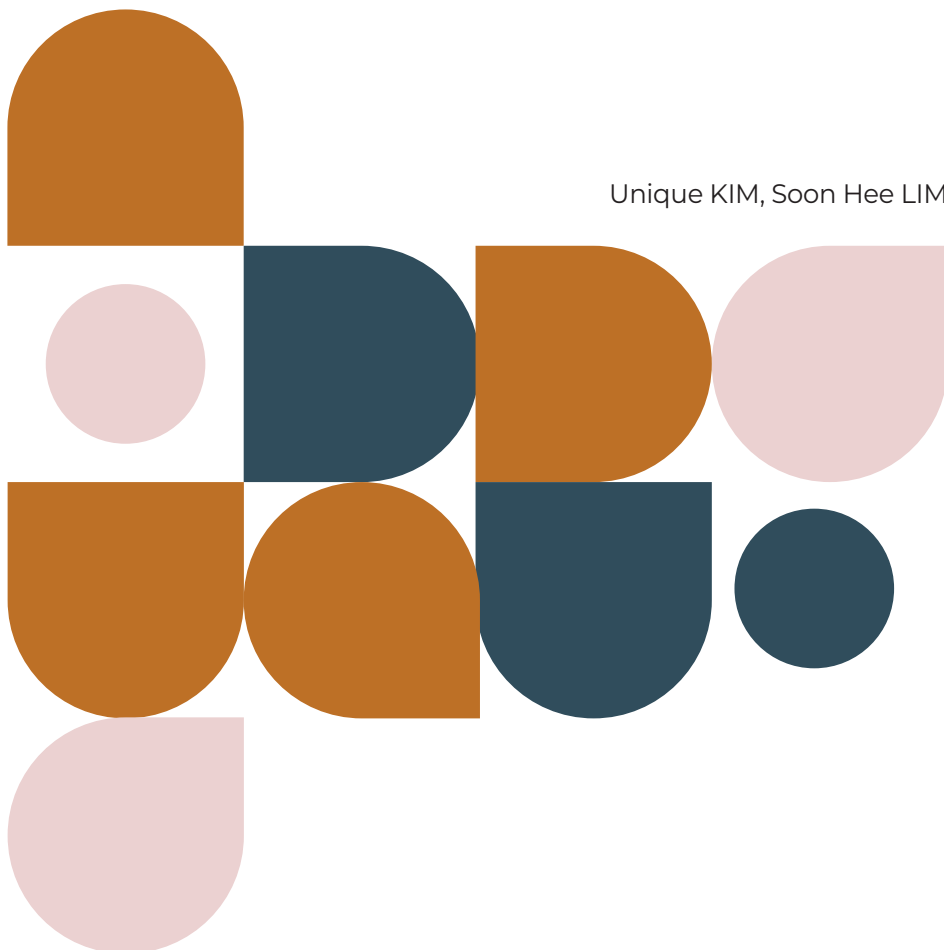


Across Borders:

Addressing Trafficking and Structural Vulnerabilities of North Korean Women

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Across Borders:
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Chapter

1

Introduction

01 Introduction

1. Rationale and Objectives of the Research

1) Rationale of the Research

The trafficking of North Korean women during migration to and within the People's Republic of China (PRC; hereafter China) is not simply the result of repeated acts of individual criminal conduct, but a structural human rights problem sustained by the laws, policies, and conditions of interacting states.

Many North Korean women are driven by economic hardship and fear of persecution to leave the Democratic People's Republic of Korea (DPRK; hereafter North Korea), where they face severe socioeconomic deprivation and political repression.¹ However, they have no realistic access to lawful migration routes, as North Korea does not permit international travel for independent or non-state purposes.² The women therefore often depend on migration brokers to cross into China. Some of these brokers engage in trafficking either independently or as part of broader trafficking networks, selling women into marriages or placing them in other exploitative arrangements.

1 Soon Hee Lim, *The Food Crisis and Changes in the Role and Consciousness of North Korean Women* [식량난과 북한여성의 역할 및 의식변화] (Seoul: Korea Institute for National Unification, 2004); Jeong-Ae Jeong, Young-Cheol Son, and Jeong-Hwa Lee, "A Study on the Defection Motives of North Korean Defectors and Their Adaptation to South Korean Society: Focusing on the Moderating Effect of Resilience" [북한이탈주민의 탈북동기와 남한사회적응에 관한 연구: 적응 유연성의 조절효과를 중심으로], *Unification Policy Studies* 22, no. 2 (2013): 215–248.

2 As of June 2025, the Database Center for North Korean Human Rights (NKDB) has recorded 216 cases of travel restrictions (international travel) and 21,268 cases of arbitrary detention conducted on the grounds of border-related offences. These records illustrate the practice of restricting residents' international travel and punishing unauthorised border crossings. See Database Center for North Korean Human Rights (NKDB), *2025 White Paper on North Korean Human Rights* (Seoul: NKDB, 2025), pp. 133, 230.

Once in China, the women are excluded from state protection as they are regarded as “illegal economic migrants” rather than as potential refugees or trafficking victims.³ This classification makes it difficult for women to secure lawful residence status or institutional protection, deepens their dependence on brokers, and enables traffickers and other perpetrators to use the threat of arrest and forcible return as a means of control. That threat is especially coercive because North Korea regards repatriated women as criminals subject to investigation and punishment for illegal border crossing.⁴

Some of these women may escape trafficking arrangements and resettle in the Republic of Korea (ROK; hereafter South Korea), where their status as North Korean escapees makes them eligible for full citizenship. However, the effects of trafficking may persist long after resettlement in South Korea. South Korea has yet to establish trafficking victim identification and referral pathways within the resettlement system for North Korean escapees. As a result, the women are not readily connected with the specialised services needed to recover from the distinct forms of coercion, exploitation, and gender-based violence experienced in the context of trafficking.

Against this backdrop, this research moves beyond documenting the scale and patterns of trafficking to explain its persistence within the broader socioeconomic, legal, policy, and institutional environment. It analyses how the laws, policies, and administrative practices of North Korea, China, and South Korea shape women’s experiences across migration, residence, repatriation, and resettlement—identifying the conditions that engender structural vulnerability to trafficking and the

3 Donghwi Shin, Jian Lee, and Yeosang Yoon, *The Machinery Behind the Forced Repatriation of North Koreans in China* (Seoul: NKDB, 2026), p. 43.

4 See Chapter 4, Section 1, “Response of North Korea,” for information on the relevant laws.

gaps that leave victims inadequately protected from its harms.

2) Objectives of the Research

This research draws on firsthand accounts from North Korean migrant women who experienced trafficking; the laws and policies of North Korea, China, and South Korea; and relevant international frameworks to pursue the following three objectives.

First, it evaluates the experiences of North Korean migrant women against the definition of trafficking in persons established by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).⁵ It applies the three constituent elements of this definition—act, means, and purpose—to assess whether, and how, the women’s experiences amount to trafficking in persons under international law. The analysis proceeds from an understanding of trafficking not as an isolated incident, but as a process that unfolds within conditions of vulnerability that emerge well before departure from North Korea. Particular attention is given to bride trafficking and servile forms of marriage that recur throughout these experiences. The research considers the conditions under which a marital arrangement may itself constitute exploitation, as well as those under which marriage may provide a setting for other forms of exploitation, including reproductive exploitation and forced labour.

5 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted 15 November 2000, entered into force 25 December 2003, 2237 U.N.T.S. 319 (Palermo Protocol), art. 3.

Second, the research critiques the response systems of the states concerned to explain why the trafficking of North Korean women across the North Korea–China border has persisted and why victims remain exposed to its harms. It first examines each state’s criminalisation and punishment of trafficking and related conduct, together with its mechanisms for identifying and protecting victims. It then moves beyond trafficking-specific laws and policies to consider the administrative systems that shape the movement, residence, and broader treatment of North Korean migrant women, including border management and immigration control.

The research also traces changes in these laws, policies, and practices over time to assess shifts in both the structural drivers of vulnerability and patterns of trafficking. Particular attention is given to recent developments in China’s anti-trafficking legislation and to post-COVID-19 changes in border management and immigration control. The analysis considers their effects on migration routes, brokerage methods, and the means by which perpetrators exercise and sustain control over victims. It further examines how this environment affects the women’s ability to escape trafficking situations.

Third, the research offers policy recommendations grounded in its analysis of trafficking as a structural human rights problem. It evaluates each state’s response against its international legal obligations and relevant interpretive and operational guidance concerning prevention, prosecution, victim protection, and remedies. It then assesses whether each state has exercised due diligence in giving effect to those obligations, with particular attention to principles such as the non-punishment of victims and non-refoulement where safe return cannot be ensured.

2. Methodology of the Research

This research adopts a qualitative case-study approach to examine individual trafficking experiences within broader socioeconomic, legal, policy, and institutional contexts. This approach enables close examination of the relationship between survivors' experiences and the conditions that shape vulnerability to trafficking. As part of this analysis, the research considers socioeconomic deprivation, gender discrimination, and restrictions on emigration in North Korea; the informal market for foreign brides and immigration administration in China; and the resettlement system in South Korea.

It draws on the Unified Human Rights Database and in-depth survivor interviews as complementary sources of firsthand evidence on trafficking in this context. The Database Center for North Korean Human Rights (NKDB) established the database more than two decades ago to document and classify human rights abuses committed within North Korea or against North Koreans beyond its borders.⁶ NKDB collected these records based on testimony from North Korean escapees resettled in South Korea and those with direct experience living in North Korea. As of June 2025, it contained 4,544 documented cases involving the trafficking of North Korean women in China. Although these records are not statistically representative of all such cases, they provide a broad indication of the scale of the issue and reveal recurring patterns of victimisation over time.

6 As of June 2025, NKDB has interviewed more than 20,000 North Korean escapees and accumulated more than 88,000 records of human rights violations committed within North Korea or against North Koreans beyond the country's borders. See NKDB Unified Human Rights Database.

To complement the aggregate data with more detailed insight into the trafficking process, the research team conducted in-depth interviews with thirty North Korean migrant women who had experienced trafficking in China. The interviews examined key aspects of their journey: departure from North Korea; contact with brokers and border crossing; movement and placement within China and subsequent exploitation; immigration status and encounters with Chinese authorities; and resettlement and recovery in South Korea. They also explored the forms and consequences of exploitation experienced by the women, including marriage by purchase, sexual and reproductive exploitation, surveillance and confinement, domestic servitude and forced labour, and the effects of pregnancy, childbirth, and relationships with children born from such marriages.

The research team recruited participants primarily through purposive sampling, supplemented by snowball sampling. Snowball sampling was used for its effectiveness in reaching hidden populations, while the team remained mindful of its limitations in terms of representativeness and generalisability, including the potential over-representation of participants from particular networks. To mitigate the impact of these limitations, the sample was selected to ensure variation in age, period of departure from North Korea, length of residence in China, type of harm experienced, and date of entry into South Korea.

The interviews were intended not to sensationalise survivors' experiences but to identify the factors that constrained their choices and the points at which control and exploitation intensified. At the same time, the women were not approached solely as passive victims: the study also considered the choices they made and the strategies they adopted to survive, escape, and protect their families. No account,

however, was treated as complete or free from error. The research team therefore assessed each testimony critically, using internal consistency and convergence across accounts from participants with different backgrounds to support corroboration and comparison.

In parallel, the study conducted a documentary analysis of publicly available legal and related materials from the states concerned, including legislation, court judgments, policy documents, and administrative records. The analysis extended beyond laws governing the criminalisation and punishment of trafficking to the broader legal, policy, and institutional frameworks shaping North Korean women's migration, structural vulnerability to harm, and access to protection and recovery.

Table 1. Key Domestic Laws and Related Sources Examined

State	Source	Main Subject(s) of Analysis
North Korea	Criminal Code	· Criminalisation of conduct that may occur in the context of trafficking, including unlawful physical restraint of liberty, abduction, and rape · Criminalisation of illegal border crossing, illegal international communication, and treason
	Law on the Protection and Promotion of the Rights of Women	· Prohibition of conduct that may occur in the context of trafficking, including abduction, sale or purchase, and rape of women · Women's rights to bodily autonomy, health, personality, and marriage
China	Criminal Code	· Criminalisation of conduct that may occur in the context of trafficking, including the abduction, sale, and purchase of women and children
	Law on the Protection of Rights and Interests of Women	· Prohibition of conduct that may occur in the context of trafficking, including the abduction, kidnapping, sale, and purchase of women and the obstruction of rescue · Obligation to report unlawful and criminal acts that may infringe women's rights and interests · Women's rights to life, bodily autonomy, and health
	Exit and Entry Administration Law	· Investigation, detention, and repatriation of undocumented entrants and residents
	Interpretation of the Supreme People's Court on the application of law on criminal cases of abduction and sale of women and children	· Detailed standards for interpreting and applying criminal responsibility for the abduction and sale of women and children
	Court judgments on criminal cases involving the trafficking of North Korean women	· Enforcement of the law in criminal cases involving the trafficking of North Korean women, including sentencing of perpetrators and protection of victims
	China Action Plan to Combat Human Trafficking (2021–2030)	· Policy on the prevention, suppression, and punishment of trafficking offences; the rescue, protection, rehabilitation, and social reintegration of victims; the reform of related law and institutions; and international cooperation

South Korea	Criminal Act	· Criminalisation of conduct for trafficking in persons · Criminalisation of trafficking offences committed abroad
	Act on Prevention of Human Trafficking and Protection of Victims	· National legal definition of trafficking in persons · Framework for the identification of victims and for their protection and support
	North Korean Defectors Protection and Settlement Support Act	· Framework for the protection and settlement support of North Korean escapees

To assess whether each state's domestic law and practice conform to international standards, the study also examined relevant international treaties and related materials. These were grouped into three categories according to their function. The first comprises the treaties used to determine whether the experiences of North Korean migrant women constitute trafficking under international law and whether forced or servile marriage may qualify as a form of exploitation for the purposes of trafficking. The second comprises the treaties governing the protection to which North Korean migrant women may be entitled as potential refugees during movement, residence, and return, irrespective of whether they have been trafficked. The third comprises the interpretive and operational guidance for translating treaty-based obligations concerning the prevention of trafficking and the protection of victims into domestic law, policy, and institutional practice.

Table 2. Key International Treaties and Guidance Examined

Treaties	On Trafficking and Forms of Exploitation · Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) · Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) · Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OPSC) · International Labour Organization (ILO), Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 to the Forced Labour Convention, 1930 (P029) · Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956 Supplementary Convention)
	On Movement, Residence, and Repatriation · International Covenant on Civil and Political Rights (ICCPR) · Convention relating to the Status of Refugees (1951 Refugee Convention) and the 1967 Protocol relating to the Status of Refugees
Guidance	· United Nations Office on Drugs and Crime (UNODC), Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Legislative Guide) · UNODC, Model Legislative Provisions against Trafficking in Persons (Model Legislative Provisions) · Office of the United Nations High Commissioner for Human Rights (OHCHR), Recommended Principles and Guidelines on Human Rights and Human Trafficking (Recommended Principles and Guidelines) · Committee on the Elimination of Discrimination against Women (CEDAW Committee), General recommendation No. 38 on trafficking in women and girls in the context of global migration (General recommendation No. 38)

3. Scope and Limitations of the Research

In examining the trafficking of North Korean women, this study focuses primarily on bride trafficking in China and on the migration routes through which women are trafficked from North Korea to China. Although forced labour, sexual exploitation, and other abuses may constitute forms of trafficking in their own right, the study examines them principally as overlapping forms of exploitation occurring within marriage as a broader context of trafficking. Other destinations and contexts of trafficking—including onward trafficking to third countries and online or cyber-enabled sexual exploitation directed at broader international markets—are considered only insofar as they intersect with survivors' experiences of bride trafficking in China. This focus is informed both by the prevalence of bride trafficking among North Korean migrant women and by the comparatively greater accessibility of survivors who subsequently resettled in South Korea.

A few limitations should be acknowledged:

First, survivor accounts are based on retrospective self-reporting. Although they provide indispensable insight into the lived experience of trafficking, they may be affected by the passage of time, effects of trauma, and recall bias. The study therefore does not treat them as complete or wholly objective records of events, but as situated narrative evidence constructed through survivors' perspectives, memories, and subsequent interpretations. The process of that construction is itself treated as an important object of analysis, forming an integral part of the study of how survivors perceived, understood, and processed their experiences over time.

Second, neither NKDB's Unified Human Rights Database nor the in-depth interview sample is statistically representative of all North Korean women who have experienced trafficking in China. Both are largely limited to individuals who ultimately reached South Korea and subsequently consented to be interviewed by NKDB. Women who remain in China, returned to North Korea and have not subsequently left again, have reached countries other than South Korea, or are confined or otherwise unable to come forward are therefore underrepresented. These constraints affect the majority of interview-based studies on the trafficking of North Korean women. Accordingly, the study does not seek to estimate the prevalence of trafficking among the wider population of North Korean women in China. Instead, it aims to identify recurring patterns and mechanisms of trafficking on the basis of the available evidence.

Third, the analysis of Chinese court judgments is limited to trafficking cases that entered the judicial system and resulted in publicly accessible decisions. These judgments do not indicate the overall scale or effectiveness of the Chinese state's response; they represent only cases that were detected, investigated, prosecuted, and adjudicated. The judicial record is therefore shaped by evidentiary constraints, prosecutorial priorities, and the limited legal representation of North Korean women as undocumented migrants. Even so, the judgments reveal the legal grounds on which conduct involving trafficked North Korean migrant women is prosecuted and the extent to which courts address perpetrator accountability and victim protection. By comparing abuses documented through survivor interviews and database analysis with those addressed in domestic jurisprudence, the study examines how different forms of exploitation are fully recognised, partially

recognised, recharacterised, or omitted from formal legal processes.

To respond to these limitations, the study employs an integrated methodology combining survivor interviews, database analysis, and analysis of domestic legislation and judicial practice to develop a more comprehensive understanding of trafficking both as an individual experience and as a legally and institutionally mediated phenomenon.

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Chapter

2

**Documented Experiences
of Trafficking**

1. Overview

1) Approach

This chapter draws on two complementary sources to present an evidence-based account of human trafficking grounded in victims' documented experiences: cases accumulated in NKDB's Unified Human Rights Database and in-depth interviews with thirty North Korean migrant women selected for this research. The database analysis illustrates the patterns and distribution of trafficking cases recorded and classified by NKDB as part of its broader documentation of North Korean human rights violations. The in-depth interviews complement this broader overview by providing targeted qualitative evidence of how different stages of the trafficking process unfold in practice.

Participants for the interviews were selected to reflect trafficking experiences across different periods and migration trajectories. The sample spans the major waves of departure in the 1990s, 2000s, and 2010s. It includes women who reached South Korea within a few years of leaving North Korea as well as women who remained in China for a decade or more—sometimes for as long as thirty years—before arriving in South Korea. It also includes those who arrived in South Korea as recently as 2025. This variation in migration trajectories made it possible to examine how trafficking patterns and experiences have changed over time, particularly in relation to the length and circumstances of women's residence in China.

The interviews were conducted from February through April 2026 and lasted an average of three hours each. Before participation, interviewees provided written informed consent after receiving a detailed explanation of the study's purpose and procedures, the voluntary nature of participation, their right to decline to answer any question, and their right to suspend or withdraw at any time without penalty. Separate written consent was obtained for audio recording, and transcripts of the recordings were subsequently used to analyse the interview data. Confidentiality and anonymity were maintained throughout, and all research materials were securely stored with access restricted to authorised members of the research team.

2) Interview Participant Sample

The study interviewed thirty North Korean migrant women with firsthand experience of trafficking in China. The table below provides an overview of the interview sample without disclosing names or other identifying information.⁷

⁷ Some participants have more than one experience leaving North Korea, as they voluntarily returned or were forcibly returned to North Korea after their first time departing.

Table 3. Overview of Interview Participant Sample

No.	Primary Region of Residence	Initial Marital Status	Year of Initial Departure from N. Korea	No. of Departures from N. Korea	Year of Final Departure from N. Korea	Initial Age Group	Length of Residence in China
1	Yanggang	Divorced	2008	1	2008	20s	2 years
2	Yanggang	Divorced	2010	1	2010	20s	16 years
3	N. Hamgyong	Unmarried	2003	2	2004	20s	19 years
4	N. Hamgyong	Married	1998	5	2012	30s	21 years
5	N. Hamgyong	Widowed	2001	1	2001	30s	24 years
6	N. Pyongan	Unmarried	2019	1	2019	20s	6 years
7	N. Hamgyong	Unmarried	2002	1	2002	20s	22 years
8	S. Hamgyong	Unmarried	2007	2	2014	20s	4 years
9	Yanggang	Unmarried	2011	2	2016	20s	4 years
10	N. Hamgyong	Unmarried	1998	3	2008	20s	23 years
11	Pyongyang	Unmarried	1998	1	1998	30s	27 years
12	N. Hamgyong	Married	1997	1	1997	30s	27 years
13	Yanggang	Unmarried	2011	1	2011	20s	3 years
14	N. Hamgyong	Unmarried	2006	2	2008	20s	16 years
15	Yanggang	Unmarried	2011	1	2011	20s	4 years
16	Yanggang	Unmarried	2013	2	2014	10s	4 years
17	N. Hamgyong	Widowed	1998	4	2002	40s	5 years
18	Yanggang	Unmarried	1996	2	2007	20s	17 years
19	Yanggang	Divorced	2007	2	2007	30s	3 years
20	Yanggang	Married	2009	1	2009	40s	16 years
21	Yanggang	Widowed	2012	2	2016	50s	2 years
22	Yanggang	Unmarried	2010	1	2010	20s	13 years
23	Yanggang	Unmarried	2017	1	2017	10s	7 years
24	Yanggang	Unmarried	2018	1	2018	20s	6 years
25	N. Hwanghae	Unmarried	2004	1	2004	20s	20 years
26	Yanggang	Married	2007	1	2007	30s	12 years
27	Yanggang	Widowed	2006	3	2018	40s	5 years
28	Yanggang	Unmarried	2018	1	2018	10s	7 years
29	N. Hamgyong	Married	1996	3	1998	20s	30 years
30	Pyongyang	Unmarried	2001	1	2001	20s	8 years

3) Interview Questionnaire

The interview questionnaire was developed to represent trafficking as a process that may unfold across multiple stages rather than as a single incident of sale or transfer. It consisted of 120 questions organised into the following ten categories:

1. Demographic background
2. Circumstances of departure from North Korea
3. Border crossing and contact with brokers
4. Placement and living conditions in China
5. Immigration status and encounters with state authorities in China
6. Digital surveillance and changes in China following the COVID-19 pandemic
7. Perceptions, emotional responses, and prolonged effects of trafficking
8. Arrival and resettlement in South Korea
9. Involvement in brokerage activities
10. Other experiences and observations

2. Key Findings

1) Scale and Distribution of Trafficking Incidents Over Time

NKDB’s Unified Human Rights Database contains records of 88,696 incidents of North Korean human rights violations.⁸ Of these, 4,544, or 5.1 percent, are classified as cases of trafficking in persons that took place in China. The period of occurrence was identified for 4,064 trafficking incidents, representing 89.4 percent of all trafficking incidents in the database. Among trafficking incidents with a known period of occurrence, 29.7 percent occurred in the 1990s, 54.8 percent in the 2000s, and 15.3 percent in the 2010s. The 2000s therefore accounted for the largest share of documented trafficking incidents with a known period of occurrence.⁹

Table 4. Trafficking Incidents by Period of Occurrence [NKDB Unified Human Rights Database]

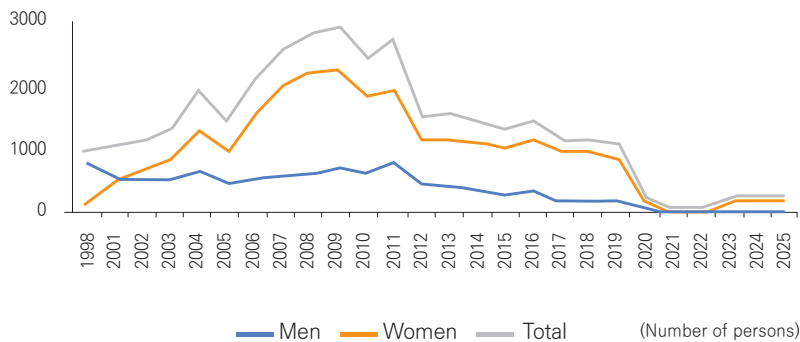
Period of Occurrence	Number of Incidents	Percentage of Incidents (Known Period of Occurrence)
1970s	2	0.0
1980s	0	0.0
1990s	1,207	29.7
2000s	2,229	54.8
2010s	620	15.3
2020s	6	0.1
Subtotal (Excluding Unknown Period of Occurrence)	4,064	100.0
Unknown	480	-
Total	4,544	-

⁸ Database Center for North Korean Human Rights, NKDB Unified Human Rights Database, as of June 2025.

