

NORTH KOREAN REFUGEES IN CHINA

Findings

- Heightened security along the China-North Korea border due to the coronavirus disease 2019 (COVID-19) pandemic and the Chinese government's pervasive surveillance technology, increased the risk of being caught by Chinese police and has significantly reduced the defection rate of North Korean refugees. As a result of the closed border, many North Korean workers are stranded in China and are living in dire conditions without any income, leaving them vulnerable to human trafficking. With the easing of COVID-19 restrictions, defection attempts and detentions rose, as authorities have intensified their measures to capture and subsequently repatriate North Korean refugees.
- According to the U.N. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), as of June 30, 2023, an estimated 2,000 North Korean refugees were awaiting repatriation in China. Additionally, experts point out that the cost of defection, which involves paying intermediaries or "brokers" to arrange an escape, has greatly increased due to the risks associated with defecting from North Korea.
- Repatriated North Koreans remain vulnerable to torture, imprisonment, forced labor, and execution. According to the Citizens' Alliance for North Korean Human Rights (NKHR), a non-governmental organization advocating for human rights in North Korea, Chinese companies and the DPRK government likely derive financial benefits from forcibly repatriating refugees to North Korea, where they are allegedly subjected to forced labor in detention facilities operated by the DPRK government. This forced labor reportedly involves the production of goods for Chinese businesses at considerably reduced costs.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to take the following actions:

- Urge Chinese authorities to grant legal status to North Korean women and men who marry or have children with citizens of the People's Republic of China. Ensure that children born of such marriages are granted resident status and access to basic rights in accordance with Chinese law and international standards.
- Urge the United Nations to use its influence in calling upon China to ensure that North Korean women and girls who have become victims of trafficking are not penalized for breaking immigration law, while ensuring their provision of temporary residence permits and essential services; and facilitate unrestricted access for the United Nations High Commissioner for Refugees and relevant humanitarian organizations to North Korean trafficking victims in China.
- Reauthorize the North Korean Human Rights Act (Public Law No. 108-333) to equip the nominated Special Envoy for

North Korean Refugees in China

Human Rights in North Korea with all the necessary tools to provide humanitarian assistance to North Korean refugees in China.

- Work with like-minded allies and partner countries to fully implement the recommendations of the U.N. Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, as they pertain to the refugees in China.
- Consistent with the assistance programming authorized by the North Korean Human Rights Act, and coordinating with the South Korean government and other allies and partners, fund programs that assist North Koreans outside of North Korea, including projects to stop trafficking, protect refugees, and amass concrete information about the situation of North Koreans in China.

NORTH KOREAN REFUGEES IN CHINA

Introduction

The Chinese government considers North Korean refugees in China to be illegal migrants and maintains a policy of forcible repatriation based on a 1998 border protocol with the Democratic People's Republic of Korea (DPRK).¹ Repatriated North Koreans often face torture, imprisonment, forced labor, execution, forced abortions, and sexual violence.²

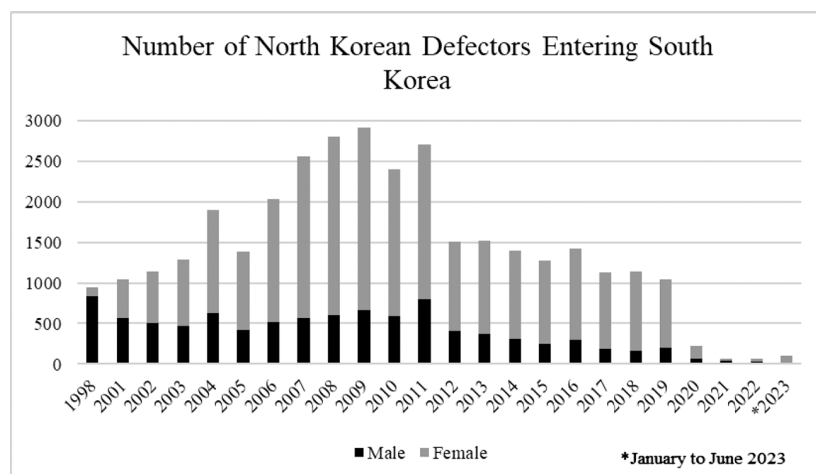
Regardless of an individual's reason for leaving the DPRK, the treatment of forcibly repatriated refugees by the DPRK government renders North Koreans in China as refugees *sur place* who fear persecution upon return to their country of origin.³ Jung Hoon Lee, who formerly served as the Republic of Korea's Ambassador for North Korean Human Rights, testified at a Commission hearing in June 2023 that, while famine-related economic migrants are not categorized as refugees under international legal standards, "the case of North Koreans is different; the main reason for their defection to a foreign country—economic plight—is the political outcome of a failed socialist system under totalitarian rule."⁴

