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# SCARLET FEVER IN NORTH KOREA: PUBLIC HEALTH AS A MOTIVATING FACTOR FOR CHINA TO REPATRIATE DEFECTORS

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*Despite facing severe denunciation as well as being a signatory to several international refugee treaties, China refuses to recognize North Korean defectors as refugees and instead repatriates them to North Korea, where they likely face persecution from the regime for leaving the country. Previous theories to explain China's behavior have included its alliance with North Korea, North Korea's role as a "buffer zone" between American troops in South Korea and China, and the fear of an influx of refugees destabilizing Northeast China. However, what has not received enough attention is the fact that the poor sanitation and lack of effective healthcare in North Korea lead to the spread of communicable disease, which the Chinese government seeks to prevent from penetrating into its borders. Hence, this paper argues that another reason China does not seem to be willing to cooperate on the issue of North Korean refugees is because of public health, and perhaps by addressing China's health concerns, the international community can expect cooperation from the Chinese government on this issue.*

*Keywords: North Korean defectors, communicable disease, refugees, repatriation, public health*

## Introduction

The Democratic People's Republic of Korea (DPRK), also known as North Korea, considers leaving the country without official state approval a criminal offense, and punishments for crossing the border without prior permission can be severe.<sup>1</sup> The North Korean regime systematically violates the human rights of its residents, including the right to adequate food, the right to life, freedom of expression, and freedom of movement.<sup>2</sup> People thus defect from North

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1 Roberta Cohen, "China's Forced Repatriation of North Korean Refugees Incurs United Nations Censure," *The Brookings Institution*, July 7, 2014.

2 Chang-Hoon Shin and Myong-Hyun Go, "Beyond the UN COI Report on Human Rights in North Korea,"

Korea to escape hunger and persecution, among myriad other reasons, and under the North Korean penal code, punishments for doing so can range from a minimum of seven years in prison camps to the death penalty.<sup>3</sup> Although the human rights abuses for repatriated defectors are well documented, the Chinese government regards all North Korean defectors in its territory as illegal economic migrants rather than asylum seekers. As a result, the Chinese government systematically repatriates them to North Korea in accordance with the 1986 Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas between the two countries, which states that “individuals who illegally cross the border...shall be turned over to the other side.”<sup>4</sup>

Why then, despite facing international condemnation, and despite being a signatory to both the 1951 Convention Relating to the Status of Refugees (CRSR) as well as the subsequent 1967 Protocol Relating to the Status of Refugees, does China refuse to grant refugee status to defectors from North Korea?<sup>5</sup> Moreover, why does China cooperate with North Korea in the repatriation of defectors even though doing so seriously undermines China’s international prestige and damages its credibility in its commitment to international treaties and accords to which it is a signatory? Previous explanations for China’s unwillingness to cooperate with international refugee norms include any one of the following: 1) that they are ideologically aligned, with China being North Korea’s closest ally, and China does not want to betray the trust and loyalty of its ally;<sup>6</sup> 2) that China does not want to lose its “buffer zone” against American troops in South Korea, an American ally, in the event that a flood of people defecting from North Korea leads to a collapse of the regime<sup>7</sup>; and 3) that China does not want an influx of refugees to destabilize the northeastern part of its territory.<sup>8</sup>

However, these explanations do not fully capture the situation. Though China and North Korea are *de jure* allies, North Korea’s provocations and continued nuclear tests have not only created a delicate diplomatic

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*The Asan Institute for Policy Studies*, November 3, 2014, 18.

3 Victor Cha, *The Impossible State: North Korea, Past and Future*, (New York: Harper Collins Publishers, 2013).

4 Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas, PRC-DPRK, Aug. 12, 1986, Article 4, Clause 2

5 T. Kumar, “China’s Repatriation of North Korean Refugees,” *Amnesty International*, March 5, 2012; “China’s Relationship with United Nations High Commissioner for Refugees (UNHCR),” Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, last modified April 16, 2004.