⁹ *Ibid.*

The timing of documented trafficking incidents partly mirrors trends in the number of North Korean women arriving in South Korea. Among North Korean women living in China, some were forcibly returned to North Korea, while others eventually travelled onward to South Korea. Annual arrivals in South Korea increased steadily until Kim Jong Un assumed power in December 2011,¹⁰ after which they declined to roughly half their previous level. Following the onset of the COVID-19 pandemic, annual arrivals fell below one hundred. They have since recovered modestly, reaching approximately two hundred per year in recent years.

Figure 1. Arrivals in South Korea by Year and Sex [South Korea Ministry of Unification, as of March 2026]



2) Demographic Background of Interview Participants

① Period of Departure from North Korea

Among the interview participants, initial departures from North Korea were distributed across three periods: seven participants (23.3

¹⁰ South Korea Ministry of Unification, North Korea Information Portal [북한정보포털], "The Formation and Consolidation of the Kim Jong Un System [김정은 체제 형성 및 공고화]," Understanding North Korea [북한이해], https://nkinfo.unikorea.go.kr/nkp/pge/view.do?menuId=MENU_12.

percent) first left in the 1990s, twelve (40.0 percent) in the 2000s, and eleven (36.7 percent) in the 2010s. Their arrival in South Korea occurred considerably later: three participants arrived in the 2000s, nine in the 2010s, and eighteen in 2020 or later. Thus, 60.0 percent of participants arrived in South Korea in 2020 or later, often following prolonged residence in China rather than shortly after their initial departure from North Korea.

Table 5. Participants by Period of Departure from North Korea and Arrival in South Korea [In-Depth Interviews]

Period	Initial Departure from North Korea	Final Departure from North Korea	Arrival in South Korea
1990s	7	3	0
2000s	12	13	3
2010s	11	14	9
2020s	0	0	18
Total	30	30	30

② **Region of Residence in North Korea**

Before leaving North Korea, 53.3 percent of participants had lived in Yanggang Province and 30.0 percent in North Hamgyong Province. Participants who left during the Arduous March of the 1990s were predominantly from North Hamgyong Province, whereas departures from the late 2000s onward increasingly involved residents of Yanggang Province. Both provinces border China: North Hamgyong Province lies along the Tumen River, while Yanggang Province extends along the upper reaches of the Yalu River. These geographic features make both provinces important sites for cross-border movement.

Table 6. Participants by Period of (Initial) Departure and Region of Residence in North Korea [In-Depth Interviews]

Period	Yanggang	N. Pyongan	Pyongyang	S. Hamgyong	N. Hamgyong	N. Hwanghae	Total
1990s	1	0	1	0	5	0	7
2000s	5	0	1	1	4	1	12
2010s	10	1	0	0	0	0	11
Total	16	1	2	1	9	1	30

③ Age at the Time of Trafficking

At the time they were trafficked, 10.0 percent of participants were in their teens, 56.7 percent in their twenties, 20.0 percent in their thirties, 10.0 percent in their forties, and 3.3 percent in their fifties. Participants aged thirty-nine or younger thus accounted for 86.7 percent of the sample. Participants who left North Korea in later periods tended to be younger at the time of trafficking.¹¹

Table 7. Participants by Period of Trafficking and Age Group [In-Depth Interviews]

Period	10s	20s	30s	40s	50s	Total
1990s	0	3	3	1	0	7
2000s	0	7	3	2	0	12
2010s	3	7	0	0	1	11
Total	3	17	6	3	1	30

¹¹ Given the relatively small interview sample, statistics from NKDB's Unified Human Rights Database are presented to provide a better representation of the age distribution of victims of trafficking in persons. Among cases of trafficking in persons recorded in the database, 17.0 percent involved victims who were in their teens at the time they were trafficked, 41.5 percent involved victims in their twenties, and 21.4 percent involved victims in their thirties. Together, these three age groups accounted for 79.9 percent of all such cases. See NKDB Unified Human Rights Database, *supra* note 8.

④ **Marital Status at the Time of Departure from North Korea**

At the time of their initial departure from North Korea, eighteen participants (60.0 percent) had never been legally married, while twelve (40.0 percent) were married, divorced, or widowed. Before leaving North Korea, one participant had become pregnant as a result of rape, had given birth, and subsequently lived in a de facto relationship with the perpetrator.

⑤ **Region and Length of Residence in China**

All participants whose initial departure from North Korea occurred in the 1990s resided in China’s three northeastern provinces: Liaoning, Jilin, and Heilongjiang. Jilin Province includes the Yanbian Korean Autonomous Prefecture. By contrast, participants whose initial departure occurred in the 2000s or later lived across a broader range of regions in China. Before arriving in South Korea, participants had spent between two and thirty years in China, with a mean residence of 12.4 years and a median of ten years.

Table 8. Participants by Period of (Initial) Departure and Region of Residence in China [In-Depth Interviews]

Period	Jilin	Inner Mongolia	Shandong	Liaoning	Hebei	Heilongjiang	No response	Total
1990s	3	0	0	2	0	2	0	7
2000s	2	1	3	3	1	1	1	12
2010s	2	0	3	4	0	2	0	11
Total	7	1	6	9	1	5	1	30

3) Circumstances of Departure from North Korea

① Decision to Leave North Korea

Chronic food insecurity has been a persistent driver of departure from North Korea. The famine of the mid-1990s caused mass starvation and severely disrupted the state-run public distribution system, while food insecurity persisted long after the acute crisis.¹² In 2025, the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea reported that 11.8 million people—more than 45 percent of the population—remained undernourished and highlighted the deterioration of food security during the country's COVID-19-related isolation.¹³

The effects of food insecurity were also gendered. As state distribution became increasingly unreliable, responsibility for household survival shifted increasingly toward women, who became more active in informal market activity while men generally remained attached to state workplaces.¹⁴ Although this expanded women's economic role, it also increased their reliance on income and livelihood opportunities outside formal state structures. For women facing acute economic hardship, offers from brokers promising work or income in China could therefore be particularly compelling, increasing their vulnerability to deceptive recruitment and trafficking.

The interviews likewise showed that economic hardship was the primary factor shaping participants' decisions to leave North Korea. Twenty participants stated that the decision to leave had ultimately

¹² Lim, *The Food Crisis*, *supra* note 1.

¹³ Elizabeth Salmón, "Statement by Elizabeth Salmón, United Nations Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, to the 58th Session of the Human Rights Council," 19 March 2025, <https://seoul.ohchr.org/en/node/618>.

¹⁴ Lim, *The Food Crisis*, *supra* note 1.

been their own, but this decision was made under conditions of severe economic constraint and limited livelihood options. Brokers and intermediaries often exploited these circumstances by providing limited or inaccurate information and promising that a few months of work in China would enable women to support themselves and their families.

For these women, departure was often a measure of last resort, undertaken amid severe material deprivation and limited opportunities to secure livelihoods for themselves and their families.

“The decision itself was mine, but wasn’t it the state that drove me to make it? The conditions left me feeling that I had no real choice.” (Interview 1)

Participant 6 was invited by a smuggler she had known for several years to accompany him to the border area. During the journey, she lost consciousness and awoke to find herself in China, where she was subsequently sold to a rural household. Participant 13 followed a man who had approached her with information about an acquaintance and likewise regained consciousness only after she had been taken to China. She later learned from a conversation between brokers that an anaesthetic had been used on her. These accounts indicate that, alongside deception and coercion, abduction was also used to bring women into trafficking.

“I remember climbing up and lying down there. When I came to my senses, I was in China.” (Interview 6)

“They said they had used an inhaled anaesthetic—almost

enough to bring down an elephant. I only heard about it after I arrived in China.” (Interview 13)

② Border Crossing and Contact with Brokers

North Korea has long criminalised unauthorised travel outside the country while restricting authorised travel to state-approved purposes.¹⁵ China, meanwhile, classifies North Koreans who cross the border without authorisation as irregular economic migrants, rendering them subject to detention, deportation, and forced repatriation.¹⁶ In response to these restrictions, informal broker-facilitated migration networks expanded and became increasingly organised.

Movement through these networks, including the border crossing itself, relied on brokers who performed a range of specialised roles, including recruitment, supervision, transportation, and negotiation for sale into marriages. Participants described brokers from diverse backgrounds, including ethnic Koreans and Han Chinese, as well as North Korean women who had previously arrived in China and later became involved in brokerage activities with their Chinese husbands.

As these networks became more organised and profitable, some state officials on both sides of the border also became involved in facilitating or exploiting cross-border movement. Participants reported being guided by North Korean border guards when crossing the river, while others described being subjected to sexual violence or resold by Chinese public security officers to another household. Participant 14, who crossed the border several times, was escorted across the river not by a broker but by North Korean border guards themselves. She stated

¹⁵ See Chapter 4, Section 1, “Response of North Korea,” and Section 2, “Response of China,” for information on the relevant laws.

¹⁶ Shin, Lee, and Yoon, *supra* note 3, p. 43.

that they misused their positions to earn money before leaving military service. Participant 10 was arrested by Chinese public security officers while in transit but was subsequently resold by the same officers.

The absence of lawful migration routes entrenched women's dependence on brokers and gave brokers substantial control over the migration process. This dependence was further reinforced by women's inability to regularise their immigration status in China, which brokers exploited by threatening to report them to the authorities. Participants described a range of abusive practices, including deception, coercion, and sexual violence.

"At the time, I didn't know they were taking me to be married. They told me, 'We have found you a job, so just follow us.' The men looked frightening, and I said I didn't want to go. They cursed at me." (Interview 5)

"When I continued to refuse, the woman broker threatened me: 'You don't want to go? Then I'll send you back to North Korea. I'll call the police and have them take you away again.'" (Interview 14)

"Whenever the broker brought women in, he would sleep with one or two of them. People said he did this repeatedly." (Interview 19)

Brokers also maintained control by restricting information throughout the journey. Participant 9 was given no information about her destination while being transported across China. When she asked where they were going, she was told only that she would find out once

they had travelled farther away. Similarly, Participant 21, who crossed the border in 2012, was instructed not to ask questions and received no information about the route or the brokers involved.

“I didn’t know. I wondered about it, but they only said, ‘First, let’s get away from here. Once we are far enough away, we will tell you.’” (Interview 9)

Most participants stated that they had little practical choice but to rely almost entirely on brokers when leaving North Korea. Although some described the relationship as one in which both parties pursued their own objectives, this apparent mutuality existed within a profound imbalance of power. Women’s dependence arose from the absence of safe and lawful routes of departure and onward movement, while brokers were able to profit from that dependence and vulnerability. Many participants described being deceived, commodified, or treated primarily as sources of financial gain. At the same time, several acknowledged that brokers had enabled them to leave North Korea and, ultimately, reach South Korea. This duality gave rise to complex and sometimes conflicting perceptions of brokers as actors who had facilitated their escape while also exposing them to trafficking and exploitation.

4) Sale and Transfer to Chinese Households

Half of the participants initially crossed into China intending to earn money before eventually returning to North Korea. Upon arrival, however, they found themselves in a precarious position: they could not speak Chinese, lacked lawful immigration status, and were unable to seek employment or public assistance without risking detection.

Brokers exploited these vulnerabilities through persuasion and coercion, presenting placement in a Chinese household as the safest means of avoiding immigration authorities and forced repatriation. More than half of the participants reported accepting such arrangements because they perceived no viable alternative under the circumstances. A smaller number resisted but were ultimately compelled to comply.

Participant 1 recalled the intense fear she experienced while being confined in a lodging with approximately twenty other women. Participant 23 had been warned that any woman who refused to be sold and attempted to live independently would inevitably be apprehended and repatriated. In some cases, the alternatives presented to women involved commercial sexual exploitation.

“I suppose I could have refused the marriage, but I thought the alternative would be even worse. I had heard they might sell me for organ trafficking or to a bar. At the time, I thought marriage was the better option.” (Interview 16)

“They took me to where they worked. Looking back, I realise it must have been a place where women were sold. There was a massage bed there.” (Interview 20)

“Before they sold me, the traffickers gave me three options: work as a hostess in a bar, work in online chatting, or marry a man in the countryside.” (Interview 13)

“It was only after I crossed into China that I realised the only way to settle there was through marriage. I had no opportunity to suggest anything else. I didn’t even speak

the language.” (Interview 26)

Although some participants anticipated that marriage in China might be a possibility, this did not necessarily mean they understood that the arrangement would involve a financial transaction for their placement in marriage. Even among those who knew before crossing the border that they might marry, approximately half were unaware that they would be “sold” into marriage. Many learned only later that the Chinese household had paid money to obtain them as a bride and that their freedom to leave the marriage was constrained by debt bondage or by the expectation that the amount paid would be reimbursed.

“She said to me, ‘You were bought.’ That was when I realised. I asked her what she meant, and she explained that money had been paid for me. About six months later, once I understood more Chinese, I learned exactly how much I had been sold for.” (Interview 30)

“He told me that if I really disliked him, I could leave, but the money he had paid would have to be repaid. I asked, ‘What money?’ He replied, ‘You mean you didn’t know?’” (Interview 17)

Reported sale prices ranged from approximately RMB 1,000 to RMB 80,000, with most falling between RMB 20,000 and RMB 40,000. Participants explained that prices varied according to a woman’s age and perceived desirability as a bride. They experienced these assessments as deeply degrading because they reduced women to commodities whose value was determined by brokers and buyers. One young, unmarried participant was sold for one of the highest reported

amounts, whereas older or previously married women were generally sold for considerably less.

Some participants were sold multiple times, with resale often following attempts to escape. Participant 22 escaped from the first household after roughly ten days and walked for about seven hours before asking a passing driver for help. The driver agreed to take her but then attempted to sell her to another household. Participant 22 refused, and an acquaintance of the driver intervened and persuaded him not to proceed. That acquaintance later became her second husband.

Resale also occurred when brokers promised to facilitate onward movement but instead transferred women to new buyers. Participant 25 escaped after a broker promised to help her reach South Korea, only to be sold into another Chinese household. These accounts demonstrate that trafficking did not necessarily end with the initial sale. Women could be transferred repeatedly between brokers and buyer households, prolonging their exploitation and reinforcing their treatment as commodities exchanged for profit.

5) Exploitation and Abuse in Chinese Households

① Forced Marriage and Sexual Exploitation

China's former one-child policy and longstanding preference for sons contributed to a significant gender imbalance. At the same time, widening economic disparities between urban and rural areas contributed to the outmigration of many women from rural communities. In some rural areas, men facing difficulties in the local marriage market turned to brokers to purchase North Korean women, whom they often perceived as more affordable alternatives to local marriage partners and as potential wives and mothers of their children.

Together, these demographic and socioeconomic conditions sustained demand for North Korean women and channelled many into rural areas where men's opportunities for marriage were increasingly limited.¹⁷

Against this background, many North Korean women were transferred and sold into Chinese households for the purpose of marriage. All participants interviewed in this study had experienced this form of trafficking. Their undocumented status severely restricted their mobility, while language barriers limited their ability to communicate and seek assistance. Under these conditions, some participants initially sought to adapt to the marriages as a way of coping with circumstances in which they perceived no viable alternative. Some also described feeling compelled to remain because they believed they could not return to North Korea empty-handed after taking such significant risks to cross the border.

Life within these marriages and unfamiliar households, however, was often extremely difficult. In approximately half of the households, participants reported that at least one family member had a physical or mental disability, a gambling problem, or alcohol dependency. These circumstances did not in themselves account for the abuse participants experienced, but they formed part of the difficult and highly constrained domestic environments into which many women were placed.

Most participants said that, when they realised they had been trafficked, they found it difficult to accept that they had been "sold." The experience caused profound emotional and psychological distress, including feelings of shame, humiliation, and powerlessness over

¹⁷ Yujia Gu, "Legacy of the One-Child Policy: Marriage Dilemmas in Urban and Rural China," *Asian Culture and History* 14, no. 2 (2022): 173.

decisions affecting their lives.

Some North Korean women experienced particularly severe forms of sexual violence and exploitation. Participant 4 discovered that seven unmarried men in the village had pooled their money to purchase her for sexual purposes. She escaped the immediate threat only after injuring herself with a knife.

“It felt like rape. When I did not want to sleep with him, he would say, ‘I bought you with money, so you have to sleep with me.’” (Interview 11)

“You have no citizenship. You are something I bought. A Han Chinese woman can divorce whenever she wants. If she says she does not want to live with me, I would have to raise the child alone and pay compensation. But you are different.” (Interview 13)

“He tried to force himself on me. I grabbed scissors and said I would kill myself, and I made a scene. Because we could not communicate, the broker called and said, ‘He is going to be your husband anyway. Everyone has to go through this once. Why are you making such a big deal out of it?’” (Interview 14)

② Surveillance, Confinement, and Physical Violence

Although many women initially planned to learn Chinese, become familiar with their surroundings, and escape when an opportunity arose, they soon found their movements closely monitored by household and community members. Many remained confined for extended periods, with few opportunities to leave or seek assistance.

Participants 11 and 13 reported that closed-circuit television (CCTV) cameras had been installed in their rooms, at the entrances to their homes, across the street, and in nearby alleys, placing them under near-constant surveillance. Participant 9 was locked inside the house for approximately her first year and was followed even when she went to the toilet.

Household members also restricted women's contact with the outside world by concealing phones and withholding information about other North Korean women living nearby. Participants consequently described a profound sense of social isolation. Even when women managed to leave the household, they often lacked the resources necessary to sustain their escape. Many had no money, Chinese-language skills, identity documents, or a safe place to go.

"I escaped with all the strength I had, but then I realised there was nowhere for me to go. I could not tell whether what was running down my face was tears or rain."
(Interview 30)

"I ran away, but there was nowhere I could go. I did not know where to go, I did not speak the language, I knew no one, and I had no money. I screamed towards the sky and cried, regretting everything." (Interview 20)

The barriers to leaving were particularly acute in rural areas, where villages often consisted of closely connected communities organised around shared surnames and extended family networks. In such settings, community members would participate in monitoring newly arrived women and restricting their movements. Some participants voluntarily approached public security authorities and requested

repatriation to North Korea, only to be collected by their husbands or their husbands' relatives and returned to the household.

***"When he went to work, he locked me inside the house."
(Interview 5)***

"I went to the public security office, but they did not touch me. Instead, an officer called his nephew and said, 'Your wife is here. Come and take her home.'" (Interview 13)

"I went to the public security office and said, 'I am North Korean, and I want to be repatriated.' Then a section chief from the security unit came and said, 'I am his uncle. Arrangements have been made so that you cannot be arrested or taken away.'" (Interview 14)

In rural areas, private vehicle ownership was uncommon and access to public transportation, including buses and taxis, was limited, further restricting women's ability to move independently.

Although the amounts paid for North Korean women were generally lower than the costs associated with marriage to Chinese women in rural areas, many households incurred debt to finance the purchase. The financial investment involved could further reinforce buyers' efforts to prevent women from leaving, particularly where substantial sums had been paid or borrowed.

Attempts to flee or resist such control were frequently met with violence. Participant 5 was beaten until she was covered in blood after attempting to escape. Her abuser threatened to cut off her legs, and she sustained lasting impairment in one foot as a result of the assault.

③ Pregnancy, Childbirth, and Reproductive Coercion

Many participants described having little or no control over decisions concerning pregnancy and childbirth. After being transferred to rural households, women were often taken to hospitals for examinations intended to assess their health and fertility. Some were also given unidentified medication and pressured to conceive. When Participant 23 expressed a desire to terminate her second pregnancy, she was beaten and told, “You have no right to terminate it. Whether you want to or not, you must give birth.”

In other cases, women were pressured or compelled to terminate pregnancies when the man already had children from a previous marriage or when the household did not want additional children. Participant 2 reported undergoing eight abortions after giving birth to her first son. Participant 15 had agreed to remain in the relationship only on the condition that she would not have a child. She described the night she returned home after terminating her first pregnancy under that arrangement as the most traumatic experience of her life.

These accounts demonstrate that women’s reproductive capacities were controlled according to the perceived interests of buyers and their households. Whether they were pressured to conceive, compelled to continue pregnancies, or forced to terminate them, women were denied meaningful control over their reproductive lives.

④ Motherhood and Family Separation

The birth of a child sometimes became a turning point that led women to consider remaining in the household. Even then, however, many did not come to regard the man with whom they lived as a husband, but primarily as the father of their child.

“I do not think there was even a single day when I truly thought, ‘This is my husband,’ or lived with genuine affection for him.” (Interview 20)

“After the child was born, I thought, ‘Now I have to live here.’ Once the child was born, I began to see him differently: ‘He is the child’s father. If I am going to raise this child, he needs to remain healthy.’” (Interview 19)

Children could also become a means through which women were controlled. In some households, Chinese mothers-in-law assumed primary responsibility for childcare and restricted mothers’ access to their children, partly out of concern that North Korean women might flee or be forcibly repatriated. Restricting access to their children could discourage women from attempting to leave and deepen their dependence on the household.

Such control could persist even after women left China. Participant 6, who had been forced to leave her child behind, reported that the child’s father continued to monitor her through video calls after she arrived in South Korea. He conditioned her continued contact with the child on her not entering another relationship.

“If another man appeared in my life, they would not give me the child at all. The child’s father makes long video calls, even late at night, and if I say I want to end the call, he asks why I am hanging up at such an hour. In some ways, I feel like he is watching me. Honestly, it may well be surveillance.” (Interview 6)

⑤ Domestic Servitude and Forced Labour

Most participants were placed in rural households after leaving North Korea and remained subject to surveillance, control, and restrictions on their movement for extended periods. Under these conditions, independent economic activity was largely impossible. Instead, they performed labour for the household, including farm work, domestic work, and, in some cases, work alongside their husbands outside the household.

This labour generally went unrecognised and uncompensated. When women requested payment, they were often told that the household could not afford to pay them because it was still repaying debts incurred to finance their purchase. Household members cited the amount paid as justification for withholding compensation and exercising control over women's labour.

“I was sold for 38,000. I thought they were taking me out to buy clothes, but they took me to work in the maize field—the very next day.” (Interview 22)

In some households, access to food was also made conditional on labour.

“If I did not work, they would not feed me. That was how the household was. I had to work no matter what. They told me to be grateful that I could at least eat rice and survive there.” (Interview 3)

In some cases, the exploitation extended to women's children.

“My son stayed with me for about a year. He was young, but they said they could not send him to school. They

wanted to squeeze the full 6,000-yuan broker fee out of us. They worked him terribly hard alongside me.” (Interview 4)

Other participants described excessive working hours, unsafe conditions, withheld wages, and retaliation when they protested or sought assistance.

