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**Citizens' Alliance for North Korean Human Rights (NKHR)**

**Individual Submission**

**In preparation for the  
Fourth Cycle of the Universal Periodic Review of the  
People's Republic of China (PRC)  
45th Session (January - February 2024)**

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Citizens' Alliance for North Korean Human Rights (NKHR) is a non-partisan, non-religious and non-profit organization founded in Seoul, ROK in 1996. NKHR's work focuses on international advocacy and research, as well as on the assistance for North Korean refugees and education programs for North Korean youth and college students resettling in South Korea.

## **Introduction**

This submission concerns the complicity of the Chinese government and businesses in crimes against humanity of enslavement in North Korean supply chain, especially in connection to the North Korean refugees and asylum-seekers, including women, forcibly repatriated from China.

### **1. Crimes against humanity of enslavement in North Korean supply chain and its connection to the forcible repatriation of North Korean refugees and asylum-seekers, including women, from China**

NKHR's years-long ongoing investigation into the role of the North Korean regime's top structures in export linked to large-scale human rights abuses has revealed that North Korea sustains its economic system through a coercive quota system, which requires civilians to submit quotas of goods for the export of minerals, agricultural and livestock products, metal, construction materials, etc.<sup>1</sup> This pyramid of extortion is enforced through each Ministry and Party organ and is imposed on every citizen throughout society.

The hunting system for prisoners and slave labor is enforced by the Ministry of State Security (MSS/secret police) which, together with the Ministry of People's Safety (MPS/police) and Korea People's Army (KPA), sits under the current Leader in the State Affairs Commission - the top organ of the State. The law enforcement ministries have numerous subsidiaries that are corporations trading in the production obtained through slave labor in detention camps. These companies have their intermediaries operating in China to supply their produce to China-based businesses.

The MSS (secret police) is the primary investigative authority dealing with persons deported from China who had crossed the border with the aim of finding work or seeking asylum or as victims of human trafficking in third countries.

Former MSS officers and prosecutors from North Korea have told NKHR that the seriousness of crimes is evaluated based on the discriminatory *songbun* classification, using biased information not verified by an independent court. It is for the MSS, not any independent decision-maker or court, to decide at the pre-trial secret investigation stage who will remain

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<sup>1</sup> NKHR, "Blood Coal Export from North Korea. Pyramid scheme of earnings maintaining structures of power" (April 2, 2021), <https://www.nkhr.or.kr/en/publications/nkhr-research-reports/blood-coal-export-from-north-korea-pyramid-scheme-of-earnings-maintaining-structures-of-power/>

in the MSS custody and end up in MSS-run *kwanliso* political prison camps from which a release is unlikely, and who will be handed over to the MPS (police) custody to face trial and sentence in MPS-operated *kyohwaso* detention camps.

North Korean Women interviewed after 2012 also reported harsher punishment of five years' imprisonment in *kyohwaso* prisons on average for illegal border crossing. This reflects reported legislative amendments to North Korean criminal law and should be further analyzed through the lenses of the quota system of production in detentions which forms a vicious cycle of hunting for increased supply of forced labor. Women have always been, and continue to be, the primary victims of this cycle. In this way, the MSS is providing constant supply of slave labor force.

As a state party to the 1951 Refugee Convention and its 1967 Protocol as well as a member of the UN High Commissioner for Refugee (UNHCR)'s Executive Committee, China has an obligation to cease all forms of forcible repatriation of North Korean refugees and asylum-seekers and implement the process for the individualized determination of the refugee status.

China is also bound by the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which provides in article 3 that "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". The UN Declaration on the Protection of all Persons from Enforced Disappearance adopted by General Assembly resolution 47/133 of 18 December 1992 similarly provides in article 8 that "No State shall expel, return (*refouler*) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance". It is noteworthy that these protections are applicable regardless of the refugee status.

Unfortunately, China has been ignoring recommendations by the UN Committee against Torture (CAT) in 2015 to "adopt the necessary legislative measures to fully incorporate into domestic legislation the principle of non-refoulement set out in article 3 of the Convention, and promptly establish a national asylum procedure, in cooperation with UNHCR" and to "immediately cease forcible repatriation of undocumented migrants and victims of trafficking to the Democratic People's Republic of Korea, and allow UNHCR personnel unimpeded access to nationals of the Democratic People's Republic of Korea who have crossed the border, in order to determine if they qualify for refugee status".<sup>2</sup>

Furthermore, article 32 of the Constitution of the People's Republic of China provides that "The People's Republic of China may grant asylum to foreigners who request it on political grounds". More specifically, article 46 of the Exit and Entry Administration Law, enacted in 2012, states that "Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognized as refugees may stay or reside in China on the strength

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<sup>2</sup> Concluding observations on the fifth periodic report of China, CAT/C/CHN/CO/5, para. 47

of refugee identity certificates issued by public security organs”. However, it appears that no North Korean national has been allowed to apply for refugee status or issued “temporary identity certificates” under article 46.

