

an absence of choice

**The sexual exploitation of North Korean
women in China**

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What is trafficking?

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime (November 2000) defines trafficking as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery or servitude or the removal of organs.”

What is a refugee?

The United Nations Convention Relating to the Status of Refugees (July 1951) defines a refugee as a person 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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

I. Introduction

Historical background

North Korea's founder and 'Great Leader', Kim Il Sung, took the reigns of power shortly after the Second World War and liberation from the Japanese. In 1948 with the aid of the Soviet Union, Kim Il Sung established a new communist state, the Democratic People's Republic of Korea (DPRK). The subsequent Korean War (1950-1953) devastated the peninsula and left it divided between the communist-backed North and the US-supported South.

Kim Il Sung envisioned transforming his war-torn, impoverished country into an independent communist state that had the ability to feed itself. His ambitious vision was manifested in *juche*, a Marxist-Leninist philosophy of self-reliance. However, North Korea's mountainous terrain, poor soil and harsh winters did not make ideal farming conditions. With only 18 per cent of its land fit for agriculture, the country had to adopt intensive, often unsustainable, farming methods that relied on chemical fertilisers, electricity for irrigation, and reclamation projects to increase the area of arable land.¹ The lack of natural resources meant that the outward appearance of self-sufficiency masked a heavy dependence on its two closest allies, the Soviet Union and the People's Republic of China, for food, coal, oil, and equipment supplies.² The collapse of the Soviet Union in 1991 marked the end of favourable trade and subsidies for North Korea. The establishment of diplomatic relations with South Korea by the Soviet (now Russian) Government in 1990 and two years later by the Chinese further worsened trade relations with the DPRK. At the height of the economic crisis in 1994, Kim Il Sung died and was succeeded by his son Kim Jong Il.

Chronology of the food crisis

The decline in trade with the Soviet Union and China in the early 1990s impacted heavily on North Korea's agricultural sector. Without fuel for its tractors and chemicals to make fertiliser, a sharp fall in food production was inevitable. In response to the growing food shortages, the DPRK Government in 1991 reduced daily food rations distributed through the Public Distribution System (PDS) by launching its 'let's eat two meals

a day' campaign. The extremely cold winter in 1993, hailstorms in 1994 and, in particular, the flooding in 1995 seriously affected harvests and caused extensive damage to the farming infrastructure. A joint Food and Agriculture Organization (FAO) and World Food Programme (WFP) report estimates that cereal crop yield (rice and maize) in 1995 was 25 per cent down from 1993 and a further 34 per cent less than the yield in 1989. However, the WFP points out that the floods merely made an already deteriorating food supply situation much worse, rather than caused the situation in the first place. According to the WFP, the two main contributors to the substantial food deficit were North Korea's stagnating agriculture and its declining economic situation.³

The crop failures in 1995 followed by the breakdown of the PDS triggered widespread famine in North Korea, especially in the economically deprived north-eastern provinces where the PDS was already only working intermittently. Without access to conventional foods, many people had to adopt coping strategies in order to survive, including foraging for alternative foods such as roots, grasses, tree bark and stalks. Acute food shortages coupled with the country's low credit worthiness, which prevented them from buying food from other countries, forced the DPRK Government in 1995 to make an unprecedented appeal to the international community for food aid and assistance.

Flow of North Koreans into China

The United Nations (UN) estimates that more than two million people - or about 10 per cent of the population - died during the 1995-1998 famine in the DPRK.⁴ The famine triggered an exodus of North Koreans into neighbouring China in search of food and work, and the continuing food and economic crisis means this flow of migrants has continued. Estimates of the numbers of North Koreans living illegally in China vary considerably, but there are at least 50,000⁵ North Koreans, mainly in the Korean Autonomous Prefecture of Yanbian in Jilin Province. Jilin borders North Korea and is home to almost a million *Chosun Jok* or ethnic Korean-Chinese (Chinese citizens of Korean descent).⁶ Once in China, North Koreans seek work and shelter with relatives, acquaintances or strangers, moving from time to time to avoid being detected by the Chinese

authorities. If caught, North Koreans are detained and subsequently deported to the DPRK.



Choi Soon-ho

North Koreans crossing the Tumen River into China.

Consequences of deportation

Leaving North Korea without permission is a criminal offence that can carry the death penalty, so deportation has very serious consequences. According to Article 62 of the revised 2004 North Korean Criminal Code, any citizen “who defects to a foreign country or to the enemy in betrayal of the country and the people shall be committed to a reform institution⁷ for not less than five years. In cases where the person commits an extremely grave offence, he or she shall be given life imprisonment in a reform institution, the death penalty or have their property confiscated”.⁸

Moreover, Article 233 states that a person “who crosses a frontier of the Republic without permission shall be committed to a detention labour facility⁹ for up to two years. In cases where the person commits an extremely grave offence, he or she shall be committed for up to three years in a reform institution”.¹⁰

What these laws mean is that at the very least, those deported will spend between one and three months in detention labour facilities in which they are likely to become malnourished, live in unsanitary conditions and be subjected to forced labour. There are countless testimonies of beatings, torture, degrading treatment, and even forced abortions and infanticide from those who have escaped.¹¹

Gender dimension

While some of the North Koreans fleeing into China are refugees seeking to escape persecution

from the Kim Jong Il Government, the majority clearly cross the border in search of food and the means to earn money to send back to their families in North Korea. Yet without any legal status in China, these migrants are highly vulnerable to abuse and exploitation. Women account for more than half of the North Koreans living illegally in China.¹² This is due to several reasons.

In a highly patriarchal North Korean society with deeply entrenched Confucian values, a woman’s principal role is to maintain the family household. During the food crisis in North Korea, this task became increasingly difficult, especially with the breakdown of the PDS and the suspension of work and wages in many parts of the country. Many women had to engage in peddling or vending in order to buy food for their families. The buying and selling of goods was looked down upon and consequently, most men shied away from it.¹³

As the food crisis continued, women began assuming a greater role in providing for the family and those in the north-eastern part of the country saw China as their best strategy for survival. A report in 2000 indicated that the overwhelming majority of North Korean women interviewed in Yanbian cited food and survival, ability to make money, and finding a way to support their family in North Korea as the three main reasons for coming to China.¹⁴

In China, there are clearly more opportunities available for North Korean women than for men. Men have difficulty settling in because they need to find some form of livelihood outside the home and searching for day labour in and out of cities makes them vulnerable to arrest and deportation. There is also less work available for North Korean migrants due to increasing crackdowns by the Chinese authorities and laws imposing fines on those who employ North Koreans. Thus, men tend to cross the border, access food and other supplies, and return quickly to the DPRK.¹⁵

Women, on the other hand, can lead relatively hidden lives in China, as they are able to find employment in Chinese households as domestic workers and nannies or marry into Chinese families. Their life within a Chinese household, however, leaves them isolated from any outside support. Because of their irregular status, women without trusted family members in China have

little choice but to rely on strangers for assistance and information. In such an insecure environment, North Korean women become vulnerable to sexual exploitation.

