



북한인권정보센터
DATABASE CENTER FOR NORTH KOREAN HUMAN RIGHTS

**FIDH – International Federation for Human Rights
Database Center for North Korean Human Rights (NKDB)**

CHINA

Joint submission for the Committee on the Elimination of Discrimination Against Women (CEDAW)

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The Database Center for North Korean Human Rights (NKDB) is a non-governmental human rights organization that was established to document human rights violations perpetrated against North Koreans and provide direct redress to victims. As of March 2023, NKDB recorded over 139,982 entries in its database.

The International Federation for Human Rights (FIDH) is an international human rights NGO that unites 188 member organizations from 116 countries. Since its foundation in 1922, FIDH has been defending all civil, political, economic, social, and cultural rights set out in the Universal Declaration of Human Rights (UDHR).

Following China's ninth periodic report to the CEDAW in 2020, this joint submission focuses on the situation of the rights of North Korean women in China.

North Korean women lack legal status, face forced repatriation

It is estimated that there are more than 10,000 North Korean nationals who fled to China and reside there clandestinely and without legal status and protection. The majority of them are women.

The Chinese government has routinely labeled North Koreans who fled from the DPRK as "illegal economic migrants" and forcibly repatriated them under a bilateral border protocol signed by the governments of the DPRK and China in 1986. NKDB has recorded 8,125 cases of forced repatriation of North Korean nationals since 2003, of which 74% (6,036 cases) were women.

Forced repatriations have occurred despite the risk of torture, arbitrary imprisonment, summary executions, and other serious human rights violations that repatriated North Koreans face in the DPRK for leaving their own country.

These repatriations violate China's international human rights obligations under the 1951 Refugee Convention and its 1967 Protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. China is a state party to both treaties.

Trafficking and forced marriages

The lack of legal status of North Korean women who fled from the DPRK to China makes them particularly vulnerable to human trafficking and forced marriages. Without documentation, they cannot report human rights violations or seek protection because they risk being sent back to the DPRK.

The majority of North Korean women in China live in the country's Northeast, close to the border with the DPRK. In the three predominantly rural provinces of China's Northeast, China's one-child policy has contributed to an imbalanced gender ratio, with more men than women. This has led to more Chinese men in these areas having poor prospects of finding women to marry. Due to this region's proximity to the DPRK border and the vulnerability of North Korean women in China, a trafficking network has grown to provide North Korean women to Chinese men who are willing to pay intermediaries a fee to marry North Korean women. North Korean women in China - and particularly those in the country's Northeast - are therefore at heightened risk of being victims of forced marriages.

North Korean women in China are unable to acquire Chinese citizenship even if they marry Chinese men, as these marriages are common-law relationships that are not recognized under Chinese law. This lack of security means that North Korean women face the constant risk of deportation to the DPRK and the separation from their husbands and children in China. The separation of North Korean women from their families in China leads to additional human rights abuses, such as violations of the right to family life, the right to privacy, and the right to non-discrimination, and to negative psychological impacts on children, such as separation anxiety and inter-generational trauma.

Recommendations

- Respect the principle of *non-refoulement* and refrain from forcibly repatriating North Korean women to the Democratic People's Republic of Korea.
- Recognize North Korean women as refugees in China or allow a safe pathway for them to resettle to a third country by adopting a victim-centric and human rights-based approach to trafficking in persons, including providing victims with the right to stay in the country and access to legal protection and basic services.
- Recognize the legality of marriages between North Korean women and Chinese men, to ensure that North Korean women can acquire Chinese citizenship and access to legal protection.
- Take all the necessary measures to prevent the trafficking of North Korean women to China and provide support and holistic care to victims and survivors of sexual exploitation and trafficking.
- Comply with obligations under the 1951 Refugee Convention and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensure that the *non-refoulement* provisions of the two Conventions are upheld.
- Adopt legislation incorporating obligations under the Refugee Convention and bring existing laws into line with international human rights law and standards to ensure the protection of vulnerable North Korean women in China.