“Planting rice was exhausting. We went out before dawn, and I could not even use the toilet during work. I endured it for a year, and then they did not pay me. I cut my arm with a sickle, and the police came. They reported me.” (Interview 8)

“My wish was to sleep eight or ten hours. Every day, I slept only two or three hours and had to keep working. I worked in that household for four years and then ran away without a single penny.” (Interview 14)

6) Social and Legal Conditions in China

① Mobility, Employment, and Workplace Discrimination

Over time, some women experienced a gradual reduction in household surveillance and restrictions on their movement, particularly after pregnancy and childbirth. As they learned Chinese and became more familiar with their surroundings, they were also better able to communicate and interact outside the household. These changes enabled some women to move from household labour into more independent forms of employment.

Some women began seeking work independently, while others found employment with the assistance of their husbands or other

family members. Employment also enabled some to leave the rural communities in which they had initially been placed and move to more urbanised areas.

Most entered low-skilled occupations requiring limited specialised training, including restaurant work, construction labour, and elder care. However, many experienced wage discrimination or the withholding of wages because of their North Korean background. Their lack of legal status also exposed them to threats of denunciation. When interpersonal or workplace disputes arose, others frequently threatened to report them to the authorities or, in some cases, followed through with such threats.

“If I started on September 23, the rule was that I would be paid 1,800 on October 23, but they deducted half a month’s pay. They pushed the payday back by half a month, saying, ‘I will give you that half month later, when you stop working.’” (Interview 15)

“After a minor traffic accident, I did not even know that my arm was broken. People began gathering, and I thought the police would come. I believed that if I were caught, I would certainly be repatriated, so I got up and ran immediately.” (Interview 1)

② Legal Status, Marriage Registration, and Children’s Hukou

The absence of legal status affected nearly every aspect of women’s lives in China. Unable to obtain formal recognition of their marriages, they lacked legal recognition as spouses and access to proper identity documents. This exclusion restricted their access to lawful employment, public services, healthcare, and legal remedies. These barriers became

particularly acute during pregnancy and childbirth, when access to medical care often depended on formal registration and identity documentation.

To obtain prenatal care and give birth in hospitals, families often relied on a relative's identity documents or paid bribes to circumvent registration requirements. Although using another person's documents could facilitate access to medical care, it also meant that the North Korean woman's identity and relationship to the child were not formally recorded.

“I went for prenatal examinations with my sister-in-law’s identity card, and everything else was determined by that. The child became registered as the second child of that household... Without the monthly examination records, the hospital in China will not deliver the baby.” (Interview 6)

The consequences extended to children's *hukou*, or household registration. Because their mothers' legal identity and marital status were often unrecognised, these children could face significant barriers to obtaining formal registration and legal recognition. Recent estimates place the number of affected children in China at between 30,000 and 50,000.¹⁸

Participants described substantial financial and administrative barriers to securing registration for their children. Participant 8 paid RMB 30,000 for her first child's *hukou* and RMB 60,000 for her second, half of which was a fine related to the former one-child policy. Participant 7 paid a RMB 15,000 fine for late registration, while

18 Ji-Ung Jeong, “A Crisis in the Shadows: Public Health Outcomes and Barriers to Care for Children of North Korean Defectors in China,” *Frontiers in Public Health* 13 (2025): Article 1652410.

Participant 26's child obtained a *hukou* only at five years of age after a fine was paid. In other cases, registration depended on inaccurate or incomplete records concerning the mother. Participant 23's child was registered on the basis of a false record stating that the mother had died or disappeared, while Participant 20's child's *hukou* contained no record of the mother. Participant 28's daughter, born in 2023, remained unregistered at the time of the interview.

These cases demonstrate that the absence of legal status affected not only children's access to formal registration but also women's legal recognition as mothers. Where women lacked legal recognition of their maternal relationship, they faced additional difficulties in matters concerning custody and union with children. This lack of recognition thus increased their dependence on the child's Chinese father and his household.

③ Forced Repatriation and its Consequences

Fear of detection and forced repatriation was one of the principal mechanisms that kept women dependent on brokers, Chinese households, and informal employers. Approximately three-quarters of participants identified ending forced repatriation and ensuring access to marriage registration and identity documents as among their principal requests to the Chinese government.

Thirteen participants, representing 43.3 percent of the interview sample, returned to North Korea after their initial departure, either through forced repatriation or voluntarily. Eight participants left North Korea twice, while five left three or more times. Participants most commonly reported receiving labour-training (labour in training camp) sentences following returns in the 2000s, while they more frequently

reported receiving correctional labour (labour in prison camp) sentences following returns in the 2010s.

These accounts are consistent with NKDB's broader research on forced repatriation, which documented substantial risks of arbitrary detention, torture, and other abuses faced as punishment for unauthorised departure upon return.¹⁹ United Nations human rights bodies have likewise repeatedly raised concerns about the treatment of forcibly repatriated North Koreans.²⁰

The interviews further indicated that some Chinese public security officers were aware of the risks associated with repatriation. Some women approached public security offices because they saw no other means of escaping the households into which they had been sold. In some cases, officers returned them to the buyer households rather than screening them for indicators of trafficking or assessing their protection needs. In other cases, officers reportedly attempted to delay or prevent repatriation.

"I stayed in the detention room at the public security station for a month because the officers were trying not to send me back. They told me not to go, because if I returned to North Korea, I would be shot and killed." (Interview 14)

Participants also described instances in which the threat of forced repatriation was exploited for financial gain:

¹⁹ Shin, Lee, and Yoon, *supra* note 3.

²⁰ Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, U.N. Doc. A/HRC/25/CRP.1, 7 February 2014, para. 426; Human Rights Council, *Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea*, U.N. Doc. A/HRC/55/63, 15 February 2024, paras. 36–42; OHCHR, *"I Still Feel the Pain": Human Rights Violations against Women Detained in the Democratic People's Republic of Korea* (Geneva: United Nations, 2020).

“Was it last year, 2025? Apparently, five people trying to get from China to Korea were all caught. Chinese public security then called their family members and asked whether they wanted their wives back. If they did, they were told to bring 100,000 yuan each.” (Interview 6)

④ Digital Surveillance and Conditional Tolerance of Illegal Stay

In some localities, Chinese authorities permitted undocumented North Korean women in de facto relationships with Chinese men to remain temporarily when they had children and the household was considered “stable and harmonious.” This tolerance was conditional on registration, continued residence within the household, and compliance with surveillance requirements.

Women could be required to provide fingerprints, facial photographs, and DNA samples obtained through blood collection for dedicated files, including the “Biometric Information File for Foreign Persons in Illegal Marital Unions” (非法通婚外籍人员生物信息档案). They could also be required to report their movements and submit location-stamped photographs through mobile applications or WeChat-based systems.²¹

“The photograph cannot be taken in the afternoon. It has to be done in the morning. If the time passes, they call immediately. If you do not answer, the whole village reacts as though you have committed a serious crime.” (Interview 23)

Participants also described extensive camera surveillance and the rapid identification of individuals by public security authorities.

21 Jian Lee, Donghwi Shin, Soon Hee Lim, and Yeosang Yoon, *Caught in the Net: China’s Digital Surveillance of North Korean Refugees* (Seoul: NKDB, 2025), pp. 91–97, 131–147.

“There are CCTV cameras everywhere you go, packed into every alley. From the moment a camera captures you, your information appears—how old you are, where you live, and who you are—directly at the public security office.”
(Interview 14)

Although registration could postpone repatriation, it did not regularise women’s legal status or provide secure protection against detention and repatriation. The biometric and location data collected as a condition of temporary tolerance could also facilitate their later identification and apprehension. For some participants, this combination of conditional tolerance and persistent surveillance contributed to their decision to leave China.

“They said, ‘If you live properly here, we will not arrest you.’ But those were only words. I could not relax. I kept wondering whether they might suddenly take me away.”
(Interview 18)

“Everything kept tightening around me, and I thought, ‘This is not a life either.’ That is why I came to South Korea.”
(Interview 24)

“I had a child, and our household was finally established. When I thought of leaving that home behind, I could barely make myself go.” (Interview 3)

⑤ Changes in Broker Networks

In January 2020, North Korea responded to the COVID-19 pandemic by closing its international borders and sharply intensifying controls on movement within the country. In August of the same year, it reportedly established buffer zones along its borders with China and Russia and

authorised the use of firearms against anyone entering those zones without permission. Even after partially reopening its borders, North Korea largely retained heightened controls in border areas.²²

The closure of the North Korea–China border sharply reduced the overall scale of cross-border movement. Intensified surveillance within North Korea, stronger penalties for smuggling, and declining migration did not, however, eliminate trafficking. Instead, these developments reshaped its organisation. The remaining migration routes became more expensive and dangerous and increasingly subject to the control of a smaller number of consolidated broker networks.

Participants 24 and 4 reported that some Chinese men had become more reluctant to marry North Korean women because of the perception that they would eventually leave for South Korea. Participants 11 and 23, however, stated that broker fees had risen to as much as KRW 100 million since the pandemic. Participants attributed these rising costs in part to the repeated exposure of established routes and the need for brokers to develop new ones.

These changes may also have created additional risks for women already within trafficking networks. Where brokers incurred substantial costs in moving a woman but were unable to place her in a Chinese household as intended, pressure to recover those costs could increase the risk of further transfer or exploitation. A reduced supply of newly trafficked women could likewise create incentives for the resale of women already living in China. Participant 25's experience—being promised passage to South Korea but instead resold to another household—illustrates how such risks could materialise.

22 Human Rights Watch, "North Korea: Covid-19 Used as Pretext to Seal Border," 17 November 2022, <https://www.hrw.org/news/2022/11/17/north-korea-covid-19-used-pretext-seal-border>.

⑥ Onward Movement to South Korea

Abuse within buyer households, lack of legal status, workplace discrimination, digital surveillance, and fear of forced repatriation all shaped North Korean women's decisions to seek onward passage to South Korea. Among these factors, participants most frequently identified precarious legal status, intensified monitoring, and the associated risk of forced repatriation as the primary reasons for leaving China.

Leaving, however, could entail substantial personal costs. Women with children in China risked prolonged or permanent separation from them, while those who had established social and economic ties faced abandoning the lives they had built there. Participants also noted that women's onward movement could heighten surveillance of other North Korean women, as Chinese households and authorities interpreted such departures as evidence that others might similarly attempt to leave.

These dynamics could create a self-reinforcing cycle. Control within households and legal precarity prompted some women to leave China, while their departures could in turn be invoked to justify tighter surveillance and greater restrictions on those who remained. Onward movement to South Korea thus represented both an effort to escape existing forms of exploitation and control and a response to the continued absence of a secure legal future in China.

Across Borders:
Addressing Trafficking and Structural
Vulnerabilities of North Korean Women

Chapter

3

**International Legal
Framework on
Trafficking in Persons**

1. Regulation of Trafficking in Persons under International Law

1) The Palermo Protocol and the Definition of Trafficking in Persons

The central instrument governing trafficking in persons under international law is the Palermo Protocol, which supplements the United Nations Convention against Transnational Organized Crime (UNTOC). The Protocol sets out the definition of trafficking in persons (Article 3) and requires States Parties to establish that conduct as a criminal offence under domestic law (Article 5). It also lays down standards concerning the protection of and assistance to victims, as well as their status and repatriation (Articles 6 to 8), prevention (Article 9), and international cooperation, inclusive of information exchange and border measures (Articles 10 to 13).²³

Article 3(a) of the Palermo Protocol defines trafficking in persons as follows:

“Trafficking in persons” shall mean 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. Exploitation

²³ Palermo Protocol, *supra* note 5, arts. 2–13.

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.²⁴

As defined in Article 3(a), trafficking in persons comprises the following three elements:

- 1. Act:** recruitment, transportation, transfer, harbouring, or receipt;
- 2. Means:** the threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; and
- 3. Purpose:** exploitation.

Where the person concerned is aged eighteen or over, all three elements—act, means, and purpose—must be established. For both the act and means elements, establishing at least one of the listed forms is sufficient, and the same conduct may constitute more than one act or means simultaneously. Where the person concerned is a child under eighteen, however, only the purpose and at least one listed act need be established; no separate proof of means is required.²⁵

Under Article 3(b) of the Palermo Protocol, the consent of a victim of trafficking in persons to the intended exploitation is irrelevant where any of the means listed in Article 3(a) has been used.²⁶ A victim's consent to part of the process—such as migration, employment, or

²⁴ *Ibid.*, art. 3(a).

²⁵ *Ibid.*, art. 3(c)–(d).

²⁶ *Ibid.*, art. 3(b).

marriage—therefore does not in itself negate trafficking. What matters is whether the requisite act and means were undertaken for the purpose of exploitation.²⁷

Nor must the intended exploitation actually occur. Where the requisite act and means were undertaken for the purpose of exploitation, the offence may be established even if the victim escaped or the process was interrupted before the exploitation took place.²⁸

Article 5 of the Palermo Protocol requires States Parties to criminalise the conduct set out in Article 3 when committed intentionally.²⁹ Subject to the basic concepts of each legal system, attempts to commit the offence must also be criminalised, as must participation as an accomplice and the organisation or direction of others in its commission. Criminal responsibility is therefore not confined to the person who ultimately exploits the victim, but extends to other actors who participate in, organise, or direct the trafficking offence.

Finally, neither cross-border movement nor the involvement of an organised criminal group is required for conduct to constitute trafficking under Article 3.³⁰ Those features are relevant instead to determining whether the Palermo Protocol and UNTOC apply to the conduct as transnational organised crime and whether their provisions on international cooperation are engaged. The question of whether conduct constitutes trafficking should therefore be assessed separately from whether the trafficking is transnational or involves an organised

27 United Nations Office on Drugs and Crime (UNODC), *Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (Vienna: United Nations, 2020), paras. 145–147.

28 *Ibid.*, paras. 118, 169.

29 Palermo Protocol, *supra* note 5, arts. 3 and 5.

30 UNODC, *Legislative Guide*, *supra* note 27, paras. 80, 178.

criminal group.

The cases documented in this study nevertheless frequently involved both cross-border movement and coordinated activity among multiple actors. Participants described networks in which different individuals recruited, transported, harboured, received, and sold women and shared in the resulting proceeds. These features warrant separate consideration of whether such networks meet the definition of an organised criminal group under UNTOC.

2) Other International Instruments on Trafficking in Persons

Beyond the Palermo Protocol, a number of international human rights treaties prohibit trafficking and related forms of exploitation. These instruments are also relevant to determining the scope of the obligations applicable to North Korea, China, and South Korea.

Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.³¹ In *General recommendation No. 38* (2020), which addresses trafficking in women and girls in the context of global migration, the CEDAW Committee confirmed that this obligation encompasses comprehensive criminalisation in line with the internationally accepted definition, the identification and protection of victims, and action addressing root causes.³² *General recommendation No. 38* emphasises in particular

31 Convention on the Elimination of All Forms of Discrimination against Women, adopted 18 December 1979, entered into force 3 September 1981, 1249 U.N.T.S. 13 (CEDAW), art. 6.

32 Committee on the Elimination of Discrimination against Women, *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*, U.N. Doc. CEDAW/C/GC/38, 20 November 2020, para. 2.

that the root causes of trafficking in women and girls lie in sex-based discrimination, including the failure to address prevailing economic and patriarchal structures and the adverse and gender-differentiated impact of States Parties' labour, migration, and asylum regimes, which create situations of vulnerability leading to trafficking. The situation of North Korean migrant women—who cross an international border in the absence of lawful migration routes and whose movement intersects with demand for foreign brides—illustrates how these gendered and migration-related vulnerabilities can converge.

Article 35 of the Convention on the Rights of the Child (CRC) requires States Parties to take all appropriate national, bilateral, and multilateral measures to prevent the abduction of, the sale of, or traffic in children for any purpose or in any form.³³ The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OPSC) defines the sale of children and requires the criminalisation of offering, delivering, or accepting a child for sexual exploitation, the transfer of organs for profit, or forced labour.³⁴ These child-specific protections are particularly relevant to this research because some victims were under eighteen when they left North Korea and were trafficked, some women travelled with children, and others gave birth to children in China.

The International Labour Organization's Forced Labour Convention, 1930 (No. 29), requires States Parties to suppress the use of forced or compulsory labour and to make its illegal exaction punishable as a

³³ Convention on the Rights of the Child, adopted 20 November 1989, entered into force 2 September 1990, 1577 U.N.T.S. 3 (CRC), art. 35.

³⁴ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, adopted 25 May 2000, entered into force 18 January 2002, 2171 U.N.T.S. 227, arts. 2–3.

penal offence.³⁵ The Protocol of 2014 to the Convention reaffirms the Convention's definition of forced or compulsory labour and requires States Parties to take specific measures against trafficking in persons for the purpose of forced or compulsory labour.³⁶

Table 9 presents the accession and ratification status of North Korea, China, and South Korea with respect to the aforementioned international instruments from which obligations concerning trafficking in persons arise.³⁷

Table 9. Accession to and Ratification of International Instruments on Trafficking in Persons

Instrument	Year of Adoption	North Korea	China	South Korea
UNTOC	2000	Acceded 2016	Ratified 2003	Ratified 2015
Palermo Protocol	2000	Not a party	Acceded 2010	Ratified 2015
CEDAW	1979	Acceded 2001	Ratified 1980	Ratified 1984
CRC	1989	Ratified 1990	Ratified 1992	Ratified 1991
CRC-OPSC	2000	Ratified 2014	Ratified 2002	Ratified 2004
Forced Labour Convention (No. 29)	1930	Not a party	Ratified 2022	Ratified 2021
Protocol of 2014 to the Forced Labour Convention (No. 29)	2014	Not a party	Not a party	Not a party

³⁵ Forced Labour Convention, 1930 (No. 29), adopted 28 June 1930, entered into force 1 May 1932, 39 U.N.T.S. 55, arts. 1 and 25.

³⁶ Protocol of 2014 to the Forced Labour Convention, 1930, adopted 11 June 2014, entered into force 9 November 2016, ILO P029, art. 1(3).

³⁷ On the status of accession to and ratification of each of these treaties, see United Nations, United Nations Treaty Collection (accessed 15 August 2026); and International Labour Organization, NORMLEX Information System on International Labour Standards (accessed 15 August 2026).

2. Application of the Constituent Elements of Trafficking

1) The “Act”

Article 3(a) of the Palermo Protocol requires that at least one of the five listed acts be established.³⁸ The Protocol does not define these acts separately, so they are understood according to their ordinary meaning, informed by guidance from the UNODC.³⁹ The cases documented in the in-depth interviews are examined below against each of these acts.

① Recruitment⁴⁰

Brokers and intermediaries recruited women in both North Korea and China by offering assistance with border crossing, employment, residence, or onward travel to South Korea. Through these approaches, they drew women into networks involving multiple facilitators. In several cases, women were initially approached by someone they already knew. Recruitment also occurred after women entered China, particularly when brokers arranged new placements after they escaped from, or could no longer remain in, an earlier household. In some cases, individuals who took charge of women after they escaped facilitated their re-entry into the trafficking process.

³⁸ UNODC, *Legislative Guide*, *supra* note 27, paras. 87, 90.

³⁹ *Ibid.*, para. 91.

⁴⁰ Drawing on guidance provided by UNODC, this analysis defines “recruitment” as follows. Recruitment refers broadly to drawing a person into the trafficking process, whether through face-to-face contact, advertising, online communication, or formal or informal intermediaries. In transnational cases, recruitment may occur in the country of origin, transit, or destination. See UNODC, *Legislative Guide*, *supra* note 27, para. 92.

② Transportation⁴¹

Women were transported from North Korea into China and then across several Chinese provinces to broker lodgings, temporary holding locations, workplaces, and rural households. Their journeys involved travel on foot and by road and were generally divided into multiple stages. In some cases, border guards reportedly facilitated river crossings, as described by Participant 14. Road journeys then continued for several hours, during which women were sometimes concealed in vehicles to avoid detection. The specialised roles described in Chapter 2—including border-crossing facilitators, drivers, and handlers—further indicate that different actors arranged and carried out separate stages of transportation.

③ Transfer⁴²

Women were transferred among recruiters, transporters, brokers, other intermediaries, and buyer households as control passed from one actor to another. The sales and resales documented in Chapter 2 provide further evidence of such transfers. Although payment is not required to establish transfer, the reported payments often evidenced the passing of control by reinforcing the recipient's asserted entitlement over the woman. In some cases, payment was made in the woman's presence; in others, successive facilitators divided the purchase price among themselves. Cases in which public security officers returned women to buyer households may likewise constitute

41 Drawing on guidance provided by UNODC, this analysis defines "transportation" as follows. Transportation encompasses movement over long or short distances by land, sea, or air and includes both movement within a country and movement across a border. See UNODC, *Legislative Guide*, *supra* note 27, para. 93.

42 Drawing on guidance provided by UNODC, this analysis defines "transfer" as follows. Transfer may involve physical movement and may include handing a person from one actor to another or transferring effective control over that person. See UNODC, *Legislative Guide*, *supra* note 27, para. 94.

transfer where an official or another actor placed a woman back under another person's control.

④ Harboursing⁴³

Brokers and buyer households harboured women at different stages of the trafficking process. The findings include a lodging where approximately twenty women awaited placement, temporary broker houses used during onward movement, and households where women subsequently remained for years. Before being placed in buyer households, some women were held for several days or weeks and moved between houses to conceal them from the authorities while brokers sought potential buyers. These circumstances support a finding of harboursing at multiple stages of the trafficking process.

⑤ Receipt⁴⁴

Receipt occurred when buyers or other actors accepted women from brokers or intermediaries and assumed control over them. In several cases, including those of Participants 13 and 14, the buyer's relatives initially received the woman on his behalf. Receipt may also have occurred when an official, broker, or subsequent buyer took charge of a woman after escape, return, or resale. Each instance involved a new assumption of control and could therefore constitute a separate act of receipt.

43 Drawing on guidance provided by UNODC, this analysis defines "harboursing" as follows. Harboursing may include accommodating a person at the point of departure, transit, or destination, including before or at the place of exploitation; concealing a person's whereabouts; or holding a person. See UNODC, *Legislative Guide*, *supra* note 27, para. 95.

44 Drawing on guidance provided by UNODC, this analysis defines "receipt" as follows. Receipt corresponds to transfer and includes taking charge of a person on arrival, meeting a person at an agreed place and acquiring control over that person, or admitting a person into an employment or other relationship. Receipt may be established even where no prior movement or transfer has occurred. See UNODC, *Legislative Guide*, *supra* note 27, para. 96.

2) The “Means”

Article 3(a) of the Palermo Protocol does not separately define the means it lists. They are rather understood as the ways in which “perpetrators exercise control over or manipulate their victims,” with each term interpreted according to its ordinary meaning and informed by the UNODC’s guidance.⁴⁵ The cases documented in the in-depth interviews are examined below against each of these means.

① The threat⁴⁶ or use of force or other forms of coercion⁴⁷

The interview findings reveal both the use and threat of force before and after placement. Among the clearest examples are sexual violence by brokers, attempted or forced intercourse in buyer households, beatings following escape attempts, and a threat to mutilate a woman’s legs. Threats of denunciation, arrest, detention, and forcible return were also used when women resisted placement into households, sought payment for their work, or attempted to leave.

Coercion extended beyond physical force to control over basic necessities and economic resources. Buyers withheld food or wages and invoked the purchase price to assert an entitlement to control women and compel them to remain. These practices, particularly when combined with threats of homelessness or separation from children,

⁴⁵ *Ibid.*, para. 97.

⁴⁶ Drawing on guidance provided by UNODC, this analysis defines “threat or use of force” as follows. Threat or use of force involves controlling a victim by threatening physical, psychological, or economic detriment or by actually applying physical force. A threat may be directed not only at the victim but also at a third party, such as a family member. See UNODC, *Legislative Guide*, *supra* note 27, para. 98.