II. Sexual Exploitation of North Korean Women

Overview

The sexual exploitation of North Korean women in China is a complex issue. It encompasses a wide range of situations and levels of complicity on the part of the woman. In cases of trafficking, women can be forced into marriage or the sex industry. The methods by which traffickers recruit women are deception, coercion and abduction. Although many women try to escape from their exploitative situation, others do not. Testimonies from trafficked women indicate that many remain because they feel helpless and powerless to change their situation.

In the case of forced marriages, some women choose to stay because of the birth of a child and/or they have developed an emotional attachment to their husband. Several women trafficked into forced marriage and the sex industry have expressed the view that despite everything, their current situation is better than risking repatriation or starvation.

Finally, not all North Korean spouses of Chinese men have been trafficked. In fact, many North Korean women allow a third party to sell them as brides to Chinese men or agree to an arranged marriage. Marriages involving undocumented North Korean women, however, are not legally binding and if the women are caught by the Chinese authorities, they - like any other irregular North Korean migrant - face deportation.

Trafficking

Trafficking in human beings involves transporting people away from the communities in which they live, by the threat or use of violence, deception or coercion so they can be exploited. Because of its hidden nature, accurate statistics on the numbers involved across the world are hard to come by. In

the 2005 Global Report, the International Labour Organization (ILO) estimates that 9,490,000 people in the Asia and the Pacific region are subjected to forced labour, of which 1,360,000 have been trafficked.¹⁶ Trafficking is different from smuggling, which involves the clandestine movement of people from one place to another for a fee, but not their subsequent exploitation.

Although it is not known how many North Korean women are trafficked in China, the problem is nonetheless significant. The ongoing food and economic crisis in the DPRK has driven many women to flee to China in search of food and work. Traffickers seek out North Korean women to exploit at river crossings, train stations or markets. Women who cross the border alone are often picked up as soon as they reach the other side by traffickers who lie in wait for them. As many arrive hungry and desperate, they become easy targets for the traffickers. One 30-year-old woman who crossed into China in 2001 with an unknown man she met at the border had such an experience:

In the back of my mind I knew I was going to be sold... There are North Korean men who look for women along the border and sell them. The Chinese client pays.¹⁷

A 23-year-old former member of Pyongyang's paramilitary engineer unit was also targeted by traffickers at the border:

Escaping home one day without leave, I found my mother haggard and my father had starved to death quite a while ago. That prompted me to cross the Tumen River. I was caught by a group of smugglers on the Chinese border, and was led to an ethnic Korean farmer. Later I learned that I had been sold to him for 8,000 yuan (US\$1,000).

She escaped from the forced marriage and resorted to prostitution in order to survive, charging 200 yuan (US\$25) per customer.¹⁸

Trafficking into forced marriage

The majority of North Korean women who are trafficked find themselves forced into marriage. The phenomenon of forced marriage in China has been brought on by the country's growing shortage of women due to its one-child policy and a cultural preference for boys. Many men have difficulty finding a wife and the shortage of women in rural areas is further exacerbated by the

increased migration of Chinese women into cities. In rural towns and villages, the male to female imbalance is estimated to be as high as 13 to 10.¹⁹ In this context, traffickers have little difficulty finding buyers for North Korean brides who are sold for anywhere from 400-10,000 yuan (US\$50-1,250).²⁰ These women are mostly sold to Chinese farmers who are considered undesirable to Chinese women because of their poverty, age, previous marital status or disability.²¹

Deception is a widely used tactic to traffic North Korean women into marriage. They are promised food, shelter and employment and traffickers also instil fear in the women claiming it is very dangerous in China and thus, the women need their help. Once the traffickers have gained the confidence of the women, the women are either taken to an apartment where they are confined until the sale is completed or taken directly to the Chinese buyer. It is only then that most women realise the true nature of their situation. A North Korean woman and her two friends described how they followed a man into China:

He took us to a home saying that we could gradually contact our relatives there. However, later on, we learned that he was a professional bride trader and made 2,000 yuan (US\$250) each in Yanji. They confined us in an apartment and stripped us of our clothes, so that we had to cover our naked bodies with only a blanket. They intended to sell us again after they found a proper buyer.²²

A 27-year-old woman from Eunduk-gun, North Hamgyong Province crossed the Tumen River with her sister. When her sister slipped and sank under the ice, a young man made a timely appearance and saved her life:

We followed him, and a few days later, he told us that we would be safer in Southern China than here in a border area. Since we believed him, we went the way he guided. Yet, later on, we came to understand that we were sold at 10,000 yuan (\$1,250) together.²³

North Korean women who are already living and working in China are often duped into forced marriage with prospects of a better paying job. A 37-year-old woman was trafficked in April 2003, four years after her arrival in China. She had come to China looking for work so that she could send money home to her two sons in North Korea. She worked in a quarry for three months but received only room and board. In February 2003, she met

a Korean-Chinese who promised her a better job in Heilongjiang. She followed him and after a month, she overheard the man whispering to someone about how they might sell her. She managed to escape and find her way back to Jilin Province.²⁴ Another woman, a 46-year-old from Hyesan city, Ryanggang Province who worked as a nanny for a Chinese family describes how she was duped into marriage:

One day, the house owner suggested I go for work where the monthly payment was 1,000 yuan (US\$125), saying that it was hard to save money as a baby sitter... I said I would go there. I got into the car to Tianjin with a man to whom the house owner introduced me... And then we took a bus and left for a distant village. Only then did I realise I was not going to make money but to be sold. However, I couldn't do anything about it. When we arrived at our destination an old Chinese man came down to see us. I was told that he bought me for 5,000 yuan (US\$625).²⁵

A 26-year-old woman from Myungchon-gun, North Hamgyong Province, also lured by the prospect of a better job, was sold and treated as chattel by her new husband:

While I was working at a restaurant, traders deceived me by telling me there would be an inspection by the authorities and coaxed me to move to another restaurant. Instead of bringing me to a new restaurant, they sold me out near Harbin. He was a widower, aged 51, and a horrible gambler. Whenever he didn't have money for gambling, he offered me to other men as a mortgage.²⁶

A woman who crosses the border into China seeking refuge in a Korean-Chinese household is often coerced into marriage when members of the household advise her to marry, persuading her that it is in her best interest. Given her desperate situation, coupled with a feeling of debt towards the family, the woman is likely to give in to their wishes and 'consent' to marriage. Once she does, the Korean-Chinese family completes the arrangement and receives 2,000-3,000 yuan (US\$300-375) from the husband's family.²⁷

A woman in her twenties who found refuge in a Korean-Chinese house in 1998 was abducted by a gang but managed to escape and find shelter with a church. She was soon made to feel unwelcome:

Some people urged me to marry and introduced several men to me... women kept introducing their

relatives to me... The deacon urged me to marry, but I refused. In the end, I was told somebody was looking for a housekeeper for an old couple with their grandson and granddaughter... So I took the suggestion and went to the house located in Song Kang Jin, An Dong Hyun. When I went there, their 30-year-old son was there waiting for me.

