

## NORTH KOREAN REFUGEES IN CHINA

*Introduction*

During the Commission's 2016 reporting year, the Chinese government's policy of detaining North Korean refugees and repatriating them to the Democratic People's Republic of Korea (DPRK) remained in place, despite substantial evidence that repatriated persons face torture, imprisonment, execution, and other inhuman treatment.<sup>1</sup> The Chinese government regards North Koreans who enter China without proper documentation as illegal economic migrants<sup>2</sup> and maintains a policy of forcible repatriation based on a 1986 border protocol with the DPRK.<sup>3</sup> China's repatriation of North Korean refugees contravenes its international obligations under the 1951 UN Convention Relating to the Status of Refugees (1951 Convention) and its 1967 Protocol, to which China has acceded.<sup>4</sup>

China is obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from repatriating persons if there are "grounds for believing that [they] would be in danger of being subject to torture."<sup>5</sup> In November 2015, the UN Committee against Torture (Committee) conducted its fifth periodic review of China's compliance with the Convention.<sup>6</sup> In its concluding observations, the Committee stated its concerns about China's lack of "national asylum legislation and administrative procedures" for determining refugee status, as well as China's "rigorous policy of forcibly repatriating all nationals of the [DPRK] on the ground that they have illegally crossed the border solely for economic reasons."<sup>7</sup> The Committee urged China to address these concerns by incorporating the "principle of non-refoulement" into domestic legislation, "immediately ceas[ing] forcible repatriation of undocumented migrants and victims of trafficking" to the DPRK, and allowing "UNHCR personnel unimpeded access to nationals of the [DPRK] . . . in order to determine if they qualify for refugee status."<sup>8</sup>

*Repatriation of Refugees and Border Conditions*

This past year, heightened security measures along the China-North Korea and China-Southeast Asia borders increased the risks North Korean refugees face. In November 2015, Human Rights Watch reported an October 2015 case in which Vietnamese authorities detained nine North Korean refugees—including an 11-month-old infant—near the China-Vietnam border and later transferred them to Chinese authorities in the Guangxi Zhuang Autonomous Region.<sup>9</sup> Chinese authorities subsequently transferred the group to a military base in Tumen city, Yanbian Korean Autonomous Prefecture, Jilin province, near the China-North Korea border, causing concerns that authorities planned to repatriate them.<sup>10</sup> China's Ministry of Foreign Affairs refused to answer a media inquiry from Radio Free Asia regarding the condition of these nine North Korean refugees.<sup>11</sup> As of August 2016, the Commission had not observed any updates about the group.

Heightened border security may be limiting the outflow of refugees from the DPRK, as demonstrated by the smaller number of refugees reaching South Korea.<sup>12</sup> South Korean Ministry of Unifi-

cation data reportedly showed that the number of refugees who reached South Korea decreased from 1,397 in 2014 to 1,277 in 2015,<sup>13</sup> continuing the trend of a significant decline in the number of refugees entering South Korea since 2011.<sup>14</sup>

#### *Crackdown on Foreign Aid Workers*

During this reporting year, Chinese and North Korean authorities continued to crack down on organizations and individuals—including foreign aid workers, Christian missionaries and churches, and non-governmental organizations—that have played a crucial role in assisting and facilitating the movement of North Korean refugees outside the DPRK.<sup>15</sup> In January 2016, Chinese authorities indicted Canadian citizen Kevin Garratt, accusing him of “spying and stealing China’s state secrets.”<sup>16</sup> Garratt and his wife operated a coffee shop near the North Korean border in Dandong municipality, Liaoning province, and were reportedly involved in assisting North Korean refugees.<sup>17</sup>

#### *North Korean Workers in China*

During this reporting year, the Commission observed reports of North Korean laborers in China working under exploitative conditions. According to Greg Scarlatoiu, Executive Director of the Committee for Human Rights in North Korea, the DPRK government sent about 50,000 North Korean nationals to work overseas and subjected them to “very harsh conditions of work” that “amount to forced labor.”<sup>18</sup> These “harsh” work conditions reportedly include long working hours with little or no time off,<sup>19</sup> “strict supervision” by North Korean agents,<sup>20</sup> confiscation of pay,<sup>21</sup> violence,<sup>22</sup> health and safety hazards,<sup>23</sup> and sexual harassment and exploitation.<sup>24</sup> [For more information on North Korean workers in China, see Section II—Human Trafficking.]

