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THE PENINSULA

UN Special Rapporteur Leads Effort Opposing China's Forcible Repatriation of North Korean Refugees

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As the worst of the COVID pandemic begins to fade, North Korea's weak health care system and its lack of wide-spread vaccinations against the disease are apparently now able to handle the return home of North Koreans who were away from their home country when the COVID pandemic initially broke out. North Koreans were officially permitted to return to their homeland beginning August 27, although those returning were required to remain in strict quarantine for one week after reaching North Korea.

Initially those returning were diplomats and/or businessmen (in North Korea they are frequently the same individuals). Not long after they began to return, the government of China began forcibly returning North Koreans who illegally crossed the border from North Korea into China during the COVID outbreak. These individuals include those who were engaging in non-official trade and those who found or were seeking jobs illegally in China. But there was also a significant number of North Koreans who went to China in an effort to flee their homeland to resettle in South Korea or elsewhere. Their way out was crossing into China and exiting through neighboring Southeast Asian countries where they could to find their way to South Korea.

Within two months of the North Korean decision to permit North Koreans to return to their homeland, China began the forced repatriation of North Koreans who fled their country to find jobs in China or to escape to South Korea or elsewhere. During the pandemic, an estimated 2,500 North Koreans who fled their homeland but were subsequently captured

by Chinese agents over the last four years were not permitted to return to North Korea because of COVID. They were detained in China. Some 70 percent of these detainees are women.

Now that Pyongyang is permitting its citizens to return, the Chinese are returning them – whether they wished to return or not. In what appears to have been a highly choreographed effort, on October 9 some 500 North Koreans held in China were transported to five border crossing points on the China-North Korea border where they were forcibly repatriated. Human rights organizations believe that as many as 2,000 more are still being held in China and are likely to be returned to North Korea soon.

This action is a violation of international human rights law, which calls for migrants to be treated humanely and not be forcibly repatriated. As the office of the United Nations High Commissioner for Human Rights [explains](#), “Under international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status.” The term “non-refoulement” is the international legal phrase which specifies that refugees should not be returned to their country of origin or citizenship against their will. The term “repatriation” is also frequently used in addition to the term “refoulement,” which is the formal French word and the commonly used international legal term for returning persons to their country of citizenship.

Whatever the reason these North Koreans left their homeland, there is no question that after being forcibly returned from China to North Korea, they would be subjected to [brutal treatment](#). Many are detained in forced labor camps, where they face torture, sexual violence, and in many cases death.

UN Human Rights Officials Unite in Opposition to North Korean Refoulement

[Professor Elizabeth Salmón](#) of Peru, Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, played a leading role in publicizing and opposing the severe human rights abuse in dealing with the reopening of the North Korean border and the imprisonment of refugees who are being forcibly returned. She organized a joint statement signed by 18 leading UN human rights experts appointed by the UN Human Rights Council who work with the Office of the UN High Commissioner for Human Rights in Geneva.

Their [joint statement](#) said, “We are alarmed by reports . . . that China has forcibly repatriated hundreds of escapees from the DPRK, the vast majority of whom are women, despite appeals repeatedly made by multiple international human rights bodies to refrain from doing so.” The statement indicated its justification for the concern noting that “long-standing and credible reports that people returned to the DPRK . . . would face serious human rights violations such as torture or cruel, inhuman or degrading treatment and punishment.”

The UN experts emphasized the fundamental international legal principle of “non-refoulement,” which forbids a country which receives asylum seekers from returning them to a country (either the country of their citizenship or another country) in which they

would be in probable danger of persecution based on “race, religion, nationality, membership of a particular social group or political opinion.” Non-refoulement is considered a principle of customary international law.

Refoulement of North Koreans Raised at UN General Assembly

Professor Salmón also gave particular emphasis to her concern about the Chinese repatriation of North Koreans in her annual report and oral presentation to a committee of the UN General Assembly in late October. Her report was discussed in a committee meeting of the full membership of the UN General Assembly. A draft resolution critical of North Korea’s human rights abuses was circulated to UN member countries, and the resolution was approved at committee level. It will be adopted formally by the General Assembly in late November or early December. The report is sharply critical of Pyongyang’s policies and practices which violate the rights rights of North Korean citizens, with special focus on the repatriation of the North Koreans by China.

North Korea’s human rights record has been discussed, debated, and denounced by the UN General Assembly and the UN Human Rights Council annually since December 2005, when the issue was first formally raised in the United Nations. Discussion of human rights abuses in North Korea in the General Assembly and the Human Rights Council is part of a continuing UN effort to call attention to Pyongyang’s human rights record and promote positive change.

Since 2004, the UN Human Rights Council has appointed a “Special Rapporteur” for human rights in the DPRK to report annually on North Korea’s human rights record. In addition to these two annual public discussions, both the Human Rights Council and the UN General Assembly have annually adopted formal resolutions criticizing North Korea.

