

NORTH KOREAN DEFECTOR FLOWS ACROSS
MULTINATIONAL BOUNDARIES: VULNERABILITIES
AND FAILURES OF INTERNATIONAL HUMAN RIGHTS
MECHANISMS

by

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In this work, the efficacy of international human rights mechanisms is evaluated in its protections and enforcement of rights for North Korean refugees attempting to reach asylum in South Korea. In studying the rights and protections offered to North Korean defectors on their journey to reach asylum, it is evident that compliance and enforcement of international human rights legislation protecting North Korean defectors is minimally enforced or regarded in the proceedings of the countries they pass through on their way to asylum. This frequently results in repatriation and exploitation of the group, especially in the wake of the 2019 Covid pandemic and the subsequent restrictions on freedom of movement enacted by countries within the region of Southeast Asia.

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Introduction

The Universal Declaration of Human Rights (UDHR), created in 1948, was written with the intention of having timeless, global significance to the rights of every individual in the world. Of the 30 articles in the initial document, article 13, the right to freedom of movement, faces some of the most rapidly-evolving challenges, contingent on current events and circumstances. Recent years have brought significant focus to article 13 as a result of attempts to address the global health crisis of Covid 19. New barriers to movement were erected across the world to slow or prevent the spread of disease, and vulnerable groups attempting to flee across international borders faced yet another obstacle in their journey to asylum. The pandemic brings renewed significance to the right to freedom of movement, especially for already-vulnerable groups. For defectors from North Korea, a nation that already punished efforts to leave its borders with execution or hard labor, this new challenge makes escape seem even more impossible and dangerous.

North Korean defectors are one of the most vulnerable groups of refugees in the world. Due to the persistence of their plight, which, unlike other refugees, does not originate from any specific conflict or disaster, but rather systematic persecution within the country of North Korea, as well as the secrecy and cover-ups of the human rights crisis by the government of the country, their circumstances are poorly documented in comparison to other human rights issues or refugee groups. This thesis will investigate how the circumstances of North Koreans, both within their country and as refugees, depicts failures and vulnerabilities of international human rights laws and mechanisms, particularly in light of new and developing challenges, like the global pandemic, and

barriers to real enforcement. It will focus on the foundational origins of this crisis through poor compliance and enforcement mechanisms in North Korea before expanding to look at the other nations that defectors travel through.

North Korean Defectors as Refugees

The prerequisite for arguing for refugee protections for North Korean defectors is, of course, to establish that they are in fact refugees. While the broader term of ‘defector’ is typically applied to this group and will be applied regularly and interchangeably throughout this paper to fleeing North Koreans, North Korean defectors clearly fit the criterion for refugee status. The 1951 Refugee Convention of the United Nations defines a refugee as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion (UNHCR).” North Korean refugees face persecution merely for attempting to leave the country, which, for all intents and purposes, constitutes a ‘political opinion’ in the eyes of the North Korean government and a form of criticism of their regime, going so far as convicting the would-be defector of treason. According to Human Rights Watch, “The Ministry of People’s Security considers defection to be a crime of ‘treachery against the nation’ (HRW, 2019),” punishable by hard labor or, at minimum, arrest and extended detention.

Moreover, many, if not most defectors, fall into at least one of the other protected categories. The first is that of religious persecution. Freedom of religion (along with many other freedoms) are technically granted by and protected in the

Democratic People's Republic of Korea's (DPRK) constitution (HRNK). However, the document offers nothing in the way of enforceable rights, and any action protected by the constitution can be overridden by considering it to be a threat to the government. One of the most prominent hidden religions in the country is Christianity. The report of the UN Commission of Inquiry into the DPRK estimated that there are approximately 200,000-400,000 Christians in the country of North Korea, but they do not practice openly, and state-sanctioned churches are typically utilized as centers of propaganda and performatively allowed to exist. As noted by the report from the commission, "all former DPRK citizens interviewed stated that one would certainly be persecuted for practicing religion at a personal level," and citizens that are discovered to have practiced a religion are detained for committing a political crime against the state (COI). Thus, Christians and other religious people are more likely to flee the country to escape definite persecution for their beliefs, further establishing their identity as refugee within the definitions provided by the convention.

Finally, North Korea utilizes a system of social classification, much like a caste system, and those belonging to the lower social groups of the country face a far higher risk of persecution and discrimination. According to Human Rights Watch, this classification system is known as "*songbun*—the sociopolitical classification that determines the status of North Korean citizens, based largely on their family's history of perceived loyalty to the government (HRW)." Elite families with superior *songbun* classification enjoy the highest privileges in the country, while those born into a family with low status typically endure a life of backbreaking agricultural or industrial work

and are likely to face extreme persecution and hardship, even if they don't commit any specific offenses against the government (HRW).

Thus, while it's easy to paint all North Korean defectors as refugees based on likely persecution for their 'political opinions' (i.e., attempted defection), classifications of religion and social class also apply and further cement their status as refugees in the eyes of international human rights bodies. The "well-founded fear of being persecuted" applies under all of these conditions. The typical punishment for offenses for a person falling under any of these categories ranges from hard labor sentences in prison camps in the country for three generations of the offender's family to execution (Fifield). Prior to the pandemic, experts estimated a prison camp population of over 130,000 detainees (Fifield). Extreme persecution is essentially certain, and the return of defectors that fall under any of these categories will result in the circumstances defined by the Refugee Convention. It is even concretely written into their official law. Article 47 of the North Korean Criminal Code states that "one who escapes to another country or to the enemy in betrayal of his motherland and people" will receive a punishment of at least seven years labor re-education (Charny). North Korean defectors are inarguably refugees according to every metric defined by international agreements and laws.

International Human Rights Laws and Mechanisms of Enforcement for Refugees

Assessing the efficacy of international human rights mechanisms requires first understanding the number and nature of these laws and mechanisms as they apply to North Korean refugees. The UDHR, while providing a basis for the right to freedom of movement with article 13 (and other refugee protections) as well as serving as a strong

statement of the goals of the United Nations, is not a legally binding document, so it will not be included in assessments of enforcement and compliance of human rights law for North Korean refugees. Rather, ratified, legally-binding documents of the countries that defectors are traveling through will be analyzed for non-compliance and weak enforcement. The responsibility for monitoring and enforcing compliance with these laws falls on a number of international human rights mechanisms, depending on the kind of agreement or violation involved. Within the UN, these mechanisms include (1) charter-based mechanisms; (2) convention or treaty-based mechanisms; (3) mechanisms contained in UN specialized agencies; and (4) rapporteurs appointed by the General Assembly (StopVAW). The vulnerabilities of the human rights system in regards to North Korean refugees will essentially be evaluated by analyzing violations of legally-binding, ratified agreements of countries that defectors travel through and the efficacy of the mechanism that is responsible for identifying and stopping these specific violations. In addition, actions of international human rights enforcement bodies like the ICC and their role will also be discussed, as well as the efforts of NGOs focused on assisting North Korean defectors.