Instead of starting her new job, she was forced to live with the son. She later discovered that the deacon had sold her for 5,000 yuan (US\$625). She remained because she felt that she had no choice, as she had to support her father and brother who were still in North Korea.²⁸

Numerous testimonies of North Korean women trafficked into forced marriage indicate that they are physically and sexually abused by their husbands. To prevent their wives from escaping, the women are locked up, chained or have their clothing removed. Many lead humiliating and violent lives as virtual prisoners in their own home and in fear of their husbands. The woman who was sold by the deacon to a family in An Dong Hyun describes her abusive marriage and how their inability to communicate exacerbated the situation:

He [the husband] always stayed beside me and the only thing he wanted was for us to always have sex. When I became depressed, he beat me. If I was beaten, I could not walk for a week. He beat me on my face and my body and all my body was bruised black and blue.... [W]hen the guy saw me weeping, since we could not communicate because I cannot speak Chinese, he beat me, suspecting that I did not like him or that I was planning to escape... He bound my wrists and ankles and beat me.²⁹

A North Korean woman in her thirties speaks of her experience married to a man living in a remote village:

On September 1999, I was sold to a Chinese man around 40 years old who took me to an isolated place (I could not remember the name of the place). However, I did not know how much was paid. Whenever he went out, he was afraid that I might run away from the house, and he locked the door from outside. Every night, he stretched out my arms, tied my wrists, and raped me. This hellish life lasted for six months...³⁰

A 21-year-old woman from Taedong-gang, South Pyongan Province reported a similar experience:

A human trafficker sold me to an anonymous man living deep in the mountains of China. He had a dark complexion and was around 40 and below 160 cm tall. He spoke incomprehensible Chinese and confined me in a room, locking the door. When night fell, he appeared, reeking of alcohol, and ruthlessly abused me... He shackled me like a dog so I could not get away. I suffered such a miserable life for half a year.³¹

Some women are trafficked into marriage through abduction. A 42-year-old mother from the North Korean capital city of Pyongyang recounted how both her daughters were abducted and sold as brides to Chinese farmers. Her initial reason for going to China in 1997 was to look for her eldest daughter who had gone missing at a border town market in China. But once in China, her younger daughter also went missing:

I worked as a nanny for a Korean-Chinese family in Hwaryong. After a week there, I was sent out to the market on an errand and when I returned, my younger daughter was gone. The family said that they didn't know anything about it. I ran out of the house in despair searching for her.³²

Trafficking into the sex industry

Although not the most common form of trafficking, there are cases of women trafficked into the sex industry. They work in brothels or *karaoke* bars where they serve drinks to customers and are forced to have sex with them. A 27-year-old woman from Onsong-gun, North Hamgyong Province worked at a *karaoke* bar as a hostess:

I had to sleep with customers; otherwise, the owner threatened to report me. As a result, I got venereal disease. I gave my money to the owner, but he didn't give me all my money back. He only gave me half of my money and dismissed me... Sometimes, I wished to die, but at other times, I think it is much better to be here than go back to North Korea and die from hunger.³³

Another woman, a 26-year-old from Chungjin city, North Hamgyong Province, crossed the Tumen River into China with the intention of marrying a Chinese man. She had heard that there were opportunities to support her family through marriage. However, she and her two friends were intercepted by traffickers at the Chinese border and forced into prostitution:

After we crossed the border, we learned that we were sold at 2,000 yuan (US\$250) each. We have to assist the guests and drink at the table. In return, we receive 20 yuan (US\$2.50) as a tip for each table and receive 50 yuan (US\$6.25) if we go to bed with guest. We cried many times late at night thinking about our poor fate living as prostitutes in a foreign country.

This woman also believes that, despite everything, her present life is still better than starving to death. She hopes to save enough money so that one day she can return to North Korea and help her family.³⁴



A North Korean woman, married to an ethnic Korean-Chinese, and her baby.

Consensual marriage

Consensual marriage of North Korean women to Chinese men is a growing phenomenon. It is not unusual for a small rural village in north-eastern China to have more than one North Korean bride. Marriages can be arranged by a relative, but it is more commonly done through a broker. The process of recruiting potential brides is similar to the one used by traffickers. In fact, marriage brokers and traffickers are sometimes the same people. The line that divides a broker and a trafficker is blurred, as both deal with highly vulnerable women who are desperate to survive. There are certainly clearly defined cases of forced marriage and those of consensual marriage, but there are also cases in the middle of the spectrum where it is sometimes difficult to distinguish

between the women who marry out of free will and those who are manipulated and coerced.

For many North Korean women, marriage is a survival mechanism that provides them with the basic necessities of food, water and shelter, plus an opportunity to support family members in North Korea. Thus, marriage is a highly tempting proposition, one that many feel they can ill afford to pass up. A previously married 32-year-old woman from Hamhung, South Hamgyong Province who lost her son to malnutrition came to China to find food. She explains her motivation to marry:

[I] was introduced to a Chinese man. I live with him unofficially now, hiding from the public... I live like this in China just to survive. I probably will be taken away someday, but I did it to eat as much as I could even if it was just temporary. Quite a lot of people are still crossing the border from North Korea, and I know five people from my village who got married to Chinese men.³⁵

North Korean women have few illusions about their marriage and expect very little from their husband. As Kim Sang Hun, a South Korean human rights activist, points out: "They are looking at any chance to survive. They don't expect happiness out of marriage, only survival". This sentiment is echoed by a North Korean woman who went through three marriages in China claiming "it is better to find a man, any man, than to starve to death in North Korea".³⁶

