

UPR CHINA

Joint Submission to the United Nations
Universal Periodic Review by PSCORE and RFNK

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Protecting the Rights of Children of North Korean Mothers and Chinese Fathers

July, 2023



PSCORE

People for a Successful COrean REunification



**RIGHTS FOR
FEMALE
NK DEFECTORS**

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People for Successful COrean REunification (PSCORE) is a non-profit NGO focusing on North Korean human rights. Its goal is to empower North Korean defectors and to prepare for the reunification of the Korean peninsula through the improvement of the current situation of human rights by conducting local and worldwide projects, since its foundation in 2006. Through international advocacy to the UN, awareness-raising campaigns, and education programs for defectors, PSCORE aims at promoting the human rights of the North Koreans, whether they are in North Korea, in China, or in South Korea. It is also the only South Korean organization advocating for North Korean human rights which has been granted the UN Economic and Social Council (ECOSOC) Special Consultative Status, since 2012.

In the context of the issues faced by North Korean mothers and their children, PSCORE has undertaken significant efforts to address the challenges and advocate for their rights. The organization provides support and assistance to North Korean defectors, including mothers who have been separated from their children. PSCORE recognizes the emotional and psychological trauma experienced by these mothers and aims to alleviate their suffering through various programs and initiatives.

Rights for Female North Korean Defectors (RFNK), also known as **TongilMom**, was established on July 9th 2015, and subsequently registered as a private non-profit organization with the Ministry of Unification on August 9th 2016. Founded by Kim Jungah, a North Korean defector who sought refuge in South Korea, RFNK aims to address the psychological trauma experienced by female North Korean defectors as a result of the forced repatriation policy. The organization actively collects data on the profound emotional and psychological distress endured by these women.

RFNK's petition, which is directed toward the governments of the People's Republic of China and the Republic of Korea, encompasses two main components. Firstly, the petition advocates for humanitarian measures that enable mothers who defected from North Korea to exercise their rights as birth mothers to their children. This includes granting them the ability to actively participate in their children's lives and make decisions regarding their upbringing. Secondly, RFNK emphasizes the importance of granting these children the right to choose which parent they live with, acknowledging their agency in determining their living arrangements.

RFNK's primary project, "I Want to Hold My Child", focuses on settlement activities and research projects aimed at supporting North Korean women refugees who have been forcibly separated from their children during the defection process. The project seeks to raise awareness, promote the reunification of both Koreas and facilitate the well-being of North Korean women who have experienced heart-wrenching separation from their children.

Executive summary:

In this report, PSCORE and RFNK outline four contemporary areas of concern regarding the current situation of protection of children's human rights in the context of North Korean mothers in China. These concerns revolve around the forced repatriation policy implemented by the Chinese government to North Korean mothers, family separation which destroys Chinese citizens' domestic environment, and the urgent need to address these challenges. Improving legal frameworks, promoting family reunification, and prioritizing the well-being of these vulnerable children are crucial steps in ensuring the protection of their rights.

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Chapter 1: A Review of the Past UPR Cycles

1. As a response to the last UPR session on China in 2019 on the 3rd cycle, China has accepted 248 recommendations out of 346. China has accepted recommendations concerning refugees' and asylum seekers' children's education (28.301). Moreover, as China doesn't consider them as refugees, the laws implemented concerning refugees don't apply to North Korean defectors, which has led to family separation and negative influence on the mental health of children of North Korean mothers. China violates these defectors' human rights by repatriating them to the DPRK instead of granting them refugee status. The international community should put pressure on China to stop the violation. Testimonies of the head of the childcare center for the children of North Korean mothers born in China and of North Korean defectors are available from PSCORE to prove the persistence of gross human rights violations.
2. As for the Report of the Working Group on the Universal Periodic Review during the 17th session of the 2nd cycle, China announced that it accepted 204 recommendations among 252, rejecting the remaining 48. China stated that the rejected recommendations were not in line with its national conditions, constitutional principles, and legislation. Among the accepted recommendations, one concerns the right to education for migrant workers' children from rural areas (186.214) and the other one concerns the adoption of national asylum legislation (186.242). Compared to the 3rd cycle, the issue of North Korean defectors was mentioned in the 2nd cycle. The recommendations about refugees and particularly North Korean defectors (186.66, 186.241, 186.243) have not been accepted. China claims to respect the principle of non-refoulement and protection for all asylum seekers and cross-border refugees but excludes North Korean defectors from this framework, as they are not considered refugees under Chinese policy.