Noncompliance at the National Level: Mechanism Failures within North Korea as the Source of the Defector Crisis

While the more precise focus of this work is refugees, failures of international human rights mechanisms begin before North Koreans even leave their nation's borders. The weaknesses of human rights compliance mechanisms within the country largely serve as the foundation for the refugee crisis and provide motivations to defect

in the first place. It is widely-known and understood that the DPRK flagrantly ignores human rights recommendations and concerns, largely considering such phenomena and ideals to be constructs of Western imperialism and a front for hostility from the US and South Korea. In the opening of its report on North Korea in 2022, Human Rights Watch asserts “The Democratic People’s Republic of Korea (DPRK) remains one of the most repressive countries in the world.” Furthermore, the COI report on North Korea found that “the country's atrocities do not ‘have any parallel in the contemporary world (Lee, Phillips).” This is, of course, the status quo for the country since its inception. In every aspect of governance, from its systematic extraction of unpaid forced labor from its populace, to its baseline denial of any and all basic civil liberties, there is no question about the extent of the propagation of the UDHR’s basic principles within the country (HRW 2022). It is nonexistent.

No less, North Korea has voluntarily ratified and joined onto several legally binding international human rights treaties that, in theory, should elicit a higher standard for human rights within those specific parameters if enforcement mechanisms were effective. According to Human Rights Watch, “North Korea has ratified five human rights treaties: the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention of the Rights of Persons with Disabilities (CRPD), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (HRW 2019).” It is also party to the Convention on Genocide. But the country’s actual enforcement of these treaties is well expressed by Morse Tan in his article “We Can No Longer Ignore Atrocities of Kim Jon-Un's North

Korea,” as he writes "Although the Democratic People's Republic of North Korea has officially signed... international human rights treaties, [it] has not abided by any of these legal obligations." As HRW 2019 asserted, “North Korea has ratified many important international human rights treaties, yet is known for ignoring their requirements.” Specifically, in regards to refugees, the country consistently violates the International Covenant on Civil and Political Rights’ Article 12, which guarantees the right to leave or return to a country without fear of persecution (Charny). In sum, North Korea has fundamentally violated many of the treaties which it is a party to and even committed crimes against humanity, possibly to the extent of genocide. Its blatant violations are extensive and evident.

While evidence-gathering has been accomplished through human rights mechanisms and instruments, their impact and reception in North Korea has been minimal. For example, the Commission of Inquiry’s (COI) investigation of the country in 2014 found minimal compliance with all the treaties. North Korea continues to maintain performative commitments to complying with the treaties, for example, accepting 132 of 262 recommendations from other nations regarding their UPR report in 2019 (HRW 2019). No less, the acceptance of these recommendations was only completed procedurally with minimal actual change brought to real citizens, and much like their acceptance of the treaties prior, there is very little in the way of actual enforcement in North Korea. Human rights experts are rarely permitted to enter the country to evaluate compliance or gather evidence, and even when they are, the evidence is routinely denied, preventing these mechanisms from garnering compliance for human rights at large or the treaties North Korea has ratified. Even following the

COI report in 2014, which many found to be a sign of progress in the country as they accepted the inquiry of human rights experts, the government vehemently denied the findings of the committee and the report, with the North Korean ambassador to the United Nations claiming “I totally reject and deny this report as it is fabricated and baseless (Fifield).” Still, in 2022, eight years after the COI’s report was generated and brought before the Security Council, the country continues to uphold its status quo, and viable solutions have yet to be proposed by international human rights legislation. In addition to the COI report, “the Special Rapporteur on the situation of human rights in the DPRK has released reports every year since 2005 (Seongji),” but the reports fail to garner much more than awareness of the issue, to the dismay of the international community. In other words, while evidence-gathering mechanisms like the UPR, the COI, and the Special Rapporteur on the DPRK have technically succeeded in gathering evidence and making recommendations to North Korea, they have thus far failed to effect actual change and were performatively allowed and accepted by the country. Ratifying the treaties and allowing UN assessments of compliance with the treaties has failed to extend beyond performative action to actually impact circumstances of North Korean citizens.

Furthermore, beyond evidence-gathering bodies and mechanisms, prosecutorial mechanisms that are specifically designed to end these kinds of violations and crimes and punish countries that commit them have also failed to effect change in the case of North Korea. NK Watch, a human rights NGO aimed at abolishing labor camps in North Korea, held *the Conference on international advocacy to act to ensure accountability for North Korea’s human rights violations* to investigate methods for

making North Korea comply with international human rights law and face justice for the abuses found in the COI report and evidence from other human rights bodies (NK Watch). One proposed method, found in UN mechanisms of human rights enforcement, was prosecution through the ICJ. However, this method is difficult to pursue because North Korea is not a party to the Rome Statute, thus another state that is party to the ICJ must bring the complaint to the court, and it must bring North Korea to court over a treaty they are both party to. The only option for North Korea is the Genocide Convention for complaints such as autocide, politicide, or religious genocide, however, the definition of genocide must first be adjusted to pursue this route due to the unprecedented nature of the state's genocide against its own citizenry, people, and ethnic group. As discussed earlier, North Korea does also target religious minorities and those of a particular social class as well, however, arrest, detention, and persecution within the country is still too arbitrary and widespread to make a case specific enough for genocide against a concrete and recognized minority group. Thus far, it is difficult to make a case due to the widespread, relatively-arbitrary abuse against almost any member of any group in the country (NK Watch). Additionally, other states are hesitant to pursue this mechanism, either due to the possibility of conflict, like for South Korea, or due to distance from the issue and lengthy investigative processes involved (NK Watch). Additionally, North Korea has already stated that they would not recognize the orders or decisions of the court or respect its jurisdiction and would refuse to implement the findings of the case. The failsafe for states that do not recognize the ICJ's findings is to bring the matter to the Security Council, however, North Korean human rights abuses have already been brought to the Security Council as an issue of discussion, and the

progress made on the issue has been stagnant and non-effective through them as well, especially due to the presence of some of North Korea's closest allies, China and Russia, being permanent members and their strong hesitancy to accept any Security Council actions against North Korea (Jung-Hoon Lee). Another prosecutorial human rights mechanism investigated for usage by the NK Watch conference was the International Criminal Court, which possesses the capability prosecute the human rights abuses of genocide, war crimes, or crimes against humanity. A committee from the ICC found that "there was ample evidence to charge the Kim regime with 10 of the 11 internationally recognized war crimes — including murder, enslavement, torture and sexual violence — because of its use of political prison camps (Fifield)." In spite of these findings in 2017, the court remains unable or unwilling to prosecute the nation or its regime's leaders. The primary challenge to this route is that North Korea is not a party to the Rome Statute. If a nation is not party to the agreement, the ICC cannot prosecute them without evidence of cross-border crimes or a referral from the Security Council. The first circumstance does not apply and the barriers of seeking justice through the Security Council, as mentioned previously, are firm and unlikely to change. As stated by Jung-Hoon Lee in "Drawing the Line: Combating Atrocities in North Korea", "Potential Chinese and Russian vetoes loom over any enforcement resolution... Their vetoes of a 2014 resolution to refer the Syrian situation to the ICC, despite backing from the rest of the Council members and 65 countries, cannot bode well for a North Korean referral." This is a widely-held opinion among experts on the nation. As stated by Washington Post analyst, Anna Fifield, "Previous efforts to hold North Korea's leaders to account have not gone anywhere, in no small part because referral to

