

PSCORE submission to the UN Special Rapporteur on Trafficking in persons and protection of refugees, stateless persons and internally displaced persons (IDPs)

*Informing the Special Rapporteur's report to be presented
to the Human Rights Council in June 2023*



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www.pscore.org

1. About PSCORE

1.1. Institution

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 North Korea 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.

1.2. Methodology

Our submission is built upon the experiences of victims affected by human trafficking. We believe that up-to-date information concerning the current situation of trafficking in persons in North Korea is fundamental for enforcing international pressure. We, therefore, conduct interviews with defectors and include their stories and insights in our contribution.

2. Context: COVID-19 and further international obligations

While it admittedly has always been difficult to gain comprehensive and factually correct insights into North Korea and the lives of its citizens, COVID-19 and the subsequent measures taken by the regime have had a considerable impact on data collection. The DPRK closing its border in February 2020 has only expedited the country's isolation and has resulted in a further decrease of defectors escaping the country on top of the already declining numbers throughout the last decade. With all UN organizations and agencies now absent from the country, reliable data on the situation within the country has become almost impossible to come by. That is why the topicality of all accounts within this submission is somewhat limited, although in most areas discussed it can be reasonably assumed that no significant improvement has taken place. On the contrary, due to closed borders and economic hardships along with a stricter crackdown on certain offenses such as the consumption of foreign media, the precarity of cross-border migration has only increased. For this reason, North Koreans seeking to leave their country are far more likely to turn to brokers and thus become victims of human trafficking, both from North Korea and within China as the main destination country. While their numbers have significantly decreased over the past three years, their vulnerability has increased considerably.¹ And in the context of a looming humanitarian crisis, once COVID-19 restrictions are lifted again, cross-border movement can be expected to increase again. Beyond that, closed borders, UN sanctions and stricter migration policies in other countries due to COVID-19 have not put a stop to the DPRK government's long-running practice of trafficking workers abroad to exploit their wages, just as people continue to be trafficked within the DPRK for labor.

¹ Nazanin Zadeh-Cummings, Sarah Son, Danielle Chubb, "Preparing for transitional justice in North Korea", *Australian Journal of International Affairs*, 2022, 76/2, pp. 121-129.

All in all, COVID-19 and its repercussions have poured gasoline on the fire of deep-rooted and perilous trafficking practices in the North Korean context, while significantly aggravating the data situation and hampering any meaningful intervention.

3. Current situation of human trafficking

As a part of its numerous interviews with North Korean defectors, PSCORE has gathered many testimonies providing information about the trafficking of North Koreans. Several actors are involved in human trafficking of North Koreans. We can distinguish two categories of trafficking according to the perpetrator. The most common one is the trafficking of North Korean defectors, who are vulnerable to human trafficking networks 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. Therefore, this traffic involves both criminal networks and the local population, often poor, who jump at the chance to make money. It happens mostly in Chinese provinces bordering the Korean-Chinese frontier, namely Jilin (where the Korean ethnic region of Yanbian is located), Liaoning, and Heilongjiang.

The second aspect of human trafficking undergone by the North Korean people is the one organized directly by the government of the DPRK. The Inter-Agency Coordination Group against Trafficking in Persons establishes the following definition:

“To recruit, transport, transfer, harbor or receive people for the purpose of exploitation. Victims may be exploited for [...] forced labor or services; slavery or practices similar to it; recruitment into armed forces or groups [...]. Traffickers victimize people by threatening or using force or other forms of coercion – such as abduction, fraud, deception, abuse of their power or their victim’s vulnerability, or by paying a person who has control over their intended victim.”²

Based on this definition, the DPRK is responsible for human trafficking of its own population. Indeed, the North Korean government uses its people to make money for the State, by exploiting their workforce without choice. First, the DPRK exploits North Koreans in prison labor camps, where they are deported if they have committed a crime in the country, or when they are repatriated back from China after they defected. The regime also exploits workers who are sent abroad as cheap manpower, while most, if not all, their earnings go to the DPRK State.

