

**Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Working Group on discrimination against women and girls**

Ref.: AL CHN 3/2024  
(Please use this reference in your reply)

22 March 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; Special Rapporteur on contemporary forms of slavery, including its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 53/9, 52/28, 52/26, 51/15 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning trafficking in persons of women and girls from the Democratic People's Republic of Korea (DPRK) into China. According to the information received, girls and women from the DPRK have been trafficked for the purposes of forced marriage, sexual exploitation, forced labour and domestic servitude, especially prior to the 2020 border closure.

We would also like to point out the heightened risks faced by DPRK women victims of trafficking, who are forcibly returned from China to the DPRK. Concerns in this regard were highlighted in a previous communication which was sent by Special Procedures' mandate-holders to your Excellency's Government on 18 July 2023 (CHN 9/2023). We thank your Excellency's Government for its reply, dated 13 September 2023 (HRC/NONE/2023/SP/45), but we remain concerned bearing in mind the below allegations.

According to the information received:

We have received information about women and girls from the DPRK trafficked mainly into six areas of China, near the DPRK-Chinese border, for purposes of forced marriage, sexual exploitation, forced labour and domestic servitude. Women and girls from the DPRK are trafficked by criminal networks composed of individuals from the DPRK.

*Background on trafficking in persons from the DPRK to China:*

DPRK nationals have been crossing the border into China, and are exposed to exploitation and many dangers, as they leave behind their families, homeland and identities. It is estimated that approximately 70% of those who embark on the journey are women, and an estimated 1 in 10 undertake the journey as a result of deception or abduction.

China is almost the sole avenue for citizens of the DPRK to leave the country irregularly. People leave the DPRK without permission to China to search for work or trading opportunities, to avoid persecution by the authorities, or to be reunited with their relatives or friends who have settled outside of the country. Many women and also girls are allegedly at risk of human trafficking.

While all such departures from the DPRK are considered illegal by the Government of the DPRK, the punishments on return vary, with much harsher punishment imposed on those who continue to express a desire to flee, particularly to the Republic of Korea.

According to the information received, a criminal network of human traffickers supported by a large number of individuals acting as brokers and translators, including from the DPRK, seek DPRK women to sell into various areas of China, with a great majority of them being trafficked for purposes of forced marriage, sexual exploitation, and domestic servitude. The large influx of DPRK women began in 2001 for purposes of forced marriage in rural areas in China. According to the information received, there are concerns that girls may also be at risk of trafficking for purposes of child marriage and sexual exploitation. Currently, the price of a bride reportedly varies depending on the age, decreasing from 5,000 to 1,000 yuen after the age of 40. In some cases, it is alleged that victims of trafficking and other forms of exploitation were prosecuted for transporting illicit drugs, including without their consent or knowledge.

#### *Temporary residence permits and violation of right to privacy*

Since 2020, DPRK women in China have allegedly been required to register for Temporary Residence Permits as a requirement to travel by bus or taxi. The cards include personal information such as their place of residence, family members, including spouse and children. In many cases, permits have reportedly been issued through intimidation and coercion by security forces due to the women's fear of forced repatriation. The permits do not provide access to medical services nor the ability to travel by plane or train. It is said that security forces utilise the information on the temporary residence permits as surveillance system to screen the DPRK women's phones two to three times per month. The temporary cards are allegedly given on the pretense that they are needed for local travel including by bus or taxi but do not provide any entitlements nor allow for travel by plane or train.

According to information received, despite security forces' assurances that they would not be forcefully repatriated, some of the women with temporary permits have been sent to border repatriation areas. The requirement for DPRK women to regularly send messages to security forces could point to the temporary residence permits being used as a surveillance system. Their husbands are allegedly required to send their wife's picture every morning to security forces as proof of their continued presence in the border areas, pending their repatriation to the DPRK.