## **2. “Made in China” goods produced in North Korean prison camps**

Not unlike the *kwanliso* political prison camps operated mostly by the MSS, the MPS-run *kyohwaso* prison camps are also major sites of production (mining, lumbering, farming, production of goods). North Korean women repatriated from China who served sentences in the *kyohwaso* prisons have been reporting for more than a decade that they were housed in large wards for them where they were forced to produce textiles, wigs, or fake eyelashes that were labelled “Made in China”.

In recent years the data provided by China’s General Administration of Customs disclosed increasing import in beauty products from North Korea to China. According to NK Pro, Chinese import of wigs or eyelashes from North Korea jumped from 37 metric tons in December 2022 to 121 metric tons in April 2023 and constituted 71 percent of China’s overall trade with North Korea. According to a Radio Free Asia report from 2021, a 20-kilogram (44 pound) box of raw materials for wig manufacturing costs 7,000 yuan (about U.S. \$1,100), but the finished products made from those materials can fetch more than 30,000 yuan (about \$4,600). While some of these products have been stockpiled due to the border closure during the COVID pandemic, this type of produce constitutes substantial earnings for the North Korean regime (valued at \$22.6 million in April) and Chinese companies.

Reports indicate at least 1,000 North Korean detainees in Chinese prisons await deportation because of the COVID border lockdown imposed by the North Korean government since January 2020. The reopening of borders will cause a surge in deportations of North Korean refugees from China that will only exacerbate grave human rights violations, including their exploitation as slave laborers for the benefit of Chinese businesses.

There is also a high probability that portion of products originating from North Korea but produced for Chinese companies have been made in prison camps detaining repatriated North Korean refugees from China through forced labor and other human rights violations, in some cases amounting to crimes against humanity.

Chinese authorities must be demanded to cease all forms of forced repatriation, which is directly related to supplying forced labor and provision of goods for Chinese companies and enforce stricter regulations regarding businesses engaging in unethical, illegal practices within their borders. Ultimately, it is the responsibility of the importer to ensure that their goods have not been produced using forced labor.

In this regard, the Chinese government and corporations must follow the Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework at home and abroad. We note that following recommendations have been made concerning business and human rights during China’s third-cycle UPR:

28.131 Consider the establishment of a legal framework to guarantee that activities carried out by industries subject to its jurisdiction do not negatively impact human rights abroad (Peru);

28.132 Strengthen efforts, in accordance with the International Covenant on Economic, Social and Cultural Rights and the Guiding Principles on Business and Human Rights, to reduce the adverse environmental effects of industrialization including air pollution (Republic of Korea);

28.133 Take further measures on business and human rights in line with its international obligations and ensure that companies operating in high-risk or conflict areas conduct human rights due diligence in line with the Guiding Principles on Business and Human Rights (State of Palestine);

28.134 Establish a regulatory framework to assess the human rights and environmental impacts of corporations headquartered in China so as to promote and respect human rights, in follow-up to the recommendations contained in paragraphs 186.185, 186.193, 186.224 and 186.251 of the report of the Working Group, accepted during the second cycle (Haiti);

28.135 Continue extending Chinese laws, regulations and standards such as the Guiding Principles on Business and Human rights to Chinese companies operating beyond China’s borders (Kenya);

### **3. The UPR Questions and Recommendations**

We ask the member states to raise the following questions and recommendations to China.

#### **Questions:**

- How many North Korean nationals (disaggregated by age and gender) are currently detained in China? How many of them will be deported to North Korea when the border closure is lifted?
- For the purpose of article 3 of the Convention against Torture, is there no “consistent pattern of gross, flagrant or mass violations of human rights” in North Korea?
- How many persons disaggregated by nationality have been granted the refugee status through UNHCR review since 2018?
- How many persons disaggregated by nationality: (1) have applied for the refugee status under article 46 of the Exit and Entry Administration Law? (2) have been issued the “temporary identity certificates” for asylum-seekers? (3) have been granted the refugee status?
- How many Chinese businesses have trade and/or investment interests in North Korea and what is the total volume and type of such annual trade and investment?
- How does the government ensure that its corporations abide by the Guiding Principles on Business and Human Rights when engaging in business activities with North Korea?

### **Recommendations:**

- End the forcible repatriation of North Korean refugees and asylum-seekers, including women and girls;
- Adopt the necessary legislative measures to fully incorporate into domestic legislation the principle of non-refoulement set out in article 3 of the Torture Convention, and promptly establish a national asylum procedure, in cooperation with UNHCR in accordance with the recommendation of the UN Committee against Torture;
- Immediately cease forcible repatriation of undocumented migrants and victims of trafficking to the DPRK, and allow UNHCR personnel unimpeded access to nationals of the DPRK who have crossed the border, in order to determine if they qualify for refugee status in accordance with the recommendations of the UN Committee against Torture;
- Implement article 46 of the Exit and Entry Administration Law by instituting the individualized refugee status determination process and issuing “temporary identity certificates” for asylum-seekers, including those from the DPRK;
- Take legal actions against corporations and their executives that fail to show proper evidence that they are not profiting from the use of slave labor in North Korea;
- Establish a legal framework on business and human rights to guarantee that activities carried out by corporations headquartered in China do not negatively impact human rights

abroad in particular by ensuring that they conduct human rights due diligence in line with the Guiding Principles on Business and Human Rights.