Chapter 2: Struggles of Children of North Korean Mothers in China

Section 1: Historic Background

3. The Korean peninsula has been divided since 1945, following the end of World War II, and further solidified with the establishment of separate governments in 1948: the Democratic People's Republic of Korea (DPRK) and the Republic of Korea. This division has had profound humanitarian and human rights implications, particularly for the people living in the DPRK. They have faced significant challenges, including political repression, economic hardships, and widespread human rights abuses, including forced labor, arbitrary detention, and torture.

4. Due to challenging circumstances, numerous North Korean women are compelled to leave their homeland in pursuit of improved living conditions. These women embark on treacherous journeys, crossing the border into China. Regrettably, their arrival in China does not guarantee the safety or protection they seek. Despite China's status as a signatory to international conventions regarding refugees, they do not officially recognize North Korean defectors as refugees once they enter China. Instead, they are frequently classified as illegal migrants leaving them without legal status or necessary protections. They are vulnerable to arrest, detention, and deportation back to DPRK. China's deportation agreement with DPRK enables the repatriation of defectors, exposing them to severe punishment, including torture and imprisonment upon their return. The denial of refugee status deprives them of access to essential services, such as healthcare, education, and employment opportunities, exacerbating their vulnerability and limiting their ability to build a secure and stable life. Also, many become victims of human trafficking, forced into marriages, or subjected to sexual exploitation, labor exploitation, and abuse. These women represent a significant proportion of the population seeking refuge. Statistics (1) indicate that approximately 70% of North Korean defectors are women, highlighting the gender disproportionality in those risking their lives to escape. Due to the intense surveillance and monitoring in China, North Korean women are forced to live in hiding and face severe restrictions on their freedom of movement. According to RFNK (2), almost half of these women (49%) reported having no freedom of movement while in China. The constant risk of being discovered and repatriated back to DPRK is extremely high, leaving them with no other choice but to escape and seek refuge in South Korea for their safety.
5. Following incidents of rape or forced marriages to Chinese men, many of these women bear children. Children born to North Korean women as a result of incidents like rape or forced marriages to Chinese men face a deeply challenging and precarious situation. These children are often born into families where their mothers live in constant fear of being repatriated to DPRK, forcing them to hide and restrict their children's lives as well.
6. Children born to North Korean women in China face a multitude of challenges due to their families' constant fear of repatriation. Since their parents must hide and restrict the children's lives, these children suffer disrupted childhoods. Trauma and chronic stress adversely affect their emotional and psychological well-being. Moreover, the absence of legal identity and protection for children of North Korean mothers in China deprives them of essential rights, denying them access to education, healthcare, and social services. They often encounter social stigma and discrimination, leading to isolation and limited opportunities for social integration. Overall, these children's futures are constrained by the circumstances of their birth, making it crucial to provide them with support, recognition, and opportunities for a better life.