6 Eleanor Albert, “The China-North Korea Relationship,” *Council on Foreign Relations*, September 27, 2017.

7 *Ibid.*

8 *Ibid.*

environment for the Chinese government, but also threaten China's own security. Additionally, though they are both communist regimes by name, the divergence in ideology among leaders in China and North Korea is becoming increasingly palpable.<sup>9</sup> Furthermore, one of the main reasons the United States has a military presence on the Korean Peninsula is ostensibly because of North Korea's military and security threats. If the North Korean regime were to collapse and its nuclear weapons and other security concerns were properly addressed, the United States would respond by withdrawing much of its armed forces from the peninsula, and China would have virtually no need for a "buffer zone."<sup>10</sup> Finally, in the event of a refugee influx, other powers with security and economic interests in the Asia-Pacific region, notably the United States, South Korea, and Japan, among others, as well as international organizations such as the United Nations and The World Food Program, would be able to provide humanitarian aid and help manage the situation.<sup>11</sup> Finally, there have also been instances where China did not return every escapee back across the border, which implies that there are reasons other than an influx of refugees that China refuses to cooperate with international refugee norms.<sup>12</sup>

Few, if any, researchers have thoroughly explored the idea of public health as a motivating factor for China in its treatment of North Korean defectors. Because of the lack of an effective healthcare system and rampant malnutrition, the North Korean populace suffers from severe problems like tuberculosis, malaria, and other communicable diseases,<sup>13</sup> all of which could have devastating effects if introduced to China. In addition, the malnutrition leaves many people in North Korea with weakened immune systems and renders them unable to fend off these diseases. China has a long record of facing disease outbreaks and frequently denies entry to foreigners who bear communicable diseases, and is already fighting its own epidemics of AIDS and tuberculosis.<sup>14</sup> Furthermore, China wants to eliminate malaria within its borders by 2020,<sup>15</sup> and has made great strides in doing so, and will therefore not be likely to enact policies that have the potential to hamper or even reverse its progress. Considering North Korea's many public health problems and

9 Tianyi Wang, "Small State, Big Influence: China's North Korea Policy Dilemma," *Georgetown Journal of Asian Affairs*, 1, no. 1 (Fall/Winter 2014): 5-27.

10 Ibid.

11 Ibid.

12 Cha, *The Impossible State: North Korea, Past and Future*, 181.

13 Yo Han Lee, Seok-Jun Yoon, Young Ae Kim, Ji Won Yeom, and In-Hwan Oh, "Overview of the Burden of Diseases in North Korea," *Journal of Preventive Medicine & Public Health*, 46, no. 3 (May 2013): 111-17.

14 César Chelala, "TB in China: a New Epidemic of an Old Disease," *The Globalist*, May 31, 2014. <https://www.theglobalist.com/tb-in-china-a-new-epidemic-of-an-old-disease/>.

15 "Malaria in China," World Health Organization, accessed October 20, 2017. <http://www.wpro.who.int/china/mediacentre/factsheets/malaria/en/>.

China's reluctance to take on foreign-borne illnesses, this article advances the argument that North Korea's poor state of national health as well as its failing public healthcare system largely contribute to China's policy of repatriating North Korean defectors. This paper will first demonstrate the severe health problems that affect North Korea. Then, it moves on to illustrate China's own health epidemics, as well as present evidence indicating that China actively tries to block disease-bearing foreigners from entering its borders. Following that, it will address a potential counterargument to the paper, before finally presenting its conclusion. The terms "North Korean defector," "North Korean refugee" and "North Korean escapee" will be understood to mean "an individual who has willingly left and/or abandoned North Korea" and will be used interchangeably.

### North Korea's Chronic Public Health Problems

North Korea is one of the world's poorest nations, whose people suffer not only from the brutal and systematic oppression by the state, but also from pervasive malnutrition. Though the worst of the Arduous March—the great North Korean famine of the 1990s that claimed the lives of between 600,000 and 2.5 million people<sup>16</sup>—was largely over by around 1999, the country has since settled into, and remains in, a long-lasting and prolonged state of food crisis. Although the food situation has improved in recent years, there is still widespread hunger,<sup>17</sup> and the Arduous March has left an entire generation malnourished, in what has come to be known as the "stunted generation."<sup>18</sup>

Because of its poverty and the regime's inability to tend to the well-being of its people, North Korea likely has one of the world's worst health environments, with diseases such as tuberculosis (TB) and malaria as the major health problems of the country.<sup>19</sup> The prevalence and incidence of TB, which reputedly has the highest fatality rate of all communicable disease,<sup>20</sup> is almost three times higher in North Korea than the global average.<sup>21</sup> In fact,

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16 Joshua Stanton and Sung-Yoon Lee, "Pyongyang's Hunger Games." *The New York Times*, March 7, 2014. <https://www.nytimes.com/2014/03/08/opinion/pyongyangs-hunger-games.html>.

