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**The Border-crossing North Koreans:**  
*Current Situations and Future Prospects*

*By* **Keumsoon Lee**



KOREA INSTITUTE FOR  
NATIONAL UNIFICATION

STUDIES SERIES

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Current Situations and Future Prospects**



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By Keumsoon Lee

Korea Institute for National Unification

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*by Keumsoon Lee*

Korea Institute for National Unification

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The Analyses, comments and other opinions contained in this monograph are those of the authors and do not necessarily represent the views of the Korea Institute for National Unification.

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# I . Introduction

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We have always treated the issue of fleeing North Koreans as something far more serious than a simple matter of border-crossing incidents because the act of illegally crossing the border (into China or South Korea) is a serious choice for them, entailing certain political or criminal consequences. And perhaps for this reason, the number of North Koreans voluntarily returning has been very small. In addition, most of us regard the North Koreans staying in China and other neighboring countries as victims of serious human rights violations, requiring the same level of protection as international refugees.

Compared to other parts of the world, “border crossing” is a relatively new phenomenon in Northeast Asia. During the Cold War, border-crossing incidents there had been confined to small sections of the region. However, as relations between the regional states were normalized and economic exchanges expanded, the population movement has increased rapidly. Still, the number of people

crossing the borders has remained relatively small compared to other regions. Among the groups of people that have crossed the borders in recent years, however, the most serious has been the problem of North Koreans crossing the border into China.

North Koreans began to cross, or violate, their own borders in the early 1990s in the wake of the collapse of Socialist-bloc nations. As the North Korean food shortage exacerbated the situation, border crossing (into Chinese Manchuria) has become an important means of survival for many North Koreans. As time passed and as the number increased policies of the governments involved began to change, subsequently the whole environment has changed. Accordingly, the patterns of border crossing and the escapees' living patterns have also had to change. For example, the dislocated North Koreans began to hide in unconventional ways or choose to flee to third countries (other than China), thus complicating the issue.

This study plans to compare these relocation efforts of North Koreans with similar migration cases in other regions of the world. The North Koreans who have successfully crossed the border into another country would presumably qualify for the status of either “refugees,” “illegal migrants,” or “externally displaced persons.” I will analyze the case of migrating North Koreans to determine if there is any conceptual difference between them and other “refugees” under international law. My analysis will focus on issues such as internal and external causes for border crossing, whether “intermediaries” were involved, the types of punishment for illegal crossing, and the many patterns of living in the third countries. It should be noted here that in the past these issues have been viewed primarily from the point of human rights violations of North Koreans staying abroad.

This study will analyze how specific cases under review have undergone change over time, based on published materials and personal interviews. The source materials will include interview data on North Korean escapees in China, on-site reports compiled by concerned organizations, and relevant academic research papers, as well as the author's personal interviews with "new settlers" (defecting North Korean residents in South Korea). I have tried to interview them as soon as possible after their arrival in South Korea. (To protect their identity I agreed that their personal information (name, age, etc.) would not be published.). Interviews have focused on such issues as their living conditions in the third countries, the search and arrest efforts of the authorities, the levels of actual punishment, and the procedures leading to forcible deportation to North Korea. The data used for this study will include the results of interviews I have conducted with those entering South Korea as late as 2005, with the majority arriving during the 2003-2005 period. A total of 135 in-depth personal interviews were conducted, which should be enough to better help us understand the situation but, considering the large number of North Koreans admitted into South Korea during the period, the number of interviews was not sufficiently representative for a quantitative analysis. In addition, the interview questionnaires were formulated somewhat differently over the years thus, the interview results could not be treated with same statistical values. Despite these limitations the interviews contain enough information to identify some important factors that have greatly contributed to recent changes in the overall border-crossing environment. The purpose here is to analyze the "border-crossing issue" from a balanced perspective so that we might assist the formulation of more realistic policy alternatives for this serious international problem.



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## II . The Background for Border Crossing

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### 1. Major Causes of Border Crossing

For a number of reasons, people are bound to relocate from time to time within the country of their residence. This is true for everyone. Under political systems that guarantee the freedom of movement and residence, people will constantly try to relocate to a more ideal location or a living environment that they consider best for their needs. Even when the choices are politically limited, people will still try to move to a better location within the constraints imposed upon them.

In the process of industrialization, a rapid population shift from farms to cities occurs. This population movement also occurs across national boundaries. The cross-border movements eventually become subject to legal controls of the countries involved, and most countries today enforce a set of strict entry-exit regulations and controls.

As trade and the flow of information expanded among nations, the labor force also began to cross borders in search of better jobs and higher pay. As more and more people began to move around in search of better opportunities, in many cases even national borders did not successfully stem the movement. In particular, if people were not satisfied with relocations within their own country, foreign jobs appealed to them as an alternative and the movement across borders would become very active.

Depending on the motives and circumstances, border crossings may be classified as various types: voluntary migration and forced migration, legal and illegal crossing, and temporary and permanent relocation. In reality, however, it is difficult to distinguish the difference between voluntary and forced migrations, when the individual's (overt or concealed) intentions are not easy to ascertain. If people are compelled to move for reasons of survival from an area or country, it is usually defined as "impelled migration" even if force is not involved in the process of their relocation. For this reason, "forced migration" in most cases would take the form of illegal border crossing.

Unlike movements of people within a country, cross-border movements will often become a major political issue due to their socio-economic impact on the countries involved. The factors that may trigger cross-border relocations will include "push factors" and "pull factors" depending on the living conditions of the countries that are pushing out or pulling in potential migrants. Elements affecting these factors will include the desires to find a favorable economic and cultural environment for better jobs, higher income, a better environment for education and religion, as well as political motivations to escape from repressive rule. In real life, these push and pull factors underlying the border-cross-

ing decisions will overlap and reinforce each other in a complex manner. Thus, individuals are driven by a number of interrelated factors, and often feel compelled to make the risky border-crossing decisions.

Given these considerations, this study will focus on the issue of illegal migration of North Koreans, with emphasis on the factors leading to their decision to cross borders; and the subsequent patterns of their movement.

## **2. Border-crossing of North Koreans: Motives and Scopes**

### **A. The Motives**

#### **(1) The Push Factors**

##### **(a) The Food Shortages and Threats to Survival**

Many North Koreans began to move across the border in the wake of the food shortages stemming from a series of negative economic growths North Korea had recorded in the early 1990s, particularly since the 1995-97 floods and draught. The 1998 survey results of the Good Friends (former Korean Buddhist Sharing Movement) revealed that North Korea has tried a variety of remedies to cope with the food shortages and maintain the livelihood of its people. Usually, the early warning signs and major indicators for the possible appearance of displaced migrants would include such acts as selling household items, furniture, and houses as many North Koreans have done to maintain their livelihood. When these domestic means did not work, they began to



cross the border in search of alternative ways of survival, in search of food and medicine for themselves and their families. If we look at the survey results on “means of livelihood” (after the ‘national ration system’ collapsed) by region, North Hamkyong Province, in northeastern Korea showed a high rate of responses saying that they received support from their relatives (in China). From this we can conclude that people along the Chinese border have frequently crossed the border for short periods to get assistance from their relatives living in China.

#### (b) A Deepening Sense of Relative Deprivation

Another factor that encouraged border crossings was the inflow of outside information that became more available through various channels even as the food shortage and economic hardship became worse. In the early 1990s, only a limited number of North Koreans were able to come in contact with overseas information through visiting Korean-Chinese peddlers, overseas Korean compatriots, and students and officials returning from abroad.

As the food shortage situation deteriorated, however, the number of returning North Koreans who had crossed the border earlier in search of food or household necessities, rapidly increased, and the accounts of their experience in China served to encourage others to cross the border, also.

Some North Koreans are well aware of the levels of progress that South Korea and China have achieved; and presumably the number of people secretly listening to the South Korean broadcasts has also been on the rise. Recently, testimonies by new settlers indicated that they have been able to watch South Korea’s satellite TV broadcasts in their high-rise apartment units in Pyongyang or

Hamheung City (on the east coast of North Korea), and also along the Korean-Chinese border. They said they were particularly interested in some of the TV drama programs and life in South Korea, as well as South Korea's compassionate settlement policies for incoming North Koreans.

They were also informed about South Korea's economic progress on the occasion of the June 2000 inter-Korean summit meeting and subsequent increases in inter-Korean contacts, as well as by the continuing humanitarian assistance provided by the South Korean government. Another recent development is the number of border-crossing North Koreans admitted into South Korea has increased, and many North Korean family members who were left behind began to receive mobile phones routed through their relatives in China or through paid intermediaries. This has allowed them to communicate with their families in the South on a real time basis. In addition, there are numerous "intermediaries" who would travel to the border area and relay various news and information to the North Korean relatives. However, as external news and information is filtered through, many North Koreans are known to suffer from a sense of relative deprivation.

### (c) Risks of Criminal Punishment

The quickly spreading social disorder and increasing instances of decadence in North Korea have also served to accelerate the rate of defection. As the living conditions deteriorated from the mid-1980s, the materialistic attitude of "money talks" spread across North Korean society. And as individual activities to earn a living began to increase, economic crimes and practices of bribery became routine and pervasive in North Korea. This

changing social environment, plus the changing outlook of North Koreans engaged in overseas jobs, has served to spur individual motivations toward defection.

In the mid-1990s when the food shortage was at its worst, the crime rate climbed sharply and so did the levels of punishment. For example, people, who were caught for stealing cows from a farm, or electric wires off the poles to sell across the border in China, were “public-executed” on the charge of grand larceny of government property. Also frequent were cases of stealing grains or equipment parts from a factory. Unlawful business practices at workplaces and private activities such as peddling in the markets were common. Some of these moneymaking activities would include trading in narcotics and antiques, or smuggling pornographic videos from China. If the perpetrators were caught and faced with criminal charges, they would attempt to flee across the border. Cases in which individuals have been placed under constant surveillance due to an earlier defection record or for defections by his or her family members is another powerful reason for defection.

#### (d) The Prejudice/Punishment against Defectors

North Korea used to order deported defectors into political prison camps for special supervision, and forcibly relocate his or her family to remote “special control districts.” However, as the number of cross border violators increased, the authorities enforced different levels of punishment on defectors depending on the motives and the duration of their stay abroad. As soon as an individual is forcibly deported by China, the Social Safety Protection Agency along the border will interrogate him or her about any contacts with South Koreans or Christians, whether an

attempt was made to enter South Korea, and whether there was any human trafficking. If he or she was guilty of any of these crimes, the individual would then be punished as a “political prisoner.” But a “simple river crossing” would receive a punishment of only six months of labor training at a “labor training unit.” Even though the level of punishment later was eased, deported escapees would still decide to flee again due to the beatings and humiliation they experienced during the shake-down process following deportation.<sup>1</sup> Especially because there was little hope for them in North Korea, in the face of “social branding” for defection, which entails discriminations and prejudices, they would decide to cross the border again.

#### (e) Expectations for a Better Life

After 1998 the North Korean food shortages seem to have been tempered, and the pattern of border-crossing also has changed from “survival” types to “voluntary” types, where people are moving voluntarily out of the country in search of better living conditions. They also seem to harbor hopes that they can make money in China, if only they can brave the risk of border crossing. As a result, more and more North Koreans will cross borders to get jobs in China, to make money so they can either send it to their families or start a small business at home.<sup>2</sup> However,

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<sup>1</sup> Beatings occur more often by the inmates than by the Security or Social Safety agents in charge. Testimony of new settler Kim XX during an interview at a branch office of Hanawon (an orientation school for defecting North Koreans admitted into South Korea), May 17, 2003.

<sup>2</sup> It is a considered opinion of the Good Friends that the types of recent defectors have changed from border crossing for survival to border crossing in search of better living conditions. The ratio of border crossing with clear objectives, such as peddling, smuggling, or “intermediaries” for the family reunion business, has been increasing. The “border crossing professionals”

unlike the risky episodes of the past, border crossing itself is gradually being “organized” into a kind of systematic profession: There are “senders” inside North Korea and “receivers” on the Chinese side; some border guards are somewhat passively, and others more actively, involved in the transactions, and all are involved in some form of bribery and secret deals.<sup>3</sup> Most of the “professionals” have information on South Korea and China through their earlier defection experiences. Based on shrewd preparations and plans, they will help smuggle out family members over a period of many years.

**Table 1.** Motives of Defection (As of June 2004)

Reasons/ Year	Hardship of Living	Fear of Penalty	Political System	Followed Others	To Live in China	Family Feud	Other	Total
2000	127	66	52	51	13	2	1	312
2001	293	73	33	171	7	2	4	583
2002	606	93	96	259	37	39	9	1,139
2003	774	80	123	194	46	53	11	1,281
Jun. 2004	463	44	63	148	2	39	1	760
Total	2,263	356	367	823	105	135	26	4,075

Source: Social-Cultural Affairs Bureau, Ministry of Unification.

