

Committee: Disarmament Committee**Issue: The Protection of North Korean Defectors: Exploitation, Trafficking and Refoulement****Chair Name(s): Ha Joon Lee, Youjung Ahn, Chanshin Jo****Introduction**

The Disarmament and International Security Committee(DISEC), one of the 6 main committees of the United Nations General Assembly, handles various topics in the field of disarmament, global challenges, and threats to peace that affect the international community and aims to find solutions to the challenges in international security. It abides to the United Nations charter regarding its purposes, principles, functions, powers, voting and procedures, therefore considering all disarmament and international security issues as long as they are within the scope of the charter. The general principles of cooperation is in the maintenance of international peace and security, as well as principles governing disarmament and the regulation of armaments; it works in cooperation with the United Nations Disarmament Commission and the Geneva-based conference on disarmament, seeking to strengthen the stability through cooperative arrangements.

The first topic dealt in the following committee is ‘THE PROTECTION OF NORTH KOREAN DEFECTORS: EXPLOITATION, TRAFFICKING AND REFOULEMENT’. North Korea remains one of the most repressive states around the globe, with Kim Jong Un, still serving as chairman of the States Affairs Commission and head of the ruling Workers’ Party of Korea—continues to exercise almost total political control. The matter of human rights violation is indeed a main agenda discussed along with the other matters such as denuclearization but it is not regarded nor recognized as seriously as the weaponry matters. In reality, sanctions towards North Korea regarding the human rights issue is said to be only the warning for the nuclear/missile experiments, according to United Nations specialists. Therefore, it is strongly believed that more attention is needed regarding this matter. To be more specific, North Korean defectors are facing a security issue as the Chinese authorities arrest and deport hundreds of defectors to North Korea, sometimes in mass immigration sweeps. Also, Chinese citizens caught aiding defectors face fines and imprisonment. In a situation where China is the main route used by the North Korean defectors, this strong censorship often puts the defectors in dangerous situations.

Definition of Key Terms

Songbun(Chulsin-songbun/출신성분): Songbun is the name of North Korean caste system. It ascribes the status of individuals based on the political, social, and economic background of one's direct ancestors as well as the behavior of their relatives. It is used to determine whether an individual is trusted with responsibilities, is given opportunities within North Korea or even receives adequate food. Songbun affects access to educational and employment opportunities and it particularly determines whether a person is eligible to join North Korea's ruling party. There are five classes: special crowd(특별 군중), core crowd(핵심 군중), ordinary crowd(기본 군중), complicated crowd(복잡 군중) and remainder of hostile class(적대계급 잔여분자).

Defectors(North Korean): Since the division of Korea after the end of World War II and the end of the Korean War (1950–1953), North Koreans have defected for political, ideological, religious, economic or

personal reasons, such as lack of freedom of thought, restriction in religion and belief, severe punishment for any religious practices apart from activities related to exaltation towards their leader, brutal torture or even public execution for actions against the government's will. Such North Koreans are referred to as North Korean defectors by the North Korean government. South Korean government uses the term 'northern refugees(탈북자)' or more often the 'new settlers(새터민)'.

Juche(주체사상): Juche is the official ideology of North Korea, described by the government as "Kim Il-sung's original, brilliant and revolutionary contribution to national and international thought." Korean masses are to act as the "masters of the revolution and construction" and that by becoming self-reliant and strong, a nation can achieve true socialism. Socialism is a political, social, and economic ideology that encompasses a variety of economic and social structures characterized by collective ownership of productive assets. This ideology indoctrinates North Korean citizens into revering Kim Jong-Un and essentially divinifies him.

Exploitation: In general, it is the action or fact of treating someone unfairly in order to benefit from their work or the action of making use of and benefitting from the sources. Specifically, it can be divided into two types: sexual exploitation and forced labour. Non-consensual misuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or some other non-legitimate purpose is known as sexual exploitation. Forced labour is any work or service which people are forced to do against their will, under threat of punishment. North Korean defectors who were unknowingly sold or had mistakenly encountered individuals involved in sexual assaults or forced labour go through difficult times. In this situation, North Korean defectors are coerced into remaining silent about the exploitation they face because the perpetrators threaten them with repatriation.

Trafficking: Trafficking is the act of recruiting, transporting, transferring, harbouring or receiving a person; By means of e.g. coercion, deception or abuse of vulnerability; For the purpose of exploitation, such as sexual exploitation, slavery and forced labour, among others.