17 Scott A. Snyder, "North Korea's Food Situation: Stable and Improving," *Council on Foreign Relations*, February 17, 2015.

18 Colin Freeman, "Eight reasons why North Korea should be charged with crimes against humanity," *The Telegraph*, November 18, 2014. <http://www.telegraph.co.uk/news/worldnews/asia/north-korea/11238975/Eight-reasons-why-North-Korea-should-be-charged-with-crimes-against-humanity.html>.

19 Yo Han Lee, Seok-Jun Yoon, Young Ae Kim, Ji Won Yeom, and In-Hwan Oh, "Overview of the Burden of Diseases in North Korea," *Journal of Preventive Medicine & Public Health*, 46, no. 3 (May 2013): 111-17.

20 Mi-young Kim, "Contagious diseases critical in North Korea," *ReliefWeb*, November 29, 2001. <https://reliefweb.int/report/democratic-peoples-republic-korea/contagious-diseases-critical-north-korea>.

21 Yo Han Lee, Seok-Jun Yoon, Young Ae Kim, Ji Won Yeom, and In-Hwan Oh, "Overview of the Burden of

from the mid-1990s until the mid-2010s, the rate of incidence of TB *increased*. This increase in the rate of TB was obvious even though during this same period, North Korea has seen its levels of national food waste decrease to the point where North Korea is actually outperforming other similarly low-income nations in East Asia and the Pacific.<sup>22</sup>

Tuberculosis is far from being the only malady that threatens the people of North Korea. The low levels of nutrition, poor sanitation, and scarcity of medicine, particularly antibiotics, greatly contribute to the spread of other diseases in the country. Scarlet Fever, one of the world's deadliest diseases throughout much of the late twentieth century, has largely been eliminated throughout the world, primarily because of the use of antibiotics. However, as recently as 2006, there was an outbreak of Scarlet Fever in several areas of North Korea,<sup>23</sup> which also prompted DPRK authorities to close parts of the Sino-North Korean border in an effort to contain the disease and stop it from spreading further.<sup>24</sup> The result of all of these issues is that infant and maternal mortality have increased, and life expectancy has decreased in North Korea.<sup>25</sup>

Other communicable and deadly diseases that have emerged in North Korea in recent history include paratyphoid, measles, cholera, and smallpox. Many of these are preventable or treatable with simple antibiotics, and others, such as smallpox, were thought to have been eradicated several decades ago.<sup>26</sup> Without an effective healthcare system, and without medicine readily available, these diseases can become deadly. The prevalence of these diseases, in tandem with the poor healthcare infrastructure in the country, implies that defectors from North Korea into China are at an increased risk for carrying diseases into China and increasing the healthcare burden. Rather than providing medical care to its citizens or disseminating antibiotics, North Korean Public Health officials instruct residents to “drink boiled water” as treatment for diseases like Scarlet Fever.<sup>27</sup> The ensemble of these factors—from poor healthcare to the prevalence of communicable diseases—means

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Diseases in North Korea,” *Journal of Preventive Medicine & Public Health*, 46, no. 3 (May 2013): 111-17.