The forced repatriation of North Korean refugees by the Chinese government contravenes China's international obligations under the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, to which China has acceded.⁵ Under the principle of non-refoulement, China is also obligated under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to refrain from forcibly repatriating persons if there are "substantial grounds for believing that [they] would be in danger of being subjected to torture."⁶

Border Conditions during the COVID-19 Pandemic

Heightened security along the China-North Korea border and coronavirus disease 2019 (COVID-19) travel restrictions have deterred refugees from attempting to cross the border and contributed to a significant decline in the number of North Koreans reaching South Korea via China.⁷ After arriving in China, North Korean refugees are monitored by surveillance technology—artificial intelligence (AI)-based facial recognition software and video cameras—which has made it increasingly difficult for North Korean refugees who lack legal identification documents to travel internally using public transportation in China.⁸ In 2021 and 2022, 63 and 67 North Koreans reached South Korea, respectively, the lowest numbers recorded since South Korea's Ministry of Unification began tracking arrivals in 1998.⁹ Meanwhile, a COVID-19-related border closure enforced by North Korean authorities beginning in January 2020 prevented Chinese officials from repatriating North Koreans who previously fled to China.¹⁰

North Korean Refugees in China



11

According to the U.N. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, as many as 2,000 North Korean refugees were detained in China as of September 2022.¹² The Citizens' Alliance for North Korean Human Rights (NKHR), a nongovernmental human rights group, expressed concern that when the border closure is lifted, mass repatriation will begin, incentivized by the potential to exploit re-fouled refugee labor.¹³ The group's findings suggested that repatriated North Koreans provide free forced labor for textiles, fake eyelashes, and wigs labeled "Made in China," although they are produced in North Korean detention facilities.¹⁴

The increased risks associated with illegally crossing the North Korean border into China and, subsequently, neighboring countries during the COVID-19 pandemic reportedly led to a rise in the financial expenses related to defection.¹⁵ The fees paid to brokers, who aid North Koreans in navigating the route from North Korea to South Korea through China, have escalated from thousands of dollars before the pandemic to tens of thousands of dollars per person.¹⁶ After escaping North Korea, refugees face the possibility of repatriation and ensuing abuse and maltreatment.¹⁷ Despite such risks and higher expenses, North Koreans' attempts to defect to South Korea increased as COVID-19 restrictions eased.¹⁸ This rise in attempted defections resulted in an increase in detentions, as PRC authorities intensified their efforts to apprehend and ultimately repatriate North Korean refugees.¹⁹

North Korean Refugees in China

North Korean Workers in China during the COVID-19 Pandemic

In July 2022, the U.S. State Department estimated that between 20,000 and 100,000 North Korean workers remained in China, where many are subjected to forced labor and abusive working conditions.²⁰ Due to the pandemic-related closure of borders, North Korean workers who had arrived before the pandemic were unable to return home after their contracts with local companies had expired.²¹ In written testimony presented at a Commission hearing, Greg Scarlatou, Executive Director of the Committee for Human Rights in North Korea, cited comments made by Jung Gwang-il, North Korean defector and director of an activist group who provided information about the difficulties facing such workers.²² According to Jung, North Korean workers in China reportedly faced challenges finding employment after their initial contracts ended during the COVID-19 pandemic.²³ Consequently, according to Jung, these predominantly female workers, previously employed in sewing factories, were “sold” by local brokers to work in temporary jobs.²⁴ This situation resulted in widespread malnutrition among the workers, who often resorted to salvaging and boiling discarded vegetables from local markets.²⁵ Some workers reportedly committed suicide due to their inability to remit sufficient funds back home to compensate for the bribes that they paid to be sent abroad.²⁶

Trafficking of North Korean Women in China

According to human rights organizations and survivors of trafficking, thousands of women who aim to flee North Korea are exploited by human smugglers and sex traffickers.²⁷ Conditions for North Korean women in China reportedly worsened during the COVID-19 pandemic, because pandemic-related border restrictions left North Koreans unable to leave the country and employment opportunities ended, leaving North Korean women vulnerable to sex traffickers.²⁸