*Separation of families following forced repatriation of DPRK mothers from their children born in China*

Many trafficked women choose to remain in China to be near their children who are born as a result of forced marriage and/or sexual exploitation. The children are generally registered under their Chinese family's name to protect their birth mothers' identities and have Chinese nationality. Some of the women, despite having been deported to the DPRK in the past, return to China to see their children, become trafficked into other families, and end up having more children. This results in multiple children with uncertain legal status, who suffer from the trauma of living without their birth mothers and as a result develop feelings of abandonment. Information received indicates that some of the children left behind end up in orphanages, are sold as gaming money or end up in situations of forced labour themselves in the families where their birth mothers were trafficked into. These children are also highly vulnerable to sexual exploitation and/or abuse. Information received indicates that repatriated North Korean women who became pregnant by Chinese men are allegedly forced to undergo high-risk abortions upon reaching the DPRK.

Upon repatriation to the DPRK, women are allegedly at risk of severe physical violence and are at risk of torture and inhuman treatment. In cases where their repatriation is organised by Christian organisations or the Republic of Korea, many face harsh punishments and endure severe torture which it is alleged has led on some occasions to rupture of their internal organs. Reports describe ongoing and repeated instances of torture include reviving the victim when they lose consciousness only to be subjected to continued torture. Information received indicates that there are substantial grounds for believing that repatriated DPRK women would be in danger of being subjected to torture.

While we do not wish to prejudge the accuracy of these allegations, we express our concern for the human rights of DPRK women and girls who are victims of trafficking and other forms of sexual exploitation, and the risk they face of refoulement to the DPRK in violation of international law. We would like to express concern related to your Excellency's Government's reported failure to identify women and girls from the DPRK who have been trafficked to China and recognize them as victims of trafficking by assisting and protecting them, including from forced return to the DPRK and refoulement. We also highlight the importance of ensuring gender and child-sensitive, trauma-informed and survivor-centric approaches in the prevention and response to the allegations above, without discrimination on any ground such as age, race, ethnicity, nationality, sex, gender, disability, religion, political or other opinion, national or social origin or other status.

We would also like to express concern that trafficked women from the DPRK reportedly serve as the primary labour force in many Chinese households. Many are unable to access basic medical services and they are allegedly held in slavery-like working and living conditions, as they are fully dependent on the families they work for. They have no avenues to access justice due to their inability to report any exploitation or abuse suffered and the fear of reprisals or of being forcibly returned to the DPRK.

We recall the principle of non-refoulement forms as an essential protection under international human rights, refugee, and customary law, which applies to all

persons, including all migrants, at all times, irrespective of their citizenship, nationality, statelessness, migration or other status. Non-refoulement prohibits all forms of removal and transfer of any individual, regardless of his/her status, when there are substantial grounds for believing that the individual would be at risk of irreparable harm, such as death, torture or cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance, re-trafficking or other serious human rights violations.

If confirmed, these allegations would also amount to violations of several rights protected under international human rights treaties to which China is a State party, including article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified on 27 March 2001; and articles 2.1, 3, 12, 13 and 14 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified on 4 October 1988. These allegations would also be inconsistent with articles 7, 8, 16, 23, 24 and 26 read alone and in conjunction with article 2.3 of the International Covenant on Civil and Political Rights, signed by China on 5 October 1998. The allegations would be inconsistent with article 6, 9 and 16, of the Convention on the Elimination of all forms of discrimination against women, ratified by your Excellency's Government on 4 November 1980. Pursuant to article 18 of the Vienna Convention on the Law of the Treaties of 1969, signatory States are obliged to refrain from acts which would defeat the object and purpose of the treaty.

In addition to our concerns that the State's positive obligations of prevention, assistance and protection are not being met, we are concerned that there may be a failure to undertake effective investigations into allegations of trafficking in persons, forced labour, domestic servitude, forced marriage and other forms of exploitation, leading to a lack of accountability for these serious human rights violations and serious crimes, and continued impunity.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations, including steps taken to investigate the alleged incidents of trafficking of women and girls for the purposes of sexual exploitation.
2. Please provide information on what measures and services are provided to ensure prompt identification, referral for protection and assistance of victims of trafficking and of other human rights violations, including children, to prevent them from being re-trafficked, abused and exploited.
3. Please provide information as to actions taken in line with the principle of non-punishment for victims of trafficking in China, including from being considered irregular economic migrants.