the ICC requires the approval of the five permanent members of the U.N. Security Council. China and Russia have made clear they would veto any such move (Fifield).” Even in UN processes for accountability as a whole, there is not much progress. In the event that the Security Council fails to refer North Korea to the ICC or create a criminal tribunal to prosecute their crimes against humanity, as it thus far has, the General Assembly is technically able to create an international criminal tribunal or formulate other direct responses to these kinds of violations and crimes against humanity, though it has entirely failed to initiate any such actions (Seongji). As noted by Seongji Woo in “Making North Korea Human Rights Compliant with a Pluralist Approach: Beyond the Commission of Inquiry Processes,” “The UN General Assembly has adopted annual resolutions expressing deep concerns about systematic and wide-spread human rights violations in North Korea since 2005,” yet they stop at acknowledging the problem and have only managed to succeed in encouraging occasional sanctions against the rogue state, and those results are more readily prompted by the North’s pursuit of nuclear weapons (Seongji). In spite of the abundance of evidence from the COI report and other evidence-gathering mechanisms, action is not pursued beyond condemnation through resolutions and occasional sanctions. Even Woo, who is uniquely hopeful about the state of progress in persecuting the DPRK’s human rights violations through UN human rights mechanisms, writes “... a considerable amount of both physical and human resources will be required for the establishment of a special court, and it may take a long time before the perpetrators actually are prosecuted.” While the progress of evidence-gathering and acknowledgement of crimes against humanity in North Korea through human rights mechanisms are critical to future processes of justice, the real

mechanisms necessary to implement change through prosecution or intervention have thus far proved ineffectual or will take a long time to rise to real action, if ever. All available international prosecutorial mechanisms of human rights enforcement prove to be, thus far, improbable to pursue.

Due to these circumstances and constraints of international human rights mechanisms, both those intended to gather evidence and those intended to prosecute violations, North Korea is unlikely to change the condition of human rights in the country due to outside pressure. In spite of an abundance of evidence from human rights bodies of human rights abuses and crimes against humanity, including the 2014 COI report on the DPRK, the UPR, and the evidence repository of the UN Office of the High Commissioner for Human Rights in Seoul, as well as work from the Special Rapporteur, these mechanisms have been unable to effect change in the country to a substantial degree or influence mechanisms like the ICC, UN Security Council, UN General Assembly, or ICJ to bring the regime to justice through a case or creation of a criminal tribunal. Beyond gathering evidence for future charges against the regime, the mechanisms are unable to effect change on the persistence of human rights abuses in the country as is. The absence of human rights protections and laws, widespread starvation, forced labor, and the number of prison camps in the nation have not changed, nor has the number of detainees within the prison camps been reduced. Due to the persistence of human rights abuses in the country, which these mechanisms have so far been unable to solve or impact to any significant degree, the defector situation and refugee crisis is born and spills out beyond the borders of North Korea. The inefficacy of human rights mechanisms within the borders of North Korea is the foundation of the problem and the

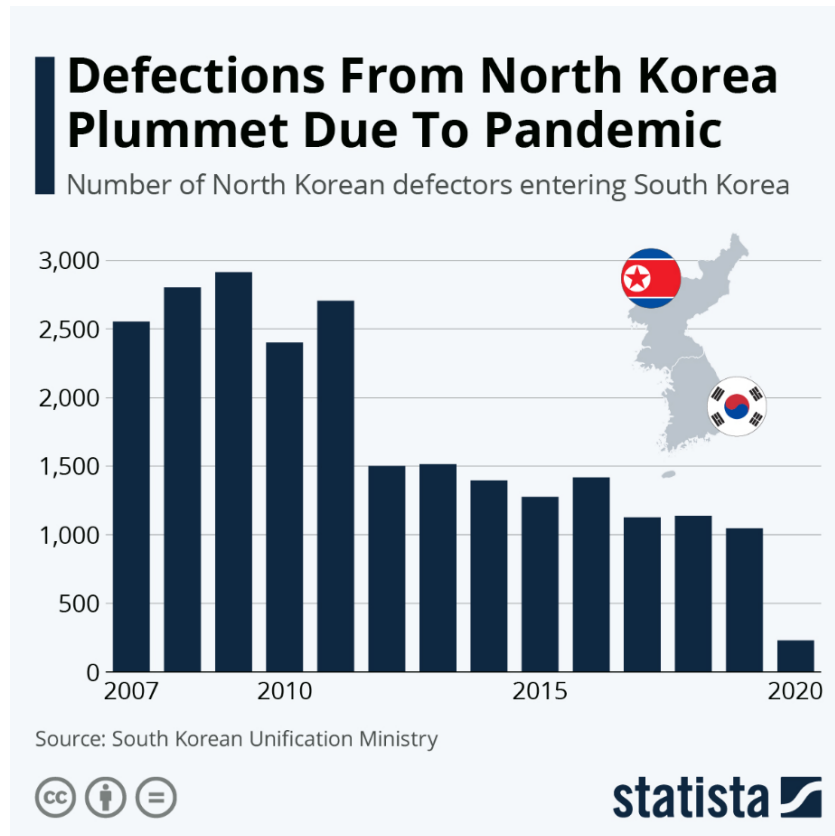
primary reason defectors choose to become refugees in the first place, instigating and influencing the refugee human rights crisis for North Korean defectors globally.

Defection Data and New Developments

Worrying recent trends in North Korean defection data also reflect the weak state of human rights mechanisms in protecting refugees and ensuring they reach asylum states, especially in light of the Covid-19 pandemic. The DPRK government utilized the pandemic to justify even harsher border control and lockdown measures within the country and along the border with China, in spite of technically reporting zero cases of Covid-19 (HRW 2021). The country's northern border was already incredibly treacherous to cross, but following the beginning of the pandemic, the country established "border buffer zones... in August 2020, which extend one to two kilometers from the northern border, operated continuously in 2021 with guards ordered to 'unconditionally shoot' on sight anyone entering without permission (HRW 2021)," though the actual targets are fleeing defectors. Even domestic travel, which is critically important for those trying to flee the country, was restricted by the government (HRW 2021). Covid restrictions have made it easier for authorities in countries defectors are attempting to travel through to more-easily track, detain, and repatriate North Korean defectors, especially in countries with close ties to the DPRK. North Korea and neighboring states utilize the pandemic as a pretense for preventing movement and free travel of defectors to asylum nations and for enacting forced repatriation of North Korean defectors back to the country. The impacts of these policies have been substantial. Fewer and fewer North Koreans are successfully reaching asylum

(McCarthy). In addition to this challenge, Kim Jong Un has made stronger efforts to prevent defection than his predecessors, and the improvement of technology for monitoring the borders has rapidly increased over the last few decades (Smith and An). As stated by data journalist, Niall McCarthy, “The collapse in defections is primarily as a result of tightened security on the Chinese border which is the route most defectors take to eventually make it to the South, a journey that often takes years. It usually ends with an attempt to enter South Korea via a third country, an option which has also become more difficult as a result of travel restrictions imposed by Seoul due to Covid-19.” Or, as HRW summarizes, “Networks that facilitate North Koreans’ escape to safe third countries reported extreme difficulties due to Covid-19 health measures and checkpoints on top of surveillance and other existing obstacles to movement in countries through which people transit (HRW, 2021).” Altogether, these developments both in North Korea and across the entirety of defectors’ routes have drastically reduced the number of defectors successfully reaching asylum, as evidenced by figure 1.