## (2) The Pull Factors

The following are some of the external attractions, or “pull factors,” for border crossing:

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have a saying, “You have to have money to cross the river.” The North Korea Studies Center, Good Friends, “North Korean News Today” (Seoul: Oct. 6, 2004).

<sup>3</sup> Op.cit.

### (a) Protection and Support by Korean Communities in China

The main “pull factor” that encouraged North Korean inhabitants to brave the border crossing as a viable avenue for survival was the support and protection provided by the Korean communities thriving in the three northeastern provinces of China (Jilin, Heilongjiang and Liaoning). The Korean communities in China have a very strong ethnic bond with, and many of them feel a deep personal indebtedness to their North Korean brethren who had provided them with considerable support and assistance during their difficult period of the Chinese Cultural Revolution. Consequently, the Korean ethnic community, individually and at regional levels, extended significant levels of support and protection for North Korean escapees in the early phase of the food shortages. The indirect assistance provided by South Korean individuals and religious groups also had a large part in making the escapes possible.<sup>4</sup> As the border-crossings continued on over an extended period of time, however, various social crimes such as robbery, murder, and human trafficking, were bound to occur, and the grip of Chinese authorities began to tighten, making it very difficult for the Korean communities in China to extend protection to the North Korean escapees.

### (b) Relief Activities of Civilian Organizations

The activities of South Korean civilian organizations are mainly

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<sup>4</sup> South Korean Christian groups have been able to extend covert protection to the border crossing North Koreans and establish religious relationships. They were able to expand the scope of their activities thanks to the help of Korean-Chinese in the area. Some South Korean business entities have established local branches to promote welfare for ethnic Koreans there and to extend protection for the border crossing North Korean escapees.

aimed at providing the minimum means of survival for the border crossing North Koreans; and reporting instances of human rights violations to the international community to enable the defectors to secure the “refugee” status. Most of these organizations are primarily engaged in grain assistance projects for North Korea, providing basic support for food, shelter and clothing, and extending physical protection from arrest and deportation. In special cases, South Korean civilian organizations have even arranged transit to South Korea. Many individual Christian churches or church groups have been covertly involved in this type of protective work.

Since 2001 when the Chinese authorities launched massive roundup operations, many South Korean civilian relief workers who had been performing protective functions for the border crossing North Koreans have been expelled and their work has had to be suspended. The scope of their support and protection work has since been significantly reduced compared to early periods, and their subsequent activities are being conducted more cautiously and mostly behind the scenes.

### (c) The Job Opportunities

One of the reasons the North Koreans chose border crossing as a means of survival was because they could make money through employment. They could provide low-cost labor on short-handed Chinese farms. For Chinese farmers there was a risk of penalty for hiring North Koreans, but the farmers took the risk because they were able to take advantage of the illegal status of North Korean workers and exploit them.

In the case of North Korean men, they would find work at

orchards or sheep ranches in the remote farm areas where the chances of being caught are slim. Once they became somewhat secure and familiar with their routine, but felt the workload too heavy, they would venture to the urban areas to find work as factory workers. In the case of women, they could work at restaurants and service outlets, or as low-wage nurses and housekeepers.

When the North Koreans first began to cross borders in the early period, finding jobs was not easy because their Chinese language skills were poor and they were easily identifiable. But, as their stay in China became prolonged and they adjusted to the local environment, including Chinese language proficiency, they began to get jobs at restaurants, tearooms, and “sing-along parlors.” Furthermore, if their language skills and appearance were good enough to pass as Korean-Chinese, their wage-level would increase accordingly.

#### (d) Increasing Demands for Women

One of the major reasons why the North Korean women are attracted to cross the border is that there are a great number of Chinese men who desire to marry North Korean women. The second or third generation Korean-Chinese, in particular, would eagerly seek out North Korean women as their prospective brides because they can both identify with them and speak Korean. In these cases, if a partner is caught and deported to North Korea, he or she will understandably attempt a second border-crossing. A North Korean woman, who formerly lived with a Chinese man, would cross the border again to join him, or to see her child born during the period of their life together. Legally, they would not qualify as husband and wife, or as an official



family, but in reality their relationship is often much stronger than a formal relationship.

So, if a man and a woman lived together for an extended period of time and have children, even though their “live-in” was unlawful and even involuntary, it is enough reason for the person who was forcibly deported to North Korea to attempt a second border-crossing. Aware of this, North Korean authorities will examine deported women for pregnancy, and if found pregnant, an abortion procedure will be performed before sending them off to their original hometowns. All these actions are taken to prevent them from attempting second defections.

In the case of North Koreans who cross borders with the help of families who are well established either in China or South Korea, most of them would prefer entry into South Korea rather than return to North Korea.

#### (f) South Korean Policies for the Defecting North Koreans

One of the major factors that encouraged North Koreans to cross the border was the policy of the South Korean Government to protect North Korean defectors and help them settle down in South Korea.

In accordance with the 1997 law on “the protection and settlement of defecting North Korean residents,” the South Korean Government has been maintaining a policy of extending appropriate protection to all North Koreans requesting protection at Korean missions abroad, except for cases of “crime against humanity” and other non-political grave crimes. After their admission into the country, the South Korean government will

extend various assistances to help them settle down. This support includes cash grants, housing, education, monthly allowances for low-income families, medical insurance, re-education or orientation for social adjustment, and job training. Information about this generous protection policy has been filtered into and spread among North Koreans via the ethnic Koreans in China, visiting South Korean businessmen, other visiting individuals and news media, thus causing most escapees to prefer entry into South Korea as their first choice. Early border-crossers were misinformed about and fearful of, South Korea due to North Korea's constant disinformation and repeated indoctrination. However, when even the ethnic Koreans in China began to enter and work in South Korea illegally, many North Koreans were convinced that South Korea was a land of new opportunities. Since 2001, there have been many media reports concerning the attempts of North Korean displaced persons to force their way into foreign missions, international schools, or even UNHCR offices in China. Subsequently, other North Koreans illegally staying in China also decide to make similar attempts. Sometimes underground brokers organize and help them make their way into South Korea via foreign missions in China. When successful, the brokers then skim off the cash grants and settlement money given the new settlers by the South Korean Government.

## **B. The Number of Border Crossing North Koreans**

Because most border-crossing North Koreans stay hidden to conceal their unlawful status or because they move around without any settled address it is very difficult to estimate their total number. Most North Koreans escape across the Tumen River area where border crossings are geographically easier than in other areas. But there are also many cases of defection from

Russia's Far Eastern Provinces, where many North Koreans are engaged in lawful work.<sup>5</sup> Consequently, defections of North Koreans take place in various sources and over many routes. At the end of the 1990s, attempts were made to estimate the total number of North Korean defectors, especially the number in China. Most people engaged in relief and support activities, and researchers informed on the subject were in general agreement that there were roughly between 100,000 to 400,000 North Korean defectors in China.

As the food shortage has been alleviated thanks to the support of the international community, and as Chinese and North Korean efforts to round up migrants has increased, the number of escapees appears to have been dwindling. Reasonable estimates today would put the total number of North Korean migrants to China between 30,000 and 100,000.<sup>6</sup> The secretary general of the Chinese Human Rights Research Association, Yang Chengming, has estimated the number to be about 30,000.<sup>7</sup> Wang

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<sup>5</sup> At the time, the number of border-crossing North Koreans in Russia was estimated to be about 200-300. See "White Paper on the Human Rights in North Korea" (Seoul: Korea Institute for National Unification - "KINU," 1999), p. 138.

<sup>6</sup> Park Sang-bong, "The Status of Defectors in China: Policy and Prospects," *Approaches and Solutions to the North Korean Refugee Issue from a New Dimension* (Seoul: Korea Maritime Strategic Research Institute, 2003), p. 46. Based on on-site surveys, Refugee International has estimated the number to be between 60,000 and 100,000. Joel Charny, "North Korean Refugees in China: The Current Situation and Strategies for Protection," Testimony before the (US) Senate Committee on Foreign Relations, November 4, 2003.

<sup>7</sup> Yang Chengming, "The Problem of Defectors in China and Solutions," contained in National Human Rights Commission, "International Symposium on Human Rights in North Korea" (Seoul: National Human Rights Commission, 2004), p. 77.

Yisheng of China's State Academy of Military Science believed 30,000-40,000 to be accurate because, he said, the total number would be below 50,000, and many of them would presumably cross borders repeatedly.<sup>8</sup>

The US State Department announced its estimate of North Korean displaced persons in February 2005. It said the number of escapees reached its peak during 1998-1999, and by 2000 the total number was estimated to be about 75,000-125,000.<sup>9</sup> The estimate of Good Friends, based on its on-site surveys conducted during June-July 2005, was about 30,000-50,000, generally agreeing with the number presented by the US State Department.<sup>10</sup>

In the latter part of the 1990s, most escapees were concentrated in the ethnic Korean communities, which are scattered around China's three Northeastern Provinces. As the Chinese tightened their surveillance activities, and as the North Korean migrants acquired Chinese language, they have apparently merged into the ethnic Korean villages or moved out to the poorer neighborhoods of large urban areas.

The reasons for the rapidly dwindling number of North Koreans attempting border-crossings appear to be many, including: Tighter border patrol and surveillance on both sides of the border; an improving food situation in North Korea; higher costs of border crossing; increases in the number of legal travels to

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<sup>8</sup> Wang Yisheng, "Perspectives on 'North Korean Escapees' in China," Human Security in Northeast Asia: focusing on North Korean Migration into and through China, A Conference Program, January 6, 2004.

<sup>9</sup> US State Department, "The Status of North Korean Asylum Seekers and the US Government Policy Toward Them," February 16, 2005.

<sup>10</sup> Yonhap News, Aug. 21, 2005.

China following the relaxation of passport policy; and increases in the number of short visits for peddling (vending) purposes.<sup>11</sup>

Apparently North Korean escapees have scattered over wide areas to wherever they could find Korean ethnic communities, including China, Russia, Mongolia, and Southeast Asia. Assisted by individual supporters and civilian groups, the externally displaced persons are attempting to apply for asylum or exile status in many countries, including Thailand, Taiwan, Australia, and the United States. Most countries, except for China and Russia, are apparently unfit for permanent stays, but serve as a transit station for the ultimate trip to South Korea or the destination of their choice. For example, Mongolia and many Southeast Asian countries have served only as transit or waiting stations for their trip to South Korea.<sup>12</sup>

### **3. Comparisons between the North Korean and Other Cases**

#### **<Political Implications>**

The difference between the North Korean border crossing and other illegal border crossing is that the level of penalty in the North Korean case is far more severe than the penalties charged for simple visa or customs violations.<sup>13</sup> Because of the pro-

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<sup>11</sup> Ibid.

<sup>12</sup> Yoon Yeosang, “Local Management and Development of Education Programs for North Korean Defectors Abroad: with emphasis on those in the Southeast Asian region,” an unpublished paper, (March 2002) <<http://www.iloveminority.com>>.

<sup>13</sup> With regard to illegal border crossing, most governments will expel the

longed ideological and systemic competitions between the two Koreas, both the North Korean government and the people are accustomed to the idea that the act of crossing the border without a permit should be treated as an “act of treason.” For this reason, the defecting North Koreans have had to endure harsh treatment by the Chinese authorities in the process of their arrest and detention. It is also important to remember that unlike similar cases elsewhere the deported North Koreans are likely to face life-threatening situations in the process of interrogation and punishment for (passport and visa) violations. In short, North Korean authorities will stretch the act of border crossing for simple motives such as for food or personal needs into political dimensions.

### **<Possibilities of Legal Transfer to a Third Country>**

What distinguishes the North Korean defectors from other visa violators is that admission into South Korea exists for them as an alternative. Of course, not all escapees are guaranteed entry into South Korea. If their identities were revealed to the authorities during their stay in China, for example, they are forced to accept deportation. As defections persisted over a long period of time, South Korean consulates in major cities of China came to serve as their safe haven and a route to South Korea. Furthermore, as international concern about the violation of the human rights of North Korean escapees mounted, there appeared many human rights groups and individual intermediaries who voluntarily tried to help their entry into South Korea. So, the difference between ordinary border violations and North Koreans’

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violation to their home country after appropriate investigations and in accordance with their laws governing entry and exit.

border crossing is that, on the one hand, there is a danger of forcible deportation and subsequent life-threatening punishment, and on the other hand, the possibility of coming under the protection of South Korean Government. Unlike other border-crossing violators, the border-crossing North Koreans are facing crisis and opportunity at the same time.

### **<Human Trafficking: North Korean and Southeast Asian Types>**

The issue of human trafficking of North Korean women has been raised for some time now. But in terms of its organization and scope, the human trafficking incidents of North Korean women, particularly in connection with the sex industry in China, stand in no comparison to the cases in Thailand, Cambodia, Vietnam, and other places.<sup>14</sup> Unlike the rapidly growing sex markets in many Southeast Asian countries, the prostitution industry in China, though the demand for it does exist, is under strict government controls. As a consequence, most North Korean women who came across the border illegally would seek out “live-in partners” rather than prostitution per se. In short, unlike the Southeast Asian case, where organized human trafficking networks for North Korean women exploit them systematically, or put them into hard labor such human trafficking does not exist in China, at least not noticeably.

