North Korean migrants in China: neither trafficked nor smuggled

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North Koreans’ migration to China is highly complex, more so than when it is depicted simply as ‘human-trafficking’ and/or ‘modern slavery’ in anti-trafficking discourse.

The Korean Demilitarised Zone (DMZ) has formed a *de-facto* border barrier between the Democratic People’s Republic of Korea (DPRK) and South Korea since the end of the Second World War. The DPRK, a Stalinist and totalitarian country governed by the dictatorship of the Kim family, also closely polices its borders with Russia and China, and authorises its people to travel abroad only in very exceptional cases. Despite these obstacles, political problems, economic crises and food shortages have all combined to provoke an exodus of desperate North Koreans into China in search of sustenance, employment and a better life. A North Korean woman described the absolute hunger that drove her and her family to cross the border into China to me:

> My family woke every morning worrying about what to eat. We usually got only a watery corn soup in a day. We sometimes had starved for three or four days. When there was nothing to eat, my sisters and I put some soil into the water and imagined that as a chicken soup and then drank it. I feared I would die of starvation.

It is estimated that there are as many as 100,000 North Koreans in China, of whom more than half are women. The journey into China is extremely perilous, and escapees are not safe once they manage to cross the border. In China they are regarded as illegal aliens. If discovered by the authorities, they will be repatriated to North Korea where they are punished by being sent to a labour camp, in effect, a concentration camp. Their illegal status in China also leaves them vulnerable to various forms of exploitations and violence.

North Korean men mainly find temporary, outdoor-based, manual labour such as construction and farming in China. However, working outside leaves them highly visible and thus vulnerable to arrest or deportation. For this reason, North Korean men tend to stay in China for only short periods, returning to North Korea once they have gained sufficient resources. North Korean women, by contrast, can find employment in more concealed places. They often work in private houses as domestic workers, in textile factories or the sex industry, or they use marriage to Chinese men as a strategy for subsistence. The hidden nature of their opportunities in China places North Korean women in the contradictory situation of being simultaneously less susceptible to immigration crackdowns and more vulnerable to exploitation.

There is a good deal of evidence that the exploitation and abuse endured by North Korean women in China can be extreme. This has led many human right groups, individual researchers, media reports, and international bodies such as UN to describe them as victims of ‘modern slavery’ and ‘human trafficking’. However, there is also evidence that their experience of exploitation and abuse ranges along a continuum, with some escapees experiencing poor but not violent conditions, and managing to earn and remit money home. Moreover, even when the abuse and exploitation is severe, escapees still regard the prospect of return to North Korea as more dreadful. One young woman who had been subject to forced prostitution and extensive violence said in an interview with National Human Rights
Commission of Korea: “I could not report it to the Chinese police because I was illegal in China. I was so terrified to be repatriated North Korea which would be the worst of all.”

Barack Obama recently described North Korea as a "pariah state" whose heavily militarised border with the South marks "freedom's frontier". We thus might imagine that those who flee it would be very readily accommodated within the framework of international law designed to protect the human rights of people who move, or are moved, across borders. Who is this corpus of law intended to protect if not people who manage to escape over freedom's frontier? And yet North Korean escapees often fall between the categories used in international law and by states to divide migrants into 'deserving' and 'undeserving' groups—forced or voluntary, political refugee or economic migrant, trafficked or smuggled.

Escapees from North Korea are fleeing hunger more often than outright political persecution. Starvation is the 'collateral damage' of the political system under which they live, and something that drives them to seek paid work in China in order to survive and/or remit money home. Once in China, they are vulnerable to conditions and experiences often attributed to 'victims of trafficking', yet this vulnerability arises from their status as illegal migrants. It is not linked to coercion or deception in the course of movement.

On the contrary, their movement across the border is rarely forced. They want to move and so are generally 'complicit' with those who facilitate their movement. They look, in this respect, like the 'economic migrants' that states normally define as 'smuggled'. In crossing the border, however, they commit what is considered a 'crime' by both the Chinese and the North Korean state, and this renders them liable to indefinite detention in horrific conditions if detected and returned home. Thus, 'smuggled' or 'economic migrants' are not quite the correct terms either for North Korean migrants in China. These concepts fail to capture the complexity and the fluidity of North Korean migrants' situations.

To frame escapees' situation as a problem of 'trafficking' does not help to protect them from this eventuality. On the one hand, adopting the language of trafficking limits the scope of concern to those who have experienced a very narrow and particular constellation of abuse and exploitation. The rubric of trafficking excludes those who either manage to escape independently or to avoid unspeakably vicious treatment by employers or spouses in China, even if they would be subject to terrifying violence when returned to North Korea. On the other hand, even those afforded the status of 'victim of trafficking'—not an easy status to attain, given that migrants must produce evidence demonstrating that they were forced or deceived into moving, and coerced into forced labour—are not necessarily protected from return. North Koreans recognised as 'victims of trafficking' by the Chinese authorities have been repatriated. Back in North Korea, they too face punishment in labour camps.

Many Western commentators would doubtless blame the Chinese government for its failure to recognise North Korean escapees as having a right to asylum, and for returning 'victims of trafficking' to a state that will, predictably, fail to protect them as such. But how does China's policy differ from that of governments of liberal democratic states, which also refuse to recognise flight from dire economic circumstances as a legitimate basis for claiming asylum, and which also send people identified as 'victims of trafficking' back to home states that lack the resources or the political will to protect them? For example, the 'trafficked victims' who get settled in Western Europe or North America are often sent back to their countries of origin. Even if some of them receive the right of residence in those countries, the terms of their residency are commonly a limited certain period or for a short duration of criminal proceedings.

The immigration and asylum policies pursued by 'non-pariah' states, along with their heavily militarised borders, may be designed to keep people out rather than lock them in. But as the case of North Korean escapees illustrates, they have little to do with human rights or freedom. Indeed, 'trafficking', 'smuggling', and 'asylum' as statist categories in anti-trafficking discourses and legislations fail to understand or address the situation of North Koreans who manage to cross the border into China.