⁴⁷ Drawing on guidance provided by UNODC, this analysis defines “other forms of coercion” as follows. Other forms of coercion include various forms of pressure that substantially restrict a victim’s freedom of choice and action. On UNODC’s interpretation of the Palermo Protocol, States Parties may also recognise newly emerging forms of coercion as means of trafficking. See UNODC, *Legislative Guide*, *supra* note 27, paras. 97, 99.

further constrained women's practical ability to refuse or leave. In some cases, Chinese public security officials returned women to buyer households, thereby removing an apparent avenue of escape and reinforcing the household's coercive control.

The significance of these measures becomes clearer when assessed in their broader context. Threats of denunciation carried particular weight because women understood that detection could lead to arrest, detention, and forcible return to North Korea. Similarly, making access to food, wages, shelter, or contact with a child conditional on compliance could constitute coercion where it left a woman without any meaningful practical ability to refuse or leave.

② Abduction⁴⁸

The accounts of Participants 6 and 13 provide the clearest evidence of abduction. In both cases, the woman was deliberately rendered unconscious during the journey, transported across the border, and handed over to another person. These accounts are distinguishable from the instances of deception discussed below because control was obtained before the woman had made any voluntary decision to move.

③ Fraud and deception⁴⁹

Fraud and deception recur throughout the interview findings. Women were promised employment, income, safety, or onward passage while the intended sale, destination, or conditions awaiting

48 Drawing on guidance provided by UNODC, this analysis defines "abduction" as taking or holding a person irrespective of that person's will. See UNODC, *Legislative Guide*, *supra* note 27, para. 100.

49 Drawing on guidance provided by UNODC, this analysis defines "fraud and deception" as follows. Fraud and deception generally involve false statements or misleading representations concerning matters such as the nature or location of the work, the identity of the employer or recipient, living and working conditions, legal status, and travel arrangements. See UNODC, *Legislative Guide*, *supra* note 27, paras. 101–102.

them were concealed. In other cases, women were told that marriage might be arranged but were not informed that payment would be made for them, that their ability to leave would depend on repayment, or that they would be expected to provide sexual, reproductive, domestic, or agricultural services. Many learned only after placement that they had been purchased and the amount that had been paid for them. Deception also facilitated resale, including where promises of onward passage to South Korea were used to arrange a further sale.

Awareness that marriage was a possibility does not negate deception as to the nature of the transaction, the identity of the buyer, the destination, legal status, conditions within the household, or consequences of refusal. Nor does general awareness that North Korean women may be sold amount to agreement to a particular destination, transaction, or marital arrangement.

④ **The abuse of power⁵⁰ or of a position of vulnerability⁵¹**

The interview findings provide substantial evidence of the abuse of a position of vulnerability. Women's vulnerability arose from a combination of severe economic hardship in North Korea, the absence of safe and lawful migration routes, and the conditions they encountered after entering China. In China, they faced irregular status, lack of identity documents, language barriers, rural isolation, and

50 Drawing on guidance provided by UNODC, this analysis defines "abuse of power" as the improper use of a position of authority, influence, or control. See UNODC, *Legislative Guide*, *supra* note 27, paras. 111–112.

51 Drawing on guidance provided by UNODC, this analysis defines "abuse of a position of vulnerability" as follows. Abuse of a position of vulnerability involves the intentional use of a person's personal, situational, or circumstantial vulnerability to recruit, transport, transfer, harbour, or receive that person for the purpose of exploitation, in circumstances that cause the person reasonably to believe that there is no real and acceptable alternative but to comply with the actor's demands. See UNODC, *Legislative Guide*, *supra* note 27, paras. 105, 108.

limited access to legal assistance, healthcare, and lawful employment. Many also depended on brokers or buyer households for food, shelter, transportation, and concealment from the authorities, while fear of forcible repatriation further narrowed their options. Pregnancy, childbirth, inability to register a marriage, and uncertainty over child custody could deepen this dependence over time.

Brokers and buyer households drew on these conditions to make submission appear to be the only viable option. The combined use of statements such as “You have no citizenship” and “You are something I bought” explicitly linked a woman’s undocumented status to the buyer’s asserted authority over her. Similarly, warnings that independent work would lead to arrest, or that marriage was the only means of remaining safely in China, converted structural vulnerability into a mechanism of control.

The findings also describe abuse of power by state authorities. North Korean border guards reportedly escorted women across the river in exchange for payment for each person transported; Chinese public security officers allegedly arrested a woman in transit and subsequently sold her; and other officers reportedly sought particular young women for themselves, prompting brokers to move those women elsewhere. Where powers of arrest, custody, or repatriation were exercised to secure submission, facilitate a woman’s transfer to a buyer, or enable or profit from her exploitation, such conduct may support a finding of abuse of power.

⑤ The giving or receiving of payments or benefits to achieve the consent of a person having control over another person⁵²

⁵² Drawing on guidance provided by UNODC, this analysis defines the “giving or receiving of payments or benefits to achieve the consent of a person having control over another

This means may apply where a broker, buyer, household member, state authority, or other actor exercises effective control over a woman and accepts payment or another benefit in exchange for consenting to her transfer, receipt, or exploitation. Payments made by buyers may therefore fall within this category where they are made to secure the agreement of a broker or other person exercising such control. The payment itself may also reinforce a buyer's asserted entitlement to control the woman and compel her to remain.

Officials were also reportedly involved in demanding payment. In a 2025 incident described by Participant 6, public security officers intercepted women travelling onward through China, contacted the households in which they had previously lived, asked whether those households wanted the women returned, and demanded RMB 100,000 for each woman. This conduct may satisfy the payment-based means where the officers exercised effective control over the women and demanded payment in exchange for consenting to their release or transfer, rather than as part of a lawful administrative process. The same conduct may also support a finding of abuse of power.

⑥ **The irrelevance of the victim's consent in the context of the means applied**

As set out above, once a listed means is established, a victim's apparent consent cannot by itself negate trafficking.⁵³ Two aspects of consent are nevertheless important in interpreting the circumstances described in the interviews. The first concerns scope. Consent to one part of the process does not amount to consent to the process as a

person" as follows. It involves giving or receiving a payment or benefit in order to obtain the consent of a person who has control over another person. See UNODC, *Legislative Guide*, *supra* note 27, para. 114.

53 Palermo Protocol, *supra* note 5, art. 3(b).

whole, and still less to the exploitation ultimately imposed. A woman may have chosen to leave North Korea, accepted a broker's assistance, agreed to employment, anticipated marriage, or entered a household without consenting to being sold, compelled to engage in sexual relations, subjected to enforced pregnancy or forced labour, confined, or prevented from leaving. Consent to migration, employment, or marriage must therefore be distinguished from consent to the exploitation that followed.

The second concerns whether any apparent consent was freely given. Acquiescence in constrained circumstances does not amount to voluntary consent. More than half of the women accepted placement because the alternatives presented to them—arrest, forcible repatriation, destitution, or commercial sexual exploitation—appeared worse. The mere possibility of refusal does not preclude a finding of coercion or abuse of a position of vulnerability where the surrounding circumstances left a woman with no real and acceptable alternative.

A woman's later acceptance of, or adaptation to, her circumstances does not amount to consent to exploitation that occurred earlier. Attachment to a child, affection for household members, greater freedom of movement, or access to employment may provide reasons to remain, but do not alter the character of exploitation that has already taken place. Such changes may nevertheless be relevant to whether a listed means continues to operate and whether exploitation by the same actor persists. The earlier and later periods should therefore be assessed separately: later consent cannot negate trafficking already established, but it may be relevant to determining whether the trafficking situation continued or came to an end.⁵⁴

54 UNODC, *The Role of "Consent" in the Trafficking in Persons Protocol* (Vienna: United

3) The “Purpose”

Article 3(a) of the Palermo Protocol defines the purpose of trafficking as “exploitation” and provides that exploitation includes, “at a minimum,” the exploitation of the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, and the removal of organs. The words “at a minimum” indicate that the list is illustrative rather than exhaustive.⁵⁵ The Protocol does not separately define each form of exploitation, and UNODC interprets these terms by reference to other relevant international instruments and international case law.⁵⁶ With this understanding, the cases documented in the in-depth interviews are examined below against the relevant forms of exploitation.

As noted above, the purpose element does not require that the intended exploitation actually occur.⁵⁷ The relevant question is therefore whether the conduct was intended to facilitate or achieve exploitation, rather than whether that exploitation was ultimately completed. This distinction is particularly relevant to the interview findings. Since 2020, the consolidation of broker networks and the shrinking number of viable routes have increased the financial and logistical demands of transporting women. As a result, some women recruited for an intended exploitative placement may remain unplaced. In such cases, the absence of a completed sale into marriage does not preclude a finding of trafficking where a listed act has already been carried out through a listed means for the purpose of exploitation.

Nations, 2014), pp. 26–27, and Annex 1, paras. 2.1–2.3 (pp. 96–97).

55 UNODC, *Legislative Guide*, *supra* note 27, para. 115.

56 *Ibid.*, para. 116.

57 *Ibid.*, paras. 118, 169.

① The exploitation of the prostitution of others or other forms of sexual exploitation

Neither the Palermo Protocol nor other international instruments separately define “sexual exploitation” or “exploitation of prostitution.”⁵⁸ UNODC treats sexual exploitation as the broader category, of which exploitation of prostitution is one form. For purposes of this analysis, sexual exploitation is understood to include the abuse of a position of vulnerability, differential power, or trust for sexual purposes. Within that broader category, exploitation of prostitution is treated as obtaining a financial or other benefit from the prostitution of another person.

The interviews report the buyers demanding or compelling sexual relations on the ground that they had paid for the women. They also describe cases in which several men jointly contributed to the purchase of a single woman. In some cases, including that of Participant 4, a buyer called on brokers or resorted to violence when the woman refused sexual relations. Taken together, these circumstances support the inference that sexual exploitation formed part of the intended exploitation.

The alternatives to marriages proposed by brokers reinforce that inference. Proposed placement as a hostess in a bar, participation in online sexual services, or work at premises equipped with a massage bed may, depending on the surrounding circumstances, indicate an intended purpose of exploitation of prostitution or another form of sexual exploitation.

② Forced labour or services

UNODC explains “forced labour or services,” identified as a form

⁵⁸ *Ibid.*, para. 119.

of exploitation in the Palermo Protocol, by reference to the Forced Labour Convention.⁵⁹ Article 2(1) of that Convention defines “forced or compulsory labour” as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”⁶⁰ “Work or service” is not confined to a particular industry or sector and may include activities irrespective of whether domestic law recognises them as economic or lawful, including domestic labour and forced begging.⁶¹ The “menace of any penalty” likewise extends beyond physical punishment and may include violence or threats, the withholding of wages, the loss of rights or privileges, or denunciation to the authorities where such consequences operate as a penalty for refusing or leaving the work.⁶² Voluntariness must be assessed throughout the relationship, including whether the person retained a genuine ability to refuse the work or to leave it.⁶³

The findings describe women performing agricultural work, domestic labour, elder care, restaurant service, and construction for the household. Within buyers’ households, women were required to work while subjected to confinement, violence, threats of denunciation, withholding of food or wages, excessive hours, and unsafe conditions. Buyers and their relatives also asserted that payment for the woman entitled the household to her labour. Where the consequences threatened for refusal or departure deprived a woman of a genuine choice whether to work or continue working, these circumstances support an inference of forced labour or services.

⁵⁹ *Ibid.*, para. 124.

⁶⁰ Forced Labour Convention, *supra* note 35, art. 2(1).

⁶¹ UNODC, *Legislative Guide*, *supra* note 27, para. 128.

⁶² *Ibid.*, para. 129.

⁶³ *Ibid.*, para. 130.

The findings also identify exploitative conditions in employment outside the household. In some cases, employers paid North Korean women less than other workers performing the same work because the women could not safely complain to the authorities. In other cases, such as that of Participant 15, employers withheld earned wages or made departure conditional on forfeiting them, using wages as a means of constraining the women's ability to leave.

③ **Slavery or practices similar to slavery, including servile marriage**

UNODC notes that “practices similar to slavery” is not itself defined in international law, but the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956 Supplementary Convention) identifies specific institutions and practices that fall within that category.⁶⁴ Of particular relevance here are the servile forms of marriage identified in Article 1(c).⁶⁵ That provision covers an institution or practice whereby a woman, “without the right to refuse,” is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family, or any other person or group. It also covers an institution or practice whereby the husband of a woman, his family, or his clan has the right to transfer her to another person for value received or otherwise. As Article 1(c) is directed to the substance of the “institution or practice,” the relevant inquiry is not confined to whether the relationship was formally registered as a marriage, but whether the arrangement in practice possessed the characteristics identified in the Convention.

The findings contain several indicators of servile marriage.

⁶⁴ *Ibid.*, para. 136.

⁶⁵ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted 7 September 1956, entered into force 30 April 1957, 266 U.N.T.S. 3, art. 1(c).

Brokers or households paid for women's placement in marriage-like arrangements, with prices varying according to age and perceived desirability. Women lacked a genuine right to refuse or leave, and some were resold or threatened with transfer to another household. Buyers also invoked the purchase price to justify claims over the women's sexual relations, labour, pregnancy, childbirth, and children, and some women were told they could not leave until that price had been repaid.

Taken together, these circumstances support an inference of a practice similar to slavery in the form of servile marriage, particularly where payment was combined with the absence of a genuine right to refuse or leave and with actual or threatened transfer to another household.

④ **Servitude**

As with practices similar to slavery, "servitude" is not defined in the governing instruments.⁶⁶ International case law has nonetheless described servitude as a condition in which a person is compelled to work or provide services against their will and is unable to escape that condition.⁶⁷ Servitude is understood as a more serious form of exploitation than forced or compulsory labour.⁶⁸

The interviews describe women performing domestic, agricultural, and caregiving labour within buyers' households while also being subjected to sexual and reproductive demands. Their ability to leave was constrained by the absence of identity documents, money, transportation, safe accommodation, and effective access to authorities,

66 UNODC, *Legislative Guide*, *supra* note 27, para. 136.

67 *Siliadin v. France*, App. No. 73316/01, European Court of Human Rights (ECtHR), Judgment of 26 July 2005, paras. 123–124.

68 *C.N. and V. v. France*, App. No. 67724/09, ECtHR, Judgment of 11 October 2012, paras. 89–91.

as well as by the risk of denunciation, detention, and repatriation. Rural isolation and monitoring by buyers' relatives or village networks further restricted their movement. Some women who escaped later returned because they lacked a safe place to live or independent means of support.

The findings also show that control over children was used to maintain women's dependence on the household. Women faced threatened or actual separation from their children, restrictions on contact, and demands that they remain with or return to the child's father. Difficulties in securing official recognition as the mother of their children could further strengthen the father's and his family's control over the children.

The findings support an inference of servitude where women were compelled to continue providing labour or services and could not realistically leave because of threatened repatriation, social isolation, economic dependence, and control over their children.

⑤ Reproductive exploitation

Reproductive exploitation is not separately enumerated in Article 3(a),⁶⁹ but may be relevant where a trafficking arrangement involves control over conception, pregnancy, abortion, childbirth, or other reproductive decisions for another person's benefit. Depending on the circumstances, such conduct may form part of sexual exploitation, forced services, servitude, or a practice similar to slavery. Given that Article 3(a) identifies forms of exploitation "at a minimum," reproductive exploitation may also be relevant to other forms of exploitation not expressly listed.

69 UNODC, *Legislative Guide*, *supra* note 27, paras. 115–117.

The interview findings describe fertility examinations, the administration of unidentified medication, pressure to conceive, violence used to compel the continuation of pregnancy, forced abortion where a household did not want another child, and restrictions on movement linked to pregnancy. Participant 23 was reportedly told that she had no right to terminate her pregnancy and would be required to give birth. Participant 2 reported being coerced to undergo eight abortions after the birth of her first son. These accounts indicate that decisions concerning conception, pregnancy, abortion, and childbirth were, in some cases, imposed on the women or materially constrained by others.

4) Overall Assessment of the Cases of North Korean Migrant Women

The findings support three overall conclusions.

First, the documented experiences satisfy the act, means, and purpose elements of trafficking. Women were recruited, transported, transferred, received, and harboured through coercion, deception, abuse of a position of vulnerability, and the giving or receiving of payments or benefits. They were then placed in arrangements involving sexual exploitation, forced labour, servile marriage, servitude, and reproductive exploitation. These elements were present at multiple stages, including recruitment and cross-border movement, transfer between brokers, and receipt and harbouring by buyers or Chinese households. Where a woman was returned, resold, or placed in another household after escaping, the trafficking process may be understood to have continued rather than ended.

Second, the documented experiences show that apparent consent did not negate trafficking where a listed means was used. Some

women chose to leave North Korea, sought employment in China, or remained in a household rather than face detention, forcible repatriation, severe destitution, or separation from their children. Such decisions, however, must be distinguished from consent to the exploitation itself. The women were deceived as to their destination or the nature of the arrangements awaiting them, subjected to violence or confinement, threatened with denunciation and forcible repatriation, and made dependent on buyers or households for shelter, subsistence, safety, and access to their children. Consent to migration, employment, marriage, or continued residence under such conditions cannot therefore be treated as consent to being sold, compelled into marriage or sexual relations, subjected to forced labour or reproductive control, or prevented from leaving.

Third, state-created structural conditions intensified the vulnerabilities on which trafficking actors relied. The absence of lawful status, combined with the risk of detention and forcible repatriation, made threats of denunciation an especially effective means of control. Barriers to obtaining identity documents, registering marriages, and securing *hukou* for children, together with the absence of safe avenues for reporting abuse or seeking protection, further increased women's dependence on buyer households. These conditions did not themselves constitute trafficking, but they narrowed women's practical options, impeded access to assistance, and facilitated the continuation of exploitation.

3. International Guidance on Responding to Trafficking in Persons

The UNODC *Legislative Guide* for the Palermo Protocol explains the context, content, and interpretation of the Protocol and sets out

how its obligations are to be implemented in domestic law.⁷⁰ It deals systematically with how the Protocol's principal areas are to be reflected in national legislation and institutions: definition and criminalisation; the protection of and assistance to victims, including their status and repatriation; prevention; and cooperation between States. It can therefore serve as a benchmark for assessing whether a domestic legal system as a whole adequately covers the core elements of the Protocol, even where the relevant provisions are not consolidated in a single statute.⁷¹

The Office of the United Nations High Commissioner for Human Rights (OHCHR) *Recommended Principles and Guidelines on Human Rights and Human Trafficking* provide practical guidance for integrating a human rights perspective into all aspects of the response to trafficking, including prevention and victim protection.⁷² The seventeen recommended principles are organised under four thematic headings: the primacy of human rights (Principles 1 to 3), preventing trafficking (Principles 4 to 6), protection and assistance (Principles 7 to 11), and criminalisation, punishment and redress (Principles 12 to 17). The eleven accompanying guidelines translate these principles into more operational measures across the principal areas of state action, including the promotion and protection of human rights, identification of trafficked persons, the legal framework, law enforcement, protection and support, prevention, access to remedies, and interstate and regional cooperation.

⁷⁰ *Ibid.*, paras. 12–13, 20–25.

⁷¹ *Ibid.*, para. 14.

⁷² OHCHR, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, U.N. Doc. E/2002/68/Add.1, 20 May 2002, Recommended Principles 1–17, and Guidelines 1–11.

Table 10. Overview of OHCHR Recommended Principles

Thematic Area	Principles	Core Content
The primacy of human rights	1–3	Placing the human rights of trafficked persons at the centre of every response to trafficking; exercising due diligence to prevent trafficking, investigate and prosecute traffickers, and assist and protect trafficked persons; and ensuring that anti-trafficking measures do not themselves infringe the human rights and dignity of trafficked persons, migrants, internally displaced persons, refugees, and asylum-seekers
Preventing trafficking	4–6	Addressing demand as a root cause of trafficking and the factors that increase vulnerability to trafficking, including inequality, poverty, and all forms of discrimination, and identifying and eradicating public-sector involvement or complicity
Protection and assistance	7–11	Ensuring that trafficked persons are not detained, charged, or prosecuted for illegal entry or residence, or for unlawful activities that are a direct consequence of trafficking; protection and care not conditional on cooperation in legal proceedings; legal and other assistance and temporary residence during legal proceedings; the best interests of child victims; and safe and, to the extent possible, voluntary return, with legal alternatives to repatriation where return would pose a serious safety risk
Criminalisation, punishment and redress	12–17	Criminalising trafficking, its component acts, and related conduct; effectively investigating, prosecuting, and adjudicating trafficking; ensuring that relevant offences are extraditable and that effective and proportionate sanctions are applied; freezing and confiscating relevant assets where appropriate; and guaranteeing access to effective and appropriate legal remedies

Across Borders:
Addressing Trafficking and Structural
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Chapter

4

**State Responses
to Trafficking:
North Korea, China,
and South Korea**



04 State Responses to Trafficking: North Korea, China, and South Korea

This chapter examines the responses of the states encountered by trafficked North Korean women along a common migration route. It treats North Korea as the country of departure, China as the principal country in which trafficking occurs and through which the women transit, and South Korea as the country of final resettlement. It first examines whether and how each state criminalises trafficking, as well as the legal framework it has established for its prevention. It then considers the procedures and institutions in place for identifying and protecting victims of trafficking. In doing so, the chapter examines the legal classifications applied to these women under each system and the forms of protection and treatment that follow, taking into account both their experiences of trafficking and the particular circumstances of their movement and residence. Finally, drawing on this analysis, it identifies gaps and limitations in each state's response and assesses them against their respective obligations under international law.

1. Response of North Korea

North Korea does not criminalise trafficking in persons as a distinct offence, nor has it established a separate procedure for identifying and protecting trafficking victims. At the same time, it criminalises “illegal border crossing,” an offence committed by these women in the course of leaving the country. An analysis of North Korea's response must therefore address two questions: whether criminal responsibility can nevertheless be established for conduct constituting trafficking,

and whether the principle of non-punishment of trafficking victims is respected.

The analysis of North Korea's laws below begins with the Criminal Code and considers the extent to which criminal responsibility for trafficking-related conduct can be established under its provisions. As North Korea has no dedicated procedure for identifying and protecting trafficking victims, the protection afforded to trafficked women is examined by reference to the rights of women and the duties of the State set out in the Law on the Protection and Promotion of the Rights of Women. The analysis also considers the principal provisions of the Criminal Code that North Korean women may contravene in the course of leaving the country or as a consequence of being trafficked across the border.

1) The Legal Framework on Trafficking in Persons

① Criminal Code

North Korea's Criminal Code does not establish trafficking in persons as a distinct offence.⁷³ Instead, it criminalises certain acts that may occur in particular forms of trafficking, each as a separate offence. For example, Article 316 criminalises the unlawful physical restraint of a person's liberty and makes the offence punishable by labour training (labour in training camp).⁷⁴ Article 318 criminalises the abduction of a person for "individual selfish purposes" and provides for correctional labour (labour in prison camp) for up to five years, with heavier penalties

⁷³ Democratic People's Republic of Korea, Criminal Code [조선민주주의인민공화국 형법], edition of 24 December 2023, Database on a Unified Korea's Legal System [통일법제 데이터베이스], Ministry of Justice of the Republic of Korea (Criminal Code of the DPRK).

⁷⁴ *Ibid.*, art. 316.

in aggravated cases.⁷⁵ Article 319 criminalises the rape of a woman and prescribes aggravated penalties for repeated rape, gang rape, and similar conduct.⁷⁶

While North Korea is not a party to the Palermo Protocol,⁷⁷ it is a party to CEDAW and therefore is obliged to suppress all forms of trafficking in women and exploitation of prostitution of women under Article 6 of that Convention.⁷⁸ In elaborating on that obligation, the CEDAW Committee's *General recommendation No. 38* provides that comprehensive anti-trafficking legislation should be based on the definition of trafficking in Article 3 of the Palermo Protocol.⁷⁹ The adequacy of North Korea's Criminal Code in addressing the trafficking of women can therefore be assessed against the three elements of that definition: act, means, and exploitative purpose.