- 22 Hazel Smith, “Nutrition and Health in North Korea: What’s New, What’s Changed and Why It Matters,” *North Korean Review*, (October 2016) Vol 12(1): 7-34.
- 23 Young-jin Han, “Spread of Scarlet Fever? Yangkang in Isolation,” *DailyNK*, December 15, 2006. <http://www.dailynk.com/english//read.php?catald=nk01500&num=1432>.
- 24 Robert Neff, “Four Deadly Epidemics Plague North Korea,” *Ohmynews*, November 17, 2006. [http://english.ohmynews.com/ArticleView/article\\_view.asp?no=329454&rel\\_no=1](http://english.ohmynews.com/ArticleView/article_view.asp?no=329454&rel_no=1).
- 25 John Grundy, Beverly-Ann Biggs, and David B. Hipgrave, “Public Health and International Partnerships in the Democratic People’s Republic of Korea,” *PLoS Med* (December 2015) 12(12): e1001929. <https://doi.org/10.1371/journal.pmed.1001929>.
- 26 Mi-young Kim, “Contagious diseases critical in North Korea,” *ReliefWeb*, November 29, 2001. <https://reliefweb.int/report/democratic-peoples-republic-korea/contagious-diseases-critical-north-korea>.
- 27 Kwon-Jeong Hyun, “North Koreans ‘1 out of 10 Households Have Diseased Patients,’” *DailyNK*, July 23, 2006. <http://www.dailynk.com/english/read.php?catald=nk01500&num=925>.

that the public health problems plaguing North Korea are highly severe and chronic.

### China's Own Public Health Concerns

China already faces many problems with diseases within its borders, notably Severe Acute Respiratory Illness (SARS), tuberculosis, and malaria. In the interest of public health and well-being, the Chinese government has a long history of denying entry to foreigners who bear or who have had exposure to contagious diseases, for fear of dangerous diseases entering its borders.

The SARS epidemic can be traced back to a Chinese businessman from Guangdong province in China, and it quickly spread across the country until it reached other countries in different continents across the globe. Since the World Health Organization first identified the virus in 2003, SARS has infected around 8,000 people worldwide and has claimed the lives of about 750, a large portion of which occurred in China. SARS induces death in about 9 to 12% of all patients diagnosed with the virus, and among those aged 65 and older, over 50% have perished. In fact, the SARS epidemic was so deadly that it became a global health concern, so much so that it even affected national economies and induced a wave of panic across China. Though the virus is getting increasingly manageable, it appears that SARS will not be fully eradicated any time soon and will continue to cost governments a great deal of money and other resources to battle each case, with each new case having the potential to trigger another epidemic. SARS has had significant, devastating effects on China's economy and public health; undoubtedly, the Chinese government will do whatever is in its power to ensure that such a severe epidemic does not happen again, whether with SARS or a different disease. It would appear logical for China to fear that systematically granting asylum to North Korean defectors could result in another epidemic.

In addition to SARS, China currently has the world's second largest TB epidemic, behind only that of India,<sup>28</sup> with an estimated one million new cases each year. Although the incidence rate of TB in China has declined at about 4.7% each year since 1990,<sup>29</sup> it is still highly communicable and poses serious risks to anyone exposed to it. Additionally, HIV and AIDS immensely diminish the efficacy of the immune system of anyone infected with them, which makes it all the more difficult for the human body to control TB-causing bacteria. Accordingly, anyone with HIV who becomes exposed to TB-causing bacteria will

28 César Chelala, "TB in China: A New Epidemic of an Old Disease," *The Globalist*, May 31, 2014, <https://www.theglobalist.com/tb-in-china-a-new-epidemic-of-an-old-disease/>.

29 "Tuberculosis in China," World Health Organization, accessed October 20, 2017, <http://www.wpro.who.int/china/mediacentre/factsheets/tuberculosis/en/>.

automatically be at increased risk of infection. Unfortunately, the prevalence of AIDS has grown tenfold in China since 2004, with recent estimates of its incidence at 3.06 per 100,000 persons as of 2013.<sup>30</sup>

Though AIDS and TB are still ongoing, China has made great strides in its battle against malaria and seeks to eliminate malaria entirely by 2020.<sup>31</sup> It would be significantly against Chinese interests to introduce potentially communicable foreign-borne illnesses to the country, including those from North Korea. Doing so would hamper the progress China has made, and indeed the Chinese government frequently denies entry visas to foreigners at risk for introducing disease to the country.