In the case of both of these forms of human trafficking, most of the victims are women. In China, a large majority of North Koreans (about 80 to 90%, even though it is difficult to have precise data) are women. Many of them were already mothers in the DPRK and defected with their children, or became mothers in China. Thus, many children also become victims of human trafficking in China. In the DPRK, a large part of prison laborers are women, as they represent the majority of the population repatriated from China, while overseas workers are mostly men. Women (and to a lesser extent children) will be the focus groups

² Inter-Agency Coordination Group against Trafficking in Persons, “What Is the Difference between Trafficking in Persons and Smuggling of Migrants?”, Issue Brief no. 1, *ICAT*, October 2016.

of this paper, as they are much more vulnerable to human trafficking, finding themselves more frequently in positions exposing them to human trafficking with less means to escape.

3.1. Human trafficking across the Chinese border and the resulting consequences

3.1.1. Human trafficking in women

The primary forms of trafficking in persons in the DPRK include gendered forms of trafficking, making women more vulnerable to trafficking for the purposes of forced marriage, sexual exploitation, forced labor, or domestic servitude. The trafficking serving those purposes appears particularly across the border from North Korea to China. Many North Koreans living in the northern border regions regularly cross the Tumen River in order to do business in China, send money to their families, or escape the government's egregious human rights violations. Traffickers seek out North Korean women at river crossings, train stations or markets. They target the vulnerable positions of those who are struggling to make ends meet in the DPRK due to food shortages, lack of opportunities to earn an income, and are therefore seeking better opportunities in the PRC or third countries.

Women are especially vulnerable to these forms of human trafficking for several reasons. According to the *Juche* ideology of self-sufficiency that still holds a strong influence over North Korean society, women traditionally serve the role of maintaining the household, providing food, and raising the children. In times of low crop yield due to climate change and changing working environments due to COVID, poverty for many families and households gets increasingly severe.

The trafficking victim Shim Gil-Soon 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 afterward.³ Due to her insecure status, she could not find work. The North Korean Criminal Code criminalizes defection in Art. 62 and individuals who eventually get repatriated are subjected to punishment in labor detention centers for up to more than five years up. The Chinese government does not recognize the refugees as asylum-seekers but as economic migrants and follows a strict repatriation policy, which is the reason why many defectors live in fear that their origins might be discovered.

Shim Gil-Soon 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*".⁴ After five years she got repatriated to North Korea. The last time she escaped with her daughter was in 2020 when the two got sold for 20,000 CNY each, which converts to approximately 2,900 USD.

One reason why human trafficking for the purpose of (forced) marriage is common practice in China is the massive gender imbalance since China's one-child policy and the shortage of women especially in rural areas. Although some women testified that they agreed to the marriage to a Chinese man, those marriages are 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. DPRK refugees

³ Shim Gil-Soon, Interview by Nam Bada, PSCORE, May 11, 2022.

⁴ *Ibid.*

and asylum-seekers living irregularly in the PRC are at high risk of being targeted by traffickers, who lure, drug, detain, or even kidnap some North Korean women upon their arrival. 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 there were lots of guards 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. Whilst living in China there wasn’t much good, I don’t want to remember it/all the situations were incomprehensible.”⁵

- Kim Bo-Ram

Numerous testimonies of North Korean women trafficked into forced marriage indicate that they are physically and sexually abused by their husbands. The fact that these abuses happen in the household and due to the irregular status of the women, the victims find themselves in a situation unable to reach out or speak up and endure the abuses in the fear of repatriation to the DPRK.

3.1.2. Stateless children

The consequence of the fact that many women are sold into sex traffic or mostly as wives for Chinese farmers is that many of them become pregnant. They often don’t want to have a child, especially in those conditions, but they have no choice, resulting in many children being born from a North Korean mother and a Chinese father following an unwanted marriage.

“Whilst 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.”⁶

- Lee Hee-Eun

Because mothers “*have no status whatsoever*”⁷ 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. Therefore, they don’t exist administratively and they are stateless. This situation prevents those children from fulfilling 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. There, they would end up working in prison camps, and would have high risks of dying out of mistreatment, especially as the DPRK considers mixed-raced children as the embodiment of the treason of their mothers, who shouldn’t have the right to live. However, sometimes, the family is good to those children, and the local police accept to register them only under the name of their Chinese father, so that they can live a rather normal life: but it’s all at the discretion of the Chinese family, thus at an individual level of decision, while children should be protected by the law in any circumstance.