This past year, some North Korean restaurant workers escaped to South Korea from their work sites in China. According to media reports, the DPRK government operated more than 130 restaurants overseas, about 100 of which were located in China, earning approximately US\$10 million per year for the DPRK government.<sup>25</sup> One South Korean media outlet reported that about 350 to 400 North Koreans, including 50 minors, worked at these restaurants in China.<sup>26</sup>

- **April 2016.** According to South Korean media reports, a group of 13 North Korean restaurant workers in Ningbo municipality, Zhejiang province, escaped to South Korea via a Southeast Asian country.<sup>27</sup> On April 11, China’s Ministry of Foreign Affairs spokesperson Lu Kang confirmed the incident at a press conference, and emphasized that the restaurant workers left China with valid passports.<sup>28</sup>

- **May 2016.** Three North Korean restaurant workers in Weinan municipality, Shaanxi province, reportedly escaped to South Korea via Thailand without passports.<sup>29</sup>

#### *Trafficking of North Korean Women*

North Korean women who enter China illegally remain particularly vulnerable to human trafficking. The demand for trafficked

North Korean women has been linked to a sex ratio imbalance in China exacerbated by the Chinese government's population planning policies.<sup>30</sup> Sources indicate that the majority of North Korean refugees leaving the DPRK are women,<sup>31</sup> many of whom are trafficked by force or deception from the DPRK into or within China for the purposes of forced marriage and commercial sexual exploitation.<sup>32</sup> The Chinese government's refusal to recognize these women as refugees denies them legal protection and encourages the trafficking of North Korean women and girls within China.<sup>33</sup> China is obligated under the Convention on the Elimination of All Forms of Discrimination against Women and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to take measures to safeguard trafficking victims and suppress all forms of trafficking in women.<sup>34</sup>

#### *Children of North Korean and Chinese Parents*

Many children born to Chinese fathers and North Korean mothers remain deprived of basic rights to education and other public services, owing to a lack of legal resident status in China. According to some estimates, the population in China of children born to North Korean women ranges between 20,000 and 30,000.<sup>35</sup> The PRC Nationality Law provides that all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.<sup>36</sup> Despite this stipulation and a December 2015 policy change to register 13 million "illegal residents" (*heihu*) who lack household registration (*hukou*) in China,<sup>37</sup> Chinese authorities reportedly continue to largely deprive these children of their rights to birth registration and nationality,<sup>38</sup> and their North Korean mothers remain deterred from registering these children due to fear of repatriation.<sup>39</sup> Without proof of resident status, these children are unable to access education and other public services.<sup>40</sup> In some cases, bribery of local officials has reportedly allowed a very small number of children to obtain identification documents.<sup>41</sup> The denial of nationality rights and access to education for these children contravenes China's obligations under international law, including the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.<sup>42</sup>

## Notes to Section II—North Korean Refugees in China

<sup>1</sup>UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 46. In the Concluding Observations on the Fifth Periodic Report of China, the UN Committee against Torture noted “over 100 testimonies received by United Nations sources . . . in which nationals of the Democratic People’s Republic of Korea indicate that persons forcibly repatriated to the Democratic People’s Republic of Korea have been systematically subjected to torture and ill-treatment.” Sophie Richardson, Human Rights Watch, “Dispatches: China’s Tired Line on Human Rights in North Korea,” Dispatches (blog), 15 March 16; Zhang Mengyuan, “Thailand Complains That North Korean Refugees Are a Heavy Burden, Over Two Thousand North Koreans Entered Into [Thailand] Illegally” [Taiguo baoyuan tuobeizhe cheng zhongfu nian yu liang qian chaoxianren feifa rujing], Hudu News, reprinted in Sohu, 26 January 16; Choe Sang-Hun, “South Korea Says It’s Working To Halt Refugees’ Return to North,” New York Times, 26 November 15; Xu Jiadong, “If Forcibly Repatriated by the CCP, [They] Could Face Torture and Death” [Tuobeizhe ruo bei zhonggong qiangxing qianfan jiang mianlin kuxing he siwang], Aboluowang, 26 November 15.