Figure 1: Number of North Korean defectors entering south Korea



Source: South Korean Unification Ministry and Statista

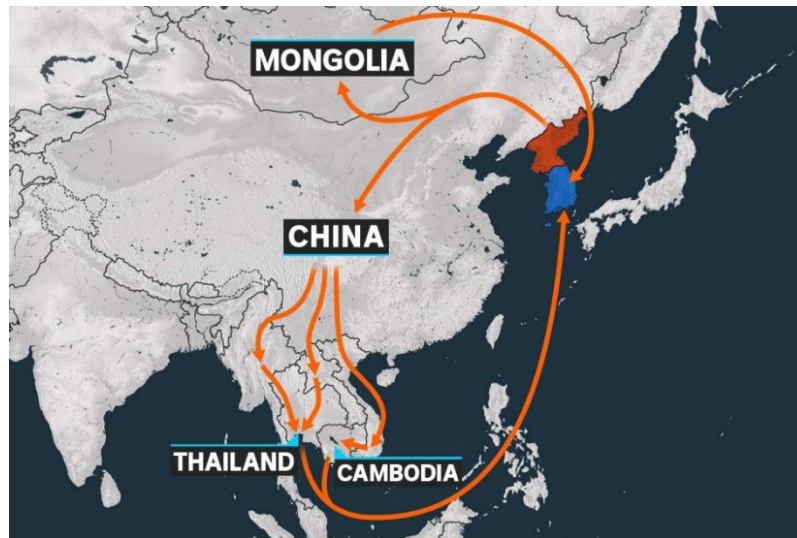
Since the early 2010s, the number of successful defectors reaching asylum in South Korea has decreased by over half, and since the pandemic began, only a fraction of defectors have successfully arrived in the country. In previous decades, the number ranged from 1,000 to nearly 3,000 defectors a year (South Korean Ministry of Unification). Only 229 reached South Korea in 2020, according to the data from the South Korean Ministry of Unification, and only 63 reached the South in all of 2021. Defectors and refugees are particularly vulnerable during global crises, and it's obvious in these numbers that international human rights mechanisms for assisting them have proved even further ineffective at a time of such tumultuousness, as evidenced by the

massive decrease in successful cases of defection during the Covid-19 pandemic. It is hard to say how many North Koreans attempt to defect but fail or are caught along the way due to the secrecy under which North Koreans traveling along the defection route must operate and the obvious lack of reporting by China and other travel-through countries. An untold number are caught during the journey and sent back, thus it is difficult to tell whether the sharp decrease in successful defections is due to the DPRK's pandemic measures or what portion are apprehended in countries along the defection route, like China, and repatriated back to North Korea in comparison to pre-pandemic times. As stated by Washington Post writer, Brian Murphy, "It's impossible to put a precise number on North Korean defectors sent back by China. Most groups... say it could be in the hundreds of thousands since the 1990s." It is likely that border restrictions and crackdowns on both fronts have led to this sharp decrease in successful defections, but the data is near-impossible to collect due to the hostility of many travel-through countries towards the refugee group, especially from China (이 기 현, 121) [Lee Kihyeon, 121]. As noted by CNN writer, Helen Regan, "There are no official statistics showing exactly how many North Koreans have fled their country." Under these circumstances, it is almost impossible to know how many have tried yet failed.

Routes, Methods, and Hazards of Defection

The most common escape route for North Korean defectors starts in China before heading South into Vietnam, Laos, Thailand, and then finally to South Korea. Some also cross through Cambodia or Myanmar or head North to Mongolia, shown by figure 2.

Figure 2: Map of North Korean defection routes



Source: ABC News

The journey can take years depending on the condition and method of escape utilized by defectors. Typically, the ultimate goal is to arrive in Thailand or Mongolia, whose embassies will contact South Korea when they receive North Korean defectors. The former route is more popular, with approximately 90% of North Korean refugees traveling from Thailand to South Korea (Lee, Jane). The route through these countries, which requires the defectors to traverse more than 3,000 miles, has been referred to as Asia's 'Underground Railroad', and the network was largely generated by NGO workers, smugglers, activists, religious groups or charities, and, most commonly, 'brokers,' the people who charge a fee or accept bribes to assist North Korean defectors reach freedom, and even human traffickers (Wehrfritz). The average monetary cost of defection for even one person to reach freedom along this route has drastically increased for those that use a broker, which almost all defectors must do for at least the first step of the journey when they cross the river borders to China. The total cost of defecting has risen from approximately \$3,000 in 2000 to tens of thousands of dollars

today (Mok). This cost is nearly impossible for most North Koreans to pay with an average salary of \$1,000 USD per year (Memcott). Thus, many end up promising to work off their debts or agree to be trafficked. Sex trafficking is particularly common, especially considering the fact that 2/3rds of North Korean defectors are women (Kook). Approximately 80-90% of defectors are considered victims of some form of trafficking (Kook). Many also choose to stop in countries along the route to work and earn money in a location where they can more easily make money to send to any family that remains in North Korea in order to fund their defection as well. All of these factors further complicate defection and contribute to hazardous circumstances for the entirety of the defectors' journeys to asylum and, in turn, create a plethora of challenges for human rights mechanisms meant to assist them in the countries they journey through.

The First Stop: China

In the vast majority of defections, aside from rare journeys across the sea or the few news-worthy and incredibly rare ventures directly across the DMZ, the average North Korean refugee will first cross into China on their journey to asylum. This nation requires special attention from this analysis due to both the near-absolute need to travel first through the country as well as the extended length of time most North Korean refugees spend in China. Aside from South Korea, most North Korean nationals that travel beyond North Korea reside in China, both legally and illegally. Various sources estimate that there are upwards of 50,000 North Korean refugees living secretly in China, with some sources quoting numbers in the hundreds of thousands, up to around 300,000 (Charny). Chinese estimates drastically underestimate these numbers, with

some estimates being as low as 10,000, which is blatantly understated for China's political purposes (Chan). This barely scratches the surface considering that, according to US Department of State estimates, there are also approximately 30,000 children of mixed Chinese and North Korean descent who are stateless and vulnerable within China as well (Eun Lee). The population of North Korean defectors and their children living in China is difficult to state with complete accuracy, but it's evident the number is massive, and the population is incredibly vulnerable and at risk, posing a great challenge to international human rights mechanisms.