### China's Denial of Entry to Disease-Bearing Foreigners

China has a history of not admitting people with diseases, or those it fears could potentially carry infectious diseases, into its territory. In 2014, the rapidly spreading Ebola epidemic in West Africa caught the world's attention, and the three nations that were hardest hit were Sierra Leone, Burkina Faso, and Liberia.<sup>32</sup> Although Nigeria had only a small number of confirmed cases, which were successfully contained, and was declared Ebola-free by The World Health Organization on October 20, 2014, Nigerians also had to experience the prohibition of entry along with other African nations with severe Ebola cases.<sup>33</sup> Despite fierce anger, outrage, and a potential compromise of diplomatic relations between China and Nigeria, Chinese authorities decided to deny entry visas to Nigerian students from Ekiti State University due to the threat of Ebola.<sup>34</sup> Whether or not this was the right decision for Chinese authorities to make, they did so in the interests of China's public health. If the threat of Ebola from Nigeria, even though evidence points to it being contained and limited in number, is what prompted Chinese authorities to deny the Nigerian students entry visas, then the much less controlled risk of disease from North Korea serves the same motivating function to deny entry to North Korean defectors.

30 Yuanyong Xu, Guang Yang, Huihui Liu, Xinxin Li, Lixue Song, Yanan Li, Yong Wang, Shenlong Li, and Hongbin Song, "Epidemiologic Features of AIDS in China, 2004–2013," *Clinical Infectious Diseases* 60, no. 1. (January 2015): 167–169, <https://academic.oup.com/cid/article/60/1/167/2895784/Epidemiologic-Features-of-AIDS-in-China-2004-2013>.

31 "Tuberculosis in China," World Health Organization, accessed October 20, 2017, <http://www.wpro.who.int/china/mediacentre/factsheets/tuberculosis/en/>.

32 Anne Gulland, "Fifteen Countries are at Risk of Ebola Outbreak, says WHO," *BMJ*, (2014) 349 : g6305, <http://www.bmj.com/content/349/bmj.g6305>.

33 "2014-2016 Ebola Outbreak in West Africa," Centers for Disease Control and Prevention, accessed October 20, 2017, <https://www.cdc.gov/vhf/ebola/outbreaks/2014-west-africa/>; "Nigeria is now free of Ebola virus transmission," World Health Organization, accessed October 20, 2017, <http://www.who.int/mediacentre/news/ebola/20-october-2014/en/>.

34 Kamarudeen Ogundele, "Ebola: China denies Nigeria's champion visa," *The Punch*. October 7, 2014.



The example above of China's denial of entry visas to Nigerian students is just one example of its official visa policies. In explicit language, the Chinese government also stipulates that anyone suffering from mental disorders, leprosy, AIDS, venereal diseases, contagious tuberculosis or other diseases shall not be allowed to enter China.<sup>35</sup> Presumably, the denial of entry to people with contagious diseases is to prevent their spread within China's borders. Accordingly, China's official national policies indicate that China is wary of allowing entry to those who might be at risk for carrying foreign pathogens, which includes North Koreans, who have likely not received much in the way of antibiotics or other medication.<sup>36</sup>

Finally, there contains specific language used in the 1986 Bilateral Agreement between China and North Korea – an agreement to which China still considers itself bound<sup>37</sup> – demonstrating that public health is a significant factor in policies in relation to North Korean defectors. Article 1, Clause 3 of this Bilateral Agreement states that:

In the event that in one side's border area, there occurs an **infectious disease** or insect infestation or the other side's area is in danger of being contaminated, the other side must be immediately notified. When necessary, **passage through the border area may be temporarily prohibited** through negotiations of both sides.<sup>38</sup>  
[emphasis added]

Thus, from this document, it appears that the Chinese government has already reached an explicit agreement with North Korean government about the passage of diseases between the two neighboring countries. Generally, Chinese citizens, who have better access – even those in poor or rural areas – to medical care than their neighbors across the Tumen River, are presumably not trying to cross the border into North Korea. As a result, this treaty is effectively one-sided, with China being the one responsible for closing its borders to access from North Koreans in the event of a breakout of disease.

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35 "Order of the President of the People's Republic of China No. 57," Ministry of Foreign Affairs of the People's Republic of China, accessed October 20, 2017, <http://cs.mfa.gov.cn/zlbg/ffg/crjxg/t1054650.shtml>.