The Palermo Protocol does not necessarily require trafficking to be criminalised through a single, self-standing offence. UNODC recognises that trafficking may be addressed through a combination of offences, provided that they collectively cover the full scope of the Palermo Protocol's definition and criminalise the combination of its constituent elements rather than merely the elements in isolation.⁸⁰ Measured against that standard, North Korea's Criminal Code does not adequately

⁷⁵ *Ibid.*, art. 318.

⁷⁶ *Ibid.*, art. 319. In addition to the provisions examined in the text, Article 230 criminalises the illegal acquisition, sale, or use of human organs, fetuses, or blood, and Article 317 the stealing or concealment of a child. These acts do not appear among the trafficking experiences documented in this research, and they are therefore not examined here.

⁷⁷ On North Korea's accession to and ratification of treaties on trafficking in persons, see Table 9, "Accession to and Ratification of International Instruments on Trafficking in Persons."

⁷⁸ CEDAW, *supra* note 31, art. 6.

⁷⁹ CEDAW Committee, *General recommendation No. 38*, *supra* note 32, para. 11.

⁸⁰ UNODC, *Legislative Guide*, *supra* note 27, paras. 166–167.

capture the three elements of trafficking, even when its provisions are considered together. The act element is not directly addressed, as the Criminal Code does not criminalise the recruitment, transportation, transfer, harbouring, or receipt of an adult woman. Abduction under Article 318 and physical restraint under Article 316 may correspond to certain means identified in the Protocol, but they do not encompass others, including deception or abuse of a position of vulnerability. More importantly, neither offence requires an exploitative purpose. The phrase “individual selfish purposes” in Article 318 may encompass a purpose to exploit the victim, but it does not necessarily entail such a purpose. The Criminal Code therefore criminalises only certain forms of conduct that may occur within the trafficking process; it does not capture trafficking itself as the combination of an act, prohibited means, and an exploitative purpose.

These limits are evident in the applicability of these provisions to the range of trafficking experiences reported by North Korean migrant women. Some women were abducted and subsequently sold, but many others were recruited and transferred by brokers who deceived them while they were seeking a route for migration. Women who were sold also remained dependent on the men to whom they had been transferred, and they often found it difficult to leave the resulting marital relationship even in the absence of physical restraint. Their lack of lawful residence status and the accompanying risk of forced repatriation could operate as powerful constraints on their ability to leave. Beneath the outward form of marriage, they experienced multiple and overlapping forms of exploitation, including pressure to become pregnant and the performance of domestic, agricultural, and caregiving labour. Individual offences such as abduction, restriction of liberty, and rape may therefore capture discrete incidents within

this course of conduct, but they are inadequate to characterise the trafficking process and the resulting pattern of exploitation as a whole.

② Law on the Protection and Promotion of the Rights of Women

Like its Criminal Code, North Korea's Law on the Protection and Promotion of the Rights of Women (Women's Rights Law) does not regulate trafficking comprehensively, but prohibits certain acts associated with trafficking.⁸¹

Article 39, in particular, addresses the abduction, buying and selling, rape, and gang rape of women:

No person may abduct, buy or sell, rape, or gang-rape a woman.

The relevant authorities shall establish thorough measures to prevent the abduction, buying and selling, rape, and gang rape of women and shall strictly punish, in accordance with law, persons who commit such acts.⁸²

Article 55 sets out the general liability arising from a violation of the Law:

Responsible officials of institutions, enterprises, and organisations, and individual citizens, who violate this Law and thereby hinder the protection of women's rights shall, depending on the circumstances, be held administratively or criminally responsible.⁸³

81 Democratic People's Republic of Korea. Law on the Protection and Promotion of the Rights of Women [조선민주주의인민공화국 여성권리보장법], adopted by Decree No. 1309 of the Presidium of the Supreme People's Assembly of 22 December 2010, as amended by Decree No. 566 of the Presidium of the Supreme People's Assembly, 30 June 2015, Database on a Unified Korea's Legal System [통일법제 데이터베이스], Ministry of Justice of the Republic of Korea.

82 *Ibid.*, art. 39.

83 *Ibid.*, art. 55.

The Women's Rights Law does not itself define particular criminal offences or prescribe the penalties applicable to them. Article 55 provides only in general terms that violations of the Law may, depending on the circumstances, give rise to administrative or criminal responsibility. This gap is particularly significant in relation to the buying and selling of women. Although the Women's Rights Law expressly prohibits such conduct under Article 39, the Criminal Code does not contain a corresponding offence of buying and selling women as such. It is therefore unclear on what basis criminal responsibility would be imposed for that conduct, or what penalty would apply.

The Women's Rights Law also does not recognise trafficked women as a distinct category of protected persons or establish procedures or entitlements specific to them. Instead, it provides rights applicable to women generally, including the inviolability of the human body (Article 37), the inviolability of health and life (Article 38), rights relating to personality and reputation (Article 41), freedom of marriage (Article 45), the right to medical treatment (Article 24), and the right to submit complaints and petitions (Article 17).⁸⁴ These provisions may apply to particular violations suffered in the course of trafficking, but they do not establish a dedicated framework for the identification, protection, assistance, and recovery of trafficking victims.

The Women's Rights Law does, however, provide a basis for relevant international conventions to operate alongside its domestic provisions. Article 10 provides:

This Law governs matters arising in the protection of women's rights.

⁸⁴ *Ibid.*, arts. 17, 24, 37, 38, 41, and 45.

Matters concerning the protection of women's rights that are not regulated by this Law shall be governed by the relevant laws.

International conventions concerning women's rights to which our country has acceded shall have the same legal effect as this Law.⁸⁵

As North Korea has acceded to CEDAW, Article 10 appears to give the Convention the same legal effect as the Women's Rights Law. Article 6 of CEDAW requires States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.⁸⁶ The CEDAW Committee's *General recommendation No. 38* further interprets this obligation by reference to the internationally accepted definition of trafficking contained in Article 3 of the Palermo Protocol and calls for comprehensive, victim-centred anti-trafficking laws and measures.⁸⁷

The domestic legal effect accorded to CEDAW under Article 10 does not, however, transform the Convention's obligations into criminal responsibility for individuals. Article 6 of CEDAW imposes obligations on the State; it does not itself define a criminal offence or prescribe individual criminal liability. Moreover, Article 4 of North Korea's Criminal Code provides that criminal responsibility may be imposed only for conduct prescribed as a crime by law.⁸⁸ Article 10 of the Women's Rights Law therefore cannot, by itself, supply a domestic trafficking offence corresponding to the international definition, prescribe the penalties applicable to such an offence, or remedy the absence of

85 *Ibid.*, art. 10.

86 CEDAW, *supra* note 31, art. 6.

87 CEDAW Committee, *General recommendation No. 38*, *supra* note 32, paras. 9, 11.

88 Criminal Code of the DPRK, *supra* note 73, art. 4.

procedures for identifying and protecting trafficking victims. Rather, CEDAW establishes the international obligation to adopt such legal and institutional measures, while Article 10 of the Women's Rights Law gives that obligation under the Convention an express place within the domestic legal framework.

2) The Criminalisation of Illegal Border Crossing and International Communication

North Korea's Criminal Code establishes "illegal border crossing" and "illegal international communication" as criminal offences. A woman trafficked to China may therefore be investigated and punished upon her return to North Korea.

Article 260 establishes the offence of illegal border crossing:

A person who illegally crosses the border shall be punished by labour training.

Where the act of illegally crossing the border is serious, the punishment shall be correctional labour of up to five years.⁸⁹

The provision does not define the circumstances in which an illegal border crossing is considered "serious."

Article 261 establishes the offence of illegal international communication:

A person who has illegally engaged in international communication shall be punished by labour training.

Where the act of international communication is serious, the

⁸⁹ *Ibid.*, art. 260.

punishment shall be correctional labour of up to five years.⁹⁰

Article 261 defines neither what constitutes “illegal international communication” nor the circumstances in which such communication is considered “serious.” At face value, the provision may therefore extend even to a repatriated woman’s contact with family members left behind in China.

Punishment may be considerably more severe where conduct that might otherwise fall within these offences is instead characterised as treason against the homeland. Article 63 provides:

A person who has committed an act of treason against the homeland shall be punished by correctional labour of five years or more. Where the circumstances are grave, the punishment shall be correctional labour for life, or death and confiscation of property.⁹¹

In its current form, Article 63 does not specify the conduct that constitutes treason against the homeland. Until its amendment in 2022, however, the provision identified several examples, including “fleeing to another country, surrendering, defecting, or handing over secrets.”⁹² This legislative history suggests that an unauthorised departure may, in some circumstances, be treated not as illegal border crossing under Article 260 but as treason under Article 63.

The boundary between the two offences remains unclear, leaving

⁹⁰ *Ibid.*, art. 261.

⁹¹ *Ibid.*, art. 63.

⁹² Democratic People's Republic of Korea, Criminal Code [조선민주주의인민공화국 형법], adopted by Decision No. 6 of the Standing Committee of the Supreme People's Assembly of 15 December 1990, as amended by Decree No. 578 of the Presidium of the Supreme People's Assembly of 22 July 2015, art. 63, Database on a Unified Korea's Legal System [통일법제 데이터베이스], Ministry of Justice of the Republic of Korea.

state authorities considerable discretion in determining which provision to apply. The offence applied to a repatriated woman may therefore depend on the circumstances of her departure from North Korea and her conduct while in China. She may be punished for illegal border crossing, but more serious charges, including treason, may be brought where other conduct during her time abroad is discovered. The testimony collected in this research indicates, in particular, that the risk of a treason charge increases where contact with South Koreans or religious groups is discovered.

The illegal acts attributed to a repatriated woman may, however, have been committed as a result of deception or coercion by those who trafficked her, or in the course of seeking assistance to escape the trafficking situation. North Korea's judicial system contains no procedure requiring the authorities, before assessing criminal responsibility, to determine whether the woman was a victim of trafficking and whether the conduct at issue was a direct consequence of that trafficking.

The absence of such an assessment is inconsistent with North Korea's obligations under CEDAW to prevent and address trafficking, including through a victim-centred approach and the principle of non-punishment. The CEDAW Committee's *General recommendation No. 38* gives expression to the principle of non-punishment, emphasising the need to protect victims from punishment for offences or illegal acts committed as a direct consequence of having been trafficked.⁹³

The punishment of unauthorised departure and international communication also conflicts with North Korea's obligations under

93 CEDAW Committee, *General recommendation No. 38*, *supra* note 32, para. 98.

international law. Article 12(2) of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to leave any country, including one's own.⁹⁴ Although States may restrict that right, any restriction must fall within the grounds permitted under Article 12(3).⁹⁵ The broad criminalisation of unauthorised departure under Article 260 of the Criminal Code does not appear justified by any of those grounds and therefore appears incompatible with Article 12 of the ICCPR, particularly where permission for international travel for personal purposes is generally denied. Similarly, restrictions on communication under Article 261 of the Criminal Code interfere with the freedom protected by Article 19 of the ICCPR to seek, receive, and impart information and ideas of all kinds, regardless of frontiers.⁹⁶

3) The Treatment of Repatriated Trafficking Victims

The interview findings illustrate how the laws described above have been applied in practice to trafficked North Korean women upon their return. Both women who returned voluntarily and those who were forcibly repatriated reported being punished for the offences discussed above. These accounts demonstrate the risk that, under the North Korean legal system, a trafficking victim may be held responsible and punished for ancillary illegal conduct rather than recognised and protected as a victim.

NKDB's earlier research on forced repatriation delineates in greater detail the punishment experienced by North Korean escapees upon return.⁹⁷ According to this earlier research, the process of repatriation

94 International Covenant on Civil and Political Rights, adopted 16 December 1966, entered into force 23 March 1976, 999 U.N.T.S. 171 (ICCPR), art. 12(2).

95 *Ibid.*, art. 12(3).

96 *Ibid.*, art. 19.

97 Shin, Lee, and Yoon, *supra* note 3.

begins with arrest, investigation, and detention by Chinese public security officials, followed by a formal repatriation decision and transfer to the North Korean Ministry of State Security. Upon transfer, the North Korean Ministry of State Security and the Ministry of Social Security conduct investigations and impose penalties that vary depending on the outcome of those investigations. The punishment may range from labour training and correctional labour to imprisonment in a political prison camp.

In particular, repatriated women have been reported to face not only prolonged detention but also a variety of abuses that go beyond the execution of a penalty, including strip searches, body cavity examinations, sexual assault, forced abortions, beatings, and forced labour. The Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI DPRK) found that practices of this kind may amount to torture and other cruel, inhuman or degrading treatment or punishment.⁹⁸

North Korea is not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), but is bound to the prohibition on torture through other sources of international law.⁹⁹ As a party to the ICCPR, North Korea is bound by Article 7, which prohibits torture and cruel, inhuman or degrading treatment or punishment and permits no derogation from that prohibition.¹⁰⁰ Moreover, the prohibition of torture binds all States as a

98 Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, *Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, U.N. Doc. A/HRC/25/63, 7 February 2014, para. 42.

99 On the status of accession to and ratification of each of these treaties, see United Nations, United Nations Treaty Collection, <https://treaties.un.org>.

100 ICCPR, *supra* note 94, art. 7.

jus cogens norm part of customary international law.¹⁰¹

2. Response of China

Like North Korea, China does not punish trafficking in persons as a distinct offence. Unlike North Korea, however, it has established a basis for criminal responsibility for the selling of women that can be applied across the full range of trafficking cases documented in this research. China has also addressed the residence and protection of foreign trafficking victims through particular policies established in response to the growing foreign bride market. At the same time, China has had a longstanding practice of forcibly returning North Korean escapees in the absence of refugee status determination. Thus, the analysis of China's response must address whether the general protections for trafficking victims apply equally to North Korean victims.

The analysis of China's laws begins with the Criminal Code and the extent to which it could be used to establish criminal responsibility for trafficking. It then examines the Law on the Protection of Rights and Interests of Women (Women's Rights and Interests Law) as a legal basis affording protections to certain trafficked women. The analysis also turns to the Exit and Entry Administration Law to evaluate the general legal classification of North Korean migrant women within China's immigration system, which governs the right to lawful residence, employment, and protection from deportation. In conjunction, it views

101 International Law Commission, "Draft Conclusions on Identification and Legal Consequences of Peremptory Norms of General International Law (*jus cogens*)," in *Report of the International Law Commission, Seventy-third Session* (New York: United Nations, 2022), U.N. Doc. A/77/10, draft conclusion 23; *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, Judgment, I.C.J. Reports 2012, para. 99.

the bilateral agreements between China and North Korea on border management as a framework specific to the repatriation of North Korean escapees. Finally, it reviews Chinese court judgments to analyse how China actually applies these laws to trafficking cases involving North Korean women.

1) The Legal Framework on Trafficking in Persons

① Criminal Code

China does not establish trafficking in persons as a distinct offence, but instead criminalises trafficking-related conduct through a number of separate offences.¹⁰² Compared with North Korea, China has a substantially more developed legal framework for addressing conduct falling within the Palermo Protocol's definition of trafficking. For example, Article 240 criminalises the abduction and sale of women and children for the purpose of sale,¹⁰³ while Article 241 criminalises the purchase of a woman or child who has been abducted and sold.¹⁰⁴ Articles 358 and 359 criminalise conduct involving the organisation or coercion of prostitution,¹⁰⁵ while Article 244 criminalises forced labour imposed through violence, threats, or physical restraint.¹⁰⁶ Of these provisions, Articles 240 and 241 are capable of applying across the trafficking cases documented in this research and are therefore the

102 People's Republic of China, Criminal Code [中华人民共和国刑法], adopted 1 July 1979, revised 14 March 1997, as amended through the Twelfth Amendment to the Criminal Code [中华人民共和国刑法修正案（十二）], adopted 29 December 2023 and effective 1 March 2024, National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库].

103 People's Republic of China, Criminal Code [中华人民共和国刑法], adopted 1 July 1979, revised 14 March 1997, art. 240.

104 *Ibid.*, art. 241.

105 *Ibid.*, arts. 358 and 359.

106 *Ibid.*, art. 244.

focus of the discussion below.¹⁰⁷

The first paragraph of Article 240 establishes the basic penalty and aggravated forms of the offence of abducting and selling a woman or child:

Whoever commits the abduction and sale of a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined. If any of the following circumstances applies, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or have property confiscated. If the circumstances are especially serious, the offender shall be sentenced to death and have property confiscated.¹⁰⁸

Article 240(1) identifies eight aggravating circumstances: (i) being a ringleader of a group engaged in the abduction and sale of women or children; (ii) abducting and selling three or more women or children; (iii) raping a woman who has been subjected to abduction and sale; (iv) deceiving or forcing such a woman into prostitution, or selling her to another person who forces her into prostitution; (v) kidnapping a woman or child by violence, coercion, or anaesthesia for the purpose of sale; (vi) stealing an infant or young child for the purpose of sale; (vii) causing serious injury or death to a woman or child who has been subjected to abduction and sale, or to the victim's relatives, or causing

107 *Ibid.* In addition, Article 234(1) criminalises organising the sale of human organs, Article 244(1) the employment of child labour in hazardous or intense work, Article 262 the abduction of a child without a purpose of sale, and Article 262(1) organising persons with disabilities or children to beg. These acts do not appear among the trafficking experiences documented in this research, and they are therefore not examined here.

108 *Ibid.*, art. 240(1).

other serious consequences; and (viii) selling a woman or child outside China.¹⁰⁹ Where any of these circumstances is established, the sentence may increase to imprisonment of at least ten years or life imprisonment; where the circumstances are “especially serious,” the statute prescribes the death penalty.

The second paragraph of Article 240 defines the “abduction and sale” of women and children:

“Abduction and sale” of women or children means any one of the following acts, committed for the purpose of sale: abducting by deception, kidnapping, purchasing, selling, picking up and delivering, or transferring a woman or child.¹¹⁰

The scope of Article 240 is further clarified by the Supreme People’s Court’s Interpretation on Several Issues concerning the Specific Application of Law in the Trial of Criminal Cases involving the Abduction and Sale of Women and Children (最高人民法院关于审理拐卖妇女儿童犯罪案件具体应用法律若干问题的解释, Fashi [2016] No. 28; 2016 Judicial Interpretation).¹¹¹ Article 3 of the Interpretation specifies when the sale of a woman under the guise of introducing a marriage partner constitutes the offence of abducting and selling a woman under Article 240 of the Criminal Code.¹¹² Criminal responsibility may arise not only where identity documents are unlawfully seized or physical

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*, art. 240(2).

¹¹¹ Supreme People’s Court of the People’s Republic of China, Interpretation on Several Issues concerning the Specific Application of Law in the Trial of Criminal Cases of Abducting and Sale of Women and Children [最高人民法院关于审理拐卖妇女儿童犯罪案件具体应用法律若干问题的解释], Fashi [2016] No. 28, adopted at the 1699th meeting of the Judicial Committee of the Supreme People’s Court on 14 November 2016, promulgated 21 December 2016, effective 1 January 2017, National Database of Laws and Regulations of the People’s Republic of China [国家法律法规数据库].

¹¹² *Ibid.*, art. 3.

mobility is restricted, but also where a woman is sold to another person against her will by taking advantage of the fact that she is in unfamiliar surroundings, cannot speak the language, and is isolated and unable to obtain assistance. This interpretation is particularly relevant to the circumstances of North Korean women trafficked in China.

The Criminal Code also contains a separate offence covering the purchase of a woman or child who has been subjected to abduction and sale. Article 241(1) provides:

Whoever purchases a woman or child who has been subjected to abduction and sale shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention (拘役), or public surveillance (管制).¹¹³

Accordingly, the penalties imposed on the two sides of the transaction differ substantially. Purchase under Article 241 carries a maximum sentence of three years, whereas sale under Article 240 carries a minimum sentence of five years.

Article 241 further provides that buyers may also incur criminal responsibility for conduct committed after the purchase.¹¹⁴ A buyer who resells the woman or child is punished under Article 240, while a buyer who subsequently commits other offences is held criminally responsible under the relevant provisions. Articles 6 and 7 of the 2016 Judicial Interpretation further provide that, where additional offences are committed following the purchase, punishment is to be imposed in accordance with the rules governing concurrent offences.¹¹⁵ Such conduct includes organising or compelling prostitution, organising

¹¹³ Criminal Code of the PRC, *supra* note 103, art. 241(1).

¹¹⁴ *Ibid.*, art. 241(1)–(5).

¹¹⁵ 2016 Judicial Interpretation, *supra* note 111, arts. 6–7.

begging, committing acts that also constitute public security offences, and obstructing rescue by personnel of state organs.

Before 2015, Article 241(6) provided that a buyer who did not obstruct the purchased woman's return to her original place of residence in accordance with her wishes could be exempted from criminal liability. The Ninth Amendment to the Criminal Code in 2015 replaced that exemption with a provision permitting lighter or mitigated punishment.¹¹⁶ Article 5 of the 2016 Judicial Interpretation further clarifies the circumstances in which Article 241(6) may apply.¹¹⁷ It provides that, where the purchased woman has formed a stable marital and family relationship and, at the time of rescue, voluntarily wishes to remain locally and continue living with the buyer, the buyer may be regarded as not having obstructed her return. Those circumstances may therefore be taken into account in determining whether punishment should be reduced under Article 241(6).

Taken as a whole, however, China's Criminal Code does not fully give effect to the Palermo Protocol's requirement to criminalise trafficking in persons. Article 3 of the Protocol defines trafficking through the combination of an act, means, and purpose of exploitation, while Article 5 requires States Parties to criminalise the conduct defined in Article 3. UNODC guidance indicates that this obligation may be fulfilled either through a single, self-standing offence or through a combination of offences, provided that the relevant provisions collectively encompass the full scope of the definition under Article 3 of the Palermo Protocol.¹¹⁸

116 People's Republic of China, Ninth Amendment to the Criminal Code [中华人民共和国刑法修正案（九）], adopted 29 August 2015, effective 1 November 2015, National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库], para. 15.

117 2016 Judicial Interpretation, *supra* note 111, art. 5.

118 UNODC, *Legislative Guide*, *supra* note 27, paras. 166–167.

Unlike North Korea, China establishes through Article 240 of the Criminal Code a composite offence that captures a substantial part of the conduct associated with trafficking. Article 240(2) encompasses a range of conduct—including abducting by deception, kidnapping, purchasing, selling, picking up and delivering, and transferring—that overlaps with elements of the Protocol's definition, including aspects of the act element (e.g., transfer) and the means element (e.g., abduction, deception).¹¹⁹ Its principal limitation lies in the purpose element. Whereas the Palermo Protocol requires a purpose of exploitation, Article 240 requires a purpose of sale. Conduct undertaken for the purpose of exploitation may therefore fall outside Article 240 where no sale is intended or involved.

A further issue concerns the role attributed to the victim's consent or expressed wishes at different stages of criminal responsibility. Article 3(b) of the Palermo Protocol provides that, where any of the means listed in Article 3(a) has been used, the victim's consent to the intended exploitation is irrelevant to the establishment of trafficking.¹²⁰ In line with this definition, China's judicial system does not make the victim's apparent consent a basis for excluding criminal responsibility under Article 240 of the Criminal Code.¹²¹

At the sentencing stage, however, the woman's expressed wishes may operate in the buyer's favour. Article 241(6) of the Criminal Code permits lighter or mitigated punishment where the buyer did not obstruct her return in accordance with her wishes,¹²² while Article 5 of the 2016 Judicial Interpretation treats the existence of a stable marital

119 Criminal Code of the PRC, *supra* note 103, art. 240(2).

120 Palermo Protocol, *supra* note 5, art. 3(a)–(b).

121 On this point, see Chapter 4, Section 2, Subsection 3, “Domestic Judicial Practice.”

122 Criminal Code of the PRC, *supra* note 103, art. 241(6).

and family relationship, together with the woman's wish to remain at the time of rescue, as relevant to that assessment.¹²³ Neither provision expressly requires an inquiry into whether that wish was formed free from external constraints, such as the absence of lawful residence or the risk of forced repatriation. Accordingly, although a woman's apparent consent does not preclude criminal responsibility under Article 240, her expressed wishes may nevertheless serve as grounds for reducing the buyer's punishment under Article 241.