In order to understand these challenges, it is critical to note the policies and relationship between North Korea and China. Since the Korean War divided the country, China has concretely defended and allied with their southern neighbor as a buffer to the Western-aligned and backed South Korea on the far side of the peninsula. As a permanent member of the UN Security Council, China has repeatedly and consistently vetoed most resolutions aimed at addressing both North Korea's nuclear weapons program and their human rights violations, along with Russia, in order to maintain close ties and positive relations with the DPRK, becoming one of the greatest barriers to intervention in human rights abuses, such as, like mentioned earlier, referral to the ICC by the Security Council or the creation of a special tribunal to persecute their crimes against humanity and possible genocide. This is one of the notorious weaknesses in utilizing human rights mechanisms to address North Korea's abuse. However, even within China's own borders, the country violates numerous human rights agreements in their treatment of North Korean defectors.

China has violated a plethora of human rights treaties it is a signatory to, both relating to North Korean defectors and otherwise. The country systematically detains members of its own population using methods similar to those utilized by the DPRK and embraces strategies such as enforced disappearances or detaining religious minorities in labor camps, like the Uighurs (O'Connell). Thus, it should come as no surprise that attempting to utilize human rights mechanisms to effect change and uphold protections within the country face numerous challenges in regards to refugees or their own citizenry even. With specific reference to North Korean refugees, there are a number of treaties China is a signatory to that it has failed to act in accordance with. Most prominently and critically, China is party to both the 1951 Convention relating to the Status of Refugees, or the Refugee Convention, and the related 1967 Protocol (collectively the Refugee Convention and Protocol), and it is also a member of the member of the Executive Committee of the Office of the UN High Commissioner for Refugees (UNHCR) (Charny). The country has also ratified the Convention on the Rights of the Child, the UN Convention against Torture, and the Convention on the Elimination of All Forms of Discrimination against Women, all of which relate in some form to protections of North Korean refugees.

Most relevant to refugees, China actively violates the 1951 Convention and its 1967 Protocol and ignores UNHCR directives. China has consistently deported refugees that were explicitly protected by the United Nations High Commissioner for Refugees, including, but not limited to, North Koreans, as it has seen fit (Song, *China and the International Refugee Protection Regime: Past, Present, and Potentials*). The country's official stance towards North Korean refugees is that they are 'economic migrants,' and

thus they do not recognize them as being protected by the refugee treaties, in spite of the official laws for punishment of returned North Koreans in the DPRK's criminal code and the number of recognized categories discussed earlier that North Korean defectors are fully defined within which classify them as refugees. As stated by Joel R. Charny in "North Koreans in China: A Human Rights Analysis," "China considers all North Koreans entering the country to be economic migrants, but this does not do justice to the level of suffering and deprivation that North Koreans experience (Charny, 81)." China also actively holds contrary agreements from the 1960s and 1980s with North Korea that ensure it repatriates fleeing defectors in spite of their refugee status, such as the Agreement on Repatriation of Border Crossers of 1987 (Ko, 73). In 2003, China was repatriating an average of 150 defectors a week, near the peak of North Korea's famine, and, in 2007, this number was approximately 300 per week (Chan, 222). Numbers in more recent years have been increasingly difficult to come by or estimate due to the evolving secrecy of the PRC over the defector issue. Due to heightened security and border restrictions, estimates are closer to 30-40 a month in 2019 (Smith and Lee). All those repatriated are certain to face harsh punishment, likely a hard labor sentence and possibly execution, as noted earlier. As stated by Human Rights Watch, these actions are a blatant violation of all the refugee treaties that China is a party to, noting, "as a party to the 1951 Refugee Convention and its 1967 Protocol, and the UN Convention against Torture, China is obligated not to force back anyone who would be at risk of persecution or torture upon return (Yoon)."

In addition to ignoring these baseline agreements on refugees, the PRC has also continually failed to meet conditions specified in CEDAW or the Convention on the

Rights of the Child. Women are trafficked in extremely high volumes from North Korea, with some estimates from earlier years approximating that “...perhaps 80%-90% of North Koreans in China end up as trafficking victims (CRS, 5).” These issues disproportionately affect women and children. Women in the country frequently end up sold as wives to Chinese men or sex-trafficked with little efforts from China to intervene as specified in CEDAW, especially since coming forward to the authorities for sex crimes means repatriation, while children of North Korean defectors or children that flee North Korea alone and cross the border to China are not granted any special protections in China, violating Article 22 of the Convention on the Rights of the Child (Song, *China and the International Refugee Protection Regime: Past, Present, and Potentials*). Chinese domestic law, ignoring international laws, has failed to make any domestic laws that make its ratification of these conventions and treaties useful or put them into practice in a way that would protect North Korean refugees. As stated by Lili Song, “As of December 2017, China has incorporated few provisions of the Refugee Convention and Protocol into its domestic law and has not established a national mechanism for refugee status determination. Domestic Chinese law contains no provisions on who qualifies as a refugee, which organization or government body is responsible for refugee status determination, or how an application for refugee status can be made (Song, *China and the International Refugee Protection Regime: Past, Present, and Potentials*).” Without these practical measures in place, no systematic enforcement or application of the stipulations of these treaties is impactfully enacted. Thus, on almost all fronts, China has failed to uphold human rights law as it applies to North Korean defectors in their country.

Human rights mechanisms in China have been drastically ineffective in combating these issues. The UNHCR is the primary supervisory instrument responsible for monitoring the implementation of and compliance with the refugee conventions, but in spite of being ‘legally binding,’ the UNHCR has little to no enforcement capabilities and is primarily tasked with supervision, recommendation, and lacks any formal mechanism for filing complaints. In spite of recognizing the United Nations High Commissioner on Refugees and having an office for it in Beijing, China pays little attention to their recommendations or criticisms and, since it recognizes North Korean defectors as economic migrants, it prohibits the UNHCR access to North Korean defectors in China as well as access to the Korean-Chinese border (CRS, 11). Overall, its activities have been extremely limited by China, rendering it weak, especially on issues involving North Korean refugees. As stated by Lili Song, the “UNHCR has been criticized by non-governmental organizations and media for being “soft”, “powerless” vis-à-vis the Chinese authorities, especially on the issue of North Korean escapees in China (Song, *China and the International Refugee Protection Regime: Past, Present, and Potentials*.)” While the UNHCR has supervisory power over the conventions and is intended to help manage reporting on refugees worldwide, it has no prosecutorial power, and violations are intended to be prosecuted through an ICJ referral, as noted by Article 38 of the Convention relating to the Status of Refugees (OHCHR). Thus far, no country has been referred to the ICJ in history over failure to comply with the refugee conventions (OHCHR). Complaints can be brought to the Human Rights Committee as well in order to garner compliance, but this has also historically never been done (Millbank). Additionally, when it comes to utilizing human rights mechanisms and