In addition to these annual procedures for focusing attention on human rights problems, the UN Human Rights Council and the UN High Commissioner for Human Rights also established a Commission of Inquiry (COI) to investigate human rights conditions in North Korea. The Report of the Commission of Inquiry on North Korea was comprehensive and thorough, and received high praise.

An additional indication of the seriousness of North Korea’s human rights violations is the fact that the UN Security Council has held periodic meetings on North Korea’s human rights abuses beginning soon after the Commission of Inquiry report was published in 2014. The rights abuses are still very much considered a threat to international peace and security. The most recent Security Council meeting on North Korea’s human rights issues was held in August 2023.

The October 2023 report of Special Rapporteur Elizabeth Salmón to the UN General Assembly was discussed at a committee meeting involving all General Assembly member countries. Professor Salmón gave attention to “widespread and severe violations of the rights of the child (i.e., forced labor, discrimination, malnutrition, and access to information from the outside world).” She also highlighted “the rights of women (e.g., protection from gender-based violence, equality, labor rights and reproductive rights).”

But the issue to which the Special Rapporteur gave particular focus and attention because of its immediacy was concern for the fate of North Koreans who fled their homeland before the COVID pandemic and are now in danger of being forcibly returned. Whatever

the reason these North Koreans left their homeland, they would be subjected to **brutal treatment** after being forcibly returned from China to North Korea. Many are or will be detained in forced labor camps, where they face torture, sexual violence, and in many cases death.

In the recommendations of the Special Rapporteur at the conclusion of her report for the UN General Assembly, she asks that “Member States, in particular China and the Russian Federation where a large number of escapees from the DPRK reside, provide protection to the people from the DPRK as well as uphold the principle of *non-refoulement* to individuals from the DPRK, who are at risk of serious human rights violations upon their forced repatriation.” She notes in her report that there are “long-standing and credible reports to believe that escapees from the DPRK who are forcefully returned ‘would be subjected to torture, cruel, inhuman or degrading treatment and punishment, as well as other grave human rights violations.” (Report of Special Rapporteur, Paragraph 4, 47.)

In the written report, Special Rapporteur Salmón diplomatically avoids pointing the finger of blame too directly at China. She raises “the imminent risk of repatriation of individuals from the DPRK *by other countries*” (emphasis added), but she later does mention that “over 2,000 individuals from the DPRK, approximately 70 per cent of whom are women, are estimated to be detained in China as ‘illegal migrants.’”

Later in her specific recommendations to UN countries, she suggests that that “Member States, in particular China and the Russian Federation, where a large number of escapees from the DPRK reside, provide protection to the people from the DPRK and uphold the principle of non-refoulement for individuals from the DPRK, who are at risk of serious human rights violations upon their forced repatriation.” (Report of Special Rapporteur, Paragraph 4, 47.) Although China is clearly *the* principal villain in the refoulement of North Korean refugees, she discretely avoids singling out China alone, though clearly that is where the blame for refoulement lies.

General Assembly Committee Approves by Consensus Resolution on Human Rights in North Korea

After lengthy discussion of the report of the Special Rapporteur on the human rights situation in the Democratic People’s Republic of Korea, the General Assembly Third Committee (Social, Humanitarian and Cultural) approved the report by Special Rapporteur Salmón and approved a strongly worded resolution calling upon North Korea to make improvements in its human rights policies. The draft resolution was approved by consensus without a recorded vote because it was clear that well over the required majority of countries support the draft. Final pro forma approval in the General Assembly is assured since the Third Committee includes all UN member countries.

The resolution on North Korea’s human rights situation was drafted by the Spanish UN envoys in the General Assembly in New York on behalf of the European Union, whose members coordinate their UN activities. The Spanish diplomat who spoke on the North Korea resolution said the resolution “reflects deep concern regarding the severe human rights situation” in North Korea.

The North Korean representative in an angry rant “rejected the resolution as an ‘anti-DPRK political plot,’ and said it was done “at the instigation of the United States.” The North Korean diplomat said the text of the resolution “is based on falsehoods drawn up with

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testimonies fabricated by 'human scums,' who committed crimes in their homeland and defected, leaving their families." The North Korean diplomat said the sponsors of the resolution "are not motivated by human rights, but rather their ulterior purpose to defame, demonize and eliminate his country's socialist system." The countries who support this resolution are "chief human rights violators without exception."

Despite the acerbic response of the North Korean diplomat, the resolution was approved by consensus and no recorded vote was taken. To demand a recorded vote would only have further driven home the fact that North Korea has very limited support in the United Nations. For the 19th straight year, the UN General Assembly is in the process of approving a resolution expressing concern regarding human rights in North Korea and calling for the protection of North Korean refugees who have chosen to flee their homeland.

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Return to the Peninsula