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<sup>14</sup> The Asia Foundation, “Feminization of Migration and the Women Migrants,” Human Rights (Public Policy Forum, September 26, 2006).

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## III . Living Conditions of North Korean Displaced Persons

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This chapter will focus on the actual living conditions of North Korean displaced persons in China. Usually, China is their primary destination because it is relatively easy to cross the border from North Korea. North Korean border crossings have continued for over a decade since the mid-1990s, so the living conditions of these migrants inside China also have presumably undergone significant changes. We will examine various lifestyles, and see how they have transformed over the years.

### 1. Types of Stay

For assistance, border crossing North Koreans will seek out their relatives in China if they have them. During the years of 1996-1997, most North Koreans crossing the border have returned home shortly after securing some assistance from their relatives. These relatives did their utmost to protect their hunger-stricken



visitors from North Korea. But as the North Korean food crisis persisted for years and the number of visitors multiplied, the relatives in China, whose pockets were not deep, began to feel it burdensome to help their North Korean guests. As a result, more and more North Korean migrants who came to visit their relatives would want the relatives help to get jobs to make money.

As the food crisis became worse, even those North Koreans who did not have any relatives in China began to cross the borders in search of food and survival. They would beg food and clothing from ethnic Koreans who were sympathetic to their dire circumstance. In some cases, the North Koreans would take up residence in their Chinese benefactors' houses, doing various round-the-house chores for little or no pay.

In late 1998 and early 1999, the ratio of women among the border-crossing North Koreans was very high at 75.7 percent. Some 51.9 percent of them had to choose to “live-in” with Chinese men. As the food crisis persisted over a long period, more and more North Korean women wanted to marry Chinese men; and many of them chose to stay once they were in China, refusing to return home. Furthermore, even married North Korean women, who had husbands and children back home, began to “live-in” with the Chinese men to help their family cope with the painful starvation. Sometimes, “matchmakers” or “go-betweens” would introduce them to Chinese, and others would be sold off unwittingly to Chinese. In many cases, when they were forced to “live-in” together with their Chinese benefactors, the women would run away to escape the forcible marriage. But most of them would decide to endure the strange life for the simple reason that they could avoid starvation. The reality was that it was extremely difficult for the women who crossed the border into China to

find other ways to live, except to “live-in” with Chinese men. Therefore, the border-crossing North Korean women had to accept the reality and continue to live in with the Chinese men. Other border-crossing North Koreans, who did not have relatives in China, had to move around in search of jobs.

**Table 2.** Living Conditions of North Korean Escapees

Living Conditions	Persons (Ratio)
Relatives (Korean)	20 (18.7)
Chinese Homes	43 (40.2)
Hideaway (Caves...)	4 (3.7)
Civic/Religious Group Facility	4 (3.7)
South Korean Gov't Facility	10 (9.3)
No house	15 (14.0)
Other	9 (8.0)
Mixed	2 (1.9)
Total	107 (100.0)

  

Living Expenses	Persons (Ratio)
Relatives in China	14 (13.6)
Relatives in Korea	10 (9.7)
Ethnic Koreans	18 (17.5)
Civic/Religious Koreans' Help	7 (6.8)
Menial Labor	42 (40.8)
South Korean Gov't Aid	5 (4.4)
Begging	1 (1.0)
Other	6 (5.8)
Total	103 (100.0)

Source: Yoon Yeosang, “An Analysis of the Process of Admission of North Korean Defectors and Ways of Improvement: With emphasis on Non-system Entry Process and the Role of Trained Professionals,” North Korean Data Base Center, *New Approaches to the Overseas North Koreans and North Korean Human Rights*,” (Seoul: North Korean Human Rights Data Base Center, 2004), p. 106.

In the case of North Korean children, the ratio of those moving around and begging in the streets of China was very high. A small minority of them were housed in orphanages or halfway houses operated by religious organizations. Most children, however, were not capable of working and were unable to seek safe haven, so border-crossing children unaccompanied by their parents were mostly rounded up and deported to North Korea.

As the duration of stay of North Korean migrants became prolonged, the types of their stay also began to change. Unlike the early periods, more escapees were living in the homes of local Chinese, instead of the homes of their relatives or those of ethnic Koreans. Once they were well adjusted to life in China and able to speak Chinese, some would even rent an entire house. Others would live in the homes of South Koreans living in China or work for South Korean companies there. And, in unusual cases, North Korean women escapees would live-in with South Korean men working in China, and they would come into South Korea together.

## **2. Human Trafficking**

### **A. The Concept of Human Trafficking**

International law and domestic laws of most countries ban human trafficking outright, in view of its anti-human nature. Furthermore, a great number of human rights organizations are closely monitoring various activities in connection with this issue, in addition to their international promotional activities to eradicate such activities altogether. According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Espe-

cially Women and Children, “trafficking in persons” is defined as:

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The concept of exploitation is very important here. According to the above convention:

“Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

Thus, the difference between “trafficking” of persons and “smuggling” of persons is that under human “trafficking” a sustained exploitation will continue even after the border-crossing arrangement has been completed.<sup>15</sup>

International concerns have repeatedly been raised over the human trafficking issue of border-crossing North Korean women. Many published reports also emphasize the human trafficking cases involving these women, illustrating the cases of forcible marriage or prostitution. For example, the US State Department report on human trafficking has put North Korea in the Third Group category along with Myanmar, Cambodia, Cuba, and Venezuela, classifying North Korea as a source country from which people would be human trafficked for purposes

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<sup>15</sup> Anti-Slavery, “An Absence of Choice: The Sexual Exploitation of North Korean Women in China,” p. 3.

of hard labor and sexual exploitation. It has further pointed out that North Korea did not treat “trafficking of persons” as a serious issue, and that it had taken no actions against the practice of human trafficking.<sup>16</sup>

The situation of human trafficking involving the border-crossing North Korean women has undergone significant changes over time. Therefore we will review the transformation by time periods and examine how North Korean authorities have tried to punish the crime. Also, it will be useful to analyze the actual cases of North Korean women in terms of human trafficking.

## **B. Actual Types of Human Trafficking**

### **(1) The Types inside North Korea**

The first type is a case in which professional river-crossing guides operating inside North Korea are involved in human trafficking. Typically, a guide would approach young and good-looking women in the markets or railroad stations. He or she would suggest something attractive to the target woman by saying, “If you were to go to China and get married, you and your family could eat well and live well, etc.”<sup>17</sup> During 1997-98 when the North Korean food shortage was at its worst, it was

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<sup>16</sup> US Department of State, “The Trafficking in Persons Report, June 2005, <http://www.usinfo.state.gov/gi/Archive/2005/Sep/26-687070.html> (Nov. 2, 2005).

<sup>17</sup> New settler Chang XX, who came to South Korea in 2002, testified that he has personally witnessed a case in which people would approach women who were moving around the Daeheung County rail station, Yangkangdo Province, and suggest to them that they would buy food, find shelter, and find jobs if they agreed to go to China.

critically important for any family to reduce even one mouth. Furthermore, if there was a way to help feed their family, it was reason enough to try. Thus, given the extreme food shortage situation in all of North Korea, it would be difficult to characterize the act of helping North Koreans cross the border for a fee, however illegal, as human trafficking rather than a sort of guide activity. In other words, we can discover many cases in which North Koreans or their family members have voluntarily looked for the people who could arrange for a border crossing into China. In this case, the guide who introduced the border-crossing North Korean to a Chinese counterpart would be paid a certain amount of cash or valuables. These “human-traffickers” operating inside North Korea would usually maintain close and on-going connections with ethnic Koreans in China. These are the individuals known to engage in the unlawful transfer of North Koreans across the border.<sup>18</sup>

In some cases, someone on the Chinese side would make the request (for women) to the river-crossing guides or to ordinary

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<sup>18</sup> New settler Kim XX, who came to South Korea in 2002, testified that he had sent about 20 North Koreans to China “Upon request of ethnic Koreans in China, I have sent them to China, charging my cost of about 4,000 Yuan per person (if 21-year-old, about 6,000 Yuan, over 30-years about 3-4,000 Yuan). At the time there were lots of North Korean women who volunteered to get married to Chinese men. We would charge about 4,000 Yuan, and ethnic Koreans would turn them over at about 10,000 Yuan.” According to an interview with Lee XX who came to South Korea in 2002, he used to live in Hogok, Sambong Labor District, Musan County, North Hamkyong Province, and in 1998 his mother turned over six 20-30 year-old women to ethnic Koreans. He said his mother did not initiate the deal in the beginning, but simply responded to a request to introduce some women. But, since she accepted money for her actions, she had in effect engaged in human trafficking of some sort. He said he knew of many similar incidents.

North Koreans who have had previous cross-border experiences. In many cases, however, people would simply accompany their relatives or other neighbors across the border into China.<sup>19</sup> In a very rare case, a woman, who received the help of a visiting ethnic Korean man in her journey across the border, decided, upon successful entry into China, to “live-in” with the same man who had helped her cross the border.

## **(2) The Types Inside China**

In the early days of illegal border crossing, most North Koreans were able to cross the Tumen River along the northeastern Korean-Chinese border without the help of experienced guides. Those who had crossed the river without helpers from the Chinese side would wait for ethnic Koreans, who either saw the crossing or who later came and offered help. In such a case, the defector would naturally be inclined to trust the ethnic Korean. Taking advantage of this situation, the ethnic Korean would turn the escapee over to other Koreans. For example, the ethnic Koreans would provide food and clothing, and sometimes offer automobile rides to other towns. In the process, they would suggest that the escapee move to an area that was less risky than the border area, and the escapee would feel compelled to comply.

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<sup>19</sup> New settler Chang XX, who was from Chongjin, North Hamkyong Province and came to South Korea in 2003, testified that she met a woman about 50-years-old in Musan County. She told her that she would help Chang to do some peddling in China. So, she accompanied her across the border into China, only to be sold to an ethnic Korean. New settler Sok XX, who was from Danchon, South Hamkyong Province, and came to South Korea in 2003, testified that her uncle transferred her and other women to China. Subsequently, she was sold to an ethnic Korean man.

As the number of border-crossing North Koreans rapidly increased, underground groups began to sprout here and there to take advantage of the “inexperienced” and turn them over to other groups for profit. Subsequently, hoodlums began to show up in the marketplaces or rail stations of large Chinese cities to lure, blackmail, or kidnap North Koreans for such purposes. These “organized human trafficking” activities usually go through several stages before the deal is completed. Initially, there are people inside North Korea who would collect the target women; then those who would take them across the river; and other people who would keep them in hiding and work out the “sale.” The “price” increases at each stage of the process.<sup>20</sup> The organized human-traffickers would often forcibly abduct North Korean women, regardless of their marital status, and sell them off. Reportedly, North Koreans are being traded far from the border areas and deep inside the three northeastern provinces of China. In most cases, the deals involve North Korean women; but in some cases North Korean men are also traded off to remote areas of China where manpower is badly needed.

As international criticism of China’s human rights violations as well as human trafficking has intensified, the Chinese authorities have decided to implement a sweeping mop-up operation against the trafficking groups. The result is that organized human trafficking activities have been mostly cleaned up.<sup>21</sup> However, as many North Koreans continue to stay in China, some defectors get

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<sup>20</sup> New settler Kim XX, who came to South Korea in 2002, testified that Kang Hakgeum, a 40-year-old ethnic Korean living in Hwaryong City, Jilin Province, China, had systematically human-trafficked about 10 North Korean women to China.

<sup>21</sup> KINU, “A Workshop between NGOs and Experts on North Korean Escapees,” Seoul, June 27, 2005.



involved in the trafficking of fellow escapees. For example, North Korean women who were already living with ethnic Korean or Chinese husbands introduce fellow North Korean women to nightclubs, or turn them over to the Chinese for money.

#### (a) Forcible Marriage

As China was industrialized, women in the agricultural areas began to relocate to Chinese cities, to South Korea or to other foreign countries to earn money. This trend has had the effect of reducing the number of young women in Chinese society and of increasing the demand for brides-to-be or for the sex market. Due to this potential demand, the border-crossing North Korean women became a target of trade for Chinese men for their “live-in” purposes. Apparently, some North Korean women knew that they were being “sold” to Chinese men, but most North Korean women were handed over to Chinese men without knowing in advance to whom they were being sold.

