



THE FORGOTTEN MANY:

HUMAN RIGHTS AND NORTH KOREAN DEFECTORS

Report of the Standing Senate Committee on Human Rights

The Honourable Jim Munson, Chair
The Honourable Salma Ataullahjan, Deputy Chair

June 2016



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42nd Parliament – 1st Session

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MEMBERS OF THE COMMITTEE

The Honourable Jim Munson, Chair

The Honourable Salma Ataullahjan, Deputy Chair

and

The Honourable Senators:

Raynell Andreychuk

Raymonde Gagné

Elizabeth Hubley

Yonah Martin

Nancy Ruth

Thanh Hai Ngo

Ratna Omidvar

Ex-officio members of the committee:

The Honourable Peter Harder, P.C., (or Diane Bellemare) and the Honourable Claude Carignan, P.C., (or Yonah Martin)

Other Senators who have participated from time to time in the study:

The Honourable Senators Black, Cordy, Frum, Jaffer and Mockler

Parliamentary Information and Research Service, Library of Parliament:

Julia Nicol and Jean-Philippe Duguay, Analysts

Senate Committees Directorate:

Mark Palmer, Clerk of the Committee

Lori Meldrum, Administrative Assistant

Senate Communications Directorate:

Marcy Galipeau, Communications Officer

ORDER OF REFERENCE

Extract of the *Journals of the Senate*, Wednesday, February 3, 2016:

The Honourable Senator Munson moved, seconded by the Honourable Senator Hubley:

That the Standing Senate Committee on Human Rights be authorized to examine and monitor issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-seventh Parliament be referred to the committee; and

That the committee submit its final report to the Senate no later than January 31, 2017.

After debate,

The question being put on the motion, it was adopted.

Charles Robert

Clerk of the Senate

THE FORGOTTEN MANY: HUMAN RIGHTS AND NORTH KOREAN DEFECTORS

INTRODUCTION

On 9 March 2016, the Standing Senate Committee on Human Rights (the Committee) undertook to study the human rights situation in the Democratic People's Republic of Korea (North Korea) and the treatment of North Korean defectors, under its general order of reference: To monitor issues relating to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations. The Committee held two meetings, hearing from 10 witnesses, and received written submissions. It heard from the federal government, non-governmental organizations, advocacy groups, a church and defectors. This report outlines their testimony on the state of human rights in North Korea with particular attention to the situation of defectors.

HUMAN RIGHTS IN NORTH KOREA

The Committee's hearings began with powerful testimony from Hyeonseo Lee, author of *The Girl with Seven Names: a North Korean Defector's Story*¹ and herself a North Korean defector currently living in South Korea:

Living in North Korea is not like living in other countries. It is more like living in another universe. I will never truly be free of its gravity, no matter how far I journey.

When I was a young girl in North Korea, I woke up one night choking on thick, black smoke. My parents screamed at me and my little brother to get out of our home, as it was consumed by a huge fire. Outside, my brother and I continued choking, but our father did not check to see if we were okay. Instead, he immediately ran back inside the house and risked his life to salvage the most important possessions: portraits of two dictators which are required to be hung in every North Korean's home. If he failed to save them, he would have been punished. He was afraid not of risking his own children's lives; he was more concerned about saving the images of the old leaders. At the time, nobody, including me, thought this was strange; nor was it strange to see government officials with white gloves who would come to every house to check for dust on the pictures of dictators. After escaping from the country, I realized that these are only small examples of how North Koreans are tragically oppressed and brainwashed.

¹ Hyeonseo Lee and David John, *The Girl with Seven Names*, William Collins, London, July 2015.

