



# General Assembly

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## Human Rights Council

### Fifty-fifth session

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Agenda item 4

### Human rights situations that require the Council's attention

## **Written statement\* submitted by People for Successful Corean Reunification, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2024]

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\* Issued as received, in the language of submission only.



## **Urgent Appeal to Address China's Systematic Violation of Non-Refoulement Principles through Forced Repatriation of the Defectors of the Democratic People's Republic of Korea**

### **Section 1: Recent Instances of Forced Repatriation**

On October 9, 2023, immediately after the conclusion of the Hangzhou Asian Games, China conducted an unprecedented large-scale forced repatriation of over 500 (increased to 600 by August) defectors of the Democratic People's Republic of Korea, resembling a military operation. This was a premeditated tragedy, as evidenced by warnings issued by UN Special Rapporteur Tomás Ojea Quintana in August 2021 and his subsequent reports to the 49th and 77th sessions of the UN Human Rights Council.

### **Section 2: China's Forced Repatriation Practices**

China initiated forced repatriation from August 2023, defying protests from civil society organizations such as the Democratic People's Republic of Korea Human Rights, Sexual and Reproductive Rights, and the Esther Prayer Movement. On the evening of October 9, 2023, immediately after the Hangzhou Asian Games, China secretly repatriated more than 600 defectors of the Democratic People's Republic of Korea through various routes.

Most of the repatriated individuals are women, with a significant number being accompanied by young children. Many of the forcibly repatriated women had married Chinese nationals and lived in China for an extended period, raising children. However, they were separated from their husbands and children and forcibly repatriated.

The regime of the Democratic People's Republic of Korea has intensified penalties against defectors since Kim Jong-un came to power. In addition to harsh punishment, instances of torture and inhumane treatment, including sexual violence, are reported during interrogation. Defectors revealing contact with the Republic of Korea, churches, or plans to go to the Republic of Korea face charges under the Democratic People's Republic of Korea's criminal code, often resulting in lengthy sentences, forced labor, or even execution. The dire conditions in detention facilities contribute to high mortality rates due to disease and malnutrition.

China, aware of these violations, continues to repatriate defectors of the Democratic People's Republic of Korea, even providing detailed information on their activities within China to facilitate the Democratic People's Republic of Korea's punitive actions.

### **Section 3: China's International Legal Obligations**

China is bound by various international treaties, including the 1951 Refugee Convention, the 1984 Convention Against Torture, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights.

The principle of non-refoulement, as stipulated in Article 33 of the Refugee Convention, prohibits the expulsion or return of individuals to a place where their life or freedom is threatened. Despite China's claims, many defectors of the Democratic People's Republic of Korea have obtained refugee status or at least humanitarian stay in other countries, challenging China's discriminatory approach.

Furthermore, the Convention Against Torture prohibits forced repatriation under Article 3, and China's actions may also violate the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the International Covenant on Economic, Social and Cultural Rights.

## Section 4: Recommendations and Urgent Measures

The government of the Republic of Korea should pursue an active human rights-centered diplomacy towards China, openly addressing the plight of defectors of the Democratic People's Republic of Korea currently detained in China and urging China to comply with its international legal obligations regarding non-refoulement.

The international community, including the UN, should join forces to name and shame China as the responsible party for forced repatriation in various resolutions related to the issue. Consensus or not, naming and shaming China is crucial to discourage further forced repatriation.

Highlighting the grave situation of defectors of the Democratic People's Republic of Korea, especially victims of forced repatriation, in various international human rights forums is necessary to build a strong case against China. Cooperation and testimonies from these victims will be vital to prove the unjust treatment they face in the Democratic People's Republic of Korea.

The role of the UN High Commissioner for Refugees (UNHCR) should be emphasized, urging the organization to exercise its right to mediate conflicts and collaborate with China to determine the refugee status of defectors of the Democratic People's Republic of Korea. The UNHCR must strive to establish safe pathways, such as UN refugee camps, for the temporary reception or transfer of defectors to third countries.

A reassessment of China's status as a UN Human Rights Council member is crucial. In April 2022, the Russian Federation's membership was suspended due to human rights violations in Ukraine. If China persists in forced repatriation despite all efforts, the UN General Assembly should consider advocating for the suspension of China's membership.

China should take an interest not only in its own forced repatriation issues but also in addressing the situation of defectors of the Democratic People's Republic of Korea within Russian territories. A proactive approach to prevent forced repatriation cases in the Russian Federation, especially concerning construction laborers and consular officials in Vladivostok, is essential.

In conclusion, urgent attention and collective action are imperative to stop China's systematic violation of non-refoulement principles through forced repatriation of defectors of the Democratic People's Republic of Korea. The international community, including the UN Human Rights Council, must hold China accountable for its actions and work towards ensuring the safety and protection of defectors of the Democratic People's Republic of Korea.

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