② Law on the Protection of Rights and Interests of Women

The Law on the Protection of Rights and Interests of Women (Women's Rights and Interests Law) contains provisions prohibiting the sale and purchase of women and imposing duties concerning the rescue and protection of victims. Article 21(1) guarantees women's rights to life, body, and health and expressly prohibits the buying and selling of women:

Women's rights to life, body, and health are inviolable. Maltreatment, abandonment, maiming, buying and selling women, and other acts infringing women's rights and interests relating to life and health are prohibited.¹²⁴

Article 22 prohibits the abduction and sale of women, the kidnapping of women, the purchase of women subjected to such acts, and obstruction of their rescue.¹²⁵ It also imposes duties on people's governments at all levels; relevant departments, including public

123 2016 Judicial Interpretation, *supra* note 111, art. 5.

124 People's Republic of China, Law on the Protection of Rights and Interests of Women [中华人民共和国妇女权益保障法], revised 30 October 2022, effective 1 January 2023, National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库], art. 21(1).

125 *Ibid.*, art. 22.

security and civil affairs; and villagers' and residents' committees concerning the identification, reporting, rescue, and protection of victims, and prohibits discrimination against them.

Articles 26 and 27 further reinforce the Law's preventive framework by strengthening mechanisms for the detection and reporting of abuse and by regulating conduct associated with sexual exploitation. Article 26 requires accommodation operators to report to the public security organs any unlawful or criminal conduct that may infringe women's rights and interests.¹²⁶ Article 27 prohibits prostitution and the purchase of sexual services, as well as organising, forcing, inducing, providing premises for, or procuring women to engage in prostitution.¹²⁷

These provisions are significant not only because they expressly prohibit the sale and purchase of women, but also because they assign responsibility to relevant state bodies for the identification, reporting, rescue, settlement, assistance, and protection of victims. In this respect, they support the domestic implementation of international obligations to prevent the sale and sexual exploitation of women and to protect and assist victims. These provisions are consistent with the objectives of Article 6 of CEDAW and Article 6 of the Palermo Protocol concerning the prevention of trafficking and the protection of victims.¹²⁸

The Women's Rights and Interests Law does not, however, specify how these protections apply to undocumented foreign victims, or what consequences recognition as a victim has for immigration enforcement, detention, and repatriation. Article 7 of the Palermo Protocol requires States Parties to consider adopting measures permitting victims to

¹²⁶ *Ibid.*, art. 26.

¹²⁷ *Ibid.*, art. 27.

¹²⁸ CEDAW, *supra* note 31, art. 6; Palermo Protocol, *supra* note 5, art. 6.

remain in their territory temporarily or permanently in appropriate cases,¹²⁹ while Article 8(2) requires that due regard be given to victims' safety in the course of return.¹³⁰ For North Korean migrant women, the central issue is therefore how the obligations for victim rescue and protection under the Law operate in practice alongside immigration enforcement measures applicable to undocumented foreign nationals.

③ Other Policies

China's anti-trafficking framework extends beyond the Criminal Code and related judicial interpretations. At the policy level, the State Council issued the China Action Plan to Combat Human Trafficking (2021–2030) in 2021.¹³¹ The Action Plan addresses trafficking prevention and enforcement; victim rescue, placement, rehabilitation, and reintegration; legal and policy reform; public education and training; and international cooperation. It also sets out measures concerning “buyers’ markets” (买方市场), registration of marriages with foreign nationals, trafficking through online platforms, and transnational trafficking. For cross-border trafficking in particular, it calls for inter-agency coordination, regulation of international marriage matchmaking, bilateral and multilateral cooperation and joint enforcement, as well as the identification, rescue, and recovery of foreign victims and their safe return.

Chinese authorities have also publicly stated that some foreign women who are victims of trafficking are rescued and protected under

129 Palermo Protocol, *supra* note 5, art. 7.

130 *Ibid.*, art. 8.

131 General Office of the State Council of the People's Republic of China, China Action Plan to Combat Human Trafficking (2021–2030) [中国反对拐卖人口行动计划 (2021—2030年)], Guobanfa [2021] No. 13, issued 9 April 2021 and publicly released 28 April 2021, Chinese Government Website [中国政府网].

these policies. At a Ministry of Public Security press conference in June 2019, the authorities reported rescuing 1,130 foreign women who had been trafficked.¹³² Of these, 530 returned to their countries of origin in accordance with their wishes, while 600 remained in China.

2) The Legal Framework on Immigration and Repatriation

① Exit and Entry Administration Law

Chapter VI of the Exit and Entry Administration Law (Exit-Entry Law), entitled “Investigation and Repatriation,” provides the principal statutory framework for investigating suspected exit-entry violations and repatriating foreign nationals from China.¹³³ Article 59 permits the on-site interrogation of persons suspected of violating exit-entry regulations and, where specified grounds exist, continued interrogation.¹³⁴ These grounds include suspected illegal exit or entry; assistance to others in illegally exiting or entering China; illegal residence or employment; or conduct endangering national security or interests, disrupting social or public order, or otherwise constituting illegal or criminal activity. Article 60 permits detention for investigation where suspicion cannot be cleared following initial inquiry.¹³⁵ Detention may last up to thirty days and may be extended to sixty days in complex cases, with the period commencing upon the establishment of nationality and identity.

132 China News Service (中国新闻网), “How are rescued foreign women who were trafficked resettled? The Ministry of Public Security responds” (被拐卖的外籍妇女解救后怎么安置？公安部回应), 21 June 2019.

133 People's Republic of China, Exit and Entry Administration Law [中华人民共和国出境入境管理法], adopted 30 June 2012, effective 1 July 2013, National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库], chap. VI.

134 *Ibid.*, chap. VI, art. 59.

135 *Ibid.*, chap. VI, art. 60.

Article 62 provides the principal statutory grounds for repatriation.¹³⁶ A foreign national may be repatriated where the person: (i) fails to leave China within a prescribed period after being ordered to do so; (ii) falls within circumstances in which entry is prohibited; (iii) resides or works in China illegally; or (iv) otherwise requires repatriation for violating the Exit-Entry Law or another law. While illegal entry is not explicitly listed as a separate ground for repatriation here, it may be subject to investigation under Article 59 described above and fall within the residual ground of Article 62(4).

Chapter VI of the Exit-Entry Law thus establishes a sequence from investigation and, where necessary, detention to repatriation. By contrast, provisions concerning refugee status are located separately in Chapter IV, which governs the stay and residence of foreign nationals.¹³⁷ Article 46 under Chapter IV provides:

Foreigners applying for refugee status may, during the screening process, stay in China on the strength of temporary identity certificates issued by public security organs; foreigners who are recognised as refugees may stay or reside in China on the strength of refugee identity certificates issued by public security organs.¹³⁸

Article 46 permits a person to remain in China while a refugee claim is being examined, but it does not specify how such a claim is to be made or establish the criteria and procedures for refugee status determination. The Exit-Entry Law thus regulates refugee status determination and repatriation separately, without establishing a

¹³⁶ *Ibid.*, chap. VI, art. 62.

¹³⁷ *Ibid.*, chap. IV.

¹³⁸ *Ibid.*, chap. IV, art. 46.

procedural mechanism to ensure access to a protection claim or to suspend removal while that claim is considered.

This gap directly affects China's implementation of the principle of non-refoulement as a party to the Convention relating to the Status of Refugees (1951 Refugee Convention) and CAT.¹³⁹ Article 33 of the 1951 Refugee Convention prohibits the return of a refugee to a territory where the person's life or freedom would be threatened,¹⁴⁰ while Article 3 of CAT prohibits removal to a State where there are substantial grounds for believing that the person would face a risk of torture.¹⁴¹ Compliance with these obligations requires an opportunity to raise such risks and have them individually assessed before removal. However, the Exit-Entry Law contains no express procedural safeguard ensuring such an assessment for a North Korean woman facing repatriation.

② Bilateral Border Agreements

The treatment of North Korean migrant women is shaped not only by Chinese domestic law but also by bilateral border agreements between China and North Korea. The repatriation of undocumented North Korean migrants apprehended in China operates within a bilateral framework developed over more than six decades. According to NKDB's earlier research on forced repatriation, the institutional origins of this framework can be traced to the minutes of a 1955 joint meeting between representatives of the Chinese Ministry of Public Security

139 On China's accession to and ratification of treaties on trafficking in persons, see Table 9, "Accession to and Ratification of International Instruments on Trafficking in Persons."

140 Convention relating to the Status of Refugees, adopted 28 July 1951, entered into force 22 April 1954, 189 U.N.T.S. 137 (Refugee Convention), art. 33(1).

141 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 10 December 1984, entered into force 26 June 1987, 1465 U.N.T.S. 85 (CAT), art. 3.

and the North Korean Ministry of Internal Affairs.¹⁴² A 1964 protocol subsequently formalised cooperation between the two states' public security and state security agencies, while a 1986 protocol strengthened higher-level responsibility and supervision for border management and the maintenance of social order. Agreements concluded in 1998 and 2001 further regulated the establishment, operation, and administration of border-crossing points, and instruments adopted in 2004 and 2011 extended the framework to border defence cooperation between the two states' military authorities. Taken together, these instruments progressively institutionalised a system for preventing unauthorised border crossing and for processing and transferring persons who cross without authorisation.

This stands in contrast to China's bilateral and regional cooperation with other neighbouring states. China's border-cooperation arrangements with Vietnam and Myanmar expressly address the abduction and trafficking of women and children and provide for cross-border cooperation against such offences. China also participates with Vietnam, Myanmar, Laos, Cambodia, and Thailand in regional anti-trafficking initiatives. By contrast, NKDB's comparison of the relevant bilateral instruments identifies no corresponding trafficking-specific provisions in the China–North Korea arrangements.¹⁴³ Their operative emphasis remains on controlling unauthorised border crossing and facilitating cooperation between the two states' security authorities, rather than on establishing procedures for the protection of persons who may have been trafficked.

The lack of trafficking-specific protections in China's bilateral border

¹⁴² Shin, Lee, and Yoon, *supra* note 3, pp. 57–60.

¹⁴³ Shin, Lee, and Yoon, *supra* note 3, pp. 243–247.

agreements with North Korea does not, however, necessarily indicate a lack of awareness of the circumstances of trafficked North Korean women. While maintaining the general practice of repatriating North Korean escapees, Chinese authorities have increasingly tolerated the presence of undocumented North Korean women who, after being trafficked, live with Chinese men, have Chinese children, and maintain stable households.¹⁴⁴ Such tolerance does not confer lawful residence and may depend on registration with local public security authorities and compliance with surveillance and reporting requirements. NKDB has documented cases in which Chinese public security organs collected biometric information, including fingerprints, facial photographs, and blood samples, and required women to report their whereabouts and movements through in-person check-ins, WeChat, or location-enabled mobile applications.

3) Domestic Judicial Practice

This report reviewed thirteen judgments delivered between 2014 and 2020 by courts in Jilin, Liaoning, and Hebei Provinces, which were previously accessible on China Judgments Online.¹⁴⁵ The judgments were analysed to examine how the courts classify the conduct at issue, how they allocate responsibility and determine sentences for defendants, and how they treat the North Korean women who were the objects of the transactions.¹⁴⁶

144 Lee, Shin, Lim, and Yoon, *supra* note 21, pp. 91–97, 131–147.

145 China Judgments Online (中国裁判文书网), Supreme People's Court of the People's Republic of China, <https://wenshu.court.gov.cn>.

146 Benjamin L. Liebman, Rachel E. Stern, Xiaohan Wu, and Margaret E. Roberts, "Rolling Back Transparency in China's Courts," *Columbia Law Review* 123, no. 8 (2023): 2407–2481, at 2412, 2420–2422.

Table 11. Court Judgments Examined (2014–2020)

No.	Court	Case No.	Date of Judgment	Legal Provision(s)
1	Xingcheng City People's Court, Huludao, Liaoning Province	(2014) 兴刑初字第00122号	May 2014	Criminal Code, art. 240
2	Kuancheng Manchu Autonomous County People's Court, Chengde, Hebei Province	(2015) 宽刑初字第32号	April 2015	Criminal Code, art. 240
3	Kuancheng Manchu Autonomous County People's Court, Chengde, Hebei Province	(2015) 宽刑初字第64号	May 2015	Criminal Code, art. 240
4	Baita District People's Court, Liaoyang, Liaoning Province	(2015) 辽阳白刑初字第00100号	August 2015	Criminal Code, art. 240
5	Qinglong Manchu Autonomous County People's Court, Qinhuangdao, Hebei Province	(2015) 青刑初字第22号	Date of judgment could not be confirmed (public hearing held February 2015)	Criminal Code, art. 240
6	Baishan Intermediate People's Court, Jilin Province	(2015) 白山刑一初字第8号	November 2015	Criminal Code, art. 240
7	Jilin City Intermediate People's Court, Jilin Province	(2015) 吉中刑初字第83号	February 2016	Criminal Code, arts. 240, 241 and 37
8	Xinbin Manchu Autonomous County People's Court, Fushun, Liaoning Province	(2015) 新宾刑初字第00155号	June 2016	Criminal Code, art. 240
9	Pingquan County People's Court, Chengde, Hebei Province	(2016) 冀0823刑初5号	27 June 2016	Criminal Code, arts. 240 and 241
10	Baishan Intermediate People's Court, Jilin Province	(2015) 白山刑一初字第4号	August 2016	Criminal Code, arts. 240 and 321
11	Liuhe County People's Court, Tonghua, Jilin Province	(2018) 吉0524刑初99号	November 2018	Criminal Code, art. 240
12	Siping Intermediate People's Court, Jilin Province	(2020) 吉03刑初7号	April 2020	Criminal Code, art. 240; Criminal Procedure Law, art. 15

13	Qinglong Manchu Autonomous County People's Court, Qinhuangdao, Hebei Province	(2020) 冀0321 刑初57号	July 2020	Criminal Code, arts. 240 and 241; Criminal Procedure Law, art. 15
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The judgments revealed no significant differences in how courts across the three provinces interpreted the relevant offences, but rather differences in the composition and character of the cases submitted to them. The Jilin Province judgments more often involved organised networks along the border (Judgments 6, 7, 10, 11, 12), whereas the Hebei Province judgments more often focused on the final sale and the responsibility of the buyer (Judgments 2, 3, 5, 9, 13). The three Liaoning Province judgments are too few and varied to support a separate regional conclusion (Judgments 1, 4, 8).

Five principal findings emerge from the judgments.

① Courts apply Article 240 across different stages of the trafficking sequence.

Criminal responsibility under Article 240, which criminalises the abduction and sale of women, was not confined to the person who negotiated the final transaction or received the purchase price. Courts convicted defendants who, knowing that a woman was to be sold, participated in receiving, transporting, harbouring, guarding, introducing, or handing her over. Applying the rules on joint offending, courts distinguished organisers and principal intermediaries from defendants who performed subsidiary roles (Judgments 10, 12).

Courts distinguished conduct falling within Article 240 from genuine marriage introduction principally by reference to the purpose and commercial structure of the transaction. Fixed sale prices

of approximately RMB 10,000 to 55,000, the division of proceeds, introduction fees, and arrangements for refunds, returns, or resale following a woman's escape were treated as circumstances indicating a commercial sale (Judgments 1–3). In one judgment, the court declined to find the offence established in relation to conduct for which a purpose of sale had not been proved, while convicting the defendant in relation to later transactions involving transportation, negotiated prices, and the division of proceeds (Judgment 8). In another, the court held that the offence was complete once the woman had been received and transported for the purpose of sale, notwithstanding that the intended sale was never concluded (Judgment 6).

② Courts may apply separate offences to different stages of an organised operation.

In one judgment, the court applied Article 321 of the Criminal Code, which criminalises transporting others illegally across the national border, alongside Article 240 (Judgment 10). Two defendants were convicted under both provisions, while another was convicted under Article 321 alone. The court thus treated participation in the women's cross-border transportation as distinct from participation in their subsequent sale. This was the only reviewed judgment in which Article 321 was applied alongside Article 240 and appears to reflect the organised and cross-border character of the operation.

More generally, courts imposed comparatively severe sentences on organisers, repeat offenders, and defendants involved in transactions concerning multiple women (Judgments 10, 12), while accomplices and defendants who performed more limited intermediary roles generally received lower sentences (Judgment 13).

③ Courts reject the victim's consent as a defence to liability under Article 240, while similar circumstances may support leniency towards buyers.

Where a commercial sale was established, courts generally rejected claims that criminal responsibility was negated because the woman had willingly crossed the border, agreed to meet a prospective husband, or consented to marriage in China. The judgments thus distinguished consent to migration or marriage from consent to being bought and sold. The Xinbin Manchu Autonomous County People's Court and the Pingquan County People's Court expressly rejected claims based on the woman's apparent voluntariness where a commercial transaction had been proved (Judgments 8, 9).

Similar circumstances were treated differently, however, in assessing the criminal responsibility or punishment of buyers. Continued cohabitation, childbirth, the absence of recorded physical violence, and a woman's stated wish to remain locally were relied upon to support exemption from criminal responsibility, mitigation of punishment, or suspension of sentence (Judgments 7, 9, 13). Apparent willingness therefore did not relieve those involved in the woman's sale of criminal responsibility, but could substantially reduce the criminal consequences for the buyer.

④ Recognition as a victim in criminal proceedings does not result in decisions concerning residence or protection.

North Korean women appear in the judgments principally as victims, witnesses, or sources of evidence. Their statements were relied upon to establish matters including transportation and payment, confinement, threats, and escape. There is no indication, however, that recognition as a victim of an Article 240 offence affected a woman's residence status

or the decision whether to repatriate her.

Several judgments record that women whose statements supported the prosecution case, or who were identified as victims, had already been repatriated to North Korea by public security authorities (Judgments 4, 10). Others record that women were handed over to, or transferred between, public security authorities without reference to temporary residence status, victim assistance, or any assessment of the risks associated with return (Judgment 12).

⑤ A defendant's own prior victimisation may be taken into account in sentencing.

Two North Korean women who appeared as defendants had themselves previously been sold or handed over through transactions presented as marriage before becoming involved in transactions concerning other women. In one case, the court accepted that the defendant had initially been deceived into entering China and sold as a wife. It treated her prior victimisation and subsidiary role as mitigating factors, but nevertheless sentenced her to five years' imprisonment (Judgment 7). In the other, the court accepted that the defendant had previously been handed over into a marital relationship, but found that she subsequently played a principal role in the sale of other women and sentenced her to ten years' imprisonment (Judgment 8). These cases indicate that prior victimisation may inform the assessment of culpability and sentence, but does not preclude criminal responsibility.

In sum, the reviewed judgments show that Chinese courts impose criminal responsibility on actors participating at different stages of the sale of North Korean women and, in organised cross-border cases, may apply separate offences to distinct stages of the operation. At the same time, buyers were treated comparatively leniently in some cases. More

importantly, none of the reviewed judgments indicates that recognition as a victim resulted in protection of residence status, access to victim assistance, or an individualised assessment of the risks associated with repatriation. Nor was any case identified in which a principle of non-punishment was expressly applied to a defendant whose offending followed her own trafficking experience. The judgments therefore reveal a significant disconnect between the criminal prosecution of trafficking-related conduct and the protection afforded to victims.

3. Response of South Korea

In the cases examined in this report, South Korea is not the country in which the trafficking occurred, but the country in which the women ultimately resettle. The analysis therefore considers both the extent to which South Korean law criminalises trafficking and whether criminal responsibility may be imposed for trafficking committed abroad. Beyond granting lawful residence, South Korea enables North Korean escapees to acquire South Korean nationality and thereby receive the protection of the State as its nationals. They are also entitled to state support through a dedicated resettlement system. The analysis of South Korea's response must therefore consider whether women who have experienced trafficking can, beyond the general support available for resettlement, access the specialised assistance needed to recover from trafficking-related harm.

This is particularly important because North Korean women may not themselves recognise their experiences as trafficking or understand the resulting harm in those terms. The analysis must therefore consider not only whether specialised assistance is available, but also whether procedures exist to identify victims and refer them to such support

even where they do not themselves seek such assistance.

The analysis below first examines the criminalisation of trafficking under the Criminal Act, including the extent to which South Korean courts may exercise jurisdiction over trafficking committed abroad. It then assesses the identification, protection, support, and remedies available to trafficking victims under the Act on Prevention of Human Trafficking and Protection of Victims (Anti-Trafficking Act). Finally, it outlines the legal status of North Korean women as North Korean escapees and the resettlement support to which they are entitled under the North Korean Defectors Protection and Settlement Support Act (Settlement Support Act). On this basis, the analysis evaluates how the trafficking-victim protection framework and the settlement-support framework operate alongside one another, the extent to which individuals may be referred between them, and the protection gaps that may arise where the two systems are not effectively coordinated.

1) The Legal Framework on Trafficking in Persons

① Criminal Act

Article 289 of South Korea's Criminal Act expressly provides for the offence of trafficking in persons, introduced by an amendment in April 2013.¹⁴⁷ The amendment formed part of the process of bringing domestic law into alignment with UNTOC and the Palermo Protocol, which South Korea had signed in 2000 and ratified in 2015. Article 289 punishes a person who buys or sells another by imprisonment for up to seven years (para. 1); buying or selling a person for the purpose of an

¹⁴⁷ Republic of Korea, Criminal Act [형법], Act No. 21450, partially amended and effective 12 March 2026, Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation, art. 289 and the statement of reasons for enactment and amendment (Act No. 11731, 5 April 2013).

indecent act, sexual intercourse, marriage, or gain by imprisonment for between one and ten years (para. 2); and buying or selling a person for the purpose of labour exploitation, sex trafficking or sexual exploitation, or the acquisition of organs by imprisonment for between two and fifteen years (para. 3).¹⁴⁸ The same penalty applies where a person is bought or sold for the purpose of being transported out of the Republic of Korea, or where a purchased person is transported out of the country (para. 4).¹⁴⁹ Article 288 imposes the corresponding penalties for kidnapping or abduction for the same purposes (paras. 1–3),¹⁵⁰ while Article 292(2) separately punishes a person who recruits, transfers, or delivers another with the intent to commit such offences.¹⁵¹

Measured against the Palermo Protocol, these provisions reflect substantial elements of its definition of trafficking in persons. Articles 288 and 289 identify labour exploitation, sex trafficking and sexual exploitation, and the acquisition of organs, as well as indecent acts, sexual intercourse, marriage, and gain, as relevant purposes.¹⁵² Across these provisions, the Criminal Act also criminalises kidnapping and abduction, buying and selling, transportation out of the Republic of Korea, and the recruitment, transfer, or delivery of persons. Article 292(2), however, requires recruitment, transfer, or delivery to be undertaken with the intent to commit an offence under Articles 287 through 289.¹⁵³ Where recruitment, transfer, or delivery occurs without such intent, that conduct alone may therefore fall outside the scope of the provision. In this respect, rather than combining the act, means, and exploitative-

148 *Ibid.*, art. 289(1)–(3).

149 *Ibid.*, art. 289(4).

150 *Ibid.*, art. 288(1)–(3).

151 *Ibid.*, art. 292(2).

152 *Ibid.*, arts. 288–289.

153 *Ibid.*, art. 292(2).

purpose elements of the Palermo Protocol into a single comprehensive trafficking offence, the Criminal Act regulates trafficking-related conduct through separate offences centred on kidnapping, abduction, and the buying or selling of persons. Provisions that more directly reflect the Palermo Protocol's definition are contained in the Act on Prevention of Human Trafficking and Protection of Victims, discussed below.