We grew up amid constant public executions in North Korea. I saw my first public execution when I was seven — a man who was hanging by his neck under a railroad bridge.²

Alex Neve, Secretary General for Amnesty International Canada, highlighted the broad human rights situation in North Korea, stating that “North Koreans suffer denial and violations of virtually every aspect of their human rights every single day.”³ He reported that North Koreans are subject to arbitrary arrests and detention, their freedom of movement is restrained, their privacy rights are impeded, and their freedom of expression is inhibited.⁴ Similarly, Susan Gregson, Assistant Deputy Minister, Asia-Pacific, at Global Affairs Canada, testified that the challenges faced by North Koreans include: “absence of the rule of law, international isolation and widespread poverty.”⁵

Witnesses told the Committee that North Koreans do not know how different life is in the outside world, due to the regime’s strict control of all communications, including personal devices and state-owned media. Alex Neve emphasized that this causes North Koreans to be “deprived of the chance to learn about and from the outside world while at the same time being suppressed from telling the outside world about the grim human rights situation in the country.”⁶ The regime uses both brainwashing and fear to control the population. Hyeonseo Lee stated: “We were suffering, but we didn't know that's against humanity and everything. We thought the people in the outside world were suffering more than us.”⁷

In addition to the many challenges faced by North Korean men, women in North Korea face significant gender discrimination. Hyeonseo Lee, explained that, “A woman's position is

² Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 23 March 2016 (Hyeonseo Lee, Author of *The Girl with Seven Names*, as an individual).

³ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 13 April 2016 (Alex Neve, Secretary General, Amnesty International Canada).

⁴ *Ibid.*

⁵ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 13 April 2016 (Susan Gregson, Assistant Deputy Minister, Asia-Pacific, Global Affairs Canada).

⁶ *Evidence*, 13 April 2016 (Neve).

⁷ *Evidence*, 23 March 2016 (Hyeonseo Lee).

always lower than that of a man...The woman has no voice. That is why there is a lot of domestic violence against women.”⁸

A. International response to the human rights situation in North Korea

In March 2013, the United Nations Human Rights Council passed a resolution establishing a commission of inquiry on the situation of human rights in North Korea and renewed the mandate of the Special Rapporteur on the situation of human rights in North Korea.⁹ As the Special Rapporteur was denied access to North Korea, he conducted public and private hearings with witnesses and experts in various locations including Seoul, Tokyo, London and Washington, DC.¹⁰ The Rapporteur’s final report was distributed to the United Nations General Assembly on 7 February 2014.

Christopher Kim, Executive Director of the Canadian advocacy organization HanVoice, stated that the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea (COI) “found that some of the most egregious human rights violations reached the level of ‘crimes against humanity’ ... [and] urged the international community to refer this situation to the International Criminal Court.”¹¹ Despite pressure from the international community, however,

the North Korean government continues adamantly to refuse to cooperate with the UN and other international human rights monitors, including denying access to North Korea for the UNHRC [United Nations Human Rights Council] Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.¹²

Adrian Hong, President of the Joseon Institute, an American organization that conducts research and planning in preparation for political change on the Korean Peninsula, underscored the difficulties in achieving human rights-related objectives through standard diplomatic approaches with North Korea. He argued that “[t]he regime seeks only survival

⁸ *Ibid.*

⁹ *Evidence*, 13 April 2016 (Gregson).

¹⁰ United Nations Human Rights Council, *Report of the commission of inquiry on human rights in the Democratic Republic People’s Republic of Korea*, 7 February 2014, (A/HRC/25/63), paras 9-13.

¹¹ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 13 April 2016 (Christopher Kim, Executive Director, HanVoice, Support Association).

¹² *Evidence*, 13 April 2016 (Neve).

and the continued domination and exploitation of its people.”¹³ He stated that engaging North Korea through dialogue “in hopes that Pyongyang might see the light and change their [*sic*] ways... will never work.”¹⁴

B. Canadian response to the human rights situation in North Korea

Canada can and does play an important role in advocating for human rights in North Korea. Jack Kim, immigration lawyer and Special Advisor to HanVoice, noted that Canada “has continuously pressed the issue of North Korean human rights and refugees in multilateral forums such as the United Nations...”¹⁵ Susan Gregson also informed the Committee that, in addition to the numerous sanctions Canada has enacted against North Korea for its nuclear weapons program, Canada has co-sponsored a number of resolutions at the United Nations regarding the human rights situation in that country. For instance:

- In March 2013, Canada co-sponsored the Human Rights Council resolution establishing the COI.
- In November 2014, Canada co-sponsored a resolution in the UN General Assembly that took note of the COI’s report, urged North Korea to respect the human rights of its citizens and emphasized the need for accountability for human rights abuses.
- In November 2015, Canada co-sponsored a resolution on human rights in North Korea at the UN General Assembly calling for accountability, including for potential crimes against humanity.
- On 2 March 2016, Canada co-sponsored UN Security Council Resolution 2270, which imposes sanctions. The objectives of the resolution are multiple and include pressuring the North Korean regime to redirect resources to addressing the humanitarian situation of its people.¹⁶

The Committee was also informed that Canada is an important donor for humanitarian relief in North Korea. Its contributions are provided through UN agencies and Canadian non-governmental organizations. Global Affairs Canada disclosed that “between 2005 and 2015, Canada provided over \$28 million in humanitarian assistance to the international response in North Korea... through trusted partners, not to the North Korean government.”¹⁷

¹³ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 23 March 2016 (Adrian Hong, President, Joseon Institute).

¹⁴ *Ibid.*

¹⁵ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 23 March 2016 (Jack Kim, Special Advisor, HanVoice).

¹⁶ *Evidence*, 13 April 2016 (Gregson).

¹⁷ *Ibid.*

According to Susan Gregson, “Canada believes the international community must continue to bring attention to these violations and abuses in North Korea and has supported all efforts to this effect in multilateral fora, including, most recently, at the March session of the Human Rights Council.”¹⁸ According to Adrian Hong, Canada has distinct advantages in advocating on this issue as we are not viewed with the same suspicion by North Korea and do not have the same historical “baggage” as other countries.¹⁹ Christopher Kim noted that, “[m]any of the different international organizations and countries involved are most concerned about security. Canada can play a role as a leader in the human rights area.”²⁰ Given the dire human rights situation in North Korea, Canada’s demonstrated commitment to addressing this issue and the need for international leadership focused on the human rights situation, the Committee feels that Canada should continue and increase its advocacy in this area.

THE PLIGHT OF NORTH KOREAN DEFECTORS

Christopher Kim highlighted that the human rights situation in North Korea is the cause of a secondary crisis: the plight of North Korean defectors.²¹ To escape the hardships of North Korea, thousands have sought refuge outside of the country through China, with many going to South Korea but other areas of the globe as well. Previously, a few thousand would escape annually, but this has decreased recently since the change in leadership to about 1000 per year. For those who manage to escape, the journey to safety is dangerous.²² Those who are caught in certain countries such as China are repatriated and face severe consequences upon return to North Korea, while those who reach temporary safety have limited options, as will be explained in further detail.

¹⁸ *Ibid.*

¹⁹ *Evidence*, 23 March 2016 (Hong).

²⁰ *Evidence*, 13 April 2016 (Christopher Kim).

²¹ *Ibid.*

²² *Ibid.*

A. A failed escape

Adrian Hong informed the Committee that “leaving North Korea without government permission is a capital offence.”²³ The level of punishment if one is caught or repatriated varies depending on various factors such as where the individual went, their connections and ability to bribe officials and if they occupied an important position in North Korea. A North Korean attempting to escape to the United States with the whole family, for instance, could be considered a threat to national security, which could result in the defector and three generations of his or her family being sent to what Adrian Hong referred to as a “concentration camp.”²⁴ Alex Neve stated that conditions in political prison camps and other detention centres are “abysmal” and that prisoners are “subject to systematic and widespread gross human rights violations, including torture, ill treatment and forced labour.”²⁵

North Korea has also made the border more difficult to cross in recent years. Adrian Hong testified that “North Korea has ramped up border security in general”²⁶ as more fencing and CCTC cameras have been installed. Alex Neve reported that “extra land mines... were planted along the border with South Korea to prevent North Korean soldiers from deserting and fleeing into South Korea.”²⁷ As a result, the number of North Korean defectors has been decreasing, as noted above.