36 Daniel Schwekendiek, *A Socioeconomic History of North Korea* (Jefferson, North Carolina: McFarland, 2011), 67.

37 Roberta Cohen, "China's Repatriation of North Korean Refugees," *The Brookings Institution*, March 5, 2012, <https://www.brookings.edu/testimonies/chinas-repatriation-of-north-korean-refugees/>.

38 Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas, PRC-DPRK. (1986). Article 1, Clause 3.



## Counterargument

One counterargument is as follows: Why does the Chinese government not simply state that China fears an influx of communicable diseases penetrating its borders?

In the 1951 Convention on the Status of Refugees and the subsequent 1967 Protocol, both of which China is a member, a refugee is defined 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.”<sup>39</sup> Under this definition, North Korean defectors into China qualify as legitimate refugees because they have a “well-founded fear of being persecuted” if sent back to North Korea. Additionally, North Korea considers it treason to leave the country without prior authorization, no matter the reason, and doing so is a severe political crime.<sup>40</sup>

However, by describing them as “economic migrants” rather than as “refugees,” China attempts to alleviate itself of any duty to grant North Korean defectors asylum. Because an economic migrant is simply someone who goes to another country in search of opportunities for a higher standard of living or better quality of life as a result of the lack of job opportunities or poor living conditions in his or her home country, economic migrants do not generally qualify for refugee status.

Although it is true that many North Koreans do defect for reasons such as hunger and poverty, and indeed, the food situation is the “key driver for the outflow of North Koreans,”<sup>41</sup> the moment they step across the border, they have committed a severe political offense punishable by death under North Korean penal code.<sup>42</sup> As a result, regardless of the original reason for defection, North Koreans who have crossed the border qualify for asylum.

Furthermore, economic migrants are those who leave their home country willingly in search of a better life, but, particularly for female defectors, who constitute the majority of defectors and who are often more vulnerable than their male counterparts, life in China is not necessarily better than life in North Korea. They often suffer from extremely cruel treatment at the hands of locals and even Chinese authorities, exhibit signs of post-traumatic stress disorder,

39 The UN Refugee Agency, “Convention and Protocol Relating to the Status of Refugees,” 2010. p. 3.

40 Roberta Cohen, “China’s Forced Repatriation of North Korean Refugees Incurs United Nations Censure,” *The Brookings Institution*, July 7, 2014. <https://www.brookings.edu/opinions/chinas-forced-repatriation-of-north-korean-refugees-incurs-united-nations-censure/>

41 Cha, *The Impossible State: North Korea, Past and Future*, 187.

42 “Treason,” Death Penalty Database, Cornell Center on the Death Penalty Worldwide, last modified June 3, 2014. <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=north+korea>.

or even engage in prostitution to earn a living.<sup>43</sup> The case of Eunsun Kim<sup>44</sup> and her mother and sister is a prime example. Before finally reaching South Korea and being granted asylum in 2006, Kim and her mother and sister were sold to a Chinese farmer, where they faced physical, verbal, and sexual abuse for nearly a decade.<sup>45</sup> Indeed, Kim's story is a common fate that befalls upon many North Korean defectors. Owing to their illegal status, refugees from North Korea, particularly women, are highly susceptible to falling prey to human trafficking; estimates of up to around 80% of these refugees are women and 90% or more of these women fall prey to human traffickers.<sup>46</sup> Many of them, including young children, are then subjected to inhumane conditions such as forced sex work in establishments such as brothels and karaoke bars.<sup>47</sup>

China does not publicly state that its policies are due to health reasons because neither the 1951 CRSR nor the 1967 Protocol contain any language that exempt people bearing diseases from being granted asylum. If the Chinese government were to say this is the reason why it sends back North Korean defectors, it would be openly admitting to violating its obligations. Furthermore, even if there were language that made an exception for people bearing diseases, China would still need to grant North Korean defectors due process before expelling them from the country. The CRSR states that the expulsion of any refugee "shall be only in pursuance of a decision reached in accordance with due process of law."<sup>48</sup> Hence, it follows that China cannot simply declare that it is repatriating defectors out of concerns for public health.