Refoulement: Refoulement, from the French word "refouler", means sending a person back to a country where they face a threat to their life or freedom. The Chinese deny the fundamental rights of North Koreans to leave their country and seek asylum abroad and are forcibly returned to condition of danger. As a result, the North Koreans could be detained and threatened and are likely to face harsh punishment. Some might even be put to death.

Statement of the Problem

North Korean leader Kim Jong Un has assumed office since the 17th of December 2011, succeeding Kim Jong il, and according to an UNHRC report in 2014, it is suggested that he has ordered the purge or execution of several North Korean officials and is widely believed to have ordered the 2017 assassination of his half-brother, Kim Jong-nam, in Malaysia. Meanwhile, he is also accused of detaining individuals in facilities such as short-term detention facilities (노동 단련대), long term ordinary prisons (교화소), or political prison camp system (관리소) for various reasons including the political ones and abusing them.

During the session in the UN Universal Periodic Review, which is a questioning session that takes place every five years at the UN Human Rights Council, North Korean authorities have strongly denied the existence of political prison camps and forced labor in the country. North Korean diplomats claimed there's no such thing as a political prisoner, or a political prison camp, in the criminal law and the criminal procedure law of the North. They were defending Kim Jong-un against over 2-hundred accusations, denying the evidence provided by UN investigators, which noted that around 80,000 to 120,000 people are currently in held in camps in North Korea and are constantly exposed under torture and other violations. As referred to in the UN report written in May 2019, the North Korean officials had claimed that they will 'note' the warning on the regime's claims instead of 'accepting' them. In diplomatic language, this is referred to as a denial to the claims.

The attitude of the North Korean officials have indeed infuriated many, but the situation of those detained in the facilities seems to be intact. The North Korean government prohibits its citizens from leaving North Korea without official permission, with strict border control measures, active targeting for arrests, and publicized punishments on those who get caught defecting to China. To illustrate, according to a letter released by the U.N. human rights agency, five North Korean defectors, including a teenager and a pregnant woman, are facing forcible repatriation after they were arrested in China in September. The letter showed that the defectors, including a 14-year-old girl and a woman, who is six months pregnant, were arrested in Huangdao, Shandong province, on Sept. 13 and have been detained in a police station in Qingdao of the same province. They had attempted to reach South Korea. According to an account of the victim of sexual trafficking, "When we first arrived at the MSS detention, we were body-searched in a group. We were told to strip naked, and my clothes were checked. My cavities, vagina and anus were also checked. A woman carried out the body search. She wore plastic gloves. She must have had a military rank, because she was under the MSS. She was working as a nurse. She also did a blood test, to check for diseases like hepatitis. There were no men present during the search."

The Chinese government, strongly allied with the North Korean government, obstructs organizations and unofficial networks in assisting North Koreans in their escape to safe third countries. As a result, only 771 North Koreans successfully landed in South Korea between January and September of 2019, which is less than a third of the number of people that arrived in 2011, before the rise of Kim Jong Un. The North Korean Ministry of People's Security perceives the act of defection to be a crime of 'treachery against the nation'. After forceful repatriation by China, many North Koreans are exposed to abuses that the UN Commission of Inquiry has condemned as crimes against humanity. Depending on the assessments conducted by the leading authorities, those returned to North Korea can be forcibly detained in short-term detention facilities (노동 단련대), long term ordinary prisons (교화소), or political prison camp system (관리소). Once their attempt for defection has been caught, the songbun(출신성분) of the entire family member including the farthest one down the family tree is degraded to remainders of hostile class(적대계급 잔여분자) no matter which class you belonged to in the beginning.

In addition, gender-based violence towards North Korean defectors has increased in China. Most North Korean women and girls that escaped to China have become victims of trafficking and forced marriages. An article published by New York Times cite that an estimated 60 percent of female North Korean refugees in China are trafficked into the sex trade, and increasingly coerced into cybersex. "Girls aged as young as 9 are forced to perform graphic sex acts and are sexually assaulted in front of webcams, which are live-

streamed to a paying global audience, many of whom are believed to be South Korean men,” the report said. When she was smuggled out of North Korea in spring 2017, Ms. Lee was told she would be waitressing in China. When she arrived, her boss said her job was “chatting” at the computer. Until then, she had never seen a computer. She didn’t know what a webcam was. She was 18.