<sup>2</sup>Christine Chung, Committee for Human Rights in North Korea, “China Responds to the Committee against Torture,” HRNK Insider (blog), 4 December 15; Choe Sang-Hun, “South Korea Says It’s Working To Halt Refugees’ Return to North,” New York Times, 26 November 15; “Human Rights Watch Calls on China To Not Repatriate Nine North Korean Refugees” [Renquan guancha yu zhongguo wu qianfan jiu ming chaoxian nanmin], Radio Free Asia, 21 November 15.

<sup>3</sup>Democratic People’s Republic of Korea Ministry of State Security, People’s Republic of China Ministry of Public Security, Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas, signed 12 August 86, art. 4(1), reprinted in North Korea Freedom Coalition. The protocol commits each side to treat as illegal those border crossers who do not have proper visa certificates, except in cases of “calamity or unavoidable factors.” See also “China’s Policy Change Toward North Korea Disastrous for Defectors” [Zhongguo dui chao zhengce chuxian bianhua yangji tuobeizhe de chujing], Radio Free Asia, 24 November 15.

<sup>4</sup>Convention Relating to the Status of Refugees, adopted on 28 July 51 by the UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429(V) of 14 December 50, entry into force 22 April 54, arts. 1(A2), 33(1). Article 1 of the 1951 Convention, as amended by the 1967 Protocol, defines a refugee as someone who, “. . . owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country . . .” Article 33 of the 1951 Convention mandates that, “No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.” Protocol Relating to the Status of Refugees (1967 Protocol), adopted by UN General Assembly resolution 2198 (XXI) of 16 December 66, entry into force 4 October 67. See also UN Office of the High Commissioner for Refugees, “UNHCR, Refugee Protection and International Migration,” 17 January 07. According to the UN High Commissioner for Refugees, “People who leave their own country for non-refugee related reasons may nevertheless acquire a well-founded fear of persecution in their own country following their departure. An economic migrant may . . . become a ‘refugee sur place’, when there is an armed conflict or violent change of regime in that person’s country of origin, or when the government or other actors in that country begin to inflict human rights violations on the community of which that migrant is a member.”

<sup>5</sup>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN General Assembly resolution 39/46 of 10 December 84, entry into force 26 June 87, art. 3. Article 3 states that, “No State Party shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” The Chinese government ratified the Convention on October 4, 1988.

<sup>6</sup>UN Committee against Torture, Concluding Observations on the Fifth Periodic Report of China, adopted by the Committee at its 1391st and 1392nd Meetings (2–3 December 2015), CAT/C/CHN/CO/5, 3 February 16, para. 1.

<sup>7</sup>Ibid., para. 46.

<sup>8</sup>Ibid., para. 47.

<sup>9</sup>Human Rights Watch, “China: Don’t Return Nine North Korean Refugees,” 21 November 15; Choe Sang-Hun, “South Korea Says It’s Working To Halt Refugees’ Return to North,” New York Times, 26 November 15; “Human Rights Watch Calls on China To Not Repatriate Nine North Korean Refugees” [Renquan guancha yu zhongguo wu qianfan jiu ming chaoxian nanmin], Radio Free Asia, 21 November 15.

<sup>10</sup>Human Rights Watch, “China: Don’t Return Nine North Korean Refugees,” 21 November 15; “China’s Policy Change Toward North Korea Disastrous for Defectors” [Zhongguo dui chao zhengce chuxian bianhua yangji tuobeizhe de chujing], Radio Free Asia, 24 November 15; Xu Jiadong, “If Forcibly Repatriated by the CCP, [They] Could Face Torture and Death” [Tuobeizhe ruo bei zhonggong qiangxing qianfan jiang mianlin kuxing he siwang], Aboluowang, 26 November 15.