Section 2: Current Situation in China

7. In response to the current situation of the children of North Korean mothers, slight adjustments are made by the Chinese authorities to the state of living of both children of North Korean mothers and the mothers in China on both regional and state levels. At the regional level, the RFNK (3) indicates that a so-called “legal document” known as a “Temporary Residence Permit” has begun to be issued to the mothers. It enables them to obtain jobs and gain access to transportation with only taxi and bus, while long-distance travels via planes and trains remain prohibited. Furthermore, the permit does not grant them access to local medical services.
8. However, according to the report, the permits are not officially issued at the state level but are instead issued by the local authorities in rural areas in response to the protests from Chinese families with North Korean mothers. Consequently, only a limited number of North Korean mothers are able to acquire the permit when such a policy is only carried out within certain regions in China.
9. More importantly, the permit itself is unable to guarantee the safety of the women. Without official state endorsement, it cannot provide the mothers with a legal identity to reside in China. In addition, obtaining the permit requires registration with local authorities and increases the risk of repatriation. The weak legal power of the permit has put them in constant fear of being arrested and deported by the authorities because it does not guarantee their permanent stay in China. Instead of guaranteeing that they can live in China with their families in peace, the mothers suffer from persistent surveillance by the local authorities, including checking their phones twice every month and long-distance travel restrictions, preventing them from escaping to South Korea. Although the issuance of Temporary Residence Permits seems to show the attempt of Chinese authority to grant legal status to North Korean mothers, it serves more as a tool to monitor and control the population of North Korean mothers in China, which has still infringed upon their human rights. Moreover, recent reports from July 2023 indicate that some women who had registered for temporary residence in Jilin Province have already been forcibly relocated due to repatriation policies, further exacerbating the dire situation.
10. At the state level, recently, China has implemented a new policy concerning children's citizenship according to the news media Daily NK (4). The policy allows nationality and household registration for children of North Korean mothers when a DNA test is conducted to confirm the paternity of their Chinese fathers. In fact, this has assured that the kids acquire Chinese citizenship and nationality in accordance with Article 4 of the Nationality Law of the People's Republic of China (5) 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” so that the children can enjoy the social welfare provided by the state. However,

it is not widely utilized and many children are still stateless. As per the testimonies collected by RFNK (6), in order to acquire a family registration through legal means, Chinese fathers and their children are forced to declare the North Korean mother as missing. This declaration is made to prevent Chinese authorities from investigating the legal status of the North Korean mother and repatriating them. On the one hand, insufficient legal knowledge from the parents may contribute to the low registration rate. It is found that both North Korean mothers and Chinese husbands do not realize that their children can appeal for their basic rights to be protected by China. In a survey conducted by RFNK (7), a large majority of North Korean women and Chinese husbands (85.4%, 74.9% respectively) did not know about the Nationality Law, reflecting the fact that the conditions for obtaining a Chinese nationality are not understood clearly by them. On the other hand, the registration procedure and associated costs may have raised the difficulty for the children to be registered as Chinese citizens.

11. Regardless of the Chinese government's efforts at various levels, the improvement of human rights protections for children is still not sufficient, leading to ongoing issues of family separation and mental health concerns for the children.

Chapter 3: Addressing Family Separation and the Need for Psychological Support

Section 1: Persisting Challenges for Children of North Korean Mothers and Chinese Fathers in China

12. Despite China's efforts to address the dilemma surrounding children born to North Korean mothers and Chinese fathers by offering opportunities to obtain Chinese citizenship through DNA testing and temporary permits for the mothers, the challenges persist. Tragically, multiple accidents involving these children have been reported, highlighting the ongoing struggles they face.
13. As it has been reported by the news outlet Daily NK (8), a recent car accident resulted in the tragic death of a child whose father was Chinese and whose mother was a North Korean defector. The father had abandoned the child, and the government had failed to provide adequate care and attention. The boy, being stateless with an unregistered birth in China, had been under the care of his Chinese grandmother after his mother was repatriated to DPRK in 2019. Desperate to find his mother, he left home, leading to the fatal car accident. Prior to the accident, the grandmother informed the local police about the situation, but they showed little interest in locating the missing boy until after the incident occurred.