During the May 2023 review of China’s compliance with its obligations under the U.N. Convention on the Elimination of Discrimination against Women (CEDAW),²⁹ a member of the CEDAW Committee asked the Chinese delegation about the PRC government’s forcible repatriation of North Korean women refugees in China to the DPRK, and inquired about the legal path to refugee status for North Korean women who have children in China.³⁰ In response, one of the Chinese delegates asserted that North Korean women are in China for “economic reasons” and are not eligible for legal protections.³¹ A joint submission by two civil society organizations to the CEDAW Committee highlighted the vulnerability of North Korean women in China to sex trafficking and forced marriage, as well as the lack of rights protections for North Korean women and their children.³² According to a civil society advocate, this was the “first time that the CEDAW has discussed China’s role in perpetuating human rights abuses against North Korean women.”³³

North Korean Refugees in China

Children of North Korean and Chinese Parents

The children of undocumented North Korean mothers and Chinese fathers continue to be deprived of legal protections guaranteed under Chinese law.³⁴ In its 2022 human rights report, the U.S. State Department estimated that approximately 30,000 children in China who were born to North Korean mothers and Chinese fathers were unregistered.³⁵ Under the PRC Nationality Law, all children born in China are entitled to Chinese nationality if either parent is a Chinese citizen.³⁶ North Korean mothers and Chinese fathers, however, frequently encounter difficulties in obtaining birth registration and nationality documents for their children.³⁷ The U.S. State Department also noted that some Chinese fathers have avoided registering children in order to prevent authorities from discovering their North Korean partner's undocumented status.³⁸ Without proof of resident status, these children may not legally access educational and other public services.³⁹ The denial of nationality rights and access to education for these children contravenes China's obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.⁴⁰

Notes to Chapter 15—North Korean Refugees in China

¹U.N. General Assembly, Report on the Situation of Human Rights in the Democratic People's Republic of Korea, A/74/268, August 2, 2019; Office of the U.N. High Commissioner for Human Rights, "Committee on the Elimination of Racial Discrimination Reviews the Report of China," August 13, 2018. The U.N. Committee on the Elimination of Racial Discrimination expressed concern that "China continued to deny refugee status to asylum-seekers from the Democratic People's Republic of Korea and it also continued to forcibly return them to their country of origin, regardless of a serious threat of persecution and human rights violations." Democratic People's Republic of Korea Ministry of State Security and People's Republic of China Ministry of Public Security, *Zhonghua Renmin Gongheguo Gong'anbu Chaoxian Minzhu Zhuyi Renmin Gongheguo Guojia Baoweibu guanyu zai Bianjing Diqu Weihu Guojia Anquan he Shehui Zhixu de Gongzuo Zhong Xianghu Hezuo de Yidingshu* [Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas], signed July 8, 1998, effective August 28, 1998, arts. 4, 9. The protocol commits each side to treat as illegal those bordercrossers who do not have proper visa certificates, except in cases involving "calamity or unavoidable factors."

²Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)," March 20, 2023, 56–57; *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (written statement of Joanna Hosaniak, Deputy Director General, Citizens' Alliance for North Korean Human Rights); *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Jung Hoon Lee, Dean, Graduate School of International Studies, Yonsei University and Former Ambassador-at-Large for North Korean Human Rights, Ministry of Foreign Affairs, Republic of Korea); *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (written statement of Suzanne Scholte, Chair, North Korea Freedom Coalition); U.N. General Assembly, Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, A/76/392, October 8, 2021, paras. 8, 13, 19; "Husbands of Undocumented North Koreans Beg China Not to Deport Their Wives," *Radio Free Asia*, November 15, 2021; Office of the U.N. High Commissioner for Human Rights, "I Still Feel the Pain . . ." Human Rights Violations against Women Detained in the Democratic People's Republic of Korea," September 1, 2020, paras. 23, 65, 67, 80; Office of the U.N. High Commissioner for Human Rights, "Report: Women Detainees Face Serious Human Rights Violations," July 28, 2020; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," Brookings Institution, September 13, 2010; U.N. High Commissioner for Refugees, "Refugee Protection and International Migration," January 17, 2007, paras. 20–21.

³U.N. High Commissioner for Refugees, "Refugee Protection and International Migration," January 17, 2007, paras. 20–21; Human Rights Watch, "China: Protect 7 North Koreans Fleeing Oppression," May 14, 2019; Roberta Cohen, "Legal Grounds for Protection of North Korean Refugees," Brookings Institution, September 13, 2010.

⁴*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Jung Hoon Lee, Dean, Graduate School of International Studies, Yonsei University and Former Ambassador-at-Large for North Korean Human Rights, Ministry of Foreign Affairs, Republic of Korea).