1. The particular situation of women

Female defectors are faced with human rights violations that are unique to their gender and make up 70 to 80 per cent of defectors. They are at risk of human trafficking, particularly in China, as noted in the submission from the Canada Federation of North Korean Defectors.²⁸ Hyeonseo Lee observed that women defectors are:

²³ *Evidence*, 23 March 2016 (Hong).

²⁴ *Ibid.*

²⁵ *Evidence*, 13 April 2016 (Neve).

²⁶ *Evidence*, 23 March 2016 (Hong).

²⁷ *Evidence*, 13 April 2016 (Neve).

²⁸ *Submission to the Standing Senate Committee on Human Rights*, Canada Federation of North Korean Defectors, “Written Evidence for Senate Human Rights Study on North Korean Defectors,” 22 April 2016 [Federation].

subjected to horrible abuse along their journey to freedom, especially in China. Many female refugees become sex slaves or wives of Chinese men after they are captured. Sadly, some have even been willingly sold as prizes in order to earn money or to help their desperate families at home. Women are treated like merchandise and sold like slaves for as low as \$80, depending on their age and appearance.²⁹

Moreover, pregnant women who are repatriated and are unable to prove that their child has a North Korean father may be forced to have abortions. Some mothers have been “forced to drown their newborn children in buckets.”³⁰ Moreover, children who are brought back from China are in an especially precarious situation as they are not recognized as citizens of China and are not accepted citizens in North Korea. As a result, these children become stateless.³¹

B. China and beyond

China is the main escape route from North Korea because of the difficulty in passing through the demilitarized zone between South and North Korea. Once North Koreans arrive in China, however, many try to make their way by train, boat, bus or foot to safety to Southeast Asian countries such as Thailand.³² Witnesses informed the Committee that, due to state policies to repatriate North Korean defectors, the journey through China is perilous.³³ As noted in a brief from the Council for Human Rights in North Korea:

Some NK defectors in China make their way - through escape routes akin to the underground railroad in the United States for slaves seeking freedom in the 19th century - to "other third countries," such as, Vietnam, Cambodia, Laos, Myanmar, Thailand, Mongolia, and finally to South Korea.³⁴

Since 1986, China and North Korea have had an agreement to repatriate defectors back to North Korea.³⁵ According to Hyeonsoo Lee, “every two or three months in a year, they [the

²⁹ *Evidence*, 23 March 2016 (Hyeonsoo Lee).

³⁰ *Evidence*, 23 March 2016 (Hong).

³¹ *Ibid.*

³² *Ibid.*

³³ See, for example, *Evidence*, 23 March 2016 (Hyeonsoo Lee).

³⁴ *Submission to the Standing Senate Committee on Human Rights*, Council for Human Rights in North Korea, “Recommendations on Abuses of Generosity and Compassion- A Case of “*fraudulent* North Korean refugee claimants,” December 2012 (originally a submission to the Honourable Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism at the time) [HRNK Canada].

³⁵ *Evidence*, 13 April 2016 (Neve).

Chinese authorities] have a huge search for North Korean defectors nationwide.” Those who are caught without proper identification are repatriated to North Korea.³⁶

Moreover, the Chinese government and North Korean authorities have made it more difficult for North Koreans to cross over to China, as noted above.³⁷ Adrian Hong told the Committee that “the Chinese government has offered rewards for people that turn in North Korean refugees... [and] bigger rewards if [they] turn in a broker, or an underground activist, or a missionary that helps move refugees.”³⁸ The Committee was also informed that North Korean intelligence officials operate in China with and without Chinese permission. They “kidnap people... for having sheltered or moved North Korean refugees.”³⁹