14. Criticism has been directed towards the police for their lack of action in the boy's disappearance, as he was the son of a Chinese man despite not being a Chinese national. The case highlights the challenges faced by children born to North Korean women defectors and Chinese fathers, who are often stateless and neglected due to the legal complexities. Although China grants nationality and household registration to children in such situations when paternity is established, many children, like the deceased boy, remain trapped in a legal gray area.
15. The incident further highlights the challenges faced by children in similar situations. Tragically, the boy's attempt to find his mother ended in a fatal accident, accentuating the urgency of addressing the complex issues surrounding the rights and well-being of children affected by forced repatriation. This incident has sparked community-wide discussions on the predicament faced by children born to North Korean defector mothers and Chinese fathers, shedding light on the ongoing struggles experienced by those separated from their families and the profound impact on their mental health. Demands for better care and support for these stateless children have intensified, recognizing that the boy's tragic fate could have been prevented if his mother had not been repatriated to DPRK. This situation calls for increased attention and efforts to improve human rights protections and support for these vulnerable children.
16. In response to growing public concern, the local police station has instructed villages to provide nationality and household registration to stateless children of defector women and Chinese men, as long as proper documents can establish paternity. This development reflects an attempt to address the issue and provide legal recognition and support to these vulnerable children.

Section 2: Upholding the Right to Family Life --- Ensuring Non-Separation for Children

A. International provisions

17. In the Universal Declaration of Human Rights (UDHR) (9) the United Nations has proclaimed that childhood is entitled to special care and assistance. The states should respect and ensure the rights of every child within their jurisdiction without discrimination of any kind. Primarily, Article 16 of UDHR states the right to marry and start a family that can be enjoyed by both men and women of legal age without distinction based on race, nationality, or religion. Furthermore, Article 12 indicates no one should be subjected to arbitrary interference with their family. This suggests the mothers should be allowed to stay with the children and not be evicted back to DPRK. This is to ensure children could enjoy their right to live with their parents.

18. According to the Convention on the Rights of the Child (CRC) (10), States Parties have a responsibility to respect and ensure the rights of every child. Children should be protected against all forms of discrimination or punishment based on the status, activities, expressed opinions, beliefs of their parents, legal guardians, or family members. The CRC is convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all of its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.
19. In that sense, the Convention's Preamble acknowledged that "*the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding*", essentially emphasizing the importance of maintaining a healthy family environment and ensuring that children are brought up in a loving family.
20. Article 3 of CRC emphasizes that all actions concerning children should prioritize their best interests as a primary consideration. Furthermore, Article 9 states that a child should not be separated from their parents against their will, except in cases where competent authorities, subject to judicial review and in accordance with applicable law and procedures, determine that such separation is necessary for the child's best interest. This determination may arise in situations involving abuse, neglect, or when parents are living separately and decisions about the child's residence need to be made. Additionally, States Parties must respect a child's right to maintain personal relations with both parents regularly if it is not detrimental to the child.
21. Whenever a child is separated from his or her parents or a family member is absent due to actions initiated by a State Party, such as detention, imprisonment, exile, deportation, or the death of either parent or child, the State Party must, upon request, inform the parents, child, or other appropriate family members regarding the whereabouts of the absent member(s). However, States Parties must make sure that this provision is not harmful to the child's welfare and that making such a request has no unfavorable effects on the parties involved (11).
22. Article 10 of the CRC emphasizes that States Parties have an obligation to handle applications for family reunification by a child or their parents to enter or leave a country in a positive, humane, and efficient manner, in line with their obligations under Article 9. States Parties must ensure that such requests do not result in adverse consequences for the

applicants or their family members. Additionally, a child whose parents reside in different countries has the right to maintain regular personal relations and direct contact with both parents. This is unless exceptional circumstances exist. In accordance with their obligations under Article 9, States Parties must respect the right of the child and their parents to leave any country, including their own. They must also respect their right to enter their own country. However, the right to leave a country may be subject to restrictions prescribed by law, which must be necessary to protect national security, public order, public health or morals, or others' rights and freedoms, and must be consistent with the other rights recognized in the Convention.