<sup>11</sup>“China’s Policy Change Toward North Korea Disastrous for Defectors” [Zhongguo dui chao zhengce chuxian bianhua yangji tuobeizhe de chujing], Radio Free Asia, 24 November 15.

<sup>12</sup>Lee Jin-a, “High Cost Puts Squeeze on Would-Be NK Defectors,” Korea Times, 19 April 16; Chun Su-jin and Kim So-hee, “More Elite Flee Though Pyongyang Tightens Up,” Korea

JoongAng Daily, 13 April 16; Susan Cheong, "North Korean Defections Drop Under Kim Jong-un," Australia Broadcasting Corporation, 4 May 16.

<sup>13</sup>"North Korean Defectors Arriving in South Korea in 2015 About Half the Number Compared to Before Kim Jong-un's Rule" [2015 nian di han tuobeizhe jiao jin zheng'en zhizheng qian jian ban], Yonhap News Agency, 4 January 16; Lin Senhai, "Korean Media: Under Kim Jong-un's Rule in North Korea, 'Defectors' Entering South Korea Reduced by Half" [Hanmei: jin zheng'en zhizheng chaoxian hou jinru hanguo de "tuobeizhe" jian ban], Global Times, 5 January 16; "South Korea: The Number of North Korean Defectors Who Arrived in South Korea This Past Year Reduced to Half Compared to Before Kim Jong-un's Rule" [Han: qunian di han tuobeizhe renshu jiao jin zheng'en shangtai qian shao yiban], South China Morning Post, 5 January 16.

<sup>14</sup>"North Korean Defectors Arriving in South Korea in 2015 About Half the Number Compared to Before Kim Jong-un's Rule" [2015 nian di han tuobeizhe jiao jin zheng'en zhizheng qian jian ban], Yonhap News Agency, 4 January 16. The number of North Koreans who defected to the South was 2,706 in 2011. Lin Senhai, "Korean Media: Under Kim Jong-un's Rule in North Korea, 'Defectors' Entering South Korea Reduced by Half" [Hanmei: jin zheng'en zhizheng chaoxian hou jinru hanguo de "tuobeizhe" jian ban], Global Times, 5 January 16; "South Korea: The Number of North Korean Defectors Who Arrived in South Korea This Past Year Reduced to Half Compared to Before Kim Jong-un's Rule" [Han: qunian di han tuobeizhe renshu jiao jin zheng'en shangtai qian shao yiban], South China Morning Post, 5 January 16; Chun Su-jin and Kim So-hee, "More Elite Flee Though Pyongyang Tightens Up," Korea JoongAng Daily, 13 April 16.

<sup>15</sup>Elizabeth Shim, "More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work," United Press International, 19 November 15; "North Korean Refugees Come in Contact With the Christian Faith Near the Chinese Border, First Taste of Freedom" [Tuobeizhe zai zhongguo bianjing jiechu jidu xinyang, chu chang ziyou ziwei], Union of Catholic Asian News, 19 October 15; Jenna Yoojin Yun, "30,000 North Korean Children Living in Limbo in China," Guardian, 5 February 16; Stefan J. Bos, "Breaking News: Korean Christian Worker Feared Kidnapped by North Korea," BosNewsLife, 21 April 16.

<sup>16</sup>Catherine E. Shoichet, "China Indicts Canadian Kevin Garratt on Spying Charges," CNN, 28 January 16; "Canadian Citizen Indicted in China on Charges of Stealing State Secrets," Xinhua, 28 January 16.

<sup>17</sup>"North Korean Refugees Come in Contact With the Christian Faith Near the Chinese Border, First Taste of Freedom" [Tuobeizhe zai zhongguo bianjing jiechu jidu xinyang, chu chang ziyou ziwei], Union of Catholic Asian News, 19 October 15; "Canadian Man Kevin Garratt Charged in China Over State Secrets," BBC, 29 January 16; Chris Buckley, "China To Try Canadian on Spying Charges," New York Times, 28 January 16.