1. Escaping to Thailand

Witnesses informed the Committee that North Koreans are not allowed to settle in Thailand. Though they are not repatriated, “upon arrival... they are detained for illegal entry and held in detention facilities in Bangkok.”⁴⁰ At any given time, there are between 100 and 200 North Koreans in Thailand.⁴¹ Christopher Kim described the reality in Thai detention facilities as “precarious, dangerous situations.”⁴² Currently, North Koreans in Thailand have two choices for resettlement, South Korea or the United States, with the vast majority going to South Korea as there are long delays in American processing. As Hyeonseo Lee told the Committee:

To go to America is such a difficulty. They have to wait one or two years, and then people are just exhausted with the waiting in third countries like Thailand. Then they just give up, and then they go to South Korea.⁴³

³⁶ *Evidence*, 23 March 2016 (Hyeonseo Lee).

³⁷ *Evidence*, 23 March 2016 (Hong).

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Evidence*, 13 April 2016 (Christopher Kim).

⁴¹ *Evidence*, 23 March 2016 (Jack Kim).

⁴² *Evidence*, 13 April 2016 (Christopher Kim).

⁴³ *Evidence*, 23 March 2016 (Hyeonseo Lee).

The Committee heard that processing North Korean defectors' applications' for South Korea takes three to eight weeks.⁴⁴ Fewer than 200 went to the United States over a ten year period from 2004 to 2014 according to Christopher Kim.⁴⁵ There are no Canadian officials on the ground in Thailand looking at cases, they rely on UNHCR to refer cases for resettlement but North Koreans are considered to have a durable solution in South Korea so most would not be referred.⁴⁶ Nonetheless, Jack Kim stated that Canada should do more to assist North Koreans stuck in Thailand, given the legal conundrum that they face.⁴⁷

2. Escaping to South Korea

Jack Kim estimated that 30,000 North Koreans have settled in South Korea in the past 15 years.⁴⁸ The South Korean constitution identifies all persons living on the Korean peninsula as South Korean nationals, meaning that North Koreans are generally considered South Korean citizens.⁴⁹ The Committee heard, however, that despite the historic ties between the two Koreas, defectors struggle to be accepted in South Korea. Hyeonseo Lee told the Committee that North Koreans are “anxious” because they are being treated “more as foreigners than any foreigners living in Korea”⁵⁰ even though they are Koreans just like the South Koreans. She also stated North Koreans are discriminated against because of their cultural differences, that adaptation to a totally different way of life is difficult and that the suicide rate among them is higher than that of South Koreans.⁵¹

In addition, the Canada Federation of North Korean Defectors informed the Committee that defectors often “live in fear” in South Korea. They said that the North Korean regime has

⁴⁴ *Evidence*, 23 March 2016 (Hong).

⁴⁵ *Evidence*, 13 April 2016 (Christopher Kim).

⁴⁶ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 13 April 2016 (Sarita Bhatla, Director General, Refugee Affairs, Immigration, Refugees and Citizenship Canada).

⁴⁷ *Evidence*, 23 March 2016 (Jack Kim).

⁴⁸ *Ibid.*

⁴⁹ *Evidence*, 13 April 2016 (Christopher Kim).

⁵⁰ *Evidence*, 23 March 2016 (Hyeonseo Lee).

⁵¹ *Ibid.*

assassinated defectors and pressures them to become spies for the North.⁵² The brief from the Council for Human Rights in North Korea stated:

It is known that the NK regime targets, lures and intimidates those NK defectors with family members who remain in North Korea and who can be threatened should the NK defectors refuse to work for the regime.⁵³

3. Escaping to Canada

North Korean refugee claim numbers to Canada have varied significantly in recent years. There were 720 refugee claims by North Koreans in Canada in 2012, likely the largest number ever. The numbers then dropped to 150 claims in 2013, less than five in 2014 and none in 2015.⁵⁴ Witnesses said this decrease is not because the situation is improving in North Korea.⁵⁵

