality is that while North Korean mothers want to escape human trafficking, they often cannot evade their newborns, who are too young to make the dangerous journey to South Korea. So they have no choice but to leave them behind, with no guarantee of ever seeing them again. "*It was very hard to leave without the baby, but I had no choice. After six months, I left my child and ran away,*" testifies KBR, a defector³⁰.

To avoid abuse and potential trafficking of their children born to Chinese fathers, some North Korean women have chosen to defect with their children. Yet, they are more vulnerable to trafficking because they are more visible than when they travel alone.

Recommendations:

- PSCORE recommends to stop repatriating North Koreans to the DPRK and implement the 1951 Geneva Convention relating to the status of refugees by abiding by the core principle of *non-refoulement*. North Korean people must be granted the status of refugees and therefore be proactively protected by the Chinese State from being both deported to the DPRK and trafficked inside of China.
- PSCORE recommends that the PRC effectively track and condemn the criminal networks responsible for human trafficking, especially the criminal networks of the sex and marriage industries.
- PSCORE recommends that the PRC provide safe spaces and shelters for both North Korean women who gave birth in China and their children born in China.
- PSCORE recommends that the PRC provide access to health and reproductive care for North Korean women escapees.
- PSCORE recommends that North Korean escapees should not be repatriated by the PRC even after they decided not to give birth
- PSCORE recommends to give North Korean women the same rights as Chinese Women in deciding whether or not to give birth

²⁸ United Nations General Assembly, 'Convention on the Elimination of All Forms of Discrimination against Women', *UN General Assembly*, December 1979, Article 5 (b).

²⁹ Committee on the Elimination of Discrimination against Women, 'Replies of China to the list of issues and questions in relation to its ninth periodic report', *CEDAW C/CHN/RQ/9*, March 2023, p. 3-4.

³⁰ KBR, Interview by PSCORE, August 20, 2020.

- PSCORE recommends that the PRC register parental links from children of North Korean women born in China to their mothers so they cannot be separated from them against their will.
- PSCORE recommends to register the children born from North Korean mothers and Chinese fathers as Chinese citizens, so they can access education and the protection of the Chinese system as other Chinese children enjoy.