⁵Convention Relating to the Status of Refugees, adopted by the U.N. Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons on July 28, 1951, entry into force April 22, 1954, arts. 1(A)(2), 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." United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Convention Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Convention Relating to the Status of Refugees on September 24, 1982. Protocol Relating to the Status of Refugees, adopted by U.N. General Assembly resolution A/RES/2198 of December 16, 1966, entry into force October 4, 1967, art. 1; United Nations Treaty Collection, Chapter V, Refugees and Stateless Persons, Protocol Relating to the Status of Refugees, accessed April 1, 2021. China acceded to the Protocol Relating to the Status of Refugees on September 24, 1982.

⁶Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by U.N. General Assembly resolution 39/46 of December 10, 1984, entry into force June 26, 1987, 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." United Nations Treaty Collection, Chapter IV, Human Rights, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, accessed April 1, 2021. China signed the Convention on December 12, 1986, and ratified it on October 4, 1988. U.N. 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, February 3, 2016, para. 46.

⁷*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Rob-

North Korean Refugees in China

ert R. King, Former Special Envoy for North Korean Human Rights Issues, U.S. Department of State); Robert R. King, “Number of North Korean Defectors Drops to Lowest Level in Two Decades,” Center for Strategic & International Studies, January 27, 2021.

⁸*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights); Kim Myung-Sung, “Anmyeoninshik-euro miheng-gamsi, talbukmin ssimalineun Jungguk AI” [Chinese AI that tracks and monitors using facial recognition, suppressing North Korean defectors], *Chosun Ilbo*, May 24, 2023; Anthony Kuhn, “North Korean Defectors May Face Deportation by China as COVID Border Controls Ease,” *NPR*, April 25, 2023.

⁹Ministry of Unification, Republic of Korea, “Policy on North Korean Defectors,” accessed April 26, 2023. The Ministry of Unification does not provide the number of North Korean defectors for the years 1999 and 2000.

¹⁰Kang Hyun-kyung, “Clock Ticks for China’s Massive Repatriation of N. Korean Defectors,” *Korea Times*, March 28, 2023.

¹¹The Commission notes that the number of North Koreans entering South Korea from January to June 2023 was 99, which is a significant increase from 63 and 67 in 2021 and 2022. The Ministry of Unification of the Republic of Korea attributed the increase to the relaxation of domestic and international travel restrictions in China. For more analysis, see Ifang Bremer, “Number of North Korean Defectors Entering South Korea Doubles in Second Quarter,” *NK News*, July 18, 2023.

¹²Kang Hyun-kyung, “Clock Ticks for China’s Massive Repatriation of N. Korean Defectors,” *Korea Times*, March 29, 2023; Kim Myong-song, “2000 N.Korean Defectors ‘Held in China,’” *Chosun Ilbo*, September 19, 2022.

¹³*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (written statement of Joanna Hosaniak, Deputy Director General, Citizens’ Alliance for North Korean Human Rights).

¹⁴*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (written statement of Joanna Hosaniak, Deputy Director General, Citizens’ Alliance for North Korean Human Rights); Christy Lee, “Rights Activists Say China Neglecting North Korean Refugees,” *Voice of America*, June 15, 2023.

¹⁵*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights); Sang-Hun Choe, “For North Koreans in China, Seeking Freedom Is More Perilous Than Ever,” *New York Times*, July 5, 2023.

¹⁶Choe Sang-Hun, “For North Koreans in China, Seeking Freedom Is More Perilous Than Ever,” *New York Times*, July 9, 2023. See also “Defection Brokers for North Koreans, Are They Bad?” *Daily NK*, April 4, 2005.

¹⁷Roberta Cohen, “Can the UN Secretary-General Help the 2,000 North Koreans Detained in China?,” *Diplomat*, July 5, 2023.

¹⁸*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights).

¹⁹*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Hanna Song, Director of International Cooperation, Database Center for North Korean Human Rights).

²⁰Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” July 2022, 327–28; U.N. Security Council, Note by the President of the Security Council, S/2022/132, March 1, 2022, paras. 168, 170, 172; U.N. Security Council, Resolution 2397 (2017), S/RES/2397 (2017), December 22, 2017, para. 8; Countering America’s Adversaries Through Sanctions Act, 22 U.S.C. § 9401, sec. 302(a).

²¹Kim Soonhi, “North Korean Workers in China Near 3rd Year Stuck There,” *Asahi Shimbun*, January 18, 2023; *North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Greg Scarlatou, Executive Director, U.S. Committee for Human Rights in North Korea).

²²*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Greg Scarlatou, Executive Director, U.S. Committee for Human Rights in North Korea); Uri Friedman, “Coming of Age in North Korea,” *Atlantic*, August 26, 2016.

²³*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Greg Scarlatou, Executive Director, U.S. Committee for Human Rights in North Korea).