instruments to prosecute China specifically, greater obstacles arise. China is not only a permanent member of the Security Council, which is specifically in charge of either prosecution of or referral to prosecutorial bodies for nations that violate human rights, but in addition, within the general assembly of the United Nations, China holds great economic influence that prevents other actions, such as sanctions, from reaching it for their violations of human rights treaties since other nations fear losing out on economic benefits from a positive relationship with China if they take actions against the nation (Richardson). This issue extends beyond prosecutorial action for abuse and repatriation of North Korean defectors, but to China's abuse of its own people as well. The UPR further demonstrates this point. China has consistently 'accepted' suggestions and recommendations of the UPR, especially recommendations from the 2018, and multiple of which should in theory help defectors in the country, yet, according to CHRD in 2020, "China has not fully implemented any of the 58 recommendations that it claimed to have "accepted" and had "already implemented" or were "being implemented (CHRD)." China's acceptance of the UPR in general and even specific acceptance of recommendations from its report have done nothing to help human rights circumstances in China for defectors or its own citizens. According to Sophie Richardson in "China's Influence on the Global Human Rights System," "In 2017, Human Rights Watch documented China's manipulation of U.N. review processes, harassment, and intimidation of not only human rights defenders from China but also U.N. human rights experts and staff, and its successful efforts to block the participation of independent civil society groups, including organizations that do not work on China (Richardson)." China has consistently denied access to evidence-gathering to human rights mechanisms

within its borders, influenced decisions and processes of the Human Rights Council, and naturally vetoed any attempt to prosecute its abuses through the bodies it holds a key position in, while also intimidating and outright denying access rights to special rapporteurs or procedures if motions to have them investigate issues in China passes (Richardson). China's blatant influence over human rights mechanisms and outright denial of rights for North Korean defectors remains wholly unchecked by UN processes or other international human rights mechanisms, particularly through the massive power they hold over the regional economy and their presence in key human rights enforcement mechanisms and governance.

Overall, the rights of North Korean refugees are wholly unrecognized in China, and the international human rights mechanisms responsible for enforcement or protection of them in the country is massively ineffectual. The massive population of defectors in the country, the long length of stay there, and the high proportion of women and children North Korean defectors mean a plethora of vulnerabilities and a high likelihood of exploitation, while the policy of repatriation from China threatens them during every step of their journey. Meanwhile, China's failure to recognize them as refugees, their strong relationship with North Korea, and intimidation and power over international human rights procedures means the impact of human rights mechanisms intended to protect North Korean refugees in the country is near nonexistent.

Countries of Transit: Laos, Vietnam, Cambodia

Laos, Vietnam, and Cambodia all share similar policies towards North Korean defectors, and defectors face consistent challenges within all three. This is true due to

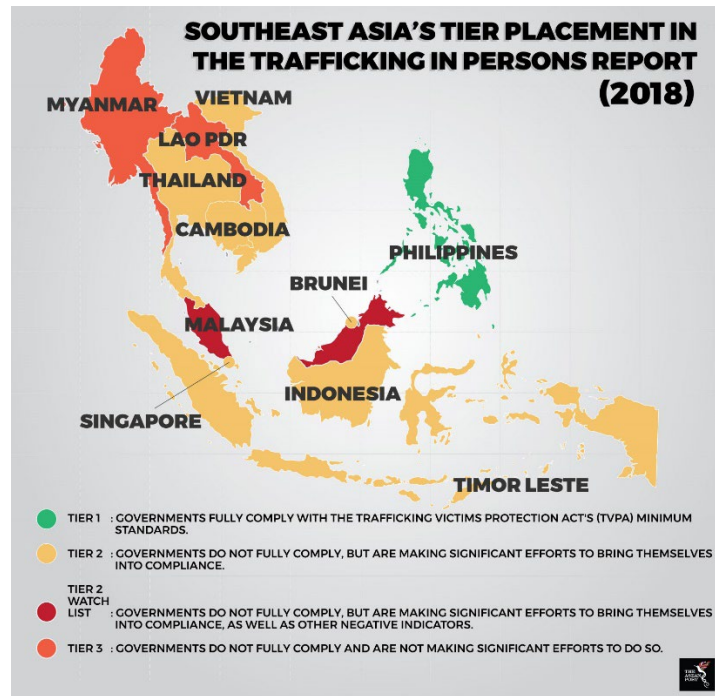
the regional relationships of the three countries, the status of North Korean refugees within the countries and their lacking engagement with international human rights laws for their own citizenry, and a lack of infrastructure and access for both international and regional human rights mechanisms.

Primarily, due to regional relationships within East Asia, these countries do not protect the rights of North Korean defectors. All these nations have formalized relationships with the DPRK and, due to their tendency towards regional harmony and positive diplomatic relations over assistance to defectors, these countries will somewhat-commonly repatriate defectors, dependent on their precise current relationships with the North Korean government, China, and South Korea at any given time, though they tend to side with the formers. As stated by the Congressional Report for Congress, “Fear of offending Pyongyang and, for Vietnam and Laos, the shared characteristic of nominally communist governments make them generally unwilling to assist defectors (CRS, 15).” All three countries consistently make the news for repatriating varying numbers of refugees back to North Korea, though primarily Vietnam due to their location, close ties to China and North Korea, and prominence on the route to asylum (CRS, 15). It is noteworthy that both North Korea and China exert pressure on Southeast Asian countries to repatriate fleeing North Korean defectors. As noted by the Council on Foreign Relations, “Combined with appeals from Pyongyang to Southeast Asian nations not to harbor fleeing refugees, China’s weighing in may create a new, even more dangerous situation for North Koreans in Laos, Cambodia, Vietnam, or even Thailand (Kurlantzick).” These issues present new hurdles for North Korean defectors in the countries as, previously, policies on defectors were much more lax,

while experts speculate these new policies are related to China's increasing economic power within the region through the Belt and Road initiative (Kurlantzick).

Beyond relations to other countries in the region, more obstacles to any meaningful enforcement from international human rights mechanisms include lacking agreeance to human rights treaties and compliance towards both their own citizenry and defectors within their borders. All three of these countries already experience high levels of, human rights issues and struggles within their governance that ensures the plight of North Korean defectors is highly minimized. This includes a high rate of human trafficking and lacking enforcement regarding this issue, which, as noted previously, is an industry that North Korean defectors are highly vulnerable to as well. Figure 3 shows that all three countries that North Koreans commonly travel through are noncompliant with human trafficking laws, for example, and struggle significantly with compliance in even this level of human rights enforcement.

