

Committee for Human Rights in North Korea

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Statement of Greg Scarlatoiu, Executive Director, Committee for Human Rights in North Korea (HRNK), on “Protecting North Korean Refugees” at the Hearing of the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, December 12, 2017

Good afternoon Chairman Smith, Ranking Member Bass, and members of the Subcommittee. Thank you for the invitation to testify before you today. It is a true honor and a privilege.

My name is Greg Scarlatoiu. I am the executive director of the Committee for Human Rights in North Korea (HRNK). We are a nonpartisan research organization headquartered in Washington, DC that conducts original research on North Korean human rights issues. Over the last 16 years, we have published over 30 reports available at HRNK.ORG, documenting for the world the horrifying truth about the extent of human rights abuses in North Korea. Our work has played a central role in assisting and informing the efforts of the US State Department, the UN Commission of Inquiry, and numerous other stakeholders who care passionately about the rights of people in North Korea. Most recently, the report submitted by UN Secretary General Antonio Guterres to the UN General Assembly on August 28th quoted one of HRNK’s publications.

On behalf of HRNK, thank you for your time and interest in the plight of North Korean refugees, an ongoing human rights issue and crisis perpetuated by both North Korea and China today. The protection of North Korean refugees relates to fundamental human rights, human dignity, and state obligations under international law.

On the current situation of North Korean refugees in China

In July 2017, a North Korean refugee family of five, on their way to the Republic of Korea, committed suicide while in Chinese custody awaiting forcible repatriation to North Korea. More recently in November, reports by BBC Korea stated that China forcibly returned a group of ten refugees to North Korea, including a mother and her four-year-old son. This information comes from a Mr. Lee, the husband and father of these two victims, currently hiding in China.

For the past few years, among the interns trained at HRNK we have also worked with former North Korean refugees, currently holding South Korean citizenship. Some of these young bright escapees explained their experiences living on the run in China. One intern, when asked how she had learned Chinese, clarified that prior to her escape to South Korea, she had grown up in secret, hidden behind closed doors in China. As she was undocumented and feared the Chinese government would arrest her and forcibly return her to North Korea, her Chinese protectors brought her books to help her learn and pass the time.

China does not uphold its obligations under international law because it very rarely allows North Korean refugees access to the UN Refugee Agency (UNHCR), instead only permitting the UNHCR an office in Beijing, far from the border. As evidenced by their forcible repatriation,

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China denies many North Koreans the ability to apply for asylum or have safe passage to the Republic of Korea or other countries. China claims that North Koreans in need of protection are illegal economic migrants. But in reality they are victims fleeing persecution, who face a well-founded fear of persecution if forcibly returned to North Korea. Time after time we hear from North Korean refugees that when they were repatriated by China they faced imprisonment, torture, and various forms of sexual violence. Especially if the interrogators suspect that the repatriated refugees came across South Korean nationals or Christian missionaries while in China, the punishment is sure to be harsh. Determined to escape the oppression and chronic human insecurity of North Korea, some attempt to escape again, even after detention and imprisonment. Some are successful and manage to tell the stories of their harrowing escape to the outside world. Through the voices of escapees who find their way to freedom in South Korea and other countries, we know that up to eighty percent of North Korean refugees in China are women. In the absence of any semblance of protection, they fall victim to human traffickers and other criminals. Many of those forced into sexual bondage under the guise of “marriage” with Chinese men in run-down rural areas are often abused by the would-be “spouse” and the entire family. Their children’s human security is beyond precarious. China denies North Korean children the right to education, health and personal security as well as liberty when they are detained awaiting forcible repatriation.

On the UN Commission of Inquiry

In 2014, the United Nations Commission of Inquiry on Human Rights in North Korea (UN COI) found that North Koreans forcibly repatriated by China systematically endure *persecution, torture while being interrogated about their activities abroad, sexual violence, and imprisonment in North Korea’s inhuman detention system*. Persons found to have contact with the Republic of Korea or Christian churches may be *forcibly disappeared into political prison camps, imprisoned in forced labor camps, or summarily executed*.

The UN COI also found that North Koreans who try to flee their country and those in detention are among the primary targets of a systematic and widespread attack by North Korea, making them the most vulnerable and in need of protection. Not only are North Koreans targeted for escaping their totalitarian state, but then they are targeted by the Chinese government, and ultimately victimized again once repatriated to North Korea and imprisoned. It truly is a vicious cycle of political oppression and violence perpetrated against countless innocents.

Despite the UN COI’s findings and despite the fact that North Koreans are entitled to international protection as refugees fleeing persecution or *refugees sur place*, “China pursues a rigorous policy of forcibly repatriating citizens of [North Korea] who cross the border illegally” with the view that these persons are “illegal economic migrants.”