²⁴*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Greg Scarlatou, Executive Director, U.S. Committee for Human Rights in North Korea).

²⁵*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Greg Scarlatou, Executive Director, U.S. Committee for Human Rights in North Korea).

²⁶*North Korean Refugees and the Imminent Danger of Forced Repatriation from China, Hearing of the Congressional-Executive Commission on China*, 118th Cong. (2023) (testimony of Greg Scarlatou, Executive Director, U.S. Committee for Human Rights in North Korea).

North Korean Refugees in China

²⁷Choe Sang-Hun, “After Fleeing North Korea, Women Get Trapped as Cybersex Slaves in China,” *New York Times*, September 13, 2019; Nicola Smith, “Inside China’s ‘Red Zone’ Where North Korean Women Are Sold as Slaves,” *Telegraph*, March 24, 2023.

²⁸Nicola Smith, “Inside China’s ‘Red Zone’ Where North Korean Women Are Sold as Slaves,” *Telegraph*, March 24, 2023.

²⁹Office of the U.N. High Commissioner for Human Rights, “Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women’s Political Participation and Sex-Selective Abortions,” May 12, 2023; Committee on the Elimination of Discrimination against Women, “85th Session (8–26 May 2023) Schedule of Dialogues (as of 31 March 2023),” accessed May 13, 2023.

³⁰Ifang Bremer, “UN Committee Questions China about Forced Deportation of North Korean Women,” *NK News*, May 16, 2023; Office of the U.N. High Commissioner for Human Rights, “Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women’s Political Participation and Sex-Selective Abortions,” May 12, 2023.

³¹Ifang Bremer, “UN Committee Questions China about Forced Deportation of North Korean Women,” *NK News*, May 16, 2023; Office of the U.N. High Commissioner for Human Rights, “Experts of the Committee on the Elimination of Discrimination against Women Commend China on Anti-Domestic Violence Legislation, Ask about Women’s Political Participation and Sex-Selective Abortions,” May 12, 2023.

³²International Federation for Human Rights and Database Center for North Korean Human Rights, “Joint Submission for the Committee on the Elimination of Discrimination against Women (CEDAW) 85th Session,” April 11, 2023.

³³Ifang Bremer, “UN Committee Questions China about Forced Deportation of North Korean Women,” *NK News*, May 16, 2023.

³⁴Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” July 2022, 176, 328.

³⁵Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet),” March 20, 2023, 57; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” July 2022, 328. See also Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, February 5, 2016.

³⁶*Zhonghua Renmin Gongheguo Guoji Fa* [PRC Nationality Law], passed and effective September 10, 1980, art. 4. Article 4 of the PRC Nationality Law provides that, “Any person born in China whose parents are both Chinese nationals or one of whose parents is a Chinese national shall have Chinese nationality.”

³⁷Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” July 2022, 328. See also Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, February 5, 2016.

³⁸Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet),” March 20, 2023.

³⁹Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet),” March 20, 2023, 57; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” July 2022, 328. See also Jenna Yoojin Yun, “30,000 North Korean Children Living in Limbo in China,” *Guardian*, February 5, 2016. Two June 2023 reports about the recent death of a 12-year-old boy—the son of a North Korean mother and Chinese father from Changbai Korean Autonomous County, Baishan municipality, Jilin province—noted the vulnerability of these children. The boy reportedly died in a car accident while attempting to search for his mother, whom Chinese authorities repatriated to the DPRK in 2019. A source told *Daily NK* that local public security officials not only did not investigate the missing person report from the boy’s grandmother, but also did not confirm the boy’s identity until after his death. Following public criticism, the police station in the district where the boy’s death took place issued a notice to village heads in its jurisdiction to provide nationality and household registration to unregistered children in similar circumstances whose paternity could be verified. Jeong Tae Joo, “‘Stateless’ Child of a N. Korean Defector Dies in Car Accident in Changbai County,” *Daily NK*, June 8, 2023; Mun Dong Hui, “Two Beimin nüxing he Zhongguo nanxing zhijian chusheng de wu guoji ertong chu zai ‘baohu sijiao’” [Children born of defector North Korean women and Chinese men exist in a “dead corner without protection”], *Daily NK*, June 2, 2023.

⁴⁰Convention on the Rights of the Child, adopted by U.N. General Assembly resolution 44/25 of November 20, 1989, entry into force September 2, 1990, arts. 2, 7, 28(1)(a). Under the Convention on the Rights of the Child, China is obligated to register children born within the country immediately after birth and also to provide all children with access to education without discrimination on the basis of nationality. International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 24.