In addition to basic needs, marriage also provides more security than eking out a precarious income as a single undocumented migrant in China. A 35-year-old woman from Hyesan, Yanggang Province recounts how the stresses of her clandestine job and lifestyle convinced her to marry a Chinese man in 1998:

I worked as a cook and cleaner in China. I was always scared of getting caught by the Chinese police so I never worked long at one place. To make sure I kept jobs, I worked very hard but then I became ill. I began to think of an easier life so I decided to marry a Chinese man. The owner of a butcher shop next door to my work place introduced me to her relative. So in 1998, I began to live with him.³⁷

In some cases, even parents sell their daughter into marriage. The reasons can vary from the inability to feed the family, financial needs or a

belief that the daughter would be better off married to a Chinese man. A 24-year-old woman from Hoeryong city, North Hamgyong Province was sold by her mother:

One day my mother told me, “No matter how hard we work, it’s difficult to make a living”. When I first heard this, I didn’t understand what she was saying. Yet, I found she was right after reflection, so I promised her to follow her will. She sold me at 10,000 NK won (US\$50). How could you understand a situation which drives a mother to sell her daughter to a foreign country? I understand her. She cried a lot after giving me away in marriage and wished my happiness saying, “Don’t worry about us anymore and live a better life in China”.³⁸

Once North Korean women enter into an agreement with a marriage broker, their fate is in the broker’s hands. A 28-year-old woman who was sold by her brother’s friend for 2,000 yuan (US\$250) explains:

There are some decent brokers who will make you a good marriage and some bad ones who just want to make money. But once you cross to China, you have to go to the man you’re introduced to. That’s our destiny.³⁹

As these women have no say in who they marry, they risk ending up in a harmful relationship. Trafficked women are not the only ones who are locked up, raped and beaten. Many who willingly marry a Chinese man also endure similar abuse. A 23-year-old woman from Chungjin city, North Hamgyong Province details her husband’s controlling and abusive behaviour:

[H]e sexually assaulted me and wouldn’t let me sleep day or night... [He] allowed me to freely move within the house. However, he didn’t forget to lock the door. I couldn’t flee from him anyway because of the severe pain in my lower part of my body. My pregnancy eased his attention a bit, and sometimes he sent me to purchase vegetables at a market. Yet he searched for me when I was a little late. One day, seizing the moment, I escaped to Harbin and then went to Yanji.⁴⁰

A woman who in 1998 brought her North Korean son with her to her third marriage tells of the abuse that both she and her son endured:

He beat me with a bar the thickness of my finger. He started to beat me on the back and everywhere, I still have pain on my nose...[A]fter that [he] went out to beat my child and I fought against that... When I saw

he wasn’t following, I took a taxi in my underwear... and asked him to stop near a church. The people there wept when they saw me and the child.⁴¹

Certainly not all marriages to Chinese men are exploitative and abusive. There are happy marriages in which the women, if not in love, are content to be with their husband. Because North Korean women have so little expectation from their marriage, the mere fact that their husband is kind seems reason enough to remain and to consider themselves fortunate. After two failed relationships in China, a 36-year-old divorcee finds happiness in her third Chinese husband who has helped her bring two of her three children over from North Korea. She claims to be “one of the lucky ones”.⁴² Another woman, a 27-year-old from Kilju-gun, North Hamgyong Province, is not in love with her much older husband, but appreciates his kindness:

I was sold to a Chinese man, around 50, who processed potato noodles. He has been a widower for the last 12 years, and his young son was 13. Since I got a temporary place to stay, I took care of the house, made clothes and did some knitting. Because he was a nice man, he used to tell me not to work hard.⁴³

Finally, a 23-year-old female from Heechun city, Chagang Province who was sold for 4,000 yuan (US\$500) speaks positively of her new family:

Though I married a man who is eight years older than I am, I was fortunate enough to meet such a nice guy. He truly loved me, and my parents-in-law also took good care of me.⁴⁴

Vulnerability of irregular migrants

North Korean women lead a highly vulnerable existence in China and the principal reason for this is their irregular status. As the Chinese Government deems them to be illegal economic migrants, those caught by the Chinese authorities are deported back to the DPRK. All undocumented North Korean women live with this fear, irrespective of their job, marital status, ties with the Chinese community, or whether they consented or were trafficked into marriage. Their unfamiliarity of their new surroundings and an inability to communicate in Chinese make them wary of any exposure to the local community, as such an exposure would make them more vulnerable to detection and deportation.



A North Korean family hiding in their underground dwelling in rural China.



Traffickers take advantage of this fear by using it against the North Korean women to ensure their compliance. A 23-year-old woman from Danchun-gun, South Hamgyong Province came to China looking for a job. She was caught by an ethnic Korean-Chinese trafficker posing as a police officer who took her to a rural village near Hailin city in Heilongjiang Province:

He told me if I got caught by a Chinese person while wandering around, I would be sold to an old Chinese man. Therefore... it would be much better for me to stay in this village by marrying a Korean ethnic man. Then, he introduced me to a man... I could do nothing else but follow him, because I crossed the river illegally.⁴⁵

Owners of brothels and *karaoke* bars also use the fear of being deported to keep North Korean women in exploitative situations. A 29-year-old woman was almost sold to a middle-age Chinese farmer in December 2000. She ran away and

Case Study 1

“My eldest daughter went to China to sell a porcelain bowl at a market but didn’t return. To look for her, I took my younger daughter and crossed the icy Tumen River into China in the middle of the night.

I worked as a nanny for a Korean-Chinese family in Hwaryong. After a week there, I was sent out to the market on an errand and when I returned, my younger daughter was gone. The family said that they didn’t know anything about it. I ran out of the house in despair searching for her. To get her back, I had to pay 4,000 yuan (US\$500).

After two years in China, four men came to our house at night and kidnapped us. They were planning to sell us as ‘brides’ to men in a mining town for 10,000 yuan (\$1,200) each. My daughter was so scared that she couldn’t eat anything. The neighbours, suspecting foul play, called the police. My daughter and I spent 40 days in a Chinese detention centre before being deported to North Korea.

In North Korea, we were stripped naked, checked for hidden money and sent to a labour training camp in Musan. My daughter was beaten and interrogated on whether we met any South Koreans or missionaries in China. All we had for food was porridge made from black, rotten flour and watery soup. We worked in the cabbage patches and carried heavy logs from the mountains. The guards threw stones at us if we didn’t run fast enough. I escaped after four days, but my daughter remained in prison for two and a half months.”