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On human trafficking

Up to 90 percent of North Korean women and girls in China fall prey to traffickers in China who sell them into sexual slavery, either in forced marriages or prostitution, to their shock and horror. Countless North Korean women are victimized in this manner because they are vulnerable as they try to escape the brutal conditions of their home country. In China, the women and girls are fodder for often-rural men looking for wives. They may have arrived in China with young children too, only to be cruelly separated by human traffickers. The cycle of violence and oppression once again continues as these women and girls are held against their will or are coerced into submission out of fear that the Chinese family will report them to authorities. Additionally, impregnated women and girls by Chinese men are further victimized when the Chinese government does not recognize the children they bear as legal residents otherwise entitled to basic rights to education and other public services.

On prison camps

A core HRNK objective is to completely, verifiably, and irreversibly dismantle North Korea's vast system of unlawful imprisonment, where up to 120,000 men, women, and children are detained under abysmal circumstances, forced to work and die in prison camps because of their perceived lack of loyalty to the Kim family. As such, HRNK is aware of six operational political prison camps and the existence of over twenty potential labor camps inside North Korea, recently documented in our October 2017 report *The Parallel Gulag*.

Our 2015 report, *The Hidden Gulag IV: Gender Repression and Prison Disappearances*, documents the particular vulnerabilities of North Korean women jailed in a network of "political prison camps" (*kwan-li-so*) and "labor camps" (*kyo-hwa-so*). Increasingly, these facilities house women who have attempted to flee the country, and here, rates of mortality, malnutrition, forced labor, and exploitation are high. As our Co-Chair Emeritus Roberta Cohen, a distinguished human rights and displaced persons expert noted, "Women in particular are fleeing North Korea in ever greater numbers. When they are apprehended, they are subjected to deliberate starvation, persecution, and punishment. Their situation cries out for international attention."

In this report, we also found evidence that an additional section of Camp 12 at Jongo-ri, North Hamgyong Province, was built to imprison the influx of women arrested and forcibly repatriated by China. Our interviews with former prisoners at this camp indicate that upwards of one thousand women are enslaved here. Eighty percent, eight hundred of them, are forcibly repatriated refugees. According to our witnesses, former Camp 12 prisoners themselves, so many women prisoners were brought to the camp that a new building annex was constructed to house them. We were able to confirm the presence of the new construction through satellite imagery acquisition and analysis.

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On China's non-compliance with international conventions

China received a warning by the UN COI in 2014 that its policy of forcibly repatriating North Korean refugees could potentially amount to aiding and abetting North Korean perpetrators of *crimes against humanity*. The UN COI urged China to caution relevant officials that conduct could amount to the *aiding and abetting of crimes against humanity* where **repatriations and information exchanges** are specifically directed toward or have the purpose of facilitating the commission of crimes against humanity in North Korea.

North Koreans fleeing political persecution—based on North Korea's discriminatory social class system known as *songbun*—are refugees as defined in the Refugee Convention. North Koreans with a well-founded fear of persecution upon their forcible return to North Korea by China are *refugees sur place* and must be given protection under China's international obligations, including the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

China's forcible repatriation of North Korean refugees violates its obligation to uphold the principle of *non-refoulement* under the Refugee Convention. Furthermore, China violates article 3 of the Torture Convention, which states, "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

On US and global efforts to protect refugees and surge information

Notwithstanding high-level advocacy, China has forcibly repatriated tens of thousands of North Koreans. However, over 30,000 North Korean refugees now reside in over 20 nations, with the vast majority of them, 31,000 currently living in the Republic of Korea. While the United States Refugee Admissions Program remains the largest in the world, fewer than 220 refugees from North Korea have resettled since the enactment of the North Korea Human Rights Act of 2004.

As part of efforts to provide information on North Korea's human rights abuses, HRNK wrote and published a series of Wikipedia contributions on human rights in North Korea, including in Chinese. Since China is perhaps the only country in the world with substantial leverage on the Kim regime, accounting for over 80% of North Korea's foreign trade, the awareness and support of the Chinese people is now more imperative than ever, although the degree to which the public can actually influence foreign policy in China is highly debatable, to say the least. The Wikipedia pages created by HRNK are available in [English](#), [Korean](#), and [Chinese](#).

On United States policy

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Painfully aware of ongoing concerns and echoing HRNK's previous recommendations submitted together with then HRNK Board co-chair Roberta Cohen before a March 5, 2012 hearing of the Congressional-Executive Commission of China, I respectfully recommend the following:

First, the United States should urge China to immediately halt its forcible repatriation of North Korean refugees, and thus fulfill its obligations pursuant to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, the Torture Convention, and the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China.

Second, the United States should call upon China to allow the UNHCR unimpeded access to North Koreans inside China to determine whether they are refugees and whether they require assistance.

Third, China should be called upon to adopt legislation incorporating its obligations under the Refugee Convention, the Convention against Torture, and other international human rights agreements and to bring its existing laws into line with internationally agreed upon principles. It should be expected to declare and uphold a moratorium on deportations of North Koreans until its laws and practices are brought into line with international standards.