23. In the International Covenant on Civil and Political Rights (ICCPR) (12) the UN has proclaimed that the foundation of freedom, justice, and peace in the world is the recognition of all human beings' inherent dignity and their equal and unalienable rights. An individual's obligations to other individuals and the community to which they belong oblige them to take action toward promoting and upholding the rights enshrined in the current Covenant. Article 23(1) states the family is entitled to protection from both society and the government since it is the basic and natural unit of society. Furthermore, Article 17 states that no one's privacy, family, home, or correspondence may be infringed arbitrarily or unlawfully.
24. On another hand, the International Covenant on Economic, Social and Cultural Rights (ICESCR) (13) does not explicitly mention the right to a family as a separate and distinct right. However, Article 10 of the aforementioned covenant indirectly implies the right to family. Article 10 states that the widest possible protection and assistance should be provided to the family, particularly for its establishment and while it is responsible for the care and upbringing of children.
25. Under these international provisions, it is clear that children should not be separated from their parents against their will, except when necessary for the child's best interests as determined by competent authorities. States have an obligation to protect and ensure the right to family life, including taking measures to prevent arbitrary interference or separation. Additionally, children have the right to maintain personal relations with both parents on a regular basis, and family reunification should be handled in a positive and humane manner.
26. In the context of North Korean children and mothers, these provisions suggest that the Chinese government should take action to prevent the arbitrary separation of families, allowing mothers to stay with their children and ensuring that children can enjoy their right

to live with their parents. The forced repatriation policy needs to be reconsidered in light of these international obligations to protect the right to family and prioritize the best interests of the child.

B. Chinese Domestic Legislation

27. The Constitution of the People's Republic of China, specifically Article 49 (14), underscores the significance of safeguarding marriage, families, mothers, and children. It highlights the obligation of both husbands and wives to practice family planning and emphasizes the responsibility of parents to raise and educate their minor children, while adult children are obliged to support and assist their parents. This constitutional provision acknowledges the importance of protecting families, including the bond between mothers and children. As such, it implies that the Chinese government should take appropriate measures to prevent the forced separation of North Korean mothers from their children in order to uphold the principles enshrined in the Constitution.

28. It is regrettable that there is a lack of sufficient domestic provisions in China specifically addressing the right to family life and the right to not be separated. While Article 49 of the Constitution acknowledges the importance of protecting families and the bond between mothers and children, there is a need for more comprehensive and explicit legal frameworks to safeguard these rights. The absence of specific provisions addressing the right to family life and the right to not be separated leaves room for grave violations especially in the context of separation between North Korean mothers and their children. Although China has guaranteed equal rights for spouses to raise and educate their own children, it requires the official marriage registration in order to be legally recognized (15). However, it does not apply to the North Korean-Chinese family as the repatriation policy represents an insurmountable obstacle. Given the significance of these rights for the well-being and development of individuals, especially children, it is crucial for the Chinese government to enact comprehensive legislation that explicitly recognizes and protects these fundamental rights.

Section 3: Addressing Trauma and Psychological Challenges

A. Legal basis binding China

29. The mental health and well-being of children separated from their North Korean mothers should be accorded significant attention and addressed in accordance with the World Health Organization (WHO) Mental Health Action Plan (16). As a member state of the WHO, China is expected to align with the organization's mental health policies and initiatives. The Mental Health Action Plan offers guidance to countries on promoting

mental well-being, preventing mental disorders, and ensuring access to high-quality mental health services. By adhering to this action plan, China can effectively prioritize the mental health needs of these children, providing necessary support, interventions, and access to appropriate mental health services. Through the implementation of the WHO's guidelines, China can demonstrate its commitment to safeguarding the mental well-being of vulnerable children and upholding global standards for mental health care.