4. Please indicate through which laws, policies and other preventative measures women and girls who have been trafficked to China are protected from forced labour, domestic servitude, forced marriage, sexual abuse, exploitation, and other forms of violence.
5. Please explain what measures the authorities have taken or intend to take to ensure timely access to a full range of assistance and protection measures, including sexual and reproductive healthcare and other specialized support services such as counselling.
6. Please provide information regarding services and protection measures provided to families and children born from mothers who have been victims of trafficking, including access to effective remedies, legal assistance and reparation.
7. Please also provide any information regarding efforts undertaken to ensure that children born in China are able to contact or be reunited with their mothers who gave birth while they were victims of trafficking and who have emigrated to third countries to avoid forceful repatriation to the DPRK.
8. Please provide information as to what measures are being taken to ensure compliance with China's international obligations pursuant to peremptory norms of international law relating to the principle of non-refoulement and the prohibition of torture, cruel, degrading and inhuman treatment, arbitrary detention, the relevant provisions of the Universal Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration on the Protection of All Persons from Enforced Disappearance, the Convention on the Elimination of all Forms of Discrimination against Women and relevant ILO Conventions ratified by China.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a letter on this subject matter has been also sent to the Government of the Democratic People's Republic of Korea.

Please accept, Excellency, the assurances of our highest consideration.

Siobhán Mullally  
Special Rapporteur on trafficking in persons, especially women and children

Elizabeth Salmon  
Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Mama Fatima Singhateh  
Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

Tomoya Obokata  
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Dorothy Estrada-Tanck  
Chair-Rapporteur of the Working Group on discrimination against women and girls

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

#### *Freedom from torture and forced labour*

We would like to refer to the Universal Declaration of Human Rights, which provides that everyone has the right to life, liberty and the security of person.

We would further like to refer to articles 7 and 8 of the International Covenant on Civil and Political Rights signed in 1998 while not yet ratified by your Excellency's Government. While article 7 prohibits torture and other forms of ill-treatment, article 8 sets forth the prohibition of slavery in all its forms, including forced labour. Both, the prohibition of torture and the prohibition of slavery are recognized by the International Law Commission as jus cogens norms (Draft conclusions on identification and legal consequences of peremptory norms of general international law (*jus cogens*), 2022), p. 6).

We would also like to refer to article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by your Excellency's Government on 4 October 1988 which prohibits States Parties from expelling, returning or extraditing a person to another State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture. We would also like to refer your Excellency to article 12 which requests States parties for prompt and impartial investigations, wherever there is reasonable ground to believe that an act of torture has been committed in a territory under its jurisdiction. Concerning the non-refoulement principle, we would also like to refer your Excellency to the 1951 Refugee Convention and its 1967 Protocol ratified by your Excellency's Government on 24 September 1982. According to article 33(2) of the 1951 Convention refers to the principle of non-refoulement whereby no Contracting State can expel a refugee where his life or freedom would be threatened.

Forced or compulsory labour is defined in the International Labour Organization Forced Labour Convention, 1930 (no. 29), ratified by your Excellency's Government in 2022. Per article 2, paragraph 1, the term forced, or compulsory labour shall mean "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Under the Abolition of Forced Labour Convention 1957 (no. 105), ratified also by your Excellency's Government in 2022, article 2 states that 'each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in article 1 of the Convention.'

#### *Prohibition of human trafficking*

We would like to bring to the attention of your Excellency's Government, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women

and Children, supplementing the United Nations Convention against Transnational Organized Crime (known as the Palermo Protocol), which your Excellency's Government acceded to in 2010. Trafficking in persons includes the recruitment, transportation, transfer, harbouring or receipt of persons, including by coercion, abduction, fraud, deception or of giving or receiving of payments or benefits to achieve the consent of a person to have control over another person, for the purpose of exploitation, including for prostitution, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude.

We would like to further highlight, in particular, the obligations emanating from article 6 of the Palermo Protocol, concerning assistance to and protection of victims of trafficking in persons, as well as the effective implementation of the obligation of criminalization for trafficking in persons for all purposes (article 5). Also, we refer to article 7 that requires the adoption of measures to permit victims of trafficking in persons to remain to the territory of a State, and to regulate repatriation of victims (article 8). We further highlight the obligation on the State to establish comprehensive policies, programmes and other measures, to "prevent and combat trafficking in persons" (article 9(1)(a)), the obligation to ensure compliance with the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement, and the obligation to ensure consistency with, "internationally recognized principles of non-discrimination" in all measures to prevent and combat trafficking in persons, and in implementation of the obligations arising under the Palermo Protocol, and international human rights law.

The OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, refer to access to reparation measures, and underlines that "States shall ensure that trafficked persons are given access to effective and appropriate legal remedies."

#### *Protection of women from trafficking*

We would like to refer your Excellency's Government to the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency's Government on 27 March 2001, which in its article 12 provides for the right to mental and physical health. The Committee on Economic, Social and Cultural Rights in its general Comment no. 24 underlined that "State's compliance with article 12 of the Convention is central to the health and well-being of women."

We would also like to bring to the attention of your Excellency's Government article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. Moreover, article 6 of the UN Convention on the Elimination of all Forms of Discrimination against Women, ratified by your Excellency's Government on 4 November 1980, states in article 6 that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Also, article 2(b) of the Convention obligates States parties to provide appropriate and effective remedies to women whose rights under the Convention have been violated. Article 16 of the CEDAW Convention further asserts that States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations.

Among others, states shall ensure, on a basis of equality of men and women, a) the same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; ... (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation. In addition, article 9 urges States Parties to grant women equal rights with men with respect to the nationality of their children.”

We also recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General recommendation no. 19 (1992), updated by general recommendation no. 35 (2017), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women whether perpetrated by a State official or a private citizen, in public or private life.

We would also like to refer to CEDAW general recommendation no. 38 on trafficking in women and girls, which emphasizes that States should ensure that governance measures taken at international borders, including those aimed at addressing irregular migration are in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsions (para. 85). Also, States have positive obligations to identify victims of trafficking, firmly in place, irrespective of the lack of self-identification by a victim (para. 38). Victims of trafficking have the rights to a special status and a right of special assistance and protection measures provided by the State, including access to information on their rights, information regarding their availability to medical psychological, social and legal services and safe and appropriate accommodations (paras. 39-41). Also, States Parties are obliged to protect victims of trafficking from revictimization, which includes guaranteeing victims of trafficking protection against forcible return (para. 41). Trafficked women and girls’, including those who do not hold an immigration status have access to justice on the basis of equality and non-discrimination, including the prosecution of their perpetrators (para. 42).

We also wish to refer to the 2016 Report on eliminating discrimination against women with regard to health and safety (A/HRC/32/44), where the Working Group on Discrimination against Women and Girls underlined that women migrants are of greater risk to be subjected to violence, exploitation, trafficking and slavery, and that they are in greater difficulty in assessing the healthcare (paras. 50-51). Also, even when they are entitled to emergency health care, they are often excluded from preventive reproductive and sexual health services (para. 52).

Finally, we wish to further refer to article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, acceded by your Excellency’s Government in 1981. Article 5 sets out obligations by States to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin to equality before the law and to rights including the right to security of person and protection against violence, and all other civil and economic, social and cultural rights.

#### *Protection of girls from trafficking*

We wish to draw your Excellency’s attention to the Convention on the rights of the child, ratified by your Excellency’s Government on 2 March 1992 and the Optional Protocol to the Convention on the Rights of the Child on the involvement of

children in child prostitution and child pornography, ratified by your Excellency's Government on 3 December 2022. Article 33 of the Convention on the rights of the child stipulates that "States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances." Article 34 also provides the obligation to States Parties to protect children from all forms of sexual exploitation including from engaging in any unlawful sexual activity and from being exploited in prostitution or other unlawful sexual practices. Article 35 obligates States Parties to take measures to prevent the abduction, sale of or traffic in children for any purpose and under article 36 requests them to protect the child against all other forms of exploitation prejudicial to the child's welfare. According to the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, sale of children is defined as any act or transaction whereby a child is transferred by any person or persons to another for remuneration or any other consideration. The Protocol states under article 4 that State Parties shall take measures necessary to establish jurisdiction when the alleged offender is a national or that State or a person who has habitual residence in this territory.