Fourth, China should be urged to recognize the legal status of North Korean women who marry or have children with Chinese citizens, and ensure that all such children are granted resident status and access to education and other public services in accordance with both Chinese law and international standards.

Fifth, in the absence of a Chinese response, the issue should be brought before international refugee and human rights fora. UNHCR's Executive Committee as well as the UN Human Rights Council and General Assembly of the United Nations should all be expected to call on China *by name* to carry out its obligations under refugee and human rights law and enact legislation to codify these obligations so that North Koreans will not be forcibly repatriated while facing a credible fear of persecution.

Sixth, the United States should promote a multilateral approach to the problem of North Koreans leaving their country. Their exodus affects more than China. This critical issue concerns our South Korean allies most notably, as South Korea already houses 31,000 North Korean escapees, and its Constitution offers citizenship to North Koreans. Together with UNHCR, a multilateral approach should be designed that finds solutions for North Koreans based on principles of *non-refoulement* and human rights and humanitarian protection. Building on the precedent of other refugee populations, international burden sharing should be developed to protect North Koreans seeking to escape the tyranny of the Kim regime.

Seventh, following the passage of the North Korean Human Rights Reauthorization Act of 2017, which mandates the position of the Special Envoy for North Korea Human Rights, the US

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Congress urge the prompt appointment of a qualified candidate. I share in the belief that the large number of special envoys in the State Department should be greatly reduced. I strongly believe, however, that this particular issue merits the full-time, high profile focus across various agencies that the Special Envoy has so effectively brought, and would continue to bring.

Eighth, that additional funds be appropriated for clandestine information flow into North Korea, for non-governmental organizations working to improve human rights in North Korea, and for the resettlement of North Korean refugees in the United States.

The most critical challenge our country faces today is the nuclear and ballistic missile threat posed by the regime of Kim Jong-un. Grateful for the Subcommittee's unabated determination to protect North Korean refugees in China, I respectfully urge you to continue to consider the vital importance of formulating and adopting a robust human rights policy, including a North Korean refugee protection policy, that can be integrated into US security policy toward both China and North Korea's Kim regime.

HRNK Resources

Four HRNK publications address the precarious plight of North Koreans in China and the cruel and inhuman practice of forcibly sending them back to one of the world's most oppressive regimes.

- The first, *The North Korean Refugee Crisis: Human Rights and International Response* (2006), edited by Stephan Haggard and Marcus Noland, establishes that most if not all North Koreans in China merit a *prima facie* claim to refugee or *refugee sur place* status. This report is available at https://www.hrnk.org/uploads/pdfs/The_North_Korean_Refugee_Crisis.pdf.
- The second, *Lives for Sale: Personal Accounts of Women Fleeing North Korea to China* (2010), calls upon China to set up a screening process with the UN High Commissioner for Refugees (UNHCR) to determine the status of North Koreans and ensure they are not forcibly returned. This report is available at https://www.hrnk.org/uploads/pdfs/Lives_for_Sale.pdf.
- The third, *Hidden Gulag Second Edition* by David Hawk (2012), presents the harrowing testimony of scores of North Koreans severely punished after being returned to North Korea. This report is available at https://www.hrnk.org/uploads/pdfs/HRNK_HiddenGulag2_Web_5-18.pdf.
- The fourth, *Gender Repression and Hidden Gulag IV: Gender Repression and Prisoner Disappearances* by David Hawk (2015) finds that North Korean women, desperate to ensure their families' survival after catastrophic famine in the 1990s—are excessively victimized and detention facilities for women have notably expanded. This report, as well as satellite imagery that verifies the additional structure, are available here: https://www.hrnk.org/uploads/pdfs/Hawk_HiddenGulag4_FINAL.pdf and https://www.hrnk.org/uploads/pdfs/ASA_HRNK_Camp12_201608_v10_LR.pdf.

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In October 2017, HRNK published *The Parallel Gulag: North Korea's "An-jeon-bu" Prisons* by David Hawk with Amanda Mortwedt Oh. The Honorable Michael Kirby, former Chair of the UN COI, states that *Parallel Gulag* “updates the record contained in the COI report” and “shows that North Korea’s system of political oppression remains in place as an affront to the conscience of humanity.” The report is available at https://www.hrnk.org/uploads/pdfs/Hawk_The_Parallel_Gulag_Web.pdf with picture files available at <https://www.flickr.com/photos/159228385@N04/sets/72157661876737398/>.

Prior Congressional testimony to the CECC on North Korean refugees by Roberta Cohen and Greg Scarlatoiu is available at <https://www.hrnk.org/events/congressional-hearings-view.php?id=7> and <https://www.hrnk.org/events/congressional-hearings-view.php?id=1>.

Thank you for your kind consideration.

Greg Scarlatoiu
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