## Conclusion

Many world leaders and heads of international human rights organizations have criticized China's policies towards North Korean defectors who cross over into Chinese territory. Indeed, many of these leaders and other human rights groups have already urged China, to little or no avail, to cease repatriating defectors back to North Korea.<sup>49</sup>

43 Gisoo Shin and Suk-Jeong Lee. "Mental Health and PTSD in Female North Korean Refugees." *Health Care for Women International* 36 (April 2015): 409-423.

44 For safety reasons, Eunsun Kim is a pseudonym, and this paper will not reveal her real name.

45 Eunsun Kim and Sébastien Falletti, *A Thousand Miles to Freedom: My Escape from North Korea*, trans. David Tian (New York: St. Martin's Press, 2015).

46 Jane Kim, "Trafficked: Domestic Violence, Exploitation in Marriage, and the Foreign-Bride Industry," *Virginia Journal of International Law* 51, no. 2 (2011): 443-508.

47 Kim and Falletti, *A Thousand Miles to Freedom: My Escape from North Korea*.

48 The UN Refugee Agency, "Convention and Protocol Relating to the Status of Refugees," 2010, 29.

49 Sang-Hun Choe, "China Should Not Repatriate North Korean Refugees, Seoul Says," *The New York Times*, February 22, 2012, <http://www.nytimes.com/2012/02/23/world/asia/seoul-urges-china-to-not-return-north-korean-refugees.html>

It would be in the best interests for nearly all parties involved, including China itself, but perhaps not the Kim regime in North Korea, for China to be able to adopt policy that grants defectors due process as well as the protection afforded by their status as asylum seekers. Recognizing defectors as legitimate refugees rather than labeling them as “economic migrants” would help bolster China’s international image and prestige, help Beijing maintain a good reputation among other national governments, as well as honor its duties to international refugee law as established by the 1951 Convention Relating to the Status of Refugees and its subsequent 1967 protocol.

Trafficking is a serious blemish on China’s record, with China being placed on the Tier 2 Watch List in the 2016 Human Trafficking Report.<sup>50</sup> What this means is that China does not fully comply with the Trafficking Victims Protection Act’s (TVPA) minimum standards, although it is making efforts to do so. The Watch List designation indicates at least one of the following:

- 1) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; 2) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, or; 3) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.<sup>51</sup>

Therefore, another reason for China to cooperate with the international community on the issue of North Korean defectors is that granting defectors protected status as asylum seekers can help reduce China’s severe human trafficking problem, and one of the most immediately obvious ways to accomplish this is to grant asylum to escapees from North Korea. Although doing so would not be a panacea for all the trafficking of persons that takes place in China, granting North Korean defectors asylum would help contribute to its reduction.

The issue of how to deal with North Korean defectors coming into China is important and highly complex. If the most desirable outcome in relation to defectors is for China to begin recognizing them as refugees and granting them asylum in accordance with the Convention Relating to the Status of Refugees, all interested parties must understand the root, rather than proximate, causes of China’s behavior. There already exists ample literature in academia, think tanks, and the media that have examined previous theories including China’s

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50 “Trafficking in Persons Report,” U.S. Department of State, 2016, 129.

51 *Ibid.*, 39.

ideological alliance with North Korea, Chinese fears of destabilization in the region from a sudden influx of defectors, and losing the buffer zone of North Korea that separates the Chinese border from American armed forces. However, as experience has shown, these explanations have not been sufficient to explain China's reluctance in granting defectors asylum. This paper adds an important but overlooked element to the literature: the idea of maintaining public health in China as a motivating factor for repatriating North Korean defectors. If human rights groups, other regional powers, and the international community at large seek cooperation from China on this issue, and want China to grant asylum to North Korean defectors and turn them over to South Korea instead of North Korea, they would also do well to understand China's health concerns and properly address them. Perhaps by adequately addressing this concern can the international community expect cooperation from China on the issue of granting refugee status to North Korean defectors. Future studies could further explore this subject, as well as examine potential concrete policy recommendations to address China's concern for maintaining public health while ensuring the safety and well-being of defectors.