⁵ Kim Bo-Ram, Interview by Nam Bada (PSCORE), August 20, 2020.

⁶ Lee Hee-Eun, Interview by Nam Bada (PSCORE), February 22, 2019.

⁷ *Ibid.*

Many North Korean mothers who gave birth from a Chinese father can't escape with their newborns because they are too young to make the dangerous journey to South Korea. Thus, they have no other choice but to leave them behind, in the hope that they can have a better life in China, or that they will be able to come back to bring them to South Korea after they succeeded in their own defection. "*It was very hard to leave without the baby but I had no choice. After 6 months I left my child and ran away*"⁸, testifies defector Kim Bo-Ram. In this situation, as they are stateless, the children are left completely in charge of the Chinese family, who can be good or bad to them. They can suffer from beating, undernourishment, or simply be abandoned, as they are an unproductive additional mouth to feed for the very poor family: then they become homeless and unprotected, and are extremely vulnerable to human trafficking by criminal networks, for working or being enrolled in the sex industry. They can also be forced into labor by the Chinese family, or be sold as wives for young girls.

To prevent mistreatment and potential trafficking of their children born to Chinese fathers, some North Korean women chose to defect with their children. However, they are more vulnerable to trafficking, as they are more visible than when they travel alone. If they are caught, their children face an extremely high risk of being trafficked, whether by criminal networks in China, or by the DPRK when they are sent to North Korea, because they are often separated from their mothers and left alone, without any protection.

3.2. Violation of the *non-refoulement* principle

China committed to several obligations under international law to protect North Korean defectors. 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 determined⁹. 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 Degrading as well. In this agreement, the commitments made by the Chinese government are much broader and it also forbids extradition explicitly. In addition, they are bound by a list of several other international laws (Convention on the Elimination of All Forms of Racial Discrimination, - Elimination of All Forms of Discrimination against Women, - Rights of the Child, and the 1966 International Covenant).

These Obligations are repeatedly broken by the Chinese government and enable the inhuman treatment of people fleeing from suffering. China does not actively offer refuge let alone proper status examination procedures or trials.¹⁰

Several of our testimonies mention the repatriation experiences leading almost always to a radical worsening of their circumstances.¹¹ Knowing that repatriation could happen at any moment in their lives, exposes defectors to a constant fear of punishment, losing their whole existence as well as their members of their new build families. One female defector shared her experience about the consequences of her

⁸ Kim Bo-Ram, Interview by Nam Bada (PSCORE), August 20, 2020.

⁹ Article 33 of the 1951 Convention relating to the Status of Refugees: Prohibition of expulsion or return ("*refoulement*") Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>.

¹⁰ Shim Gil-Soon, Interview by Nam Bada, PSCORE, May 11, 2022.

¹¹ Kim Eun-Jung, Interview by Nam Bada (PSCORE), April 8, 2019; Shim Gil-Soon, Interview by Nam Bada, PSCORE, May 11, 2022; Choi Jong-Hyuk, Interview by Nam Bada (PSCORE), May 12, 2022.

repatriations and subsequently attempting to flee the country four times. When she managed to get back to China again, her former husband 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's 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 when his relationship with my new wife is not good”, so I came without seeing him.”*¹²

- Shim Gil-Soon

This story illustrates how illegal repatriation actions multiplies human rights violations and the suffering of many defecting North Koreans as well as the people who are close to them.

Repatriated defectors lose their relatives, and get even more vulnerable to human trafficking exploitation. Accompanied by that, are constant feelings of helplessness and fear, because when found by the Chinese authorities escapees are forcibly returned to the DPRK, where forced labor, torture, forced abortion or death waits for them. (As it will be discussed in the following chapter).

3.3. Work exploitation by the DPRK Government

3.3.1. Detention and forced labor

Within the DPRK there are several detention facilities, such as short-term hard labor detention centers, long-term ordinary prison camps such as *kyohwaso* and political prison camps, also called *kwanliso*. Among our testimonies is that of a young woman who was arrested before the age of 18 for possession of a cell phone and forced into hard labor¹³.