In 2003, she arrived in South Korea via Vietnam and Cambodia. She lives in Seoul with her three children. She works in sales and heads an organisation that raises public awareness about North Korea. Her children are all working or studying.

found refuge in the home of a Chinese couple. The couple later sold her into a humiliating and violent life inside a hostess bar where she was forced to entertain clients:

I was helpless; I had no money, I didn't speak Chinese, and I had my daughter to support. If you are a North Korean woman crossing the border, it's almost impossible to survive without being abused or sold. It happens to almost all of us, because they know we are vulnerable.⁴⁶

North Korean women married to Chinese men are particularly isolated, as many live in remote farming villages. Quite often their husband and the husband's family become the only link to the outside world and consequently, North Korean wives have little choice but to rely on their new family. For those women married to a Han Chinese, the language barrier can further contribute to their sense of isolation.

When women are forced to marry, they can be held hostage and denied their freedom of movement. The birth of a child often changes the dynamics of a relationship - even a relationship that was initially hostile. With the responsibility of rearing a child, many women feel less able and less willing to leave their husband. Many testimonies of rural brides in this report indicate an overwhelming sense of helplessness and resignation to their fate.

Ultimately, the irregular status of North Korean women in China denies them any form of protection and possibility for recourse. Women who are exploited or abused are not likely to take their case to the authorities, as the consequences of doing so would probably be as bad, if not worse, than the circumstances they were seeking to escape from.

III. Punishment upon Repatriation

State security agency

North Korean women who are deported to the DPRK are first taken to a *bowibu* (state security agency) where they are subject to beatings and humiliating body searches, and interrogated on their activities in China.

A 23-year-old woman from Hoeryong, North Hamgyong Province, who travelled to China in 1998 because the PDS had stopped operation, hoped to earn money and to help out her parents. After two years, she was arrested by the Chinese authorities and was sent back to North Korea. She describes her experience at the Sinuiju State Security Agency:

[A]ll the women prisoners were forced to strip down to the skin for the purpose of having their anuses and vaginas inspected for hidden money... Severe beatings through the use of sticks, fists (punching), and feet (kicking) were standard practice. Cells were dank and infested with insects, fleas, lice and other parasites. The food we received, a tiny quantity of coarse corn and few pieces of boiled vegetables, was so little that we were literally starving.⁴⁷

Depending on the situation, the interrogation process at a state security agency can last a couple of days or several weeks. North Korean women with a previous record of crossing the border, as well as those who have married a Chinese man and/or become pregnant, face harsher penalties. Those who have committed more politically sensitive crimes, such as contact with South Koreans or churches, are normally sent to a *kwanliso* (political labour camp) or a *kyohwaso* (re-education labour camp). In extreme cases, they face execution.⁴⁸

A 38-year-old native of Kangwon Province fled to China in January 1999 with her husband in search of food and work. Several months later, they were caught by the Chinese police and deported. She endured seven months of beatings and interrogation because her husband - after being beaten severely - confessed their wish to go to South Korea. Police agents hit her with sticks and beat her head against cement walls. She saw

other women being beaten on the fingertips and one woman who was very ill was made to stand up and sit down repeatedly until she collapsed and died. Her husband later died in prison from paratyphoid.⁴⁹

Detention labour facilities

After their initial interrogation, the majority of repatriated North Korean women are sent to a *jipkyulso* (detention centre) or a *nodong danryundae* (labour training camp) closest to their hometown. Both are short-term detention labour facilities with a similar structure and function. Repatriated women are normally incarcerated for one to three months, but usually not more than six months. Upon arrival, they are again stripped, searched, interrogated and beaten. They are then placed in overcrowded, squalid living quarters and forced to perform hard labour.

Their workday usually begins at five in the morning and ends at seven or eight in the evening. Pregnant, elderly and sick women are not exempt from work. The prisoners are given three half-hour breaks for meals. The food - usually some form of corn and soup - is insufficient and of poor nutritional value. Some detention labour facilities force prisoners to attend 'self-criticism' sessions every night. Hard labour coupled with substandard food and unsanitary living conditions results in a high number of deaths in these facilities. Very sick people are often released early to prevent them from dying in custody, thus, lessening the number of deaths in detention facilities and removing the administrative burden of processing a death.

The 42-year-old mother from Pyongyang, who had both her daughters abducted in China, was arrested and deported twice. On both occasions, she was with her younger daughter. They were sent to the Musan Training Labour Camp (1999) and Chongjin Detention Centre (2000) respectively:

All we had for food was porridge made from black, rotten corn flour and watery soup. We worked in the cabbage patches and carried heavy logs from the mountains. The guards threw stones at us if we didn't run fast enough... At night, we had to cling to the window sill like bats to avoid the swarm of blood-sucking bedbugs that would get into our navels, fingers, toes, ears - just everywhere.⁵⁰

Case Study 2

"In 1996 when I was 34 years old, I left North Korea. I had many jobs. I worked as a cook and cleaner in China. I was always scared of getting caught by the Chinese police so I never worked long at one place. To make sure I kept jobs, I worked very hard but then I became ill. I began to think of an easier life so I decided to marry a Chinese. The owner of a butcher shop next door to my work place introduced me to her relative. So in 1998, I began to live with him.

I cleaned, cooked and took care of my husband's two children. I also worked on the farm from sunrise to sunset. I found out that my husband was still married to a Chinese woman who was in South Korea. I was only there to fill the gap while she was away. There was no hope for the relationship so in 1999 I escaped while my husband was out hunting.

I met a fellow North Korean at my next job in Wee He. We wanted to go to South Korea together, so we asked for help at a local Korean-Chinese church. They wanted too much money so we decided to go by ourselves. I was pregnant at the time. We went to Kunming and crossed the Sino-Burmese border where I got separated from my partner. I spent two months in a Burmese prison before the South Korean authorities finally arranged for my travel from Burma to South Korea via Thailand."

She arrived in South Korea in December 2000 and gave birth to a baby girl a month after her arrival. She is currently studying so that she can set up her own day care centre.