Figure 3: Trafficking in Southeast Asia



Source: Trafficking in Persons report (2018)/The ASEAN Post

The three countries essentially lag behind in assuring or protecting significant civil liberties even for their own citizens, which could lend itself to protections of North Korean refugees as well, especially in issues like trafficking. Countries which poorly enforce or protect human rights for their own citizens frequently protect and side with other countries which due the same, and all three countries also frequently employ, albeit less, methods of ruling in their own country such as arbitrary detention and the suppression of free speech, like China and North Korea. For example, in Cambodia, “the draft public order law has triggered debates as it contains broad and arbitrary provisions, which violate international human rights law and Cambodia’s own constitutions (Ying Hooi).” In Laos, according to the US Department of State report on human rights practices for 2021, “Significant human rights issues included: arbitrary

detention; political prisoners; serious restrictions on free expression and the press, including censorship; substantial interference with the rights of peaceful assembly and freedom of association, including that of workers; restrictions on political participation; and corruption.” The same report established that in Vietnam there is “unlawful or arbitrary killings by the government; torture by government agents; arbitrary arrests and detentions by the government (US Department of State).” Most of the countries have not committed to many international human rights treaties that apply to both their own citizenry or defectors. For example, of these travel-through countries, only Cambodia is party to the Refugee Convention (CRS, 14). The formalized status of defectors in these countries is, as similar to China, that of illegal migrants, and not that of refugees, so even if they were all signatories to the Refugee Convention, a similar result is expected, whereby they are not recognized as refugees by the governments of Laos, Cambodia, or Vietnam. Thus, human rights laws towards both defectors and the citizens of these countries is significantly lacking, further diminishing the efficacy of human rights mechanisms in attempting to safeguard North Korean defectors.

The countries are technically within the reach and influence of some international and regional human rights mechanisms, yet all of these institutions face immense challenges in enforcement, primarily due to a lack of infrastructure. They lack national infrastructure or even regional infrastructure for recognizing refugee or asylum-seeking status. The countries of the Association of Southeast Asian Nations (ASEAN) have their own, independent human rights mechanisms, including the ASEAN Intergovernmental Commission on Human Rights, which is intended to uphold and protect human rights, including those of refugees (AICHR). However, this

mechanism, much like more international and less-regional based human rights mechanisms, lacks prosecutorial power and functions more to supervise and promote dialogue about human rights in Southeast Asia, including those belonging to refugees (Hara). As noted in a report on the AICHR, and much like UN mechanisms like the UPR and Refugee Convention, “it does not have the function to blame or to name and shame the members that violate human rights, which is seen as against the ASEAN way. It does not have a regional court as it is usually the case for a HRC. The representatives of AIHRC are neither pluralistic nor independent, but appointed by their states. Since they have to ‘respect for the independence, sovereignty, equality, territorial integrity and national identity of all ASEAN member states,’ it is tough for them to investigate violations of individual human rights in one member country (Hara).” All three nations that North Korean defectors must pass through also belong to the less progressive members of ASEAN which frequently vote against enhancing human rights compliance and enforcement mechanisms or deny access to the country for UN human rights mechanisms. As for international-based human rights mechanisms, much like in China, they significantly lack access and power within the three countries. The nearest UNHCR office relative to all three countries is located in Thailand, and it controls all operations in Laos, Vietnam, and Cambodia, for the limited amount that it is granted access to these countries (Hara). As asserted in the report “North Korean Refugees Along the Route to Freedom: Challenges of Geopolitics,” “As refugees, according to the UN definition for refugees, North Korean refugees should be given the opportunity to apply for asylum and refugee status in any given country. However, as... most ASEAN countries do not have refugee adjudication systems and offer limited access to

the UNHCR, these refugees cannot claim the official status and protections as a refugee (Jeong, Deborah 30).”

Thus, in Laos, Cambodia, and Vietnam, an overall lack of human rights instruments and mechanisms are at play. All three countries repatriate or recognize defectors contingent on bilateral and multilateral relationships within the region and alter their policies contingent on these dynamics. The three countries all inconsistently repatriate or permit the presence of defectors, all while the vulnerable group of refugees is highly prone to trafficking issues that plague the region as a whole. The countries all also have ratified few human rights laws regarding refugees in general or specifically North Korean refugees at all, leaving it difficult to assess the efficacy of human rights mechanisms in the region, since they have minimal access to the situation or data surrounding North Korean defectors traveling through these countries at all. Overall, due to the minimal ratification of these countries of United Nations refugee rights treaties and general lack of enforcement mechanisms, the role of the mechanisms and their efficiency in helping the plight of refugees is naturally very weak, leading to, not only a lack of enforcing mechanisms that can help protect North Korean defectors in these nations, but also a lack of informational and evidence-gathering infrastructure to even grasp how many North Korean refugees travel through these countries or the struggles they face. The greater force in the region of ASEAN’s mechanisms have failed as a persecutorial body and serves a largely superficial role without any mechanisms of enforcement, a way to lodge complaints, or even a court system for assessing the failures of the three countries to uphold human rights in regards to defectors.

Final Countries on the Route to Asylum: Thailand and Mongolia

Thailand and Mongolia are the final destination countries of North Korean defectors because it is from these nations that they can mostly depend on the countries contacting and sending them to South Korea. However, even in these countries, human rights mechanisms only go so far to successfully protect defectors.

In Mongolia, there are a number of issues that prevent efficacy of human rights mechanisms for a country that is key for many defectors. Though it is less of a final destination country for defectors, it has still hosted thousands of fleeing North Korean defectors. At the height of defectors arriving in Mongolia, around 2006, approximately 500 North Korean defectors were arriving in the country every year (Campi). Due to internal travel restrictions in China, these numbers have drastically decreased, but it is still a route chosen by numerous Korean refugees and will be a common destination in the future as well. Mongolia, much like the countries discussed in the former section, has close historical and diplomatic ties and interests to China and North Korea. It carefully attempts to balance these interests while maintain commitments to international mechanisms of justice and diplomacy which prevents certain mechanisms from helping refugees in the country. According to the Asia Pacific Bulletin, “Bilateral and regional diplomacy, investment, cooperation, and outreach have not prevented Mongolia from publicly opposing Pyongyang’s nuclear weapons program and quietly providing temporary asylum for North Korean defectors (Campi).” The protections they offer to defectors has varied over the years, but they don’t welcome efforts that blatantly challenge their own interests or their relationship to North Korea or China. For

example, in 2004, organizations dedicated to helping North Korean refugees requested to build camps that would help house arriving refugees, but the Mongolian government refused (Campi). This was both to prevent becoming a sought-after asylum state and encouraging refugee influx as well as to prevent trouble in their relations with North Korea. This camp could easily have prevented the deaths of many North Korean refugees that, in order to reach Mongolia, have to cross through the deadly Gobi Desert without any safehouses or help with their passage in order to reach the South Korean embassy in Ulaanbaatar so that they may seek final asylum in South Korea (CRN). This is yet another example of how regional relations with North Korea prevent a country from allowing international human rights mechanisms to fully achieve their potential in protecting North Korean refugees. Additionally, Mongolia's actual law underwriting the capabilities of international human rights mechanisms for refugees are not particularly pronounced by international law. It is not a signatory to the Refugee Conventions (UNHCR, UPR Mongolia). However, unlike other countries discussed in this analysis, Mongolia does relatively respect the function and access of mechanisms intended to protect refugees. The UNHCR is permitted access in the country and is allowed a decent amount of access to North Korean refugees, even though it is not a party to the convention and does not officially recognize North Korean defectors as 'refugees' (UNHCR,UPR Mongolia). Its own laws also decently protect and pronounce protections for refugees as well, such as in Article 18 of its constitution, which affirms that "Foreign citizens or stateless persons persecuted for their beliefs, or political or other activities and who are pursuing justice, may be granted asylum in Mongolia on the basis of their well-founded requests" and the Law on the Status of Foreign Citizens,

stating that foreign nationals have “the right to seek political asylum (UNHCR, UPR Mongolia).” North Korean refugees, in spite of legislation passed to address human trafficking, still face extreme vulnerability of becoming a trafficking victim in Mongolia, but the government has actively accepted numerous UPR suggestions in order to change this issue, though it is a work in progress (UNHCR, UPR Mongolia). Overall, North Korean defectors are relatively tolerated in Mongolia and not commonly subject to repatriation, but no less, they don’t enjoy full protected status and their safety is still a subject of concern due to the lack of protective structures for them in Mongolia in their route to the capital and contingent on Mongolian-DPRK relations.