Even where North Korean women were “forced” to marry Chinese men, there have been many cases in which their “live-in” lasted a considerable period of time. But if their family life was to experience turbulence due to sexual abuse, violence or gambling, the North Korean woman often would run away from him or get forcibly deported to North Korea. Many sexually abused North Korean women suffering from serious gynecological problems have been unable to get proper treatment.<sup>22</sup> A long “live-in” relationship with Chinese men would eventually result

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<sup>22</sup> As for the reality of North Korean women defectors, see Paik Young-ock, “A Study on the Situation of North Korean Women Defectors in China and More Effective Ways of Assistance,” *The Journal of North Korean Studies*, Vol. 6, No. 1 (2002).

in pregnancies. However, in most cases, the man will decide on the fate of the baby. If the Chinese “husband” preferred to continue the “live-in” relationship, he would want to have a baby. He would also try hard to secure a “family certificate” for his “wife” to make her status legal. It would require a large sum of money to secure a certificate. Therefore he would have to invest a considerable amount of resources to do so. And even in the case of “forced” marriages, the Chinese man would, if he wanted the relationship to last, provide financial support for the woman’s families, including expenses needed for their border crossing.

#### (b) Voluntary Marriage

In the mid-1990s when North Koreans first began to cross the border, North Korean women were usually introduced to over-age ethnic Korean men by their relatives or to other ethnic Koreans living near the border. In such instances, the ethnic Korean family would provide some valuables to the introducing party as a token of appreciation. The entire process of introduction was never mandatory or violent. Rather, they tried to persuade the North Korean woman experiencing economic hardship that getting married would help improve her living conditions. Under the circumstances, the young woman, and even married women in some cases, would voluntarily choose to get married, because it would help relieve the food shortage not only for her but also for the entire family. Even the “intermediaries” who introduced North Korean woman to a Chinese man did not have to feel guilty for their effort. On the contrary, they might even have felt that they were able to help a woman in dire need. Those benefits notwithstanding, however, human trafficking is also illegal in China. Consequently, if the authorities were to uncover this type

of transaction, the person(s), who received money or valuables in the course of handing over the North Korean woman to the Chinese, would face stiff fines. Furthermore, the neighbors and people around him or her would also be sure to keep their distance from this “human trafficker.”

In some cases, North Korean women who have crossed the border illegally voluntarily choose to get married to Chinese men as a means of survival or livelihood. In fact, in many instances a “normal marriage” would be indistinguishable from a “forced marriage.” For example, a North Korean woman who could not speak Chinese would not realistically be able to work in public places such as a restaurant. Thus, she would quickly realize that there was no alternative but to establish a “live-in” relationship with a Chinese man to avoid police roundup. She would have to choose “live-in” as a relatively safe means of staying in China.

As many North Korean women have chosen to stay in China over a long period of time, and as their Chinese speaking ability has improved, the incidence of “forced” marriage has gradually reduced. And even though they had to get married under difficult circumstances, North Korean women apparently were able to find ways to cope with the situation. As their choices increased, more North Korean women went selectively into live-in arrangements with local men, not because they were forced to but as a matter of voluntary choice. For example, while working at restaurants a North Korean woman would often get “live-in” propositions from regular customers, perhaps ethnic Koreans or even South Korean men. The woman then has the option of accepting or not the proposition, and in many cases she will accept it. In some cases of more assertive women, they would actively demand financial support as part of live-in conditions,

such as remittances to her family in North Korea or the money needed for their border crossing. In these types of live-in arrangements, chances are high that the North Korean woman, if deported, will try to cross the border again in search of her male partner. This is true especially if the couple had a child.

### (c) Prostitution

Most North Korean women crossing the border would be traded in this “live-in” form of marriage, but some young women would be turned over to “sing-along joints,” bars, or sex establishments and be pressured to engage in prostitution. Because of their illegal alien status and their fears of forcible deportation, they could be bullied into prostitution by the owners or operators of the establishment. In the process, most of the women would routinely contract venereal diseases.

The available data clearly show that as time passed an increasing number of North Korean women were engaged in prostitution. The ratio was especially high in the cases of women working at these “sing-along joints.” Not only were they forced to submit to prostitution at their places of employment, they were also forced to provide sex services to the Chinese men who had initially introduced them to the place and who would later boast about “protecting” them. There were a significant number of these cases.

### (d) Smuggling of Human Organs

The scope of human trafficking has apparently gone beyond sex exploitation and hard labor. Human trafficking is now being carried out for purposes of smuggling human organs. There is speculation that perhaps some North Koreans have fallen prey to this

heinous crime. The source for this type of speculation stems from the fact that there has been absolutely no way of confirming the whereabouts of some North Koreans who were definitely known to have been in China. However, there has never been any concrete testimony or evidence in connection with these speculations. And the author, personally, has not encountered any evidence, or heard personal testimonies about this during the hundreds of personal interviews with the North Korean defectors who came to South Korea.

### C. Punishment for Human Trafficking in North Korea

No sooner had the international community raised the human trafficking issue in connection with North Korean women than the North Korean authorities launched an extensive dragnet operation against human traffickers, complete with heavy penalties. Individuals who had sold North Korean women to China were public-executed, and stern warnings were repeatedly issued against acts of human trafficking.

**Table 3.** List of Punishments on Human Trafficking

Time of Punishment	Type of Punishment	Place of Punishment	Criminal's Personal ID	Testimony of
Fall 1996	Public Execution	Musan mine, North Hamkyong Province	n.a	Chang XX
Aug. 1997	Public Execution	Sambongku, Onsung, North Hamkyong Prov	1 woman (61-year old)	Cho XX
1998	Correctional labor	Gaechon Center	n.a	Kim XX
1998	Correctional labor	n.a	KimChulho (Kang-an, Onsung County)	Kim XX

Time of Punishment	Type of Punishment	Place of Punishment	Criminal's Personal ID	Testimony of
Spring 1998	Public Execution	Sambongku, Onsung, North Hamkyong Prov.	2 women (50-60 year-olds)	A woman (Came to S.Korea in Nov. 2004)
1998	Public Execution	Yuson Mine, Hweryong, North Hamkyong Prov.	Husband and wife	Lee XX
1999	Public Execution	Yuson Mine, Hweryong, North Hamkyong Prov.	1 woman, 2 men	Lee XX
June 1999	Public Execution	Hyesan City Yangkang Prov,	1 woman (age 45)	Kim XX
Aug.1999	Public Execution	Musan market, N. Hamkyong Prov.	n.a	Cho XX
Aug.1999	Public Execution	Chongjin, North Hamkyong Prov.	Ahn Bongkil (34)	Huh XX
2000	Public Execution	Chongjin, North Hamkyong Prov.	7 men	Lee XX
Jun 1, 2000	Public Execution	Musan market, N. Hamkyong Prov.	Om Hisook (53). Lee Myunghee (37)	Park XX
Jan. 2001	Public Execution	Hweryong market, North Hamkyong Prov.	1 woman (20)	Kim XX
2001	15-year Correctional labor	Onsung, North Hamkyong Prov.	Husband of Lee Yonhi	Lee XX
May 2002	Public Execution	Hweryong, North Hamkyong Prov.	2 women	Lee XX

As evident from Table 3 above, North Korean authorities had carried out ultimate punishments like public executions for the human trafficking crime. They were not punishments for simple crimes like guiding people cross the river, but for organized human trafficking crimes of a certain size, and for smuggling narcotics and antique items along the border regions. The public executions were carried out along the region where border crossing incidents were most frequent, like the cities of Musan, Hweryong, Chongjin and Onsung. Like the Chinese, the North Korean authorities apparently have tried to respond to the international concerns about the human rights violations involving human trafficking. From the frequency of public executions, the penalty for human trafficking has become heavier since 1998. In light of the decision to order public executions for human trafficking violators, , it would be fair to conclude that North Korean authorities have endeavored as much as the Chinese to eradicate the crime of human trafficking.

### **3. Types of Labor**

#### **A. Working for Food and Shelter**

When a North Korean worker provides labor but is not paid except for room and board, it falls into one of the two following cases: One is that from the beginning the worker has agreed to provide labor on the condition that a hideout is guaranteed. And the other is that the worker was promised wages for the labor, but the employer did not honor the agreement, taking advantage of the worker's illegal alien status. There were numerous instances of firing the employees without paying off outstanding wages. The employers would simply lie to the North Korean worker

that the security police were about to descend on the premises, or threaten to report him to police. On agricultural farms, in particular, the employer would promise pay after the harvest in the fall. But at the end of the summer-long work, the employer would claim that there was not enough for wages because of the poor harvest. Wage fraud of this type had been frequent in the early period, when the number of border-crossing North Koreans suddenly surged. At that time, the North Koreans' survival capabilities in China were limited, so many would agree to work without pay if they were given a safe haven or hideout.

## **B. Low Wage Labor**

A North Korean worker who has moved to China would usually stay at the home of a (previously unacquainted) ethnic Korean, doing some chores in exchange for room and board. Sometimes, the worker would be paid a small amount of wage on a daily or monthly basis. North Koreans would usually be engaged in dirty, difficult and dangerous work that the Chinese wanted to avoid. A man would be assigned to pull waste carts, work on farmlands (greenhouses, orchards, etc) or animal husbandry, or as lumberjacks and miners, or at construction sites and quarries. Most of these jobs are found in remote mountainous locations or farmlands where outsiders were unlikely to come, which would mean a relatively safe place for the illegal aliens to stay and work. North Korean women would find various chores like cooking or washing dishes at a restaurant, or as a maid, nanny, nursing aid, or sweater-knitters. Some women would also work at sex business or sex-related outlets, like sing-along joints, bars, and inns.

Often any work is very hard to find because employers who hire



illegal North Koreans are subject to stiff fines. Therefore, employers are usually reluctant to hire North Korean escapees. Wage levels are, consequently, very low compared to normal wage levels in China. In 1999, the wages that most illegal North Koreans received were about 150-250 Yuan a month, far below the 500 Yuan an average Chinese worker was making.

A North Korean woman hired for simple tasks, such as cleaning and cooking, would routinely be forced to engage in prostitution by the employer, and eventually she would be forced to be fully engaged in prostitution. According to a survey, the wage levels of North Korean women were slightly higher than the men. The women working at a non-entertainment workplace made an average of 245 Yuan per month, and 363 Yuan for those working in the “entertainment” industry. On a daily basis, they were paid an average of 6.6 Yuan per day.

As they came to live in China over a long period of time, however, their language as well as work skills improved. Accordingly, their job opportunities also improved and many of them have been able to find jobs at large restaurants, South Korean businesses, or as nannies at the homes of South Korean office workers. In some cases, North Korean women have worked as a nanny or a home nurse for a Chinese official. Their wage levels have also improved significantly and those working in the “entertainment” world in 2004 were making as much as 2,000 Yuan, if their sideline income from prostitution is included.

## 4. Types of Enforcement on Illegal Migrants

### A. The Realities of Enforcement

#### (1) Timing of Arrest

Since July 1998, China has launched major roundup operations against North Korean defectors. Before July 1998, the number of 100 North Koreans arrested each week averaged 100. After July 1998, however, the number went up to 300-400 a week.<sup>23</sup> Many of the deported were children between the ages of 4-13. Most adults were capable of working and able to escape from these roundups, but in the case of children, they could cross the border, but then have no place to go. Some of them might be given food and shelter by the families of sympathetic ethnic Koreans, but then they would be returned to the street after a few days. The authorities would then pick them up off the street.

According to a research conducted by Good Friends, between 1998 and 1999, there have been search and arrest operations on a regular basis in the northeastern area of China where many North Koreans historically stayed. This situation made most

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<sup>23</sup> In the case of a detention camp along the Tumen River banks, the number of deported returnees before July 1998 was about 15 a week, using a van. After July, however, there were as many as three van trips, bringing 40-50 returnees. Since there were about 6-7 detention centers along the banks of Tumen River, it was estimated that about 300 were deported every week. In the case of Apnok (Yalu) River, the situation was quite different. First, the river itself is much wider and deeper than the Tumen, and the level of security is far tighter. In addition, there are fewer ethnic Koreans living on the Chinese side. Thus the number of deported returnees was much smaller. See Yoon Yeo-sang, "The Realities of North Korean Defectors and the System of Assistance: with emphasis on the Chinese side," p. 187.

North Korean escapees, and their Chinese employers who were providing safe haven for them, very nervous and on alert. In the agricultural region, enforcement teams would not launch roundup operations during the peak of summer work season, but they would appear just about the time at harvest when the employers were due to pay wages. Apparently, the employers have reported the existence of illegal aliens to avoid payroll obligations. In addition, neighbors would also report illegal aliens to the authorities. In cases like this, the roundup operation would hit the area without advance notice, and would continue until some illegal workers were apprehended, because the enforcement teams were working on the basis of confirmed tips. Authorities would also launch special roundup operations over holiday periods like the year-end and New Year's.

Extensive roundup operations would also be launched whenever special incidents related to North Korean defectors occurred; for example, when a group of defectors entered foreign missions or the international school with the help of human rights groups; or whenever human rights situations were reported in the major news media; or even when a large group of North Koreans were allowed to enter South Korea. When the United States Congress enacted the "North Korean Human Rights Act of 2004," the Chinese authorities reportedly upgraded and tightened the security measures along the North Korean border.