Another woman in her mid-thirties from Satbyul-kun, North Hamgyong Province left North Korea in 1998 because of severe food shortages. She was deported a year later and sent to Onsong Detention Centre where she was forced to make bricks. The guards called the inmates "dogs and pigs" and made them sing songs in honour of Kim Jong Il. She said that two women who had confessed to having converted to Christianity were taken away and executed. During the five weeks of detention, she ate only half-bowls of

corn soup and subsequently lost five kilograms.⁵¹

Infanticide and forced abortions

There are alarming reports of forced abortions and infanticide in detention facilities in the DPRK. Repatriated pregnant women carrying ‘half-Chinese’ babies or ‘children of betrayers’ are subjected to abuse and torture because of what North Korean authorities consider indecent sexual liaison with Chinese men. Prison officials force other female prisoners to assist in the baby killings and induced abortions. For example, a 66-year-old grandmother, fleeing starvation, went with her family to China in 1997. She was apprehended by the Chinese police and sent back to North Korea with 50 others. The grandmother was held at a detention centre in Sinuiju where she helped deliver babies. Some mothers delivered at full-term, while others were given an injection to induce abortion. The babies were thrown in a box and later buried. A doctor explained to her that during such food shortages, North Korea should not have to feed the children of foreign fathers.⁵²

A similarly disturbing account is given by a woman in her fifties from Sambong, North Hamgyong Province who was repatriated in May 2000 and sent to a labour training camp in Musan:

When a baby was born, it was abandoned to die on the floor or suffocated with a wet plastic sheet put on its face. Seven or eight babies were delivered and killed in a month at the camp. Their bodies were thrown away. Security officers kicked bellies of pregnant women whose gestation was less than five months. As the pregnant women were screaming out of pain, the officers ordered them to run around the campground to induce quick abortion. A woman from Hamhung city lost a four-month-old foetus and had to go back to work immediately. When a baby was really delivered, the mother would have three days rest to recover but she was only fed with grains of corn. On the fourth day she had to get out to work.⁵³

IV. Legal Framework

International law

Establishing the status of North Korean migrants in China has been a highly controversial issue. As previously stated, the Chinese Government regards all undocumented North Koreans in their territory as illegal economic migrants and thus, adheres to a policy of arrest and deportation. This view, however, has been strongly refuted by many humanitarian and human rights organisations who consider North Koreans in China to be refugees. They oppose forcible repatriation and feel that the North Koreans must be protected under international refugee law. At the core of this issue is the interpretation of the internationally accepted definition of an economic migrant and that of a refugee.

North Koreans as economic migrants

The United Nations High Commissioner for Refugees (UNHCR) defines an ‘economic migrant’ as someone who “normally leaves a country voluntarily to seek a better life. Should he or she elect to return home, they would continue to receive the protection of their government”.⁵⁴ North Koreans leave their country of their own free will, although the breakdown of the PDS and the lack of humanitarian food aid in many parts of the country, especially in the North-east, have left many with few options. As a North Korean migrant in China explains: “We have the choice between dying from starvation or dying in the hands of the police after being arrested. Anyhow we may die so we come to China, at least we can please our stomach here”.⁵⁵ Another migrant simplified the matter even further: “[M]ost of the people who have passed away are those who have never been to China”.⁵⁶ Given this context, to say that North Koreans leave their country “to seek a better life” would be trivialising the gravity of the food and economic crisis in the DPRK.

Instead of economic migration, it may be far more accurate to characterise the movement of North Koreans into China as ‘forced migration’. This definition holds a broader meaning, which includes not only refugees but also “people forced to move due to external factors, such as environmental catastrophes or development projects”.⁵⁷ Placed in the context of the DPRK, North Koreans have been forced to leave their

country and migrate to China primarily because of the famine in the mid-1990s and the ongoing food and economic crisis. As Andrew S. Natsios points out:

[O]ne doubts they [North Koreans] would make the long and dangerous journey to China if they did not face a genuine, life-threatening crisis. Migration is a coping mechanism of last resort when the suffering is intolerable, not something people do when they are somewhat hungry. The very existence of mass population movements in itself should have been sufficient proof of the later stages of famine.⁵⁸

North Koreans as refugees

The term ‘refugee’ has a more porous definition, thus, allowing for greater interpretation. According to Article 1A(2) of the 1951 *UN Convention Relating to the Status of Refugees* (Refugee Convention), a refugee is a person with a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”. He or she flees “because of the threat of persecution and cannot return safely to their homes in the prevailing circumstances”.⁵⁹

Some of the North Koreans who come to China are fleeing persecution from their government, but the majority cite food shortages and economic hardship as the main push factors. Although deplorable, these reasons alone would not qualify them as refugees.⁶⁰ However, the status of North Koreans changes upon arrival in China and the reason for this rests on one key factor and that is the legal system in the DPRK, essentially Articles 62 and 233 of the North Korean Criminal Code (explained in Chapter 1), which criminalises and severely punishes unauthorised travel to a foreign country. This alone provides a formidable case for refugee status for all undocumented North Koreans in China.

Although China is a party to the 1951 Refugee Convention, which prohibits the forced returns of refugees, the Chinese Government continues to deport irregular North Koreans.⁶¹ China maintains that the North Koreans are economic migrants and consequently denies the UNHCR access to screen them in its territory. Thus, North Koreans residing in China clearly have legitimate reasons to fear deportation by the Chinese authorities and persecution, upon return, in the DPRK. Testimonies in this report document cases of

beatings, forced labour, degrading treatment, torture and execution. It is also not uncommon for people to die in custody from beatings, malnutrition, poor sanitation, heavy labour and the absence of medical care.

Acknowledging the dangers of deporting irregular migrants back to North Korea, Vitit Muntarbhorn, the UN Special Rapporteur on Human Rights in North Korea, has recognised in his 2005 Report that North Koreans who have crossed the border into other countries are refugees *sur place*, that is, those “who did not leave their country of origin for fear of persecution, but who fear persecution upon return”.⁶²



Citizens' Alliance for North Korean Human Rights

A North Korean asylum seeker forcibly removed by Chinese officials from the Japanese Consulate in Shenyang, May 2002.

As the Special Rapporteur indicates, there is more than one country that repatriates North Koreans (although China is clearly the principal offender). In July 2004, South Korea accepted 468 North Korean asylum seekers from Vietnam (travelling from China), but since then the Vietnamese Government has closed its border with China⁶³ and deported about 100 North Koreans to China where they were subsequently returned to the DPRK. The South Korean Government has also later apologised to the North for its action.⁶⁴

In December 1999, a group of six adults and a 13-year-old boy travelled from North Korea to Russia via China where they sought asylum. The Russian Government initially agreed to send them to Seoul, but due to pressure from the Chinese Government deported them to China instead. The North Koreans were returned to the DPRK in January 2000 where the six adults were sentenced to two years in a political labour camp.⁶⁵

In November 2004, a North Korean man who had been working as a logger in Russia requested political asylum at the United States Consulate in Vladivostok. His request was denied despite the enactment a month earlier of the North Korea Human Rights Act, which allows North Koreans to seek political asylum in the US. The Russian authorities claimed to have “no choice” but to return the North Korean to the DPRK because of a treaty that was signed between the two countries.⁶⁶