When escaping to China by crossing the Tumen River, North Korean defectors frequently meet with a ‘broker’, who assures to assist defectors with finding safe routes and seeking asylum outside North Korea. However, these ‘brokers’ operate with mal-intent and defected North Korean women are then trafficked throughout mainland China. These forced marriages are not legally recognized by the Chinese government. This creates difficulties for the children of such marriages to obtain legal status in China, causing them to reside unprotected by the laws of either China or North Korea. According to the UN study based on 100 first-hand accounts by North Korean women who said they were beaten or suffered other individual or collective punishment while in detention between 2009 and 2019, women that were subjected to forced marriage reported that they were not only subject to sexual abuse but had to undertake a lot of workload. They came to China mostly for livelihoods but ended up not seeing their children anymore.

When North Korean women are arrested for illegal residence in China, they will be forcibly deported back to North Korea. Based on findings by the Office of the United Nations High Commissioner for Human Rights (OHCHR), women who are arrested and returned to the Democratic People's Republic of Korea (DPRK) are subjected to systematic punishments, while exposed to an even higher risk to sexual violence. In this respect, independent human rights monitors have insufficient access to the detention centers and other facilities in DPRK, obstructing the assessment of the situation of detainees. The North Korean defectors and the people in facilities are indeed in a vulnerable status both within and outside the nation.

Timeline of Key Events

| Date | Event |
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| 2000 | The Aquariums of Pyongyang: Ten Years in the North Korean Gulag Book is Kang Chol-hwan’s memoir of growing up in a North Korean prison camp for ten years, beginning at the age of nine years old. |
| 2001 | Committee for Human Rights in North Korea (HRNK) Formed to promote human rights in North Korea. It seeks to raise awareness and to publish well-documented research that focuses international attention on North Korean human rights. |
| 2003 | Adoption of Resolution on North Korea by Commission on Human Rights Expressed deep concern about reports of systematic, widespread and grave violations of human rights, including torture, public executions, imposition of the death penalty. |

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| 2004 | UN Commission on Human Rights appoints Special Rapporteur Appointed a Special Rapporteur to investigate and report on the human rights situation. |
| 2009 | UN Universal Periodic Review issues report A report on North Korea identifying serious human rights concerns occurring in that country. Although North Korea participates in the review, it is the first State to not accept any recommendation out of the 167 received. |
| 2011 | International Coalition to Stop Crimes against Humanity in North Korea (ICNK) Formed to promote the establishment of a COI. HRNK joins this coalition along with over 40 other organizations. |
| Nov. 2012 | Third Committee of the General Assembly The Special Rapporteur on the situation of human rights in North Korea called on Member States to “undertake a comprehensive review of the many UN reports on the human rights situation in North Korea to assess the underlying patterns and trends, and consider setting up a more detailed mechanism of inquiry”. |
| Feb. 2013 | Special Rapporteur Darusman’ report States that there has been nine factors of human right abuses by North Korea from these reports that could |
| 21 Mar. 2013 | Commission of Inquiry on human rights Human Rights Council established the Commission of Inquiry on human rights in the Democratic People's Republic of Korea with a 47-member consensus in its 22nd Session. |

Evaluation of Past UN and International Actions

Acting High Commissioner Bertrand Ramcharan carried out the Commission request for a dialogue with North Korea in 2003. It communicated with more than 50 countries, yet, the DPRK refused “to identify potential areas of cooperation. “It charged that the 2003 resolution was “adopted under pressure by the EU” and was “the product of political collusion with the anti-DPRK policy of the United States ”. (Gaer & Broecker 297)

In 2006, Louise Arbour reported to the Human Rights Council (which replaced the Commission on Human Rights) that although her Office had been “actively trying to encourage the Government to avail itself of our [technical] assistance,” to date “our efforts have yielded no result.” “I have been unsuccessful,” she told the Council, “in engaging in dialogue with the Government.”

The UN Secretary-General backed the dialogue and urged North Korea to allow entry to the High Commissioner. When Ban Ki Moon served as the Secretary General, he dispatched a Special Envoy to Pyongyang in 2010, one of the items on that envoy’s agenda was to press the government to cooperate with OHCHR and set up a technical assistance program.

The United Nations Human Rights Council has adopted a resolution condemning human rights violations by North Korea for the 18th consecutive year. The resolution submitted urges North Korean leadership to prevent and deter crimes against human rights and prosecute abusers. The United Nations has also sent letters and declared during the General Assembly urging Beijing to refrain from forcibly repatriating a group of North Korean refugees under Chinese detention. The United Nations stated that any repatriation of the defectors would be a violation of Article 3 of the U.N. Convention against Torture, or UNCAT, which requires no government expel, return or extradite a person to another country where there are sufficient grounds to believe the individual would be subjected to torture.