## **(2) The Search Areas and Frequency of Arrest**

Based on the author's interviews, the search areas for the border-crossing North Koreans are spread very widely and cover all points where North Korean escapees have been known to hide out inside China, and those areas from which they fled to a third

country. Most arrests are made in major city areas and the three northeastern provinces of China where most North Korean displaced persons are hiding out. Based on my interviews, there were some who never had been challenged or arrested by the authorities until they reached South Korea (they were interviews ID#6, ID#13, ID#15, and ID#20). People who could live in China for an extended period of time without being arrested included those who were living with ethnic Koreans in the urban areas. It is also reported that the chances of getting arrested would be relatively low if one were living with an ethnic Korean who was involved in human trafficking. In the event one sensed the danger of arrest, he or she could move to a large urban area and rent a room to avoid detection. Some North Koreans have even adopted new names for themselves to avoid Chinese security police (ID#13 and ID# 20); others purchased Chinese family registration cards (ID#3 and ID#13.) Chances of being arrested are low for those receiving the help of experienced guides. The experienced guides are paid by the border-crossing North Korean's family members who have arrived in South Korea earlier.

**Table 4.** Areas of Arrests and Frequency of Deportation

ID	Defection Plan	Defection Date	Frequency Deported	Date Deported	Location of Arrest
1	01-21-97	05-10-97	1	01-29-97	Returning from China
2	04-04-97	09-14-04	2	06-14-01 12-23-03	House at Toumen City; Broker's house in Beijing
3	04-07-97	12-28-03	2	06-24-01 11-09-03	Heilim City, Heilongjiang Province; Same area
4	05-17-97	10-06-99	1	09-07-99	Yongjong City
5	08-16-97	02-24-02	1	03-22-08	Beijing

ID	Defection Plan	Defection Date	Frequency Deported	Date Deported	Location of Arrest
6	09-16-97	09-16-97	None	—	—
7	10-11-97	10-20-00	2	07-15-00	House at Hwaryong City
8	12-00-97	09-00-03	3	06-10-03	Yongjong City
9	01-00-98	11-15-09	1	05-00-02	Nanning City
10	03-10-98	09-08-03	1	03-04-03	Darien City
11	03-18-08	05-07-04	1	08-06-03	Yongjong City
12	04-13-98	10-28-01	1	06-01-00	Gamok City, Heilongjiang Province
13	05-09-98	05-09-98	None	—	Purchased Chinese ID
14	06-05-98	06-15-98	1	06-15-98	North Korean side of Tuman River bank
15	07-31-98	07-31-98	None	—	—
16	08-01-98	07-17-02	1	05-19-02	Yenji City
17	08-01-98	07-17-02	1	05-19-02	Yenji City
18	08-05-98	01-20-03	3	07-00-01	Tsingtao; Shenyang/ Dandong
19	11-01-98	11-20-02	1	01-12-00	Yentai City
20	11-15-98	11-15-98	None	—	—
21	03-02-99	05-19-04	1	07-10-02	Jilin City
22	04-07-99	06-15-04	2	10-29-02	House at Toumen City
23	04-25-99	01-26-03	1	10-15-02	House at Yongjong City
24	05-11-99	11-02-03	4	07-26-00 11-03-01 02-27-02 05-07-03	Jilin City; Song-parlor at Dunhwa City; Dunhwa City; On the road in Inner Mongolia
25	07-00-99	12-24-03	1	05-00-99	Hwangju, Jejiang Prov.
26	11-15-99	04-09-04	1	03-11-02	Rental room at Mukden City
27	01-13-00	08-17-01	1	07-21-01	Korean home at Heilongjiang Province

ID	Defection Plan	Defection Date	Frequency Deported	Date Deported	Location of Arrest
28	05-03-00	03-08-02	1	07-25-01	Rental unit at Yenji City
29	08-15-00	03-17-03	1	08-25-00	Korean home at Yongjong City
30	02-28-01	07-17-03	1	04-28-02	House at Yenji City
31	08-24-01	03-13-05	Voluntary return	04-26-02	Immediately Released
32	01-18-02	01-18-02	None	—	—
33	11-01-02	11-01-02	None	—	—
34	12-06-02	03-07-04	1	07-10-03	Korean home at Yongjong City
35	02-01-03	06-22-03	1	04-08-03	Yongjong City
36	03-23-03	07-15-04	1	06-01-04	Korean home at Hunchoon City
37	10-14-03	08-05-04	Voluntary return	08-04-04	To give money to children
38	03-01-04	03-01-04	None	—	—
39	09-23-04	09-23-04	None	—	—
40	10-03-04	10-03-04	None	—	—
41	11-01-04	11-01-04	None	—	—
42	03-11-05	03-11-05	None	—	—
43	03-22-05	03-23-05	None	—	—
44	05-06-05	05-06-05	None	—	—
45	05-06-05	05-06-05	None	—	—

### (3) Places and Circumstances of Arrest

Places of arrest are diverse. Some were arrested while crossing the Tumen River (ID#14), while others were arrested at the airport (ID#25), the Vietnamese border (ID#9), on the train bound for Inner Mongolia (ID#34), on a smuggling boat (ID#41), and

in front of South Korean embassy (ID#5). Others were arrested in front of a railroad station, or because a man made a report to the authorities after his marriage proposition was turned down; or while hiding out in a home of a river-crossing guide or a human trafficker.

**Table 5.** Places and Circumstances of Arrest

ID	Place of arrest	Circumstance of arrest	Arresting agent
1	Tumen River bank near Onsung County	While returning home from a trip to China	N. Korean soldier
2	House, Toumen City; Broker's apartment	Korean live-in home; Along with 6 others	Police
3	House, Heilongjiang Prov.	Neighbor reported	Police
4	Rental unit, Yongjong, Yianbian	Neighbor reported	Police
5	In front of South Korean Embassy	While attempting entry in Embassy	Chinese soldier
6	–	–	–
7	Home of human trafficker, Hwaryong City	While resisting a kidnapper, a neighbor reported. (With my daughter)	Police
8	Rental unit, Yongjong	An arrested friend revealed my address,	Police agent
9	Vietnamese border	ID check	Police
10	Smuggle boat, Dairen Harbor	Smuggle boat returned to port in 6 hours	Chinese military
11	Mountain road, Yongjong City, Jilin prov.	On the way down from a mountain	Police
12	Market, Gamoksa, Heilongjiang Prov.	On the way to Gamoksa market.	Police
13	–	–	–
14	Near Customhouse, Tuman river bank	On the way back from China.	N.Korean soldier

ID	Place of arrest	Circumstance of arrest	Arresting agent
15	–	–	–
16	Friend's house, Wangchong County	Neighbor reported after refusing to marry him	Police
17	Same place	When sister refused to marry the man.	Police
18	Tsingtao City	In the village	Police
19	Home in Tsingtao	Police stormed home; arrested with 10 other defectors	Police
20	–	–	–
21	Home in Jilin City	After two daughters arrested at school	Police
22	House at Toumen City	Reported by someone	Soldiers
23	Yongjong City	Live-in Korean home	Police
24	Jilin Rail Station; Song-parler in Dunhwa City; Dunhwa City; Inner Mongolia;	On way to Dunhwa. In a Song-parlor; Home where I previously stayed; Near barbed wire fence, Inner Mongolia;	Police Police Police Police
25	Jejiang Airport	While boarding aircraft	Airport soldier
26	Mukden City street	Someone's report.	Police
27	House in Heilongjiang Prov.	Unexpected ID check.	Police
28	Rental unit, Yenji City	Live-in mate arrested; revealed facts.	Police
29	House in Yongjong, Jilin Province	Friend asked Mom to get married. She refused. Four of us got arrested	Police
30	House in Yenji City	Arrested due to an informant	Police
31	–	Voluntarily returned	–
32	–	–	–
33	–	–	–
34	On a train in Yongjong	On a train between Inner Mongolia-China on way to S. Korea	Police



ID	Place of arrest	Circumstance of arrest	Arresting agent
35	A village in Yongjong	Wore military uniforms, but arrested by border patrol	Police
36	House in Hunchoon	At 8 pm by Security agents.	Soldiers
37	–	Voluntarily returned	Police
38	–	–	–
39	–	–	–
40	–	–	–
41	–	–	–
42	–	–	–
43	–	–	–
44	–	–	–
45	–	–	–

## **B. Interrogation and Detention in China after the Arrest**

Except in the border region, the Chinese public security agents will make most North Korean arrests in China, and most of the arrestees will be handcuffed, tied up, or fettered before being taken to the security facilities. Most North Koreans arrested in China are detained in the local detention facility (of the arresting agency) temporarily before being transferred to the border detention facility near the border city (such as Toumen, Ryongjong, Dandong, Hwaryong) to wait for the deportation. If someone is arrested in inner China, far away from the border facility, he or she will be transferred to a halfway holding center. In the case of an arrest by a North Korean agent or a Chinese informant or agent, the person would be interrogated at the local police station. If confirmed as an “escapee” he or she will be transferred to a detention center or public security prison for about a week before being transferred to the border unit. If arrested by the border patrol, the detention center operated by the unit will be his or

her first detention facility.

Before the defectors are thrown in the border detention center, they will be thoroughly searched, and personal items confiscated, to prevent the possibility of self-inflicted wounds or suicide attempts. There are no prescribed rules or procedures concerning the deportation of North Koreans arrested in China, nor will the authorities inform the individuals about these details. All arrested North Koreans are required to undergo a series of strict interrogations pertaining to such things as: personal information, date and purpose of entry into China, how one maintained living in China, whether one tried to flee to South Korea, whether relatives in China or anyone helped during their stay in China, any hide-outs, their route of movement and means of transportation, the frequency of entry into China, and whether there was any contact with religious organizations, etc. In some cases, the Chinese authorities have tried to persuade the defector, saying that if one were to actively cooperate in the interrogation process, or identify any Chinese who were concealing North Koreans, he could be released to return to North Korea on his own without forcible deportation.

If a detainee's attempt to flee to South Korea was revealed during the Chinese interrogation, the defector might strongly demand that the item be deleted from his record to prevent his being harshly punished upon deportation to North Korea.<sup>24</sup> The

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<sup>24</sup> New settler Kim XX, who came to South Korea in 2002, was arrested by the Chinese border-guards near the Mongol border in December 2001. While undergoing a month-long interrogation, he had pleaded to delete the portion of his record concerning his attempt to flee to South Korea. The Chinese public security agent explained to him that not all the Chinese documents would be sent to North Korea.

Chinese authorities would usually respond by saying that not all of their investigation documents would be sent to North Korea. In fact, only a summary document is routinely transferred to North Korea along with the person. Our interviews also revealed that the deported North Koreans were able to avoid harsh punishment so long as they strongly and persistently denied certain facts - even if true - such as, how many times they had crossed the border, whether they tried to flee to South Korea, or whether they had any contacts with Christian helpers.