Whether an asylum seeker applies from overseas or once in Canada, to qualify as a refugee he or she must not have access to protection in another country. In recent years, there appears to have been some debate as to whether North Koreans *automatically* receive South Korean citizenship. This is extremely important because it affects whether they are considered to have access to a durable solution in a third country, thus barring them from successfully claiming refugee status in Canada. In 2010, the Federal Court in *Kim v Canada*⁵⁶ concluded that South Korean citizenship was not automatic for North Koreans. After that, the government commissioned an expert opinion that concluded that South Korean citizenship *was* automatic for North Koreans.⁵⁷

Sarita Bhatla, Director General, Refugee Affairs, at Immigration, Refugees and Citizenship Canada, however, underscored that “[e]very case is looked at on its own merits... There are exceptions as there can be compelling circumstances”⁵⁸ She noted, for example, that there

⁵² Submission from the Federation.

⁵³ Submission from HRNK Canada.

⁵⁴ *Evidence*, 13 April 2016 (Bhatla).

⁵⁵ *Evidence*, 13 April 2016 (Christopher Kim and Neve).

⁵⁶ *Kim v. Canada (Citizenship and Immigration)*, 2010 FC 720.

⁵⁷ *Evidence*, 13 April 2016 (Bhatla).

⁵⁸ *Ibid.*

are some exceptions to automatic eligibility for South Korean citizenship. These include naturalized North Koreans who are of non-Korean ethnicity, North Koreans who voluntarily take the citizenship of another country and North Korean nationals whose Korean lineage may only be traced through the mother prior to 14 June 1998.⁵⁹

Nonetheless, as one witness explained:

A lot of that complication comes, again, from this tenuous situation between North Korea and South Korea where they are stuck in a legal limbo. They are North Koreans, sure, but they don't have any documents. They flee within an inch of their lives. Then the South Korean constitution still recognizes them — all Koreans on the Korean peninsula — as South Koreans.

So, where do they go?⁶⁰

Adrian Hong informed the Committee that the United States circumvented the South Korean citizenship issue by clarifying in legislation that “North Koreans are not barred from eligibility for refugee status or asylum in the United States on account of any legal right to citizenship they may enjoy under the South Korean Constitution.”⁶¹ A number of witnesses suggested that Canada could do something similar. They also suggested the use of section 25 of the *Immigration and Refugee Protection Act* in the short term until legislative changes can be made to allow North Korean defectors to stay in Canada on humanitarian and compassionate grounds. That section provides discretion for the Minister to exempt an applicant from applicable criteria, subject to certain exceptions. According to Jack Kim and Christopher Kim, there is precedent for such a move, as temporary programs have been developed in the past for groups such as the Vietnamese boat people and Tibetans living in India to come to Canada.⁶² Hyeonseo Lee also suggested that Canada could develop a program to allow North Koreans in detention in Thailand to come to Canada.⁶³

⁵⁹ *Ibid.*

⁶⁰ *Evidence*, 13 April 2016 (Christopher Kim).

⁶¹ *Evidence*, 23 March 2016 (Hong).

⁶² *Evidence*, 23 March 2016 (Jack Kim); 13 April 2016 (Christopher Kim).

⁶³ *Evidence*, 23 March 2016 (Hyeonseo Lee).

Ross S. Lee testified about the mobilization for North Korean refugee claimants that has taken place through his church, with committees set up and 150 families assisted in all aspects of their integration into Canadian life.⁶⁴ Monica Chi, Executive Director of KCWA Family and Social Services, told the Committee about the services her organization has provided to women defectors from North Korea, including assistance in addressing PTSD and parenting skills training, as well as connecting them with health services.⁶⁵

Given previous experience, the barriers and challenges for North Koreans in Canada are well understood, allowing for existing programs to be used and new ones to be put in place if needed. For example, language skills training will be crucial in any such initiative.⁶⁶ If Canada were to accept more North Koreans as refugees, there is clearly a will from the community and the knowledge about what they need to accompany them through the integration process.