The trafficking cases examined in this report, however, all involve the buying or selling of women for the purpose of marriage and therefore fall within Article 289. As regards jurisdiction, Article 296(2) applies the principle of universality to offences under Articles 287 through 292, extending those provisions to aliens who commit such offences outside the territory of the Republic of Korea.¹⁵⁴ There is therefore a legal basis for applying South Korean criminal law to foreign perpetrators who bought or sold North Korean migrant women in China.

② Anti-Trafficking Act

The Act on Prevention of Human Trafficking and Protection of Victims (Anti-Trafficking Act) was enacted on 20 April 2021 and took effect on 1 January 2023.¹⁵⁵ It establishes a specialised legal framework for the identification, protection, and support of trafficking victims. For these purposes, Article 2(1) more directly reflects the Palermo Protocol's basic structure of act, means, and exploitative purpose by defining "human trafficking, etc." as follows:

The term "human trafficking, etc." means committing any of

¹⁵⁴ Criminal Act, *supra* note 147, art. 296(2).

¹⁵⁵ Republic of Korea, Act on Prevention of Human Trafficking and Protection of Victims [인신매매등방지 및 피해자보호 등에 관한 법률], Act No. 21065, amended by other legislation and effective 1 October 2025, Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

the following acts for the purpose of any commercial sex act, sexual or labour exploitation, organ removal, or other forms of exploitation to recruit, transport, transfer, harbour, hand over, or receive persons; provided that, where children or youth defined in subparagraph 1 of Article 2 of the Act on the Protection of Children and Youth against Sex Offenses (hereinafter referred to as “children or youth”) or persons with disabilities under Article 2 of the Act on Welfare of Persons with Disabilities (hereinafter referred to as “persons with disabilities”) are recruited, transported, transferred, harboured, handed over, or received, any of the following acts shall not be required:

- (a) Assaulting, threatening, coercing, arresting, confining, capturing, enticing, or trading a person;
- (b) Using deceptive means or force against a person, or taking advantage of the vulnerability and desperation of a person;
- (c) Offering, or promising to offer, money and valuables or property gains to a person who protects and supervises persons due to business or employment relations or other forms of relations.¹⁵⁶

The Anti-Trafficking Act thus reflects, in general terms, the acts of recruitment, transportation, transfer, harbouring, and receipt identified in the Palermo Protocol, together with the requirement of an exploitative purpose.¹⁵⁷ Although the means listed in Article 2(1) do not correspond exactly to those specified in the Protocol, they appear capable of covering much of the same conduct. For example, Article

¹⁵⁶ *Ibid.*, art. 2(1).

¹⁵⁷ Palermo Protocol, *supra* note 5, art. 3.

2(1)(b), which refers to taking advantage of a person's vulnerability and desperation, is capable of encompassing circumstances analogous to the "abuse of a position of vulnerability" under the Protocol.¹⁵⁸ As under the Protocol, the Act does not require proof of the listed means where the person recruited, transported, transferred, harboured, handed over, or received is a child or youth.¹⁵⁹ The Act extends the same exception to persons with disabilities.

Article 4 further addresses two principles relevant to the protection of trafficking victims. Under Article 4(1), where one of the listed means has been used, the victim's consent to the exploitation does not affect the perpetrator's criminal liability.¹⁶⁰ Article 4(2) allows a court to mitigate or remit the punishment of a victim for criminal acts committed in the course of human trafficking, etc., thereby providing a legal basis for the non-punishment of victims.¹⁶¹ These provisions are consistent with international standards that emphasise the protection of trafficking victims.¹⁶²

The definition of "human trafficking, etc." in Article 2(1), however, does not itself establish a new, self-standing criminal offence. Instead, Article 2(2) defines a "crime of human trafficking, etc." by reference to offences under the Criminal Act, the Act on the Punishment of Arrangement of Commercial Sex Acts, the Act on the Protection of Children and Youth against Sex Offenses, the Labor Standards Act, and other statutes.¹⁶³ South Korean law therefore distinguishes between

¹⁵⁸ *Ibid.*, art. 3(a).

¹⁵⁹ *Ibid.*, art. 3(c)–(d).

¹⁶⁰ Anti-Trafficking Act, *supra* note 155, art. 4(1).

¹⁶¹ *Ibid.*, art. 4(2).

¹⁶² CEDAW Committee, *General recommendation No. 38*, *supra* note 32, paras. 92–93; OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principle 7 and Guideline 2(5).

¹⁶³ Anti-Trafficking Act, *supra* note 155, art. 2(2).

the broader definition of trafficking used to identify and protect victims and the individual criminal offences under which perpetrators may be punished.

The Act also extends protection to certain victims who suffer trafficking-related harm abroad. Article 3(2) applies to nationals of the Republic of Korea who suffer harm from human trafficking, etc. either within the Republic of Korea or abroad, as well as to foreigners who are staying in the Republic of Korea as a result of having suffered such harm within its territory.¹⁶⁴ As North Korean residents are regarded as nationals of the Republic of Korea under the Constitution, the Nationality Act, and relevant case law, a North Korean escapee woman who has not acquired foreign nationality may fall within Article 3(2)(1).¹⁶⁵

The Act also specifies the forms of assistance available to confirmed victims. Articles 25 to 31 provide support relating to school admission, employment, legal counselling, medical expenses, recovery of livelihood, and return to the victim's home country.¹⁶⁶ Article 33, in turn, provides a legal basis for the establishment and operation of facilities that provide such assistance.¹⁶⁷ Together, these provisions establish a domestic legal framework for the forms of victim assistance contemplated by Article 6 of the Palermo Protocol, including measures directed at victims' physical, psychological, and social recovery.¹⁶⁸

¹⁶⁴ *Ibid.*, art. 3(2).

¹⁶⁵ Republic of Korea, Constitution of the Republic of Korea [대한민국헌법], Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation, arts. 2(1) and 3; Republic of Korea, Nationality Act [국적법], Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation, arts. 2 and 15(1); Supreme Court of the Republic of Korea, Judgment of 12 November 1996, 96Nu1221 [Confirmation of Invalidity of Deportation Order].

¹⁶⁶ Anti-Trafficking Act, *supra* note 155, arts. 25–31.

¹⁶⁷ *Ibid.*, art. 33.

¹⁶⁸ Palermo Protocol, *supra* note 5, art. 6.

Finally, the Act regulates its relationship with other statutes. Article 7 gives the Act priority in matters concerning the investigation and trial of crimes of human trafficking, etc. and the protection and support of victims, unless another statute provides treatment that is more favourable to the victim.¹⁶⁹ Article 32 permits the restriction of support under the Act where a victim or a related person already receives comparable protection or assistance under another statute.¹⁷⁰ The Enforcement Decree accordingly requires the relevant authorities to determine whether the person is already receiving assistance comparable to that provided under the Act.¹⁷¹ This restriction concerns only the scope of assistance available under the Act; it does not affect the person's recognition as a victim or preclude trafficking-specific support that does not duplicate assistance provided under another statute.

2) The Resettlement of North Korean Trafficking Victims

The North Korean Defectors Protection and Settlement Support Act (Settlement Support Act) governs the protection and settlement support provided to North Korean escapees after their arrival in South Korea.¹⁷² A person recognised as eligible for protection receives initial social adaptation education and a health examination at Hanawon, the settlement support facility, before being transferred to a place of

¹⁶⁹ Anti-Trafficking Act, *supra* note 155, art. 7.

¹⁷⁰ *Ibid.*, art. 32.

¹⁷¹ Republic of Korea, Enforcement Decree of the Act on Prevention of Human Trafficking and Protection of Victims, Presidential Decree No. 36221, amended by other legislation and effective 24 March 2026, art. 22, Korean Law Information Center, Ministry of Government Legislation (Enforcement Decree of the Anti-Trafficking Act); Anti-Trafficking Act, *supra* note 155, arts. 25–31.

¹⁷² Republic of Korea, North Korean Defectors Protection and Settlement Support Act [북한이탈 주민의 보호 및 정착지원에 관한 법률], Act No. 20906, partially amended 8 April 2025 and effective 9 October 2025, Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

residence. Regional adaptation centres then provide counselling and other forms of support during local resettlement.¹⁷³

North Korean migrant women remain in repeated contact with these institutions for a considerable period after arrival, making them important points at which trafficking may be identified. Article 11(3) of the Settlement Support Act authorises the head of a settlement support facility to verify a protected person's identity and reasons for leaving North Korea and to take necessary measures, including a health examination.¹⁷⁴ It does not, however, require the facility to determine whether the person has been trafficked, to apply trafficking-victim identification indicators, or to refer an identified victim to the specialised protection framework.

This gap is particularly significant because trafficking-related harm is often not disclosed at an early stage. Interviews at the settlement support facility take place within a limited period, whereas shame and fear of stigma may delay disclosure of trafficking and sexual exploitation until a relationship of trust has developed with a counsellor.

The Anti-Trafficking Act provides separate mechanisms for identifying trafficking victims and formally confirming victim status, but neither is integrated into the settlement support procedure. Article 13 requires the Minister of Gender Equality and Family to develop and publish victim-identification and protection indicators and to recommend their use to the heads of agencies employing prosecutors, judicial police officers, immigration officials, and public officials responsible for matters relating to foreigners.¹⁷⁵ Use of the indicators is

¹⁷³ *Ibid.*, arts. 10, 11, and 15-2.

¹⁷⁴ *Ibid.*, art. 11(3).

¹⁷⁵ Anti-Trafficking Act, *supra* note 155, art. 13(1) and (3).

therefore recommended rather than mandatory.

Article 14, by contrast, establishes a separate procedure for the formal confirmation of victim status independently of criminal proceedings.¹⁷⁶ Once a request for a victim certificate is submitted, the adjudication committee must deliberate and determine within sixty days whether the applicant qualifies as a victim. Such a request may be submitted only by the victim herself or by a mandatory reporter under Article 21(2).¹⁷⁷ Hanawon and the regional adaptation centres are not among the facilities or institutions designated for this purpose under the Act or its Enforcement Decree. Settlement support personnel therefore appear unable to initiate the certification procedure on a victim's behalf, even where they identify circumstances indicating trafficking-related harm.

The formal identification procedure may therefore never begin unless the victim herself or another person authorised by statute initiates it. This requirement sits uneasily with the pattern of delayed disclosure described above. As a result, a North Korean migrant woman may receive general settlement assistance without ever being formally identified as a victim of trafficking, leaving her trafficking-specific legal, psychological, and family-related needs without specialised attention.

¹⁷⁶ *Ibid.*, art. 14(1)–(2).

¹⁷⁷ *Ibid.*, art. 21(2); Enforcement Decree of the Anti-Trafficking Act, *supra* note 171, art. 15.

Across Borders:
Addressing Trafficking and Structural
Vulnerabilities of North Korean Women

Chapter

5

**Conclusion and Policy
Recommendations**

1. Conclusion

The trafficking of North Korean women in China persists because protection is not reliably available at the principal stages at which vulnerability arises: departure, residence, repatriation, and resettlement.

In North Korea, food insecurity, economic hardship, and political repression create strong pressures to leave, while restrictions on lawful departure sharply limit the means by which women can do so. The criminalisation of unauthorised border crossing channels movement into clandestine routes controlled by brokers, increasing dependence on intermediaries from the outset. The prospect of punishment upon return further extends that vulnerability beyond the border, giving those who exploit women in China a credible threat with which to discourage escape or contact with authorities.

In China, irregular immigration status becomes a central condition of exploitation. North Koreans are generally treated as illegal economic migrants without an individual procedure that reliably determines whether trafficking, refugee protection, or other non-refoulement concerns arise. For trafficked women, that status restricts access to lawful residence and employment, limits practical access to healthcare and other services, and complicates the registration of marriage and children. Most significantly, the continuing possibility of detention and forcible return provides traffickers, buyers, and buyer households with a powerful means of control. The insecurity created by the absence

of lawful routes out of North Korea is thus compounded by the legal consequences of irregular residence in China.

The position of North Korean women in China mirrors, in important respects, the condition described by the Italian philosopher Giorgio Agamben as “bare life”: a condition in which individuals remain subject to State power while lacking corresponding access to effective legal protection.¹⁷⁸ North Korean women may be surveilled, detained, subjected to immigration enforcement, and repatriated, yet their status as trafficking victims does not reliably alter those processes. Their exclusion therefore does not arise from an absence of law, but from legal classifications and procedures that treat them principally as illegal economic migrants rather than as persons entitled to protection as trafficking victims. The State may thus exercise extensive authority over their presence, detention, and removal without according their trafficking victimhood the legal consequences necessary to protect them.

The evidence gathered for this report demonstrates how this operates in practice. Survivor interviews and Chinese court judgments document sale into forced marriage followed by overlapping forms of exploitation, including sexual violence, forced domestic and agricultural labour, reproductive exploitation, restrictions on liberty, surveillance, and threats of resale. Chinese courts may recognise trafficking and impose criminal liability on offenders while the woman concerned remains without secure status, specialised assistance, an effective remedy, or a safe and informed choice about her future. Recognition of the offence and protection of the victim are therefore separated in

¹⁷⁸ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998).

practice. The threat of repatriation reinforces this separation: return may expose a woman to detention, punishment, or other serious abuse in North Korea, while the prospect of those consequences can itself be used to sustain exploitation in China.

For those who are able to leave exploitative arrangements in China, eventual passage to South Korea may provide access to a markedly different legal and institutional environment. Newly arriving North Korean escapees are recognised as nationals and have access to a developed protection and settlement system under the Settlement Support Act, while the Anti-Trafficking Act separately covers Korean nationals trafficked abroad. The gap lies in connecting these systems. Trafficking experienced in China is not systematically identified during resettlement, and the medical, psychosocial, legal, and family-related assistance that should follow is therefore not consistently engaged. A woman may thus receive support as a North Korean escapee without separate recognition of the trafficking she experienced in China.

Across all three jurisdictions, the recurring deficiency lies not simply in the absence of relevant legislation, but in the failure to identify trafficking effectively and to translate that identification into protection for the victims. In North Korea, recognition of trafficking should affect whether conduct associated with departure, border crossing, or subsequent exploitation is subject to punishment. In China, it should inform decisions concerning immigration status, non-refoulement, and eligibility for protection and assistance. In South Korea, it should trigger referral to specialised support capable of addressing the long-lasting physical, psychological, social, and economic consequences of trafficking. The criminalisation and prosecution of traffickers are necessary components of an effective response, but they are

insufficient where recognition of the offence does not materially alter the legal or practical position of the person who was trafficked.

A victim-centred and human-rights-based approach must also preserve the woman's agency. Some women may wish to leave the buyer, husband, or household immediately; others may wish to remain, temporarily or permanently, because circumstances have changed, children have been born, or emotional, familial, and economic ties have developed over many years. Such decisions cannot be treated as fully voluntary where they are shaped by fear of detention, forcible return, retaliation, loss of assistance, insecure residence, or separation from children. Women must therefore be able to make—and subsequently revisit—informed decisions concerning residence, family life, and personal relationships without those choices determining whether the original trafficking is recognised or whether perpetrators are held accountable. Recognition of trafficking should depend on the circumstances in which the exploitation occurred, not on the victim's later decision to remain in, return to, or maintain relationships arising from that situation.

2. Policy Recommendations

To address the gaps identified in trafficking prevention, victim identification, and the protection of North Korean women trafficked in China, this report provides recommendations that apply across North Korea, China, and South Korea, as well as recommendations specific to each State.

The recommendations draw on three principal sources: the needs and interests identified through survivor interviews and subsequent

consultations on policy recommendations; the international obligations applicable to each State and international standards for a human rights-based response to trafficking¹⁷⁹; and lessons from a June 2026 forum held in Australia, where the research team engaged with regional practitioners experienced in trafficking prevention and victim-support models.¹⁸⁰

1) General Recommendations

1. Ensure that trafficking indicators are identified and assessed across multiple engagements and at multiple points of contact, rather than through a single interview or assessment.

Potential victims should be given repeated opportunities to disclose experiences of trafficking or exploitation throughout healthcare and welfare provision, investigative and immigration procedures, and initial protection and settlement support. Interview questions and procedures should recognise that disclosure may be delayed and that individuals may understand their experiences primarily in terms of migration or marriage rather than trafficking.

Application by State: North Korea should establish victim-identification and referral procedures, which are currently lacking. China should establish pathways for identification and referral through

¹⁷⁹ On the applicable international instruments and guidance, see Table 2, “Key International Treaties and Guidance Examined.” On the status of accession to and ratification of treaties, see Table 9, “Accession to and Ratification of International Instruments on Trafficking in Persons.”

¹⁸⁰ NKDB, in partnership with Deakin University, convened a practitioner forum in Melbourne on 17 June 2026 to consider how relevant Australian approaches could inform responses to the trafficking of North Korean women. Participants discussed, *inter alia*, referral pathways independent of the criminal justice system, healthcare-based identification, application of the non-punishment principle, confidentiality and anonymisation of personal information, support tailored to victims of forced marriage, and assistance for trafficking experienced abroad.

healthcare and welfare institutions and other relevant bodies before arrest or repatriation. South Korea should require the Ministry of Unification, Hanawon, and the regional adaptation centres to use the victim-identification indicators and develop detailed procedures in conjunction with Recommendation 1 in the South Korea section below.

Relevant Instrument(s): Palermo Protocol, art. 6 (China and South Korea as States Parties)¹⁸¹; CEDAW, art. 6 (North Korea, China, and South Korea as States Parties)¹⁸²

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (prompt and accurate identification of victims and referral to protection)¹⁸³; OHCHR Recommended Principles 1 and 2 and Guideline 2(1)–(3) (human rights-centred response, due diligence, victim identification, relevant-authority training, and cooperation with non-governmental organisations)¹⁸⁴

2. Ensure that trafficking victims can access protection and assistance without being required to report traffickers or participate in criminal investigations or prosecutions.

Medical, housing, counselling, and legal assistance should be provided regardless of whether the victim reports the offence or cooperates with an investigation.

Application by State: China should establish pathways for victim identification and support that operate independently of judicial proceedings. In South Korea, where cooperation with an investigation

¹⁸¹ Palermo Protocol, *supra* note 5, art. 6.

¹⁸² CEDAW, *supra* note 31, art. 6.

¹⁸³ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

¹⁸⁴ OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principles 1–2 and Guideline 2(1)–(3).

is not a condition for receiving support, this principle should be clearly reflected in the guidance materials and counselling protocols used by settlement-support institutions to ensure that access to support is guaranteed in practice.

Relevant Instrument(s): Palermo Protocol, art. 6 (China and South Korea as States Parties)¹⁸⁵; CEDAW, art. 6 (North Korea, China, and South Korea as States Parties)¹⁸⁶

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (protection and assistance independent of cooperation with law enforcement)¹⁸⁷; OHCHR Recommended Principle 8 and Guideline 6 (protection and care not conditional upon the capacity or willingness to cooperate in legal proceedings, and shelter not contingent on willingness to give evidence in criminal proceedings)¹⁸⁸

3. Authorise and support qualified civil society organisations to identify potential victims, make referrals, and provide or coordinate victim services.

Application by State: China should establish an independent mechanism through which healthcare and welfare institutions, as well as qualified civil society organisations, may request victim identification and referral. South Korea should expand the categories of persons and organisations eligible to request the victim-confirmation procedure to include civil society organisations that meet defined requirements.

¹⁸⁵ Palermo Protocol, *supra* note 5, art. 6.

¹⁸⁶ CEDAW, *supra* note 31, art. 6.

¹⁸⁷ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

¹⁸⁸ OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principle 8 and Guideline 6.

Relevant Instrument(s): Palermo Protocol, art. 6 (China and South Korea as States Parties)¹⁸⁹; CEDAW, art. 6 (North Korea, China, and South Korea as States Parties)¹⁹⁰

Relevant Interpretive and Operational Guidance: OHCHR Recommended Principle 2 and Guideline 2(3) (formal cooperation between relevant authorities and non-governmental organisations for the identification of and provision of assistance to trafficked persons)¹⁹¹

4. Safeguard information obtained through healthcare and other victim-support services from routine use for immigration enforcement, punishment, repatriation, or other adverse State action.

Application by State: China should institutionalise confidentiality and information-sharing safeguards to ensure that information concerning a victim's residence status obtained in the course of providing assistance is not shared with, or used to trigger, immigration enforcement or repatriation. North Korea should ensure that a victim's account of trafficking, or acts committed in the course of escaping a trafficking situation, are not used as a basis for punishment in post-repatriation investigations.

Relevant Instrument(s): Palermo Protocol, art. 6 (China and South Korea as States Parties)¹⁹²; CEDAW, art. 6 (North Korea, China, and South Korea as States Parties)¹⁹³

Relevant Interpretive and Operational Guidance: CEDAW

¹⁸⁹ Palermo Protocol, *supra* note 5, art. 6.

¹⁹⁰ CEDAW, *supra* note 31, art. 6.

¹⁹¹ OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principle 2 and Guideline 2(3).

¹⁹² Palermo Protocol, *supra* note 5, art. 6.

¹⁹³ CEDAW, *supra* note 31, art. 6.

Committee, *General recommendation No. 38* (ensuring that seeking assistance does not result in detriment)¹⁹⁴; OHCHR Recommended Principles 1, 3, and 8 and Guideline 6(6) (protection of victims' human rights, dignity, and privacy, and prevention of further harm)¹⁹⁵

5. Provide persons at risk, officials, and frontline service providers with practical information on how trafficking and exploitation may occur in the contexts of migration, forced marriage, employment, and family or community relationships.

Training and awareness-raising should cover the principal patterns and risk factors, including deceptive recruitment; sale for the purpose of marriage; labour, sexual, and reproductive exploitation; and control exercised through threats relating to residence status or repatriation.

Application by State: South Korea should extend statutory training requirements to staff working at settlement-support facilities and regional adaptation centres.

Relevant Instrument(s): Palermo Protocol, arts. 9 and 10 (China and South Korea as States Parties)¹⁹⁶; CEDAW, art. 6 (North Korea, China, and South Korea as States Parties)¹⁹⁷

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (prevention of vulnerability and the provision of information)¹⁹⁸; OHCHR Recommended Principles 4 and 5 and Guidelines 5(7) and 7(4)–(5) (training for relevant personnel

¹⁹⁴ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

¹⁹⁵ OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principles 1, 3, and 8 and Guideline 6(6).

¹⁹⁶ Palermo Protocol, *supra* note 5, arts. 9, 10.

¹⁹⁷ CEDAW, *supra* note 31, art. 6.

¹⁹⁸ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

and information on migration and trafficking risks)¹⁹⁹

6. Establish dedicated support for victims of forced marriage that is distinct from, but capable of operating alongside, general assistance for trafficking victims, and provide legal and practical assistance to resolve child custody, documentation, contact, and related issues.

Where trafficking also constitutes forced marriage, the victim should retain the protection available to trafficking victims while also receiving support for needs arising from the family relationship, including assistance to terminate the marriage, respond to violence, protect sexual and reproductive health, achieve economic independence, and resolve property, custody, and child-contact issues.

Application by State: All three States should expressly recognise victims of forced marriage as a distinct category requiring support. China should guarantee protection regardless of whether the marriage is officially registered and whether it continues. South Korea should reflect the specific nature of forced marriage in its systems of support for trafficking victims, victims of domestic violence, and multicultural families.

Relevant Instrument(s): Palermo Protocol, art. 6 (China and South Korea as States Parties)²⁰⁰; CEDAW, arts. 6 and 16 (North Korea, China, and South Korea as States Parties)²⁰¹

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (forced marriage as a form of

199 OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principles 4–5 and Guidelines 5(7) and 7(4)–(5).

200 Palermo Protocol, *supra* note 5, art. 6.

201 CEDAW, *supra* note 31, arts. 6, 16.

exploitation, and gender-sensitive protection of victims)²⁰²; OHCHR Recommended Principle 8 and Guideline 6 (protection and support of trafficked persons)²⁰³

7. States in the Indo-Pacific region should pursue the adoption of a comprehensive regional treaty on trafficking in persons.

