

**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 PRK 1/2024  
(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.

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 allegedly 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 around 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.

While all such departures from the DPRK are considered illegal by your Excellency's Government, the punishments on return allegedly 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, in some cases, it is alleged that victims of trafficking and other forms of exploitation also became prosecuted for transporting illicit drugs, including without their consent or knowledge.

Upon repatriation to the DPRK, women are allegedly at risk of severe physical violence by agents of the State, 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 allegedly include reviving the victims when they lose consciousness only to be subjected to continued 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. We would like to express concern related to your Excellency's Government's reported failure to identify women and girls who have been trafficked to China, some of whom are forcefully repatriated back to the DPRK as victims of trafficking, failing to assist and protect them when they return to the DPRK. We would also like to express deep concern regarding the information that there are substantial grounds for believing that repatriated DPRK women would be in danger of being subjected to torture by agents of the State.

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.

If confirmed, these allegations would also amount to violations of several rights protected under international human rights treaties to which the DPRK is a State party, including article 6 of the Convention on the Elimination of all forms of discrimination against women, ratified by your Excellency's Government in 2001 and article 35 of the Convention on the Rights of the Child, ratified by your Excellency's Government in 1990. 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 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 in place to ensure prompt identification, referral for protection and assistance of victims of trafficking, forced labour, domestic servitude, forced marriage, sexual abuse, exploitation, forced abortion, enforced sterilization, and other forms of violence, including those who are repatriated from other countries, including China.
3. 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.
4. Please provide information about services that are provided to victims of trafficking and of other human rights violations, including access to effective remedies, legal assistance and reparation, and what measures are in place to prevent victims from being re-trafficked.
5. Please provide information as to actions taken in line with the principle of non-punishment for victims of trafficking.
6. Please provide information as to what measures are being taken to ensure compliance with DPRK's international obligations pursuant to peremptory norms of international law relating to prevention, identification and protection from trafficking in persons, the relevant provisions of the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of all Forms of Discrimination against Women.

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 People's Republic of China.

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 ratified by your Excellency's Government on 14 September 1981. 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).

#### *Protection of women from trafficking*

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 27 February 2001, 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).

#### *Protection of girls from human trafficking*

We wish to draw your Excellency's attention to the Convention on the rights of the child, ratified by your Excellency's Government in 23 August 1990 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 in 10 November 2014. Article 34 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.

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