Another former prisoner recounts that food rations were not delivered and many prisoners were severely malnourished and continually forced to work endless days¹⁴, up to 12 hours a day, without payment. In addition, the type of work is often dangerous: people work in construction, coal mines, farms and factories. Within these facilities it can also be found people caught escaping or rejected by the PRC. Moreover, evidence shows that prison camps also include children, sometimes as young as ten years old. These are exploited in different types of labor and considered adults¹⁵.

Children who are not inside prison camps are also forced to the same fate. Although the DPRK, having ratified the Convention on the Rights of the Child and should also comply with Article 32 paragraph 1:

“States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education,

¹² Shim Gil-Soon, Interview by Nam Bada (PSCORE), May 11, 2022.

¹³ Kim Eun-Jung, Interview by Nam Bada (PSCORE), April 8, 2019.

¹⁴ Shim Gil-Soon, Interview by Nam Bada (PSCORE), May 11, 2022.

¹⁵ Lee See-Hyun, Interview by Nam Bada (PSCORE), July 31, 2017.

or to be harmful to the child's health or physical, mental, spiritual, moral or social development"¹⁶.

Government authorities periodically send schoolchildren to work in factories or fields for brief or extended periods to fulfill particular needs, such as clearing snow from main highways or reaching production targets. Schools receive payment from the government for the labor performed by children; therefore teachers constantly pressure them to work. Schools also ask kids who are under the legal age to work to do so in order to pay for the wages of the teachers and the upkeep of the buildings¹⁷.

In factories, farms, coal mines, and the construction industry, they are required to labor long hours and in dangerous conditions and, obviously, for no pay. Authorities have also been known to force youngsters to work long hours daily in agriculture away from their families, sometimes for as long as a month.

Forced labor among children is not unusual: it can be described as “common”. Therefore, this falls under human trafficking because children are recruited, separated from their respective families and later exploited to work without receiving any payment or benefits. Moreover, it is blatant that these children are in a position of vulnerability and are forced to work.

*“In the morning I studied, and in the afternoon I worked. Everything was physical labor so it was so tiring. Everyone thought it was obvious for students to farm. There even used to be a joke in which everyone called a rice farm a student farm.”*¹⁸

- Lee Na-Eun

Most North Koreans must engage in unpaid hard labor at some time in their life, which the state frequently justifies as “*portrayals of loyalty*” to the regime. Any denial of a government order to labor as a “volunteer” can result in harsh punishment, including torture and incarceration as punishment for crimes in North Korea is arbitrary and based on a person's loyalty history, social ties, and ability to pay bribes.

3.3.2. Overseas workers

Beyond the exploitation of labor in detention camps, a selected number of North Koreans are sent overseas by the DPRK government to earn money for the regime. While in the past, positions as an oversea worker were highly sought-after and only available through bribery and a high social status,¹⁹ this seems to have partly changed over the past years.

*“People who went to Russia did not choose to go, but went because they were suddenly told to go. Pack up their lives. When the military unit says, ‘Send a few people to go overseas’, they just select and send a few people.”*²⁰

- Kim Cheol-Jin (Russia, 2014-2015; 2019-2020)

¹⁶ Convention on the rights of the child (1989) Treaty no. 27531. United Nations Treaty Series, 1577, pp. 3-178. Available at: https://treaties.un.org/doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.pdf (Accessed: February 23, 2023).

¹⁷ Lee See-Hyun, Interview by Nam Bada (PSCORE), July 31, 2017.

¹⁸ Lee Na-Eun, Interview by Nam Bada (PSCORE), May 30, 2016.

¹⁹ PSCORE, “North Korean Workers Overseas”, 2015.

²⁰ Kim Cheol-Jin, Interview by Nam Bada (PSCORE), September 25, 2022.

Still, positions as overseas workers continue to be demanded in the hopes of supporting one's family and mostly accessible through bribes.

*“You write a document when going abroad and there is an officer in charge of overseas deployment. The price varies widely but they give it for around \$200-1000 dollars. If you want to go abroad it's at least \$500 dollars. If you are trying to go out for the first time, you must give at least \$200-300.”*²¹

- Choi Young-Chul (Russia, 2015-2016; 2018)

In both cases, the workers see little to no recompensation for their labor. In order to bring foreign currencies into the country, the DPRK takes away worker's wages through fees and deception.