30. At the domestic level, the trauma experienced by children who are separated from their North Korean mothers should be given utmost consideration and addressed within the framework of domestic Chinese legislation, which places a duty on protecting mental health and well-being. China's Mental Health Law (17), enacted in 2013, provides a legal foundation for safeguarding the rights and interests of individuals with mental disorders. This legislation emphasizes the right of individuals with mental disorders to receive appropriate medical treatment, protection against discrimination, and respect for their inherent dignity. Furthermore, the National Health Commission of China plays a vital role in formulating policies and guidelines related to mental health, promoting the development of mental health services, prevention, and treatment. In addition, the Law of the People's Republic of China on Protection of Minors has stated the importance of prevention of mental health issues of the minors (18). Recognizing the seriousness of the issue, China has also implemented initiatives and programs aimed at suicide prevention, including awareness campaigns, healthcare professional training, and the establishment of crisis hotlines. There is an obligation to address the trauma, anxiety, and post-traumatic stress disorder experienced by children separated from their North Korean mothers so that China can effectively fulfill its obligations under domestic legislation and uphold the principles of mental health protection and promotion.

B. Trauma caused by family separation

31. Children of North Korean mothers suffer from trauma caused by family separation. Around 65% of the North Korean defectors had experienced family separation and around 30% of the North Korean defector women who escaped to China have "separated child(ren)" in China (19). The experience of being separated from their mothers creates unstable mental states as well as insecure attachment patterns and behavioral problems. There are three common ways for the family to be separated: 1) when the mothers were forcibly repatriated due to the lack of legal status 2) when the mothers flee to South Korea due to the fear of forced repatriation, and 3) when the mothers escape from the domestic violence to the other regions in China.
32. One testimony stated that: a mother escaped to a different region in China due to domestic violence. The mother had two children with a Chinese husband as a result of human

trafficking. The Chinese husband's violence led the mother to escape from home and move to different regions in China. The husband refused to send their children to the mother. The only method the children and the mother could contact is through phone calls (20).

33. Mother-child separation generates a negative impact on the child's development. According to a report by Heui Jeong Kim in 2015 (21), out of 40 North Korean defector families' children (5-9 yrs old), 27.5% revealed secure attachment patterns, 65% revealed insecure attachment patterns, and 7.5% were unclassified. Comparing it to attachment studies of average children that report a secure attachment pattern to be 60%, it is clear that children from North Korean defector families experience a significantly high percentage of insecure attachment patterns. Among the children, there is a high number of avoidant attachment patterns, which is related to the separation experience from their mothers.
34. Furthermore, children left alone without mothers are exposed to the dangers of human trafficking, violence, and neglect. Most of the forced marriages between Chinese men and female North Korean defectors occur in the countryside where children, especially teenage girls, are exposed to the danger of forced marriage and trafficking. Without the mothers to protect them, the children are exposed to the same fate as their mothers who were deceived and forcibly sold as wives to laborers, mentally disabled men, or farmers.
35. One of the testimonies states that: "At the age of four, the mother left her daughter behind. However, upon her return to China years later in an attempt to reclaim her child, she discovered the distressing truth that her brother-in-law had been repeatedly raping her daughter as well as sending her to a residential institution to ease the "burden" of taking care of the child. Subjected to these devastating experiences the child eventually sustained a permanent laceration on her genitals (22)."
36. As a result of the trauma due to the family separation, children demonstrate mental instability and impulsivity while also expressing anger towards their mothers for "abandoning" them. Most of the children are afraid to be abandoned again and this makes them unstable, anxious, and walking on eggshells all the time. This psychological state often manifests in behavioral patterns such as educational avoidance and conflicts. Specifically, children frequently engage in conflicts with peers, siblings, and teachers, resorting to verbal abuse. For instance, in a specific case where 14 children with North Korean mothers were placed together, they were separated due to their aggressive behaviors. Furthermore, these children struggle with an identity crisis, questioning their affiliation as either Chinese nationals or North Korean defector (23).
37. Interviews with the North Korean defectors reveal the impact of family separation and how it affects the children. One of the testimonies is as follows: A mother escaped to South

Korea because of the fear of forced repatriation. However, since it was hard to make a stable earning while raising a child, she had to leave the child with her mother-in-law in China. The child was 6 years old. One day, the mother got a desperate phone call from her mother-in-law saying that her child is going to die. When the mother went back to China to get her child, her child lost all of her teeth due to the stress and trauma of separating from their mothers (24).