The United States law by President George W. Bush signed the North Korean Human Rights Act in 2004 which would provide humanitarian assistance to North Koreans and legal assistance to defectors. South Korea similarly has put in a lot of effort in trying to help defectors escape from North Korea and also settle into their new homes. The South Korean government is providing homes for defectors and also job training programs.

According to the overview of Amnesty international, “The authorities continued to impose severe restrictions on freedom of movement and access to information. Widespread and systematic controls over the daily lives of people and frequent pressing of the public into labour mobilizations severely affected the enjoyment of human rights. Foreign media reported several public executions. People in detention experienced torture and other ill-treatment and harsh conditions. The government continued to expand engagement with the international community including participating in the third UN Universal Periodic Review of its human rights record. However, authorities have still not allowed the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea to visit.” Death penalty, arbitrary arrests and detention, enforced disappearances and freedom of movement is all being pointed out by the western human rights group.

Major Parties Involved and Their Views

South Korean government: The new Moon administration in South Korea has not developed a consistent policy on North Korean human rights. The North Korean Human Rights Act, which took effect in September 2016, requires the government to enact the COI report's recommendations, assist North Koreans who have fled their country, and conduct research and publish reports on North Korean human rights.

On June 30, 2019, Moon had an impromptu meeting with Kim and President Trump, but did not publicly discuss human rights concerns during the meeting. The South Korean government removed its name from a list of more than 40 co-sponsors of a resolution condemning human rights violations in North Korea, which they had co-sponsored annually since 2008, in the UN General Assembly's Third Committee on November 14.

The government continued to demonstrate serious and sustained efforts during the reporting period; therefore South Korea remained on Tier 1. Investigation of a case of human trafficking on a fishing vessel, training of officials on sex trafficking, distribution of victim identification guidance to police and prosecutors, holding an interagency conference to address labor trafficking on fishing vessels, and the

adoption of legislation aimed at minimizing the exposure of entertainment visa holders to sex trafficking were among the efforts.

United States of America: The US, which has arguably been at the forefront of international attempts to persuade Pyongyang to denuclearize, has expressed a strong and persistent desire to see North Korea's human rights situation improve. The North Korean Human Rights Act of 2004, which was most recently reauthorized in 2018, is one example of this dedication. The passage of this act helped foster a more optimistic picture of the United States among ordinary North Korean people, as prominent defector Ji Seong-ho recently noted at a July 2019 conference in Seoul organized by the Washington, DC-based Committee for Human Rights in North Korea(HRNC).

The United States Code mandates the appointment of a special envoy for North Korean human rights, who will hold the rank of ambassador and be named by the White House. The ambassador will send annual reports to the US Congress on activities to promote human rights in the DPRK until at least 2022, a position that has been vacant since Obama appointed Robert King's departure in early 2017.

The Trump administration has taken a "transactional" approach to human rights in the DPRK, as King himself points out. Despite this, the United States Congress, which is notorious for its political bickering, unanimously approved the extension of the North Korean Human Rights Act in 2018. An American legislature made up of career politicians who are well-versed in US interests and who are likely to stay in office long after the current administration ends will provide the strongest indication of Washington's overall commitment to North Korean human rights concerns.

Given the multilateral nature of the Korean security crisis, it is perhaps unavoidable that different countries would hold views on North Korean human rights that vary from those promoted by US foreign policy.

Chinese government: China has been in close connection with North Korea ever since Mao got involved in the Korean war. The complex relationship between the then Soviet Union, North Korea and China has been continued for a long period of time. China is North Korea's most important trading partner. It has helped sustain Kim Jong-un's regime, and has opposed harsh international sanctions on North Korea in the hope of avoiding regime collapse and a refugee influx across their 870-mile border. While China does superficially back up for the UN resolutions, it is highly doubted that they are upholding some of the international sanctions.

Refugee women are targeted by marriage brokers and pimps involved in sex trafficking almost as soon as they reach the border—and often even while still in North Korea. Marriage brokers provide North Korean women as wives, particularly in rural areas where the historical preference for male babies has resulted in a severe shortage of Chinese women of marriageable age. Having a Chinese husband, however, does not guarantee a North Korean woman's safety, as she is still subject to repatriation. Moreover, women sold into Chinese families where they suffer physical, sexual, mental, and emotional abuse have very little recourse because of their status. Many women resort to prostitution as a source of income.

Nevertheless, according to the South Korean Unification Ministry, China and North Korea signed a secret agreement in the early 1960s regulating border defense. Another bilateral agreement was signed in 1986,

this time requiring the return of North Koreans and establishing security protocols. These circumstances had, have and will invite North Korean refugees in China to be exploited.