*“There are no wages. There is no promise that they will give however much per month but just a hope that you can make money if you work abroad. Originally, there aren't even any contracts about how much one will be paid. They just make you work.”*²²

- Choi Young-Chul

*“The president of the North Korean company told the workers: 'The money that must be paid to the state unconditionally is 40,000 rubles per month per individual. If you don't eat, don't smoke, don't wear clothes, you have to earn 60,000 rubles. Other than that, you should take anything that earns more,' so I worked hard. [...] After working for a month, they suddenly moved to another place. Then, when I ask, 'Will you not pay me?', they say, 'I did not receive any money,' and simply did not pay. However, when I secretly asked the Russians who worked there before, I heard that they did pay the North Korean company. The North Korean company is most likely extorting funds.”*²³

- Kim Cheol-Jin

That circumstance has neither been significantly changed by the 2017 UN Security Council (UNSC) Resolution 2371 that banned North Koreans from working abroad and demanded their repatriation, nor by COVID-19 border restrictions in the DPRK and other countries. While significant numbers of North Korean workers have returned to their country, many remain in China and Russia, the two main recipients of North Korean workers, where the sanctions are effectively circumvented, usually by no longer issuing work visas. Instead, the workers are let into the country under the pretext of education with “student” visas or tourist visas.²⁴ In these cases, the UNSC sanctions had little to no effect on the concerning working and living conditions. Oftentimes, laborers have extremely long working hours, live in make-shift or precarious accommodations that rarely allow for proper hygiene or privacy, do not have access to sufficient food, and find themselves under intense surveillance. To prevent them from running

²¹ Choi Young-Chul, Interview by Nam Bada (PSCORE), May 15, 2022.

²² *Ibid.*

²³ Kim Cheol-Jin, Interview by Nam Bada (PSCORE), September 25, 2022.

²⁴ *Ibid.*

away, they have to undergo protracted ideological “training” before and during their stay. Furthermore, their passports are taken away.²⁵

In order to upkeep this system of trafficked labor, the DPRK regime has to closely cooperate with recipient countries on all steps of the process. This cooperation starts with the issuance of deceptive visas, continues with inhumane working and living conditions being approved, and extends to keeping North Korean workers from fleeing, as well as catching and punishing defectors.²⁶ The DPRK’s trafficking of workers can only function with the knowledge and active corroboration of these recipient countries, above all by Russia and China.

4. Recommendations

To the DPRK:

- Reopen the borders to allow UN agencies, NGOs, and all other foreign organizations to continue implementing their humanitarian projects, and monitoring the human rights situation.
- Effectively implement the following international treaties: the ICCPR, the ICESCR, the CRC, the CEDAW, and the CRPD, as well as the 2000 UN Trafficking in Persons Protocol.
- Grant the North Korean people the freedom of movement, allowing them to go in and out of the DPRK.
- Stop pressuring other countries to deport North Koreans present on their territory to the DPRK.
- Providing health services and access to safe abortions to women defectors after their repatriation from China.
- Hold fair trials for repatriated North Koreans, and not condemn them on the only ground that they have left the country.
- Let the detainees choose to work or not in the prison camps, and when they are voluntary, grant them a salary aligned with the wages for the same job outside of prison.
- Stop child labor in prison camps, and more generally stop imprisoning children in any circumstance.

To China:

- 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.
- Provide safe spaces and shelters for North Korean defectors, especially for vulnerable groups like women and children.
- Provide health services and access to safe abortions for women defectors who have been impregnated against their will.
- Register the children born from North Korean mothers and Chinese fathers as Chinese citizens, so that they can access education and the protection of the Chinese system. Register their parental

²⁵ Kim Cheol-Jin, Interview by Nam Bada (PSCORE), September 25, 2022; Choi Young-Chul, Interview by Nam Bada (PSCORE), May 15, 2022; PSCORE, “North Korean Workers Overseas”, 2015.

²⁶ *Ibid.*

link to their North Korean mothers so that they cannot be separated from them against their will, and are not left in a vulnerable position exposing them to human trafficking.

- Effectively track and condemn the criminal networks responsible for human trafficking, especially the criminal networks of the sex and marriage industries.
- Enforce the UN Security Council Resolution 2371 to repatriate North Korean overseas workers, especially for China and Russia which have not abided by the order yet.