Mongolia has been inconsistent in its treatment of North Koreans in its territory. Some North Koreans have made straightforward, successful asylum claims at the South Korean Embassy in Ulan Bator. Others have been arrested at the Chinese-Mongolian border and forced to turn back.⁶⁷

UNHCR’s position: people of “serious concern”

The UNHCR has always opposed forcible returns, but it did not initially support the idea that North Koreans in China who fled starvation could be considered refugees. In response to the concern of repatriating North Koreans who had contact with Christian churches or requested asylum in South Korea, Kris Janowski, a spokesman for the United Nations refugee agency, in 2002 stated that “[s]trictly speaking, this may not make them eligible under international conventions”, but conceded that “it would still be inhumane to send them back”.⁶⁸

A year later, however, the UNHCR began to acknowledge the unique situation of North Koreans in China. In the Opening Statement of the 54th Session of the Executive Committee in September 2003, Ruud Lubbers, the then UN High Commissioner for Refugees, expressed his “serious concern” for “the plight of the North Koreans who leave their country illegally”. He

recognised that many North Koreans may well be considered refugees in need of protection.

This was reaffirmed in May 2005 by Janet Lim who, on the behalf of Acting High Commissioner Wendy Chamberlin, stated that the plight of the North Koreans was “an abiding preoccupation of UNHCR”.⁶⁹ Despite the change in attitude, the UNHCR has not taken any concrete action against the Chinese Government, which continues to risk the lives of North Koreans by ignoring the international principle of *non-refoulement*.

Binding arbitration

Under its mandate, the UNHCR is responsible for leading and co-ordinating international action for the protection of refugees and the resolution of refugee problems. Its primary purpose is to “safeguard the rights and well-being of refugees” and to “ensure that everyone can exercise the right to seek asylum and find safe refuge in another state”. In regards to the North Koreans in China, the UNHCR has not fulfilled its mandate, largely because its efforts to access them have been thwarted by the Chinese Government.

An important mechanism by which to access and protect North Korean refugees from deportation and persecution is a bilateral agreement that was signed in December 1995 between the UNHCR and China, which upgraded the UNHCR presence from a mission to a regional office in Beijing. Under the agreement, the UNHCR has an obligation to provide international and humanitarian protection to refugees in China. Article 3 gives UNHCR staff unimpeded access at all times to refugees and to sites of UNHCR projects. It also states in Article 16 that in the event of an unresolved dispute, both parties may invoke a binding arbitration. Thus, the Chinese Government’s repeated refusal to allow the UNHCR access to the North Koreans in China is in violation of the bilateral agreement. As such, the UNHCR has the right and responsibility to have it enforced through binding arbitration if the issue cannot be resolved.

V. Conclusion and Recommendations

The famine in the mid-1990s and subsequent food and economic crisis have impacted on all levels of North Korean society and triggered a mass flight of its citizens into neighbouring China. Their primary motivations are the search for food, work and any means to support family still in the DPRK. The majority of those who flee are women originating from the north-eastern provinces of North Korea bordering China's Yanbian Autonomous Korean Prefecture. In China, the irregular status of undocumented North Korean women contributes to their vulnerability to sexual exploitation, including trafficking into forced marriage, the sex industry, as well as voluntary and quasi-voluntary arranged marriages. There is a high level of tolerance among North Korean women in China with regard to such circumstances because the severe nature of North Korea's crisis has caused many to view any existence outside the DPRK as preferable.

The argument for refugee status of North Koreans rests on the DPRK legal system, which criminalises unauthorised departure. North Koreans residing illegally in China or in another country have a genuine fear of persecution if they are returned to the DPRK and it is this that ultimately makes the case for them to be considered refugees *sur place*. In the case of China, the UNHCR recognises the vulnerability of North Koreans, but has not been allowed access to them. According to China's classification of undocumented North Koreans as economic migrants, their situation is beyond UNHCR's jurisdiction. So far the UNHCR has chosen not to use its powers under the 1995 bilateral agreement to invoke binding arbitration with the aim of challenging China's classification and gaining access to North Koreans in China.

Tens of thousands of irregular North Koreans living in China continue to be vulnerable to exploitation and abuse. They have no protection from the authorities in either China or the DPRK, and there is little recognition of their plight from the international community. Those who come to the attention of the Chinese authorities are forcibly repatriated to North Korea where they will

be detained and may be subjected to forced labour and torture.

In view of the above, Anti-Slavery International calls for:

- the UNHCR to publicly oppose the forcible repatriation of North Koreans from China or from any other country. We state that North Koreans should be considered refugees *sur place*.
- the UNHCR to call for binding arbitration under the 1995 bilateral agreement with China if the issue of access to North Koreans in China cannot be resolved.
- the Chinese Government to grant the UNHCR access to North Koreans in China, so that the UNHCR can assess their individual circumstances and seek a safe and permanent solution to their situation.
- the Chinese Government to grant humanitarian status to North Korean women who have been trafficked into forced marriage or the sex industry. The Government has an obligation to protect and preserve their rights as underlined in Article 4 of the *Universal Declaration of Human Rights*, which states that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."
- the DPRK Government to stop the use of forced labour in detention facilities and to amend their Criminal Code so that leaving the country without permission does not incur severe penalties.
- the DPRK Government to grant access to the UN Special Rapporteur on North Korea so that he can visit North Korea and monitor human rights conditions in the country, including conditions in detention facilities and political prison camps.
- the governments in the international community to raise the issue of protecting North Koreans in human rights discussions with China and other countries affected by North Korean migration.
- the international community to invest in economic development projects in the harder hit north-eastern provinces of the DPRK.

