



3.12.2012

NORTH KOREA | CSW condemns the repatriation of refugees by China

Christian Solidarity Worldwide (CSW) condemns China's forcible repatriation of at least 41 North Korean refugees, a decision that disregards international refugee conventions and violates international law.

The refugees face detention, torture and even execution as illegal border-crossers upon their return to North Korea, where the regime takes a dim view of defectors. In 2010, North Korea made the crime of defection a "crime of treachery against the nation".

Under Kim Jong Un, the penalties have become harsher. Border guards have been ordered to shoot anyone escaping across the frontier to China. In January he announced that the penalty for defecting during the official period of mourning for his father, Kim Jong-il, is the execution of the defector's entire family.

International law prohibits the forcible repatriation, either directly or indirectly, of any individuals to a country where they are at risk of facing persecution, torture or death. In 1988 China ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibits the forcible return of people to states where they face a substantial risk of being tortured. China is also a state party to the UN Refugee Convention.

Despite its obligations under these conventions, China has prevented the UN refugee agency (UNHCR) from access to North Koreans in China and considers all undocumented North Koreans as economic migrants, rather than as asylum-seekers. Furthermore, China signed a co-operation agreement with North Korea in 1986 that obliges it to prevent illegal border crossings.

There are reports that a number of other North Korean refugees have been detained by China and also face repatriation.

CSW's Chief Executive Mervyn Thomas said, "China's policy of forcibly repatriating North Korean refugees is in flagrant violation of international law, which includes the principle of 'non-refoulement'. China claims these people are economic migrants, not refugees, but due to the consequences they face upon return to North Korea, all these people - whether they fled for economic or political or religious reasons - count as 'refugees sur place' under the UN's definition. Even those who fled for primarily economic reasons did so because of the regime's economic policies which are inflicting severe poverty and hunger on its people. Whether they fled in search of food or in search of freedom, China should give North Koreans safe passage to a third country rather than sending them back to a dire fate that involves almost certain imprisonment and severe torture, and possible death. As a major world power, China needs to know that if it wants to be respected, respect must be earned, and with power comes responsibility. We urge China to desist from any further repatriations, and we call on Kim Jong Un's regime in North Korea not to inflict on these people the punishments that have been threatened."