As Alex Neve put it, “[t]he options for North Korean refugees are few. Clearly, this area invites Canadian leadership.”⁶⁷ Besides accepting North Koreans, Mr. Neve also suggested that Canada, “considering trying to lead a coordinated international effort around North Korean refugees, bringing some like-minded states together to begin to think of some coherent responses that we could push forward jointly.”⁶⁸ As is outlined in the following recommendations, the Committee agrees that Canada should take a lead in advocating for the human rights of North Korean defectors, as well as human rights in that country more generally, and in coordinating with other countries on these issues.

⁶⁴ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 13 April 2016 (Ross S. Lee, Volunteer Committee Chair (Former), Light Korean Presbyterian Church).

⁶⁵ Standing Senate Committee on Human Rights, *Evidence*, 1st Session, 42nd Parliament, 13 April 2016 (Monica Chi, Executive Director, KCWA Family and Social Services).

⁶⁶ *Evidence*, 13 April 2016 (Chi).

⁶⁷ *Evidence*, 13 April 2016 (Neve).

⁶⁸ *Ibid.*

RECOMMENDATIONS

RECOMMENDATION 1:

The Committee recommends that, as a short-term solution for North Korean defectors, the Minister of Immigration, Refugees and Citizenship Canada undertake to exercise his discretion under section 25 of the *Immigration and Refugee Protection Act* to allow the entry into Canada of the most vulnerable North Korean defectors, such as those trapped in Thailand and other third countries, with particular attention to women and children. This initiative should include a pilot project in Thailand to identify appropriate North Korean candidates for resettlement in Canada.

RECOMMENDATION 2:

The Committee recommends that the *Immigration and Refugee Protection Act* be amended to create an exception to the definition of a refugee to allow North Korean defectors to qualify for refugee status in Canada. The experiences of other countries, such as the United States, should be studied and alternatives identified to correct any limitations identified regarding existing programs in other jurisdictions.

RECOMMENDATION 3:

The Committee recommends that Global Affairs Canada continue to closely observe the human rights situation in North Korea and the circumstances of individuals that flee that country, and advocate proactively in all relevant forums regarding the human rights in that country. Advocacy efforts should integrate the concerns outlined in the report of the United Nations Commission of Inquiry on Human Rights in the People's Republic of Korea and by witnesses before the Standing Senate Committee on Human Rights, including but not limited to prisoner's rights, freedom of expression and movement and gender equality.

RECOMMENDATION 4:

The Committee recommends that Canada should lead on North Korean human rights, continuing to work with allies to implement sanctions and champion human rights in that country and the human rights of North Korean defectors. This work should include support

for relevant non-governmental organizations and taking action to coordinate the international response to North Korean human rights violations, as well as advocating for an end to the Chinese policy of repatriating North Korean defectors and for a greater number of countries to provide opportunities for resettlement for North Korean defectors.

APPENDIX – WITNESSES AND SUBMISSIONS

March 23, 2016

Adrian Hong, President (*Joseon Institute*)

Jack Kim, Special Advisor (*HanVoice*)

Hyeonseo Lee, Author of "The Girl With Seven Names" (*As an Individual*)

April 13, 2016

Sarita Bhatla, Director General, Refugee Affairs (*Immigration, Refugees and Citizenship Canada*)

Christopher Burton, Director, Northeast Asia Division (*Global Affairs Canada*)

Monica Chi, Executive Director (*KCWA Family and Social Services*)

Christopher Kim, Executive Director (*HanVoice Support Association*)

Ross S. Lee, Volunteer Committee Chair (Former) (*Light Korean Presbyterian Church*)

James McNamee, Acting Director General, Operational Management and Coordination
(*Immigration, Refugees and Citizenship Canada*)

Alex Neve, Secretary General (*Amnesty International Canada*)

Submissions:

Canadian Federation of North Korean Defectors

Council for Human Rights in North Korea

HanVoice Support Association