Since 1986, China and North Korea have been parties to a bilateral agreement entitled the “Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas” (U.S. State Department 2005). In this agreement, both sides pledge to “cooperate on the work of preventing the illegal border crossing of residents” (Mutual Cooperation Protocol, Article 4). Notwithstanding a history of Chinese famine victims crossing into North Korea in the early 1960s, the main significance of this treaty since its entry into force has been China’s agreement to return North Korean “defectors” encountered on Chinese territory. In addition, China’s Jilin Province has a local law that requires the return of North Koreans who enter illegally. Both this bilateral agreement and the Jilin law are in clear violation of the UN Refugee Convention. Yet, it is these agreements—rather than the Refugee Convention—that China invokes in justifying its actions toward “illegal” North Koreans.

North Korean government: The North Korean government does not completely comply with the minimum requirements for the prevention of human trafficking and makes no effort to do so. Human trafficking is not a concern, according to the government. Authorities make no distinction between human trafficking and other types of illegal border crossing, and victims are prosecuted for breaking migration laws.

In 2019, Kim Jong Un’s government continued to try to stop people from leaving North Korea without permission, by jamming Chinese mobile phone services at the border, targeting for arrest those communicating with people outside the country or trying to leave, and publicizing punishments imposed on persons caught escaping. To maintain control over its citizens and maintain its economy, the North Korean government systematically needs forced, uncompensated labor from the majority of its population, including employees at state-owned companies or deployed overseas, women, children, and prisoners. At some point in their lives, the vast majority of North Koreans are forced to do unpaid labor, dubbed "portraits of allegiance."

It's unclear if human trafficking or labor trafficking are illegal in North Korea. In the DPRK, fair trials are rare, and the government refuses to say what legal provisions, if any, were used to prosecute drug trafficking offenses. There are no confirmed government workers involved in forced labor or other trafficking activities, and the government does not have law enforcement data. Many North Koreans fled the country as a result of government persecution, increasing their risk of being trafficked in destination countries. The government made no attempt to minimize the demand for commercial sex acts, and its diplomatic staff received no anti-trafficking training. The DPRK is not a signatory to the UN TIP Protocol of 2000.

Russian government: Russia fears that raising DPRK human rights issues could bring political instability to its doorstep. The Russian Federation, a player on the Korean peninsula whose security policies, at least on the surface, resemble those of the United States, disagrees strongly with Washington not only on the question of human rights in North Korea, but also on how human rights affects Korean security. After all, Moscow and Washington have collaborated on the issue of Pyongyang's security provocations on many occasions.

However, when it comes to how human rights affect defense, Moscow and Washington's respective positions make collaboration difficult. The Russian Federation is adamant about not bringing human rights questions to the United Nations Security Council. Although Moscow may not be as involved on the Korean peninsula as it is in other areas of its foreign policy (such as Eastern Europe and the Middle East), there is a connection between its actions in these areas and a hardening of its stance on human rights at the United Nations.

In a 2017 interview with Russian state media, Anatoly Viktorov, the head of the Russian Foreign Ministry's human rights department, deflected a direct query about whether the Russian Federation understood North Korea's grave human rights situation. Rather than admitting North Korea's long history of mass violence, Viktorov said that some countries put labels on the DPRK without considering their own internal situation, a veiled but clear reference to the United States. They have constantly been in a position of defending the North Korean government, while superficially agreeing to the United States.

However, as there are two sides to everything, to stop North Korea's nuclear and ballistic missile programs from collecting foreign currency, a 2017 United Nations Security Council resolution required all countries to send all North Korean staff home by December 22 of last year. Pyongyang is expected to raise more than \$500 million a year from about 100,000 foreign jobs, with 50,000 in China and 30,000 in Russia, according to the US. Due to restricted transportation choices, she said it was difficult for any of the workforce to leave by the deadline. She said there were only two flights a week operated by one airline between Russia and North Korea, as well as small train connections. Despite this, Zakharova said that Moscow was strictly adhering to UN sanctions against North Korea.

Questions a Resolution Must Answer

Q: What can the international community do in order to stop the refoulement of North Korean Refugees?

Q: How can the international community intervene in preventing human trafficking of North Korean people and ensure safety?

Q: How should member states intervene in the human rights violations in North Korea whilst being mindful of North Korea continuing to develop nuclear weapons and persisting to threaten global security?

Q: How can the United Nations pressure the Chinese government to grant asylum or refugee status to North Koreans who defect to China?

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