**Table 6.** Realities of Detention in China after Arrest

ID	Initial detention	Duration	Transfer (if any)	Final Detention	Duration	Total Detention
1	—	—	—	Toumen border guards— detention center	—	2 days
2	Yangsujin Police Box					
3	Heilim Security Police	3 days	—	Toumen border guards	6 days	9 days
	—	2 days	—	Same place	6 days	8 days
4	Yongjong Police Station	4 days	—	Border guard	7 days	11 days
5	Beijing Prison	10 days	—	Toumen border detention center	10 days	30 days
6	None	—	—	—	—	—
7	Hwaryong border detention center	35 days	—	—	—	35 days
8	Yongjong Police Box	1 day	—	Border guard	7 days	8 days
9	Pingshang	—	Nannang Prison	Toumen detention center	10 days	10 days
10	Dairen Prison	15 days	—	Dandong detention center	3-4 days	18-19 days
11	Songnam Police Box	1 day	—	Yongjong border guard	1 day	2 days

ID	Initial detention	Duration	Transfer (if any)	Final Detention	Duration	Total Detention
12	Gamoksa Police Box	3 days	—	Toumen board guard	15 days	18 days
13	None	—	—	—	—	—
14	—	—	—	Arrested while returning	—	—
15	None	—	—	—	—	—
16	Wangchang County Police Box	2 hours	Wangchang County Security Bureau.	5 days at Toumen border detention camp	3 days	8 days
17	Same as above	Same	Same	Same	Same	Same
18	Tsingtao	—	—	Dandong border guard	—	—
19	Yentai Prison	20 days	—	Dandong border guard	15 days	60 days
20	None	—	—	—	—	—
21	Kangbuk Prison	2 hours	—	Toumen detention center	15 days	16 days
22	Riangsoojin Police Box	—	Riangsoo Village border guard	Toumen border guard	7 days	7 days
23	Rotoku Police Box	—	—	Yongjong border guard	—	—
24	Jilin Rail Station	—	—	Toumen border guard	—	2 days
	Dunhwa City prison			Same place		20 days
	Dunhwa City prison			Same place		22 days
	Inner Mongolia “Alenwhiter”			Same place		6 days
25	Hwangju airport	—	—	Toumen detention center	—	45 days
26	Young-an prison	20 days	—	Toumen detention center	21 days	41 days
27	Kyeso security bureau	—	—	—	—	12 days

ID	Initial detention	Duration	Transfer (if any)	Final Detention	Duration	Total Detention
28	Yenji security bureau	—	—	Toumen detention center	—	1 day
29	Yongjong police box	—	—	Yongjong border guard	—	6 days
30	Wangchong Police Station	—	—	Toumen border guard	—	15 days
31	Voluntary return	0 day	—	—	—	—
32	None	—	—	—	—	—
33	None	—	—	—	—	—
34	Yenji City security bureau	4 hrs	—	Toumen border guard	2 months	60 days
35	Yongjong border unit	—	Yongjong detention ctr	Transfer to Hweryong sec. agency	—	45 days
36	Hunchoon security bureau	—	—	—	—	6 days
37	Voluntary return	0 day	—	—	—	—
38	None	—	—	—	—	—
39	None	—	—	—	—	—
40	None	—	—	—	—	—
41	None	—	—	—	—	—
42	None	—	—	—	—	—
43	None	—	—	—	—	—
44	None	—	—	—	—	—
45	None	—	—	—	—	—

Chinese border detention centers are not built exclusively for North Korean defectors, but in the case of Toumen detention center the Chinese authorities had to expand and add a new wing due to the large number of North Korean returnees. On the positive side, three meals a day are served at these facilities; however, in the lock-up process, the authorities search the North Korean defectors' bodies thoroughly, presumably to look for anything

that might be used to harm oneself. Until 1998, the Chinese border guards did not inflict bodily harm, such as beating, on the arrested North Koreans. However, many witnesses testified that as the number of defecting North Koreans increased, various types of torture, such as high-voltage electric rods and burning the skin with lighted cigarettes were inflicted on detainees in the process of investigation and interrogation.<sup>25</sup> Others testified that there was a mass revolt in the Toumen border detention center in 2000, and in January 2002 the guards had thrown pit-bull dogs into detention rooms to terrorize the inmates.<sup>26</sup>

## 5. Relocating to a Third Country

Many border-crossing North Koreans will travel to a third country for personal safety and new settlement. Their ultimate destination is, of course, South Korea, where they are legally protected and financially supported for settlement. Their relocation attempts include the entry (defection) into the Korean Embassy or into consulate buildings in China, where they will be allowed to enter South Korea directly. Others will enter into other “Western” diplomatic missions in China, which will allow them

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<sup>25</sup> New settler Kim XX was arrested in front of the American Embassy in Beijing. On Aug. 12, 2002, he was transferred to Dandong. The border guards there applied electric rods on him and beat him so hard that he was bleeding in the back of his head. They confiscated 1,800 Yuan and 71,000 won in South Korean currency (about US\$70.00). A first lieutenant and his aide used electric rods to torture him.

<sup>26</sup> New settler Lee XX (from Onsung, North Hamkyong Prov.) testified that in January 2002 some people died of dog-bites when the Chinese border guards released pit-bulldogs into a group of Koreans. The director of the center was reprimanded for the incident. Our interview ID 22 has also testified to the same incident.

to come to South Korea via a third country. Those who have traveled to a Southeast Asian country will enter into the South Korean embassies or the offices of UNHCR, which will allow an indirect entry into South Korea. Some will come to South Korea via Mongolia, and others will attempt to enter South Korea (either by air or by boat) using fake Chinese or Korean passports. If North Koreans are able to enter into the Korean International School in China, the Korean consulate will extend protection and they will be transferred to South Korea after a period of stay.<sup>27</sup> Those Koreans who had returned to North Korea (repatriated) from Japan have also sought to return to Japan. The Japanese Government has been allowing their return on a selective and case-by-case basis. For example, a Japanese wife who had accompanied her Korean husband to North Korea will be allowed to recover, along with her husband, Japanese citizenship upon return to Japan, and her family members will be treated as stateless persons or Korean citizens, but will be allowed to live in Japan as long as they renew their duration of stay visa, ultimately getting a permanent visa.

This relocation process is conducted in most cases through the “intermediaries” (who are paid) or with the support of civilian non-profit organizations. In rare cases, individuals also attempt to flee unassisted, but it is a very risky venture and many have lost their lives. The activities of civilian organizations that have been systematically assisting the relocation of North Korean defectors have become known as the “planned defection.”

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<sup>27</sup> An exceptional case was the forcible deportation of seven persons who had entered into the Yentai Korean School on Aug. 29, 2005.

**Table 7.** Transit via Third Country (and “Helpers”)

Transit country	Helpers	North Korea/ China	China -other country	Other country - South Korea
China	Family/ relatives	27 cases (26.0%)	10 cases (12.2%)	5 cases (6.0%)
Russia	Ethnic Korean	22 (21.2)	—	—
China- Mongolia	Chinese	1 (1.0)	—	—
China- Philippines	Broker	—	34 (41.5)	11 (16.3)
China-Vietnam- Cambodia	Civilian Organ.	—	1 (1.2)	1 (1.2)
China-Myanmar (Laos)	Friends/ Companions	25 (24.0)	13 (15.9)	15 (18.1)
China-Vietnam- Thailand	Missionaries/ religious groups	—	6 (7.3)	20 (24.1)
China-Russia	Chinese/locals	—	9 (11.0)	2 (2.4)
Other	Alone	23 (22.1)	4 (4.9)	7 (8.4)
Total	Other	5 (5.8)	5 (6.1)	22 (26.5)
	Total	104 (100.00)	82 (100.0)	83 (100.0)

Source: Yoon Yeo-sang, “An Analysis of the Process of North Koreans Entering South Korea and Alternatives for Improvement: with emphasis on Extra-systemic Entry Process and the Roles of “Professional Intermediaries,” Data-Base Center for North Korean Human Rights, KINU, *New Approaches to the North Korean Defectors Abroad and North Korean Human Rights Issues* (Seoul: A Workshop on North Korean Human Rights, Summer 2004), p. 104.

Since the legislation of “North Korean Human Rights Act of 2004,” the United States has been added to the list of destinations of many North Koreans and the organizations that are helping them.<sup>28</sup> In the early days, most North Koreans who wished

<sup>28</sup> Yonhap News, Nov. 16, 2004.



to re-emigrate to the United States would have traveled to South Korea first. After a temporary stay in South Korea, they would travel to the United States as a visitor and remain there illegally with the support of Korean churches or other organizations. However, very few was granted asylum or refugee status. Since 2005, a few cases have been reported in which North Koreans have traveled from China to Mexico and thence to the United States.<sup>29</sup>

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<sup>29</sup> Yonhap News, Sept. 8, 2005.

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## IV. Forcible Deportations: The Process and Punishment

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### 1. Details of Investigation after Deportation

#### A. Penal Laws and Systems Concerning Illegal Border Crossing

Article 86 of the 1992 North Korean Constitution specified “treason against the people and the fatherland” as the gravest crime, and the traitors would be heavily punished. However, this section was deleted from the 1998 Constitution, indicating a certain level of relaxation in enforcement in view of the rapidly increasing number of defectors. Article 47 of the 1987 Penal Code defined defection as treason against the fatherland; and traitors (those who defect) would be sentenced to “correctional labor” in excess of seven years. But the 1999 Penal Code classified border crossing into two types: One, three years of correctional labor for a simple act of “unlawful border crossing” (Art. 117). And two, “if anyone had crossed the border and illegally fled the country with the intent to overturn the Republic a sen-

tence of five to 10 years of correctional labor (hard labor) would be mandatory”; and in serious cases the violator would be given a “mandatory 10-years to life correctional labor sentence, with the confiscation of his entire property.”

The 2004 revised Penal Code has also adopted a new term. In the old code, the border-crossing act was defined simply as “crossing the border.” Under Article 233 (Illegal Border Entry-Exit) of the revised code, the term has been changed into “frequent crossings.” Furthermore, the mandatory sentence for illegal border crossing was reduced from “less than three years of correctional labor” to “less than two years of labor-training.” Since “two years of labor-training” is equivalent to “one-year of correctional labor,” the mandatory sentence has in effect been reduced from three years to one year of “correctional labor.”<sup>30</sup> Article 62 of the 2004 Penal Code stipulates, “If a citizen betrayed the fatherland and fled to another country, surrendered, changed allegiance, handed over confidential information, or committed any act of treason, he or she would be sentenced to correctional labor of five or more years; and particularly grave cases would be sentenced to life or no-term (or, unlimited) correctional labor, with confiscation of all personal property.”

Article 4 (Principles for Remorseful Traitors) of the Penal Code, revised in April 2004, stipulates, “Even in the case of treason, the State shall not prosecute criminal responsibilities based on his past actions if the person will actively participate in the work of national unification.” This conciliatory attitude was recon-

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<sup>30</sup> Han Insop, “The Contents and Meaning of the 2004 Penal Code Revisions: A major Step toward the Principle of Nullen Crimen Sine Lege?” (Seoul: The North Korean Legal Studies Association, 93rd Monthly Seminar, Dec. 9, 2004).

firmed in an open letter issued by the “Fatherland Frontline” in which North Korea claimed that the group of North Korean escapees in Southeast Asia, who were admitted to South Korea in July of 2004, had been abducted and that they should be returned to North Korea.<sup>31</sup> If a border-control worker (a border guard) assisted the illegal border crossing, he would be subject to “two to seven years of correctional labor” under Article 234 of the 1999 Penal Code. This penalty was relaxed in the 2004 Penal Code to “less than two years of correctional labor.” This seems to reflect the fact that as the number of border crossing increased the incidence of border guards systematically helping the illegal crossing was also on the rise.<sup>32</sup> In addition to the illegal border crossing violation, the escapees could also be punished for other crimes, such as possession and sale of foreign currency (Art. 104), violation of foreign currency control law (Art. 106), illegal purchase and sale of products and materials in foreign currency (Art. 107), and smuggling of antiques and historical assets (Art. 198). The DPRK “entry-exit law” (Enacted in 1996, revised in 1999) stipulates, “If a citizen enters or exits the border without proper border-area travel permits, he would be penalized with fine, and in grave cases criminal penalty would be imposed.” (Art. 45 of the Entry-Exit Law) Overall, however,

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<sup>31</sup> Through its front organizations like the Committee for the Peaceful Unification of Fatherland, the Association for National Reconciliation, and the Chosun Human Rights Studies Association, North Korea has been demanding the return of escapees, arguing that they have been systematically lured and abducted by the South Korean authorities and the so-called human rights organizations, which operate at American directions.

<sup>32</sup> According to Good Friends, unlike the early days many people could safely cross the border these days because the border guards on both North Korean and Chinese sides will discreetly agree on specific time and place to allow crossing. Good Friends, *North Korea Today* (Seoul: North Korea Research Center, Oct. 6, 2004).

the politically motivated laws and regulations on border crossing have largely been removed or relaxed.

## **2. Penal Procedures and Other Details**

### **A. Overview**

Any North Korean arrested in China goes through the border units and is handed over to the local National Security Agency where he undergoes a basic identification and interrogation process. Then, he is transferred to his hometown agency. Depending on the case, some will go through a labor-training unit at the deportation point, thence to the Provincial Collection Point and finally to the regional (hometown) agency. Others will be transferred direction to the hometown agency (Social Safety Agency or local Labor Training Center). After one is transferred to the local agency, he will be released immediately without “labor-training.” But he or she has to report to the security agency every day and submit a written “self-criticism” report. The penal procedures after deportation are apparently different from region to region and from one detention facility to the other. If the initial holding facility is near one’s original home, the nature of punishment is more quickly determined and the level of punishment will also be influenced by family members or by bribery. If one’s original hometown is far from the border Security Agency that is holding the returnee, detention is likely to be delayed for a longer period, because the Social Safety agent from one’s hometown must travel and appear at the border area in person to take possession of the detainee.; The agent then must also take precautionary measures against the possibility of flight during transportation; arrange the means of transportation; notify immediate family members, etc.