Thailand is similar in practice to Mongolia and shares some similar obstacles as well. Thailand has a much higher number of North Korean refugees. In the last decade, numbers have varied from hundreds of North Korean defectors arriving in Thailand to thousands, with a significant impact and reduction in more recent years due to the pandemic (Wongcha-Um). In Thailand, North Korean defectors are also considered ‘illegal migrants’ and not refugees, and the country is also not a party to the refugee conventions. Nonetheless, instead of North Korean citizens, the country recognizes them as South Korean citizens due to their multiple agreements and treaties with South Korea (Hara). As analysts Panu Wongcha-um asserts, “The RTC [Royal Thai Government] permits North Koreans entering Thailand illegally to resettle in the Republic of Korea... The special policy is publicly presented as ‘Koreans being deported to Korea’, with the geographical distinctions conveniently blurred (Wongcha-um).” Thus, while the refugees are still recognized as only illegal migrants and are subject to detention, the country quickly contacts the South Korean embassy for

transport and ‘repatriation’ of the ‘criminals’ to South Korea (CRN). North Korean defectors caught in Thailand are typically arrested and tried for illegal entry, yet, with the ‘punishment’ being repatriation to South Korea, the route is well-regarded as a means to achieve asylum by North Korean refugees (Wongcha-um). Thailand also has an office of the United Nations High Commissioner for Refugees as an active human rights mechanism in their country, and yet, due to the “arrangement between Thailand and South Korea,” this mechanisms rarely has to act, and most refugees choose rather to simply go through the Thai government, subject to detention, arrest, and then travel to South Korea because it is more efficient and easier (Woncha-um). Thus, even in a nation which is successfully transporting refugees and permits the full presence and activities of the UNHCR, it is *still* technically ineffectual in comparison to mechanisms simply offered by the will of the Thai government. On average, after arrest, North Korean defectors spend up to a month in Thai prisons before being finally being sent on to asylum in South Korea (Woncha-um). During this time and in the time prior to arrest by Thai authorities, defectors continue to face threats of trafficking and exploitation to a high degree due to their minimally-recognized status or ability to seek formal help from authorities, as well as the high rate of human trafficking present in Thailand. Yet, overall, in Thailand, human rights mechanisms for assisting North Korean refugees are technically permitted and functioning, but they still face inefficacies in comparison to other mechanisms and routes to asylum.

Thus, in reaching Mongolia and Thailand, North Korean defectors can generally expect a limited degree of protections and reduced threat of repatriation. The greatest threat facing North Korean defectors in these nations is not repercussions from the

government, but rather the high potential of exploitation or risk of death in attempting to reach the safe havens. Both countries, while not threatening to repatriate the defectors, allow the existence of significant obstacles which deter North Koreans or can otherwise prevent them from achieving safety and contact with South Korea. What is evident from these kinds of laws and mechanisms, however, is that it is primarily the will of the country that refugees are travelling through to consistently enforce the spirit of both the international community's demands and their own country's legislation. Other countries, like China, are signatory to international refugee laws, yet consistently violate this legislation, while countries like Mongolia and Thailand are not, yet willfully submit to human rights enforcement from international human rights mechanisms to a higher degree. Essentially, the efficacy of human rights mechanisms is generally subject to the consent and allowance of each individual country, as evidenced by North Korean defectors. Being party to agreements and treaties which are meant specifically to protect these rights is diminished in states that, in spite of an abundance of human rights agreements, don't allow its mechanisms to function properly within its borders.

South Korea and Asylum

When North Korean refugees reach South Korea for resettlement, they are finally in a country with full recognition of their rights. In South Korea, North Koreans are classified as 'citizens' and no longer need the status of a refugee to receive full economic, political, and civil rights of a South Korean citizen. However, the lack of protections they received on their journey to reach South Korea often carries a lifelong impact, considering the circumstances that international human rights mechanisms fail

to prevent or change in the many countries the defectors traveled through. By the time North Korean defectors reach South Korea, a country where data can readily be collected on them, they have experienced numerous ordeals that will impact them for the rest of their lives. Approximately 71% of North Korean defectors in South Korea report having experienced severely traumatic events, such as the death or arrest of a family member during or before their journey to asylum. 49.3% report experiencing or witnessing life-threatening events, leading to a high prevalence of “psychiatric problems and low life satisfaction,” while rates of depression among defectors ranges from 29-49% (Park). In spite of reaching South Korea, asylum, and safety, the data and outcomes concerning North Korean defectors’ mental health and life outcomes most strongly suggests that the failures of protections received from international human rights mechanisms along their journey and back in North Korea are massively inadequate to protect this vulnerable population.

Conclusions

From the start of their journey to the end, North Korean refugees face numerous, near-unending obstacles in their efforts to reach asylum. Human rights enforcement mechanisms offer little in the way of protection or enforcement for international human rights laws, ranging from the overarching UDHR framework and article 13 as a whole, to the individual treaties these countries have ratified. In North Korea, even the most severe crimes against humanity and even possible genocide remain untouched and unprosecuted by international human rights mechanisms aimed to end such abuses. In China, in spite of ratifying numerous agreements aimed at protecting groups just like

North Korean refugees, their strong influence over human rights mechanisms and enforcement bodies ensures they face few if any repercussions for their repatriation of defectors and tolerance of trafficking and abuse against North Korean women and children. For the travel-through countries of Laos, Vietnam, and Cambodia, human rights infrastructure is already weak or entirely nonexistent, and all three countries have ratified few treaties which would assist in protecting North Korean defectors, even if their enforcement mechanisms were stronger. In Thailand and Mongolia, defectors face much less of a threat of repatriation, yet their status as refugees is still underrecognized, and they are still vulnerable to exploitation and detention and are minimally protected as a vulnerable group, and even the international human rights mechanisms within these countries are less effective than those that function directly through their governments. Finally, even in the final-destination countries of asylum, primarily South Korea, North Korean defectors must cope with their experiences and live with the accompanying mental and physical struggles that continue to impact them from their typically years-long defection journey through many countries in which they were without protections from the very human rights mechanisms intended to save them such trauma.

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