Endnotes

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- ³ FAO and WFP, *Special Report: FAO/WFP Crop and Food Supply Assessment Mission to the Democratic People's Republic of Korea*, 29 July 2002.
- ⁴ UN Document No. E/CN.4/2001/53, 7 February 2001, Paragraph 76. Estimates ranging from 220,000 to 3.5 million are cited in Marcus Noland, *Avoiding the Apocalypse: The Future of the Two Koreas*, Institute for International Economics, 2000, p. 191-192.
- ⁵ Estimates range from 10,000 to 300,000. In this report, we have used the conservative estimate from a study conducted by Johns Hopkins School of Public Health.
- ⁶ Si Joong Kim, "The Economic Status and Role of Ethnic Koreans in China" in F. Fred Bergsten and Inbom Choi (ed.), *The Korean Diaspora in the World Economy*, Institute for International Economics, January 2003, p. 105.
- ⁷ Reform institution refers to a *kwanliso* (political labour camp) or a *kyohwaso* (re-education labour camp) and is normally reserved for those deemed to have committed serious political offences.
- ⁸ Ministry of Unification, "Criminal Code of the Democratic People's Republic of Korea", December 2004 at http://www.unikorea.go.kr/data/pds0204/000211/attach/pds0204_211A.hwp
- ⁹ Detention labour facility refers to a *jipkyulso* (detention centre) or a *nodong danryundae* (labour training camp). Although two different words in the Korean language, we understand them to have very similar functions (see chapter 3). Both facilities generally detain those who have left the DPRK for food and economic reasons.
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- ¹¹ See David Hawk, *The Hidden Gulag*, US Committee for Human Rights in North Korea, 2003.
- ¹² Good Friends, *Report on Daily Life and Human Rights of North Korean Food Refugees in China*, June 1999, p. 8.
- ¹³ Lim Soon Hee, *The Food Crisis and the Changing Roles and Attitudes of North Korean Women*, KINU, April 2005, p. 38.
- ¹⁴ Moon Sook-jae, et. al., "The Life and Motives of the North Korean Women Defectors", *Korean Family Studies*, 38:5, 2000, p. 145.
- ¹⁵ Joel R. Charny, "North Koreans in China: A Human Rights Analysis", *International Journal of Korean Unification Studies*, 13:3, 2004, p. 83.
- ¹⁶ ILO, *A Global Alliance against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Office, 2005.
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- ²⁰ Good Friends has indicated that the average is from 3,000-5,000 yuan (US\$375-625). Cited in Good Friends, *op. cit.*, p. 21.
- ²¹ Hannah Beech, "Buy Freedom", *Time*, 162:20, 24 November 2003.
- ²² Interviewed between 1998-1999 by Good Friends, *op. cit.*, p. 20.
- ²³ *Ibid.*, p. 21.
- ²⁴ Refugees International, *op. cit.*
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- ²⁶ *Ibid.*, p. 25.
- ²⁷ Human Rights Watch, *The Invisible Exodus: North Koreans in the People's Republic of China*, 14:8(C), November 2002, p. 13.

²⁸ *Ibid.*, p. 14.

²⁹ *Ibid.*

³⁰ Joanna Hosaniak, *Prisoners of their Own Country: North Korea in the Eyes of the Witnesses*, Citizens' Alliance for North Korean Human Rights, 2005, p. 51-52.

³¹ Interviewed between 1998-1999 by Good Friends cited in Andrew S. Natsios, *The Great North Korean Famine*, USIP, 2002, p. 68.

³² Interviewed on 12 February 2005 by Anti-Slavery International.

³³ Interviewed between 1998-1999 by Good Friends cited in Andrew S. Natsios, *op. cit.*

³⁴ Interviewed between 1998-1999 by Good Friends, *op.cit.*, p. 23.

³⁵ Interviewed between 1998-1999 by Good Friends, *op. cit.*, p. 17-18.

³⁶ Barbara Demick, "N. Korea's Brides of Despair", *Los Angeles Times*, 18 August 2003.

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³⁸ Interviewed between 1998-1999 by Good Friends, *op. cit.*, p. 21.

³⁹ Interviewed in 2003 by Barbara Demick, *op. cit.*

⁴⁰ Interviewed between 1998-1999 by Good Friends, *op. cit.*, p. 23-24.

⁴¹ Human Rights Watch, *op. cit.*, p. 15.

⁴² Interviewed in 2003 by Barbara Demick, *op. cit.*

⁴³ Interviewed between 1998-1999 by Good Friends, *op. cit.*, p. 23.

⁴⁴ *Ibid.*, p. 24.

⁴⁵ *Ibid.*, p. 22.

⁴⁶ Anthony Faiola, "N. Korean Women Find Life of Abuse Waiting in China", *Washington Post*, 3 March 2004.

⁴⁷ Sun-ja Park, "I witnessed infanticide in North Korea", *The 6th International Conference on North Korean Human rights & Refugees*, Seoul, South Korea, 2005, p. 179.

⁴⁸ David Hawk, *op cit.*, p. 58.

⁴⁹ *Ibid.*, p. 66.

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⁵² *Ibid.*, p. 61.

⁵³ Human Rights Without Frontiers, *Baby Killings: Fact-finding Mission by Human Rights Without Frontiers*, 28 February 2002 at http://www.hrwf.net/html/nk_press_services_feb_28_2002.html

⁵⁴ Although the established international definition of a migrant worker according to the 1990 *UN Convention on the Protection of All Migrant Workers and Their Families* is "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national", the one provided by the UNHCR is a useful one to examine.

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⁵⁶ Andrew S. Natsios, *op. cit.*, p. 72.

⁵⁷ Stephen Castles, *International Migration at the Beginning of the Twenty-first Century: Global Trends and Issues*, UNESCO, 2000.

⁵⁸ Andrew S. Natsios, *op. cit.*, p. 86.

⁵⁹ UNHCR, *The 1951 Refugee Convention: Questions & Answers*, Geneva: UNHCR, 2001.

⁶⁰ See Joel R. Charny, *Acts of Betrayal: The Challenge of Protecting North Koreans in China*, Refugees International, April 2005, p. 13-14. Charny argues that the majority of North Koreans who flee to China are political refugees because of the link in the DPRK between the system of political persecution (i.e. the three class hierarchical structure consisting of core, wavering, and hostile) and access to public goods. Although discriminatory and highly pervasive, we believe that this class system cannot be held solely responsible for the

mass flow of North Koreans into China primarily because the effects of the famine followed by the food and economic crisis were so powerful that they infiltrated all segments of society.

⁶¹ Many ethnic Korean-Chinese went south of the border to seek help from their North Korean neighbours during the famine that was triggered by the Great Leap Forward (1958-1961). This prompted the Chinese Government to sign a secret treaty with the DPRK to deal with the problem of border crossers. It is likely that the treaty calls for both governments to prevent the illegal border crossing of residents and to deport anyone offenders (James D. Seymour, *China: Background Paper on the Situation of North Koreans in China*, Writenet, January 2005, p. 13).

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⁶⁹ In a letter to Anti-Slavery International, PRL-23 CHI - BAP/039/05, 2 May 2005.



Anti-Slavery International is committed to eliminating all forms of slavery in the world today.

Slavery, servitude and forced labour are violations of individual freedom, which deny basic dignity and fundamental human rights. Anti-Slavery International works to end slavery by exposing current cases of slavery and campaigning for their eradication, supporting the initiatives of local organisations to release people, and pressing for more effective implementation of international laws against slavery.

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