**Table 8. Punishment after Deportation**

ID	Initial detention	Period	Initial detention agency	Period	Second detention agency	Period	Third detention agency	Period
1	Onsung security agency	1 mo.	—	—	—	—	—	—
2	Onsung Sec.agc. Shinuju Sec. agc.	2 day 3 mo.	Onsung Training Same place	7 dy 168dys	Lenient treatment order issued.			
3	Onsung sec/agc/	10 dy	Onsung Training	11 dys	Onsung Durubong	50dy	Onsung Labor training	14 dy
4	Same place Hweryong City sec. prison	6 dy 1 mo	Night —	—	Branch Same place	34 dys	Defected again	—
5	Onsung security agency	—	—	—	—	—	—	—
6	None	—	—	—	—	—	—	—
7	2nd time- Musan sec. agency 1st time Musan sec. agency	10 dys 3 hrs	Musan training Unit Same place	—	Defected on way to Joongsan Correction Center in South Pyong-an Prov.	—	—	—
8	Hweryong Sec. agency.	10 dys	Sambong Sec.agency	—	Onsung sec.agency.	2 dys	Onsung labor training camp	1 mo

ID	Initial detention	Period	Initial detention agency	Period	Second detention agency	Period	Third detention agency	Period
9	Onsung sec.agency.	3 dys	Labor training unit	1 mo	Hometown Sec. agency	—	—	—
10	Shinuiju Sec.agency Prison	13 dys	Shinuiju Sec. agency. prison	15 dys	High ranking brother helped release home.	—	—	—
11	Hweryong Sec.agency.	15 dys	—	—	—	—	—	—
12	Onsung sec.agency	—	—	—	—	—	Yonsa county security agency	—
13	None	—	—	—	—	—	—	—
14	Onsung sec.agency (arrested on way home)	—	—	—	—	—	—	—
15	None	—	—	—	—	—	—	—
16	Onsung customs/ sec.agency	2 dys	Onsung collection center	3 dys	Chongjin collection center	37 dys	Musan security agency	2 dys
17	Onsung customs/ sec.agency	2 dys	Onsung collection center	3 dys	Chongjin collection center	37 dys	Musan security agency	2 dys
18	Shinuiju sec.prison	3 mos	Sent home	—	—	—	—	—
19	Shinuiju sec. prison	—	Labor training center	2 mos	—	—	—	4 mos
20	None	—	—	—	—	—	—	—

ID	Initial detention agency	Period	Initial detention agency	Period	Second detention agency	Period	Third detention agency	Period
21	Onsung sec. agency	—	Onsung training center	—	Chongjin collection center	—	—	—
22	Onsung sec. agency	—	Onsung training center	15 dys	—	—	—	—
23	Hweryong sec. Agency	30 dys	Chongjin Provincial collection center	—	Nanam training center	6 mos	Defect after 1 month	—
24	Onsung sec agency Same Same Shinuiju sec agency	—	Onsung training center Same place Same place Same place	20 dys	Transfer to Provincial collection center	Defected 30dy 5mo	Chongam District security agency Self-criticism	9 dys
25	Hweryong sec. agency	15 dys	—	—	—	—	—	—
26	Onsung sec. agency prison	4 dys	Onsung training center	7 dys	Chongjin collection center	2 mos	—	—
27	Onsung sec agency	—	Onsung training center	2 dys	Released as father was a doctor	—	—	—
28	Hweryong sec agency	—	Hweryong training center	10 dys	Chongjin collection center	7 mos	—	—
29	Hweryong sec. agency	8 dys	2 Coop staff took me back hometown	—	—	—	—	—
30	Onsung sec agency	—	—	—	—	—	Sebyol security agency	—



ID	Initial detention agency	Period	Initial detention agency	Period	Second detention agency	Period	Third detention agency	Period
31	Border guards	0 dy	(71 yr old) They advised excuse of "hunger"/ release					—
32	None	—	—	—	—	—	—	—
33	None	—	—	—	—	—	—	—
34	Onsung sec agency	2 mos	—	—	Chongjin collection center	2 mos	Gilju training camp	4 mos
35	Hweryong sec agency	—	—	—	—	—	Hweryong training camp	—
36	Sebyol sec agency	10 dys	Onsung Juwon branch	7 dys	Release/no penalty/ "re-education"	—	—	—
37	Voluntary return	0 dy	No arrest/Re-defected the next day	—	—	—	—	—
38	None	—	—	—	—	—	—	—
39	None	—	—	—	—	—	—	—
40	None	—	—	—	—	—	—	—
41	None	—	—	—	—	—	—	—
42	None	—	—	—	—	—	—	—
43	None	—	—	—	—	—	—	—
44	None	—	—	—	—	—	—	—
45	None	—	—	—	—	—	—	—

Since the year 2000, the level of punishment has also been relaxed, and very few cases are turned over to the political prison camps, and most of the sentences are for one-to-six months of “labor-training” at the designated camps. No one, in recent years, would be detained for more than a year from the time of his or her deportation to final release.

In my interviews with North Korean defectors, it was clear that the areas with the highest ratio of border-crossing movement were the northeastern border regions of Onsung, Hweryong and Musan. Meanwhile, the lowest movement was in the central border regions of Yangkang, Heysan, and Sebyol, as well as across the sea. Most deportations from China occur across the Tumen River checkpoints at Onsung, Hweryong and Musan, while those from inner China or Dandong come across the Yalu River to Shinuiju City.

## **B. The First-level Detention Facility**

Investigations for penal judgment for the returning North Koreans takes place at the primary (or, initial) detention facilities. The National Security Agency operates detention centers in Onsung, Musan, Hweryong and Shinuiju. Before formal detention, the returnees undergo processing at these centers, including seizure of personal possessions, and health and physical examinations (including AIDS tests). Usually, male and female detainees are housed separately, but in some cases, if the number of returnees is too large, all returnees are assigned to the same facility. Returnees are known to have used a variety of means to conceal the money they brought from China during the process of physical examination. The North Korean investigators, however, stop at nothing to discover concealed money and other

valuables. Returnees are forced to submit to repeated sit-ups, excrement tests and examinations of rectum and private parts.<sup>33</sup> In the early days, the guards confiscated new products returnees had brought from China. Recently, however, it has been reported that the personal effects withheld during detention are being returned to the inmates upon their release from the camp.

Interrogations at the border-area National Security Agency include questioning to gather personal information, address, the dates and frequency of border crossing, activities after crossing the border (whether the detainee came in contact with South Koreans or Christians, whether he or she tried to flee to South Korea or had any involvement in human-trafficking, and whether he or she watched pornographic films (or South Korean videos of any kind)). After this investigation, the detainee is transferred to a security agency “detention center” or to a “provincial collection point.”

According to the North Korean criminal procedure law, the suspect’s criminal acts should be listed and the case must go through a “preliminary examination” where the case is either indicted or dismissed.<sup>34</sup> The purpose of “preliminary examination” is to compile evidence based on scientific methods, establish the acts of crime, and impose criminal responsibilities on the suspect. The

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<sup>33</sup> New settler Oh XX, who was detained in Ur-rang County Training Center in late March of 2001, said that the camp guards used cigarette light on a female returnee’s bosom, and took her repeatedly to an OB/GYN clinic to examine her womb, and so on. Their deeds were reported, and three staff members (director, secretary, chief warehouse guard) were fired after investigation. Subsequently, similar mistreatments have disappeared. Testimony of new settler Oh XX during an interview at KINU, Feb. 15, 2003.

<sup>34</sup> North Korean Legal Studies Association, ed., “A Compendium of North Korean Laws under the Kim Jongil Regime,” (Seoul: North Korean Legal Studies Association, 2005), p. 180.

testimony of the suspect and the testimony of others and an inventory of personal possessions are the major sources of evidence of criminality with regard to the illegal border crossings. Article 114 of North Korean Criminal Procedure Law stipulates, “During the process of verification or diagnostic tests for the discovery of criminal evidence, two independent observers must be present. And when examining a woman, woman observers must be present.” Accordingly, investigators will try to learn as many details as possible about the purpose of the border crossing and any activities in China. They will combine this with information learned from other returnees. In the process, a wide variety of investigative techniques are utilized, such as beating, cussing, blackmail; or offers of a shorter-term sentence. Also combined with the questioning of activities of other returnees while they were in China. The “preliminary examination” must end within two months, but can be extended as long as for four months under unusual circumstances. In cases of minor offenses, the “preliminary examination” must be completed within 10 days; for example, under the newly introduced 2004 Penal Code, cases subject only to “labor-training” penalties. If a case is so complicated that the “preliminary examination” cannot be completed within 10 days, the detention can be extended to one month upon approval of a prosecutor. The “preliminary examination” for “labor-training” penalty can only be completed if the collected evidence was sufficient.

Pregnant suspects cannot be detained between three months before and seven months after childbirth under the law (Art. 106 of the 1999 and 2004 Criminal Procedure Law). However, interview results with new settlers show that pregnant woman before or after 10 months from childbirth have been detained and investigated by the border security agencies. Sometimes, forced abortions have also been performed.

**Table 9.** Human Rights Violations on Pregnant Women

Date	Place	Event details	Testimony date (Name)
1998	Shinuiju Sec. Agency.	Witnessed forced abortion by injection	Jan.15, 2005 (Kim XX)
Apr.6, 2001	Onsung Training center	Woman in her 20s gave birth to a baby, a military nurse killed the baby by injection	Jan. 14, 2005
2002	Onsung training center	Witnessed kicking a pregnant woman	Apr. 26, 2003 (Choi XX)
Oct. 2002	Chongjin Provincial Collection center	A baby left to die because it was of Chinese descent	Jan. 17, 2005 (Joo XX)
Jan. 6, 2004	Chongjin Provincial Collection center	Woman in her 20s gave birth to a stillborn baby due to malnutrition	Jan. 17, 2005
Mar. 2004	Onsung sec.agency	Witnessed a forced abortion	Jan. 17, 2005 (Lee XX)
Feb. 2004	Onsung training center	Choi Jungsook of Namyang, Onsung Dist. Witnessed forced abortion	Jan. 17, 2005 (Kim XX)
Jul. 7, 2004	Hweryong training center	Woman, 32, got a forced abortion	Jan. 15, 2005 (Lee XX)

Punishment records of the returnees show that most of them were sentenced to “labor training” penalties after the year 1999. This penalty was not stipulated in the 1999 Penal Code, but was newly introduced in the revised 2004 Penal Code. Consequently, the “labor-training” sentences handed down before 2004 appear to have been based on the “labor-training” and “non-paid labor” provisions in the “Decision and Judgment Law (Sentencing Guidelines)” and the “Prosecution Supervision Law.” In order to

carry out the “labor-training” and “non-paid labor” sentences, the empowered agency transmitted a copy of the decision and a confirmation notification to the detention center (Art. 43 of the Decision and Judgment Law).

### **C. The Second-level Detention Facility**

If a sentence was finalized at the end of the “preliminary examination,” the person was sent for “labor training” at his or her local labor training center. Because the center is not an investigative agency but a “training camp,” barracks life is strict and the work is known to be very intense. The term of service is supposed to include the entire period of detention, but most inmates calculated from the date of sentence, and in many cases the inmates do not know exactly for what he was being punished nor when the sentence would finish. One of the reasons the court will order the suspension of service is “if the inmate sentenced to correctional labor, labor training or non-paid labor fell gravely ill, or a female inmate is between three months before and seven months after childbirth.” (Art. 18, section 3 of the Decision and Judgment Law) But many “new settlers” testified that the inmates who were dying of serious illnesses (tuberculosis, dehydration, malnutrition) would have their terms suspended and handed over to hometown safety agents. They further testified that the suspension of terms for pregnant women (before or after 10 months of childbirth) is not granted. Quite to the contrary, there have been cases in which pregnant women were forced to engage in hard labor, or were beaten and drugged, to induce forced abortions. In other cases, the camp staff would deliberately leave the newborn unattended or ask other inmates to mishandle the baby until it expired from wanton neglect.

## **D. The Third-level Detention Facility**

If a new crime, subject to a longer sentence, was committed by an inmate while he or she was serving a labor-training sentence, the inmate would be transferred to the Province-level “collection point.” There the inmate would undergo another series of interrogations after which he or she would be turned over to the local security agency or safety agency for additional punishment. The level of punishment for border crossing differs from region to region, and in some cases (like the cases of ID 16 and ID 17) the violators will be detained in the local labor training camp or transferred to the local security agency. The Provincial governments run “collection points” to detain local criminals for a period of time. In the border regions, surveillance and control over illegal migrants naturally become more frequent and thorough.

## **3. Changing Levels of Punishment Over the Years**

### **A. Punishments after the Forcible Deportation**

As international concerns over the human rights of deported North Koreans has increased, North Korea has been strengthening its efforts to arrest North Korean escapees through its overseas missions, while also relaxing the levels of punishment for them.<sup>35</sup>

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<sup>35</sup> Network for North Korean Democracy and Human Rights, “*The Process of Defection of North Koreans and their Fate after Deportation*,” Vol. 25 (June 2002).

## **(1) The Level of Punishment Before 1995**

In its early period, North Korea used to treat the defectors who have been deported as political criminals and placed them under special supervision by throwing them in the political prison camps and forcibly relocated their families to “special control zones.” From 1993 North Korea has tightened surveillance over potential defectors by beefing up military patrols (under the Ministry of People’s Armed Forces) along the border regions, in addition to the guard units of the People’s Safety Agency. North Korea has tried to prevent defections at all cost; for example, by public-executing the defectors upon deportation. Not only the defectors but also their family members have been charged with the crime of “transgression of the Kim Il-sung/Kim Jong-il Ideology” and thrown into political prison camps.