Regional treaties exist elsewhere, including the ASEAN Convention Against Trafficking in Persons, Especially Women and Children²⁰⁴ and the Council of Europe Convention on Action against Trafficking in Human Beings.²⁰⁵ However, no regional treaty encompasses North Korea, China, and South Korea together. A comprehensive Indo-Pacific instrument should therefore be pursued to enable a coordinated response to cross-border trafficking.

Consistent with the Palermo Protocol and international human rights standards, such an instrument should establish common standards on the definition and criminalisation of trafficking; jurisdiction; investigation and prosecution; mutual legal assistance; information-sharing and joint investigations; and victim identification, protection, non-punishment, safe return, and access to remedies. It should also establish an independent monitoring body to assess implementation and monitor follow-up action.

Relevant Instrument(s): UNTOC, arts. 15, 18, 19, and 27²⁰⁶; Palermo

202 CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

203 OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principle 8 and Guideline 6.

204 ASEAN Convention Against Trafficking in Persons, Especially Women and Children, adopted 21 November 2015, entered into force 8 March 2017.

205 Council of Europe Convention on Action against Trafficking in Human Beings, opened for signature 16 May 2005, entered into force 1 February 2008, CETS No. 197.

206 United Nations Convention against Transnational Organized Crime, adopted 15 November 2000, entered into force 29 September 2003, 2225 U.N.T.S. 209 (UNTOC), arts. 15, 18, 19, 27.

Protocol, arts. 3 and 5–10²⁰⁷

Relevant Interpretive and Operational Guidance: OHCHR Recommended Principles 2, 7, 11, 12, 13, and 17 and Guideline 11 (cooperation between States and regions, the development of regional treaties, joint investigations, judicial cooperation, information exchange, and the protection of trafficked persons and their access to remedies)²⁰⁸

2) Recommendations to North Korea

1. Amend the Criminal Code to establish trafficking in persons as a distinct offence that reflects the internationally recognised elements of trafficking for the purpose of exploitation.

The Criminal Code should clearly define an offence of trafficking that combines the elements of act, means, and purpose of exploitation and encompasses the principal forms of exploitation, including sexual exploitation and forced labour.

Relevant Instrument(s): CEDAW, art. 6²⁰⁹

Relevant Interpretive and Operational Guidance: Palermo Protocol, arts. 3 and 5 (internationally recognised definition and criminalisation of trafficking, as a reference standard; North Korea is not a State Party)²¹⁰; CEDAW Committee, *General recommendation No. 38* (comprehensive definition, legislation, and enforcement)²¹¹; UNODC *Legislative Guide* (criminalisation capturing the combination of act, means, and

207 Palermo Protocol, *supra* note 5, arts. 3, 5–10.

208 OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principles 2, 7, 11–13, and 17 and Guideline 11.

209 CEDAW, *supra* note 31, art. 6.

210 Palermo Protocol, *supra* note 5, arts. 3, 5.

211 CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

purpose)²¹²; UNODC *Model Legislative Provisions* (structure of a distinct trafficking offence)²¹³; OHCHR Recommended Principles 12 and 13 and Guidelines 4 and 5 (criminalisation of trafficking and effective investigation and prosecution)²¹⁴

2. Guarantee freedom of movement, including the right to leave one's own country, and end the prohibition and criminalisation of ordinary movement such as emigration.

Discontinue the punishment of ordinary movement under Article 260 of the Criminal Code, while permitting international travel for non-state purposes.

Relevant Instrument(s): ICCPR, art. 12²¹⁵

3. Before imposing criminal or administrative responsibility on a repatriated woman for conduct connected with her departure, residence abroad, or return, require the authorities to determine whether she was a trafficking victim and whether the conduct resulted directly from trafficking.

Before responsibility is imposed, any experience of trafficking, forced marriage, sexual exploitation, or forced labour should be assessed in a confidential setting. Where conduct such as crossing the border, using forged documents, or working unlawfully was a direct consequence of trafficking, neither criminal nor administrative responsibility should be imposed.

212 UNODC, *Legislative Guide*, *supra* note 27.

213 UNODC, *Model Legislative Provisions against Trafficking in Persons* (Vienna: United Nations, 2020).

214 OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principles 12–13 and Guidelines 4–5.

215 ICCPR, *supra* note 94, art. 12.

Relevant Instrument(s): CEDAW, art. 6²¹⁶

Relevant Interpretive and Operational Guidance: Palermo Protocol, art. 8 (acceptance of the return of national victims and due regard for their safety, as a reference standard; North Korea is not a State Party)²¹⁷; CEDAW Committee, *General recommendation No. 38* (principle of non-punishment for acts that are a direct consequence of trafficking)²¹⁸; OHCHR Recommended Principle 7, Guideline 2(5), and Guideline 4(5) (non-punishment for unlawful acts that are a direct consequence of trafficking)²¹⁹

3) Recommendations to China

1. Amend the Criminal Code so that trafficking for exploitation can be prosecuted even where a purpose of sale cannot be established, and ensure commensurate accountability for purchasers of trafficked women.

The Criminal Code should not be confined to trafficking undertaken for the purpose of sale; it should also cover trafficking for the purpose of exploitation, including sexual exploitation, forced labour, and servitude, where carried out by means such as deception, abuse of power, or abuse of a position of vulnerability. For purchasers of trafficked women, responsibility should not be mitigated solely on the basis of cohabitation, childbirth, or the victim's decision to remain. The circumstances constraining her freedom of choice, including residence status, economic dependence, and threats of denunciation

²¹⁶ CEDAW, *supra* note 31, art. 6.

²¹⁷ Palermo Protocol, *supra* note 5, art. 8.

²¹⁸ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

²¹⁹ OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principle 7 and Guidelines 2(5) and 4(5).

or repatriation, should also be taken into account.

Relevant Instrument(s): Palermo Protocol, arts. 3, 5, and 9²²⁰; CEDAW, art. 6²²¹

Relevant Interpretive and Operational Guidance: UNODC *Legislative Guide* (where trafficking is regulated through a combination of offences, the combination must cover the full range of the definition)²²²; UNODC *Model Legislative Provisions* (structure of the offence and provisions addressing demand)²²³; CEDAW Committee, *General recommendation No. 38* (state responses to the demand for trafficking and to gender-based vulnerability)²²⁴

2. Ensure that identification as a trafficking victim has substantive legal effect on subsequent decisions concerning residence, detention, and repatriation.

A North Korean migrant woman facing repatriation should not be returned until her experience of trafficking and the risk of serious harm upon return, including persecution, torture, re-trafficking, or reprisal, have each been individually assessed.

A person identified as a victim should be granted temporary residence status and identity documentation and should have access to basic rights, including healthcare, housing, and employment. Victim identification should not serve merely as evidence for punishing the perpetrator; it should have legal effect on decisions concerning

220 Palermo Protocol, *supra* note 5, arts. 3, 5, 9.

221 CEDAW, *supra* note 31, art. 6.

222 UNODC, *Legislative Guide*, *supra* note 27.

223 UNODC, *Model Legislative Provisions against Trafficking in Persons*, *supra* note 213.

224 CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

residence, detention, repatriation, protection, and assistance.

Relevant Instrument(s): Palermo Protocol, arts. 6–7²²⁵; Refugee Convention, art. 33²²⁶; CAT, art. 3²²⁷; CEDAW, art. 6²²⁸

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (individual assessment of protection needs before detention or repatriation)²²⁹; OHCHR Recommended Principles 7 and 11, Guideline 2(5)–(7), and Guideline 6(7) (non-detention and non-prosecution for immigration-related conduct, non-refoulement, safe return, and legal alternatives to repatriation)²³⁰

3. Provide trafficking victims with access to longer-term residence where return remains unsafe or humanitarian considerations justify continued stay.

A decision on longer-term residence should take account of the individual's circumstances as a whole, including risks associated with return, protection needs, length of residence, and family relationships.

Relevant Instrument(s): Palermo Protocol, art. 7²³¹; CEDAW, art. 6²³².

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (long-term protection to prevent re-victimisation)²³³; OHCHR Recommended Principle 11 and Guideline 6(7) (safe and, where possible, voluntary return, and

²²⁵ Palermo Protocol, *supra* note 5, arts. 6–7.

²²⁶ Refugee Convention, *supra* note 140, art. 33.

²²⁷ CAT, *supra* note 141, art. 3.

²²⁸ CEDAW, *supra* note 31, art. 6.

²²⁹ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

²³⁰ OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principles 7 and 11 and Guidelines 2(5)–(7) and 6(7).

²³¹ Palermo Protocol, *supra* note 5, art. 7.

²³² CEDAW, *supra* note 31, art. 6.

²³³ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

consideration of residency in the country of destination or third-country resettlement in specific circumstances)²³⁴.

4. Provide trafficked women in marriage arrangements with independent legal assistance concerning the status of the marriage, the registration and documentation of children, parental rights, custody, and contact.

Access to legal assistance should be independent from the buyer and his family, and such assistance should cover the validity and dissolution of the marriage, the birth registration and identity documentation of children, and parental authority, custody, and contact. Protection should not be made conditional on relinquishing children or severing family relationships.

Relevant Instrument(s): Palermo Protocol, art. 6²³⁵; CEDAW, art. 16²³⁶; CRC, arts. 3 and 7²³⁷

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (protection of family relationships and children's rights following trafficking)²³⁸

4) Recommendations to South Korea

1. Require institutions within the North Korean resettlement system to assess trafficking indicators on multiple occasions throughout reception and settlement, rather than relying on a single screening interview, and to refer identified or suspected trafficking victims to the specialised protection framework under the Anti-Trafficking Act.

²³⁴ OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principle 11 and Guideline 6(7).

²³⁵ Palermo Protocol, *supra* note 5, art. 6.

²³⁶ CEDAW, *supra* note 31, art. 16.

²³⁷ CRC, *supra* note 33, arts. 3, 7.

²³⁸ CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

Hanawon, regional adaptation centres, and healthcare and counselling services should conduct repeated assessments at key stages of the settlement process to determine whether trafficking has occurred and refer identified or suspected victims to the specialised protection framework. To this end, the Ministry of Unification, Hanawon, and the regional adaptation centres should be required to use the victim-identification indicators; specialised counselling staff should be assigned to these institutions; and a formal liaison mechanism should be established between the Ministry of Unification and the Ministry of Gender Equality and Family.

Relevant Instrument(s): Palermo Protocol, art. 6²³⁹; CEDAW, art. 6²⁴⁰

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (linking identification to protection)²⁴¹; OHCHR Recommended Principles 1 and 2 and Guideline 2(1)–(3) (human rights-centred response, due diligence, victim identification, relevant-authority training, and cooperation with non-governmental organisations)²⁴²

2. Provide assistance to North Korean trafficking survivors seeking to resolve custody, contact, documentation, reunification, or migration issues involving children and family members remaining in China, and broaden eligibility for such support.

The Anti-Trafficking Act limits certain forms of support for “victims and related persons” to minor lineal descendants who were residing in South Korea at the time of the victimisation, potentially excluding

239 Palermo Protocol, *supra* note 5, art. 6.

240 CEDAW, *supra* note 31, art. 6.

241 CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

242 OHCHR, *Recommended Principles and Guidelines*, *supra* note 72, Principles 1–2 and Guideline 2(1)–(3).

children who remain in China. The scope of such support should be revised to address family relationships formed in the course of trafficking, including where trafficking occurred abroad, and legal and practical assistance should be provided in accordance with the best interests of the child.

Relevant Instrument(s): Palermo Protocol, art. 6²⁴³, CEDAW, art. 16²⁴⁴; CRC, arts. 3 and 9²⁴⁵

Relevant Interpretive and Operational Guidance: CEDAW Committee, *General recommendation No. 38* (status and protection of children affected by trafficking)²⁴⁶

243 Palermo Protocol, *supra* note 5, art. 6.

244 CEDAW, *supra* note 31, art. 16.

245 CRC, *supra* note 33, arts. 3, 9.

246 CEDAW Committee, *General recommendation No. 38*, *supra* note 32.

1. Treaties

ASEAN Convention Against Trafficking in Persons, Especially Women and Children. Adopted 21 November 2015; entered into force 8 March 2017.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Adopted 10 December 1984; entered into force 26 June 1987. 1465 U.N.T.S. 85.

Convention on the Elimination of All Forms of Discrimination against Women. Adopted 18 December 1979; entered into force 3 September 1981. 1249 U.N.T.S. 13.

Convention on the Rights of the Child. Adopted 20 November 1989; entered into force 2 September 1990. 1577 U.N.T.S. 3.

Convention relating to the Status of Refugees. Adopted 28 July 1951; entered into force 22 April 1954. 189 U.N.T.S. 137.

Council of Europe Convention on Action against Trafficking in Human Beings. Opened for signature 16 May 2005; entered into force 1 February 2008. CETS No. 197.

Forced Labour Convention, 1930 (No. 29). Adopted 28 June 1930; entered into force 1 May 1932. 39 U.N.T.S. 55.

International Covenant on Civil and Political Rights. Adopted 16 December 1966; entered into force 23 March 1976. 999 U.N.T.S. 171.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Adopted 25 May 2000; entered into force 18 January 2002. 2171 U.N.T.S. 227.

Protocol of 2014 to the Forced Labour Convention, 1930. Adopted 11 June 2014; entered into force 9 November 2016. ILO P029.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention

against Transnational Organized Crime. Adopted 15 November 2000; entered into force 25 December 2003. 2237 U.N.T.S. 319.

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Adopted 7 September 1956; entered into force 30 April 1957. 266 U.N.T.S. 3.

United Nations Convention against Transnational Organized Crime. Adopted 15 November 2000; entered into force 29 September 2003. 2225 U.N.T.S. 209.

2. Reports of International Organisations

Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea. *Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*. U.N. Doc. A/HRC/25/63. 7 February 2014.

———. *Report of the Detailed Findings of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*. U.N. Doc. A/HRC/25/CRP.1. 7 February 2014.

Committee on the Elimination of Discrimination against Women. *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*. U.N. Doc. CEDAW/C/GC/38. 20 November 2020.

Human Rights Council. *Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea*. U.N. Doc. A/HRC/55/63. 15 February 2024.

International Law Commission. "Draft Conclusions on Identification and Legal Consequences of Peremptory Norms of General International Law (*jus cogens*).". In *Report of the International Law Commission, Seventy-third Session*. New York: United Nations, 2022.

Office of the United Nations High Commissioner for Human Rights (OHCHR). *Adverse Impact of Forced Marriage on the Full and Effective Enjoyment of All Human Rights by All Women and Girls*. U.N. Doc. A/HRC/52/50. 2 February 2023.

———. *"I Still Feel the Pain": Human Rights Violations against Women Detained in the Democratic People's Republic of Korea*. Geneva: United Nations, 2020.

———. *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. U.N. Doc. E/2002/68/Add.1. 20 May 2002.

Salmón, Elizabeth. "Statement by Elizabeth Salmón, United Nations Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, to the 58th Session of the Human Rights Council." 19 March 2025.

United Nations Office on Drugs and Crime (UNODC). *Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*. Vienna: United Nations, 2020.

———. *Model Legislative Provisions against Trafficking in Persons*. Vienna: United Nations, 2020.

———. *The Role of "Consent" in the Trafficking in Persons Protocol*. Vienna: United Nations, 2014.

3. Court Judgments

China

Baishan Intermediate People's Court, Jilin Province. (2015) 白山刑一初字第4号.

———. (2015) 白山刑一初字第8号.

Baita District People's Court, Liaoyang City. (2015) 辽阳白刑初字第00100号.

Jilin City Intermediate People's Court. (2015) 吉中刑初字第83号.

Kuancheng Manchu Autonomous County People's Court. (2015) 宽刑初字第32号.

———. (2015) 宽刑初字第64号.

Liuhe County People's Court, Jilin Province. (2018) 吉0524刑初99号.

Pingquan County People's Court. (2016) 冀0823刑初5号.

Qinglong Manchu Autonomous County People's Court. (2015) 青刑初字第22号.

———. (2020) 冀0321刑初57号.

Siping Intermediate People's Court, Jilin Province. (2020) 吉03刑初7号.

Xinbin Manchu Autonomous County People's Court. (2015) 新宾刑初字第00155号.

Xingcheng City People's Court. (2014) 兴刑初字第00122号.

South Korea

Supreme Court of the Republic of Korea. Judgment of 12 November 1996, 96Nu1221 [Confirmation of Invalidity of Deportation Order].

European Court of Human Rights

C.N. and V. v. France, App. No. 67724/09, European Court of Human Rights, Judgment of 11 October 2012.

Siliadin v. France, App. No. 73316/01, European Court of Human Rights, Judgment of 26 July 2005.

International Court of Justice

Questions Relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Judgment, *I.C.J. Reports* 2012.

4. Domestic Legislation and Policy Documents

North Korea

Democratic People's Republic of Korea. Criminal Code [조선민주주의인민공화국 형법]. Adopted by Decision No. 6 of the Standing Committee of the Supreme People's Assembly, 15 December 1990; amended by Decree No. 1522 of the Presidium of the Supreme People's Assembly, 24 December 2023. Database on a Unified Korea's Legal System [통일법제 데이터베이스], Ministry of Justice of the Republic of Korea.

———. Criminal Code [조선민주주의인민공화국 형법]. Adopted by Decision No. 6 of the Standing Committee of the Supreme People's Assembly, 15 December 1990; amended by Decree No. 578 of the Presidium of the Supreme People's Assembly, 22 July 2015. Database on a Unified Korea's Legal System [통일법제 데이터베이스], Ministry of Justice of the Republic of Korea.

———. Law on the Protection and Promotion of the Rights of Women [조선민주주의인민공화국 여성권리보장법]. Adopted by Decree No. 1309 of the Presidium of

the Supreme People's Assembly, 22 December 2010; amended by Decree No. 566 of the Presidium of the Supreme People's Assembly, 30 June 2015. Database on a Unified Korea's Legal System [통일법제 데이터베이스], Ministry of Justice of the Republic of Korea.

China

General Office of the State Council of the People's Republic of China. China Action Plan to Combat Human Trafficking (2021–2030) [中国反对拐卖人口行动计划 (2021—2030年)]. Guobanfa [2021] No. 13. Issued 9 April 2021; publicly released 28 April 2021. Chinese Government Website [中国政府网].

People's Republic of China. Criminal Code [中华人民共和国刑法]. Adopted 1 July 1979; revised 14 March 1997; as amended through the Twelfth Amendment to the Criminal Code [中华人民共和国刑法修正案 (十二)], adopted 29 December 2023 and effective 1 March 2024. National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库].

———. Exit and Entry Administration Law [中华人民共和国出境入境管理法]. Adopted 30 June 2012; effective 1 July 2013. National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库].

———. Law on the Protection of Rights and Interests of Women [中华人民共和国妇女权益保障法]. Revised 30 October 2022; effective 1 January 2023. National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库].

———. Ninth Amendment to the Criminal Code [中华人民共和国刑法修正案 (九)]. Adopted 29 August 2015; effective 1 November 2015. National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库].

Supreme People's Court of the People's Republic of China. Interpretation on Several Issues concerning the Specific Application of Law in the Trial of Criminal Cases of Abduction and Sale of Women and Children [最高人民法院关于审理拐卖妇女儿童犯罪案件具体应用法律若干问题的解释]. Fashi [2016] No. 28. Adopted at the 1699th meeting of the Judicial Committee of the Supreme People's Court, 14 November 2016; promulgated 21 December 2016; effective 1 January 2017. National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库].

South Korea

Republic of Korea. Act on Prevention of Human Trafficking and Protection of

Victims [인신매매방지 및 피해자보호 등에 관한 법률]. Act No. 21065, amended by other legislation and effective 1 October 2025. Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

———. Constitution of the Republic of Korea [대한민국헌법]. Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

———. Criminal Act [형법]. Act No. 21450, partially amended and effective 12 March 2026. Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

———. Enforcement Decree of the Act on Prevention of Human Trafficking and Protection of Victims [인신매매방지 및 피해자보호 등에 관한 법률 시행령]. Presidential Decree No. 36221, amended by other legislation and effective 24 March 2026. Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

———. Nationality Act [국적법]. Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

———. North Korean Defectors Protection and Settlement Support Act [북한이탈주민의 보호 및 정착지원에 관한 법률]. Act No. 20906, partially amended 8 April 2025 and effective 9 October 2025. Korean Law Information Center [국가법령정보센터], Ministry of Government Legislation.

5. Books, Articles, and Research Reports

Korean-Language Sources

Jeong, Jeong-Ae, Young-Cheol Son, and Jeong-Hwa Lee. “A Study on the Defection Motives of North Korean Defectors and Their Adaptation to South Korean Society: Focusing on the Moderating Effect of Resilience” [북한이탈주민의 탈북동기와 남한사회적응에 관한 연구: 적응유연성의 조절효과를 중심으로], *Unification Policy Studies* 22, no. 2 (2013): 215–248.

Lim, Soon Hee. *The Food Crisis and Changes in the Role and Consciousness of North Korean Women* [식량난과 북한여성의 역할 및 의식변화]. Seoul: Korea Institute for National Unification, 2004.

English-Language Sources

Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by

- Daniel Heller-Roazen. Stanford, CA: Stanford University Press, 1998.
- Database Center for North Korean Human Rights. *2025 White Paper on North Korean Human Rights*. Seoul: NKDB, 2025.
- Gu, Yujia. "Legacy of the One-Child Policy: Marriage Dilemmas in Urban and Rural China." *Asian Culture and History* 14, no. 2 (2022): 173.
- Jeong, Ji-Ung. "A Crisis in the Shadows: Public Health Outcomes and Barriers to Care for Children of North Korean Defectors in China." *Frontiers in Public Health* 13 (2025): Article 1652410.
- Lee, Jian, Donghwi Shin, Soon Hee Lim, and Yeosang Yoon. *Caught in the Net: China's Digital Surveillance of North Korean Refugees*. Seoul: NKDB, 2025.
- Liebman, Benjamin L., Rachel E. Stern, Xiaohan Wu, and Margaret E. Roberts. "Rolling Back Transparency in China's Courts." *Columbia Law Review* 123, no. 8 (2023): 2407–2481.
- Shin, Donghwi, Jian Lee, and Yeosang Yoon. *The Machinery Behind the Forced Repatriation of North Koreans in China*. Seoul: NKDB, 2026.

6. Online Sources, Databases, and Press Reports

- China Judgments Online [中国裁判文书网]. Supreme People's Court of the People's Republic of China. <https://wenshu.court.gov.cn>.
- China News Service [中国新闻网]. "How are rescued foreign women who were trafficked resettled? The Ministry of Public Security responds" [被拐卖的外籍妇女解救后怎么安置？公安部回应]. 21 June 2019.
- Database Center for North Korean Human Rights. NKDB Unified Human Rights Database.
- Human Rights Watch. "North Korea: Covid-19 Used as Pretext to Seal Border." 17 November 2022.
- International Labour Organization. NORMLEX Information System on International Labour Standards.
- Ministry of Government Legislation of the Republic of Korea. Korean Law Information Center [국가법령정보센터].
- Ministry of Justice of the People's Republic of China. National Database of Laws and Regulations of the People's Republic of China [国家法律法规数据库].

Ministry of Justice of the Republic of Korea. Database on a Unified Korea's Legal System [통일법제 데이터베이스].

Ministry of Unification of the Republic of Korea. North Korea Information Portal [북한정보포털]. "The Formation and Consolidation of the Kim Jong Un System [김정은 체제 형성 및 공고화]." Understanding North Korea [북한이해].

State Council of the People's Republic of China. Chinese Government Website [中国政府网].

United Nations. Human Rights Treaty Body Database.

———. United Nations Treaty Collection.

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Publication Date September 4, 2026

Publisher Database Center for North Korean Human Rights (NKDB)

ISBN 979-11-90000-72-7

Funder Australia-Korea Foundation (AKF)

Website en.nkdb.org

Email info@nkdb.org