<sup>18</sup>Greg Scarlatou, "Loyal but Exploited: North Korea's Overseas Laborers," Washington Times, 30 March 16. See also Seol Song Ah, "N. Korean Workers in China Spread Even Thinner," Daily NK, 31 May 16.

<sup>19</sup>Greg Scarlatou, "Loyal but Exploited: North Korea's Overseas Laborers," Washington Times, 30 March 16; Adam Taylor, "The Weird World of North Korea's Restaurants Abroad," Washington Post, 8 April 16; Seol Song Ah, "Pay Cuts, Longer Hours for N. Korean Workers in China," Daily NK, 25 April 16.

<sup>20</sup>Greg Scarlatou, "Loyal but Exploited: North Korea's Overseas Laborers," Washington Times, 30 March 16. See also Hyun-jin Kim, "N. Koreans: Brutal Work Abroad Better Than Life Back Home," Associated Press, 12 April 16; Anna Fifield, "North Korean Restaurant Workers Defect En Masse to South Korea," Washington Post, 8 April 16; "N.K. Hit by Int'l Sanctions Closes Over 30 Restaurants Abroad: Source," Yonhap News Agency, 12 July 16.

<sup>21</sup>Greg Scarlatou, "Loyal but Exploited: North Korea's Overseas Laborers," Washington Times, 30 March 16; Hyun-jin Kim, "N. Koreans: Brutal Work Abroad Better Than Life Back Home," Associated Press, 12 April 16; Seol Song Ah, "Pay Cuts, Longer Hours for N. Korean Workers in China," Daily NK, 25 April 16. See also Alastair Gale, "North Korea's Largest Recent Defector Group Arrives in South Korea," Wall Street Journal, 8 April 16.

<sup>22</sup>Hyun-jin Kim, "N. Koreans: Brutal Work Abroad Better Than Life Back Home," Associated Press, 12 April 16.

<sup>23</sup>Greg Scarlatou, "Loyal but Exploited: North Korea's Overseas Laborers," Washington Times, 30 March 16.

<sup>24</sup>Hyun-jin Kim, "N. Koreans: Brutal Work Abroad Better Than Life Back Home," Associated Press, 12 April 16.

<sup>25</sup>"N. Korean Restaurant Staff Who Defected En Masse Worked in China: Source," Yonhap News Agency, 10 April 16; "N.K. Hit by Int'l Sanctions Closes Over 30 Restaurants Abroad: Source," Yonhap News Agency, 12 July 16; Kim So-hee and Kim Hyoung-gu, "More Overseas Workers of North May Flee," Korea JoongAng Daily, 11 April 16.

<sup>26</sup>"N.K. Hit by Int'l Sanctions Closes Over 30 Restaurants Abroad: Source," Yonhap News Agency, 12 July 16.

<sup>27</sup>Kim So-hee and Kim Hyoung-gu, "More Overseas Workers of North May Flee," Korea JoongAng Daily, 11 April 16; "13 Defectors Fled Restaurant While Supervisor Was Away," Chosun Ilbo, 12 April 16; Rachel Lee, "Defections May Fray China-NK Ties," Korea Times, 10 April 16.

<sup>28</sup>Ministry of Foreign Affairs, "On April 11, 2016, Ministry of Foreign Affairs Spokesperson Lu Kang Holds Regular Press Conference" [2016 nian 4 yue 11 ri waijiaobu fayanren lu kang zhuchi lixing jizhehui], 11 April 16.

<sup>29</sup>Elizabeth Shim, "Two North Korea Restaurant Workers in Thailand Detention, Report Says," United Press International, 25 May 16; Elizabeth Shim, "Three North Korean Waitresses Defect to South Korea," United Press International, 1 June 16; Kim Jin-cheol, "S. Korea Taking Very Different Approach to Latest Defection of N. Korean Restaurant Staff," Hankyoreh, 3 June 16.