The results of personal interviews did reveal a number of examples. New settler Lee XX, who used to live in Bujon County, South Hamkyong Province, came to South Korea in 1992. As soon as he came to South Korea, his brother was transferred to a “political prison camp.” New settler Chun XX used to work as a Chief Accountant at the Shinpo Shipyard in 1993. When his brother who was working as a Safety Supervisor at a Logging Yard in Russia, came to South Korea, all his family members were forcibly relocated, except for his sister who were married. New settler Bae XX had crossed the border into China in 1993. He was arrested on November 21, 1993 and was transferred from the Dandong Detention Center to the Shinuiju Security Agency on Nov. 26, 1993. He spent 6 months at the Security Agency’s Detention Center and then was locked up in the “Revolution District” of the Yoduk Political Prison Camp in April 1994.



## (2) The Level of Punishments from 1995 to 1998

As the food shortage became acute in 1995, the number of North Koreans crossing the border for economic reasons began to rise. In the face of this crisis, the North Korean authorities began to relax the level of punishment by releasing inmates detained at the so-called “9.27 Relief Centers (or, Camps for ‘Flower-swallows,’ or internally displaced persons).” The security agency or social safety agency continues to handle more serious cases. As the border crossings increased, “education” of the inhabitants along the border regions intensified. Although the authorities were stepping up search and arrest operations to prevent defections, the levels of punishment for border crossing were being relaxed.<sup>36</sup> It appears now that only the person who crossed the border was punished for treason, and other crimes, but the person’s family members were not charged for the crime. However, if a defector was admitted into South Korea, North Korean officials would banish his family to secluded areas out of fear that others might follow similar efforts if no action was taken against them. These families, in any event, suffered from severe mental anguish because their neighbors would sharply criticize them as a traitor’s family.

When the Chinese Customs agents arrested a border-crossing North Korean, they would transfer him or her to the North Korean security agency in that area. The anti-espionage section of the

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<sup>36</sup> Since 1995 North Korean authorities have been showing the border area inhabitants an educational video entitled, “The Realities of Traitors” to warn and alert them about the danger of border crossing and its consequences. The film informs them that all defectors (to South Korea) would be shot to death or otherwise murdered after extracting necessary information from them through seduction and other means.

agency would search and interrogate the detainee, confiscating all his or her money and valuables. The detainee would be required to sign off on a written oath, stating that he or she would not make false statements for which he or she would be subject to 2-3 years of correctional labor, as prescribed in the Criminal Procedure Law of DPRK. The statement would contain all relevant and detailed personal information, including name, date of birth, names of relatives, personal history, the purpose of border crossing, the means and route of defection, and the detainee's life in China. In most cases, the detainee will be conveyed to the social safety agency where additional interrogations will take place. As the number of detained inmates increased, however, they would all be ordered to sit up for hours without moving and with their heads down. Subsequently, mothers and women with their children at home would be released early, and minor offenders would be sent to their hometown labor training camps. In other cases, the social safety agents would convoy the defectors to their hometowns.<sup>37</sup> The escapee(s) would then be required to write another set of statements at the hometown People's Security Agency detention center. Simple violators would be sent to labor training camps, and those who had contacts with Christians, or others who had attempted to defect to South Korea, would be sent to correctional labor camps.

According to my interviews results, the Choi XX brothers (about 40 years old, who previously worked in Rajin Mine) died of starvation while detained for "river-crossing" charges in the Market Street Correctional Center in Hweryong (North Hamkyung Province). In 1997, a woman from Hyang-amri, Hweryong city,

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<sup>37</sup> The defectors would suffer more if the convoy is delayed by the late arrival of their hometown safety agents.

while attempting to flee to China, was shot to death by a Chinese border guard from the Samhap Border Unit. Her body was handed over to North Korea.<sup>38</sup> In June 1997, new settler Chun XX was beaten by the agents for river-crossing charges at the “9.27 Camp” in Heisan City, Yangkang Province. In 1997, Park XX (who used to work at Sakju Shoe Factory) illegally crossed the border into China and took some nude pictures. When the nude pictures were circulated among the inmates, a new prostitution charge was added to her crime and she was executed.<sup>39</sup>

### **(3) The Level of Punishment since 1998**

As the number of North Korean escapees has rapidly increased and as social confusion has mounted, the level of punishment for border crossing has been significantly lowered. In addition, as the incidents of human rights violations became widely known all over the world, the punishment for border crossing has become more swift and discreet. Unlike earlier cases, the Security Agency now will detain and interrogate border crossing North Koreans regardless of their hometown. Depending on the outcome of the interrogation, smugglers and simple border-crossing cases are turned over to the Social Safety Agency for hard labor at the provincial collection points. Those suspected of political crimes such as contacting South Koreans, foreigners, or churches are classified as “subjects for Security Agency” and after intensive interrogations are turned over to “political detention centers” or “correctional centers.”

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<sup>38</sup> Testimony of new settler Chung X during an interview at KINU, Sept. 1, 2002.

<sup>39</sup> Testimony of new settler Ryu XX during an interview at KINU, June 28, 2003.

Since the “February 13, 1998 Measures,” the border-crossing North Koreans are classified by hometowns. And those from the border regions are given lighter sentences, while those from the inner regions, like Hwanghae Province (in southwest North Korea), are labeled as traitors and punished as political prisoners. However, the level of punishment for the families of escapees has been significantly lowered. Even though the punishment levels have been relaxed, however, there have been a large number of starvation deaths in the “labor training camps” due to malnutrition, disease and other causes.

Noticeably, North Korea has been relaxing the level of penalties for border crossing, such as deleting the charge of treason against the people and the fatherland (Art. 86 of the old constitution). However, the level of punishment still differs, depending on a person’s hometown, age, family background, places and duration of stay abroad.<sup>40</sup>

For three months beginning from March 2000, the Chinese authorities had launched an extensive search and arrest campaign and deported many North Korean escapees, but the levels of punishment for them in North Korea were not as harsh as before.<sup>41</sup> The authorities thereafter eased the intensity of the search and arrest campaign after the month of June, possibly in light of the Inter-Korean Summit (June 12-15, 2000). During the

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<sup>40</sup> People living in the border regions would be released after a short detention at detention centers operated by the local social safety agency. However, people from inner regions of North Korea would have to face stiff punishments at “labor training centers” or “correctional labor camps.”

<sup>41</sup> The US Commission for Refugees (USCR) had reported that in June of 2000 alone some 15,000 North Koreans had been forcibly deported to North Korea, and as many as 60,000 during the year.

second summit meeting held on June 14, 2000, Kim Jong-il himself had expressed sympathies for the border-crossing North Koreans when he said, “these people (defectors) were dropping tears...” New settler Kim XX was deported to the Hweryong Security Agency for a “river-crossing crime,” in July 2000. She was transferred to Onsung County detention center but was quickly released when Kim Jong-il’s hand-written “instructions for lenient treatment of defectors” was announced. But this “policy” did not last long.<sup>42</sup> This type of temporary relaxation of the level of punishment occurred again in 2001. In the interview of ID35, he testified that he was transferred from the Toumen Border Unit to Onsung Security Agency on June 12, 2001, but thanks to the “lenient treatment instructions” he was released on June 23rd. Interview ID38 also was handed over by the Tomen Border Unit to the Onsung Security Agency on Dec. 1, 2001 but while she was serving hard-labor at the Provincial collection point she was released on Dec. 30 thanks to “Kim Jong-il’s Special Clemency.”

In July 2004 a large group of North Korean defectors staying in a Southeast Asian country was admitted into South Korea. Because of this incident, three North Korean front organizations (the Committee for a Peaceful Unification of Fatherland, Committee for National Reconciliation, and Chosun Human Rights Research Association) issued statements demanding the group’s prompt return to North Korea and sharply criticized the decision to admit the group into South Korea as an organized act of abduction perpetrated under American instructions.

That North Korea has so sharply reacted to the entry into South

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<sup>42</sup> Testimony of Kim XX during an interview at KINU, Nov. 30, 2002.

Korea of ordinary citizens, who were not prominent personalities, was a clear departure from its recent past practices. This extraordinary reaction seems to indicate North Korea's sensitivities and nervousness about the possibility that such South Korean actions (of admitting large groups) could trigger massive defections out of the North. The other development about which North Korea has reacted quite nervously has been, of course, the "North Korea Human Rights Act of 2004" that the United States recently enacted. In response to the U.S. legislation, North Korea launched a special enforcement campaign from October 2004 to February 8, 2005, and strengthened the level of punishment for the families of those who defected to South Korea.<sup>43</sup>

While the level of political punishment was relaxed on ordinary river-crossing violations, those who were caught trying to flee to South Korea continue to face charges of political crime. During a personal interview, new settler Kim XX testified that his family was arrested and deported while trying to flee from Mongolia in 1998. But his family members were released when his father (Kim Young-nam, 54, a worker at Onsung County Irrigations Office) took personal responsibility and was imprisoned in the Yoduck Detention Camp. Another new settler Park XX and 10 other family members were arrested by public security agents at Pingshang while traveling through Vietnam, Laos, and Myanmar looking for ways to go to South Korea. They were transferred to Toumen Border Detention Camp. She had consistently denied any attempts to go to South Korea, but her sister-in-law told the authorities the truth about their efforts to go to South Korea. Subsequently, her sister-in-law was released but Park XX, her

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<sup>43</sup> Testimony of new settler Shim XX during an interview at KINU, Jan. 19, 2005.

younger sister, and her elder brother were sent to the “revolution district” of Yoduck Detention Camp. In the process, their children were sent to “relief centers” at other locations.

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## V . Conclusion

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This study has attempted to make an objective analysis of the phenomenon of migrating North Koreans by applying the concept of “border-crossing.” The study has reviewed the “internal factors” that forced illegal border crossing, and “external factors” that lured them to violate borders illegally. Since the food crisis, the North Korean-Chinese border has served as a crucial channel of survival for many North Koreans. After the food shortage was greatly alleviated, thanks to international humanitarian assistance, many North Koreans continued to perceive “border crossing” into China as a window of new opportunities. Established systems do exist that allow for legal international travels, based on passports/visas and border travel permits, but a great majority of North Koreans have been crossing the borders unlawfully.

Previous studies have focused primarily on the issue of human rights violations, failing to address adequately the actual border-



crossing situations and their circumstances. To be sure, the human rights angle is critically important since most North Koreans still cross the borders illegally and the Chinese and North Korean authorities constantly try to stem the tide by imposing heavy penalties. By examining the concept of “border-crossing” rather than “defection,” this study has tried to analyze the “act of border crossing” from the perspectives of North Korean inhabitants and their needs and expectations. Although the precise magnitude of “border-crossing” North Koreans remains unknown at this point in time, it is widely reported that there has been a massive border crossing over the years, and that the mishandling or ineffective management of these people by the responsible authorities has allowed the situation to deteriorate. It is now possible to argue that the two responsible governments (North Korea and China) could have significantly alleviated their political and social burdens if either North Korea had realized the people’s demands and needs for border crossing and taken proactive measures to protect or legalize them, or impose lesser penalties; or if the Chinese authorities had taken more realistic steps during the influx of North Koreans across the border. For example, the situation could have been more systematically managed if Chinese authorities had developed measures to address the increasing demand for low-wage workers in China, and if they had recognized the need for North Korean women as bridal candidates for the prime-aged Chinese and Korean-Chinese young men.

From this perspective, it is necessary to point out that treating the problem of border-crossing North Koreans simply as a political issue has made its solution more difficult, because in the case of the majority of North Koreans who had to cross the border, the economic factors, the need to feed their family, was the

most acute and primary motive for their decision to cross the border, in spite of the risks and dangers. In the process, however, they had to face undue personal burdens of arrests and penalties, including charges of political crime, which they could avoid only by seeking safe haven in countries like South Korea, Japan or a third country. Additional suffering and human rights violations then became inevitable in this relocation process.

The international community, including China, Japan, South Korea and North Korea, must now approach this “border-crossing” phenomenon with more practical and protective measures to protect these “displaced persons”. It would also be useful to approach the North Korean migrants issue from the perspective of “immigration and emigration” which is part of the national policy of every government.

To change the dynamics that encourage border-crossing, various measures will have to be developed to reduce or remove the “internal factors” in North Korea, such as poverty and human rights violations, that push North Koreans to cross the border; as well as to control the “external factors” that lure the North Koreans to the outside world. Through these efforts, it should be possible to alleviate the political and social burdens some Southeast Asian countries current shoulder, and to guarantee an acceptable level of human rights protection for these migrants out of North Korea. Finally, it is quite urgent to develop closer international cooperation for the creation of a more effective border control mechanism among the countries involved.