<sup>30</sup>Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16; Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015; Elizabeth Shim, “More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work,” *United Press International*, 19 November 15; Sun Xiaobo, “Price of Women Driven Up by Gender Imbalance,” *Global Times*, 27 February 16.

<sup>31</sup>Sokeel Park, Liberty in North Korea, “Most North Korean Refugees Are Women. Here’s Why,” 8 March 16; Lin Senhai, “Korean Media: Under Kim Jong-un’s Rule in North Korea, Defectors Entering South Korea Reduced by Half” [Hanmei: jin zheng’en zhizheng chaoxian hou jinru hangou de “tuobeizhe” jian ban], *Global Times*, 5 January 16; Elizabeth Shim, “More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work,” *United Press International*, 19 November 15.

<sup>32</sup>Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15; Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16; Elizabeth Shim, “More North Korean Women Risking Arrest, Abuse To Sneak Into China for Work,” *United Press International*, 19 November 15. See also Sokeel Park, Liberty in North Korea, “Most North Korean Refugees Are Women. Here’s Why,” 8 March 16.

<sup>33</sup>Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15; Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015.

<sup>34</sup>Convention on the Elimination of All Forms of Discrimination against Women, adopted by UN General Assembly resolution 34/180 of 18 December 79, entry into force 3 September 81, art. 6; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, arts. 6, 9.

<sup>35</sup>Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015, 4; Emma Batha, Thomson Reuters Foundation, “China Urged To Give Citizenship to Stateless Children of Trafficked North Koreans,” 9 December 15; Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16.

<sup>36</sup>PRC Nationality Law [Zhonghua renmin gongheguo guoji fa], passed, issued, and effective 10 September 80, art. 4. Article 4 of the PRC Nationality Law provides that, “Any person born in China having both a father and mother who are Chinese nationals or having one parent who is a Chinese national shall have Chinese nationality.”

<sup>37</sup>Jiao Ying, “Family Planning Policies To Be Delinked From Hukou Registration, To Comprehensively Resolve the Issue of ‘Illegal Residents’” [Jihua shengyu deng zhengce jiang yu hukou dengji tuogou quanmian jie jue “heihu” wenti], *China National Radio*, 10 December 15; Wang Ling, “Barriers To Resolving the Problem of Illegal Residents: Some Areas Require Social Compensation Fee Payments Before Obtaining Hukou” [Jiejue heihu wenti yu zu: bufen diqu yaoqiu bujiao shehui fuyangfei cai neng luohu], *Chinese Business Network*, 10 March 16.

<sup>38</sup>Emma Batha, Thomson Reuters Foundation, “China Urged To Give Citizenship to Stateless Children of Trafficked North Koreans,” 9 December 15; Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16; Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15.

<sup>39</sup>Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, 5 February 16; Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015.

<sup>40</sup>Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015, 8; Park Ji-hyun, “Women Who Live Under Another Sky—Demanding the Chinese Government Prohibit Trafficking of North Korean Women and Stop Repatriating North Korean Defectors” [Huo zai ling yi tiankong xia de nuxing—yaoqiu zhongguo zhengfu jinzhi fanmai beihan funu huodong ji tingzhi qianfan tuobeizhe], *InMediaHK*, 1 October 15; Emma Batha, Thomson Reuters Foundation, “China Urged To Give Citizenship to Stateless Children of Trafficked North Koreans,” 9 December 15.

<sup>41</sup>Sylvia Kim and Yong Joon Park, European Alliance for Human Rights in North Korea, “Invisible Children: The Stateless Children of North Korean Refugees,” December 2015, 88.

<sup>42</sup>Convention on the Rights of the Child, adopted by UN General Assembly resolution 44/25 of 20 November 89, entry into force 2 September 90, arts. 2(1), 7, 28(1a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also provide all children with access to education without discrimination on the basis of nationality. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 13. Under Article 13, China recognizes that everyone has a right to education, including a free and compulsory primary education.