38. Furthermore, families left in China deliver false news to their children, saying that their mothers had abandoned them. According to the testimonies (25) collected during writing the report, 80% of the children who had experienced family separation have heard that their mothers abandoned them from the Chinese family. This further exacerbates the trauma of family separation. 49% of Chinese husbands are aware of the false news that the family spreads to the children, mainly to tell them that they would not come back. However, this false news exacerbates the trauma of family separation by potentially leaving the blame on themselves and/or creating distrust in their mothers. During the interview, a mother testified about the distrust between her and the child: “I thought I would first come to South Korea safely, and then I will get my daughter from China. But during that time, my daughter thought her mom abandoned her. Even after staying in South Korea for 2 to 3 years, she was thinking that her mom left her (26).”
39. Some of the children in China try to contact their mothers but oftentimes, it is not successful. Lots of Chinese families prevent their children from talking to their mothers due to various reasons such as fearing that the children would follow their mothers and also leave them. Thus, some children in China hide their phones under their underwear or jackets to contact their mothers. Some even told the interviewer that the children had to melt the sleeping pills into their father’s water to call their mothers (27).
40. Even if the mothers come back to get their children, it takes a long time for them to reunite, making it hard to regain the children's trust. According to the RFNK report (28), it takes more than 1 year (58.1%) or sometimes even longer (more than 3 years (24.1 %)) for the family to reunite.

Chapter 4: Recommendations

PSCORE calls on the Government of China to:

1. Provide a social safety net to protect the children whose guardians are North Korean mothers who reside in China and help them adjust to society.
 - a. To prevent the separation of the children from their mothers, align with international standards and establish provisions such as Article 9 of the CRC,

which shall ensure that a child should not be separated from his or her parents against their own will.

- b. Adopt a non-refoulement policy regarding North Korean mothers to ensure compliance with the Convention on the Rights of the Child and the 1984 Convention against Torture.
 - c. Refrain from separating mothers and children, regardless of their legal status, until the children reach the age of maturity.
 - d. Provide free mental health services consistently and comprehensively for the traumatized children whose guardians are forcefully repatriated North Korean mothers.
2. Provide a social safety net to protect the North Korean mothers.
- a. Acknowledge North Korean mothers as refugees rather than illegal immigrants and refrain from repatriating them, in accordance with the Chinese constitution and the Law on Entry and Exit Administration in 2012, recognizing the critical role of mothers in caring for their children.
 - b. Grant North Korean mothers a legal status (i.e., residence permit or citizenship) to reside in China until the child attains the age of maturity, according to Article 9 of the Convention on the Rights of the Child and Article 7 of the Law of the People's Republic of China on Protection of Minors.
 - c. Legally recognize the cohabitation of a Chinese father and a North Korean mother who have children as a common-law marriage, aiming to maintain a stable Chinese family.
3. Collaborate with the UN to monitor and report on the protection of children's rights in China
- a. Cooperate with the UN as a member state in UNHRC by granting an independent third-party organization to conduct objective monitoring of the human rights of the North Korean mothers and their children.
 - b. Furnish and share data on the family condition and family registration of the children of North Korean mothers (regardless if they were forcibly repatriated or still residing in China).
 - c. Furnish and share data on the educational status of the children of North Korean mothers (regardless if they were forcibly repatriated or still residing in China).
 - d. Furnish and share data on the mental and physical health condition, and healthcare access of children of North Korean mothers (regardless if they were forcibly repatriated or still residing in China).
 - e. Implement a system that enables North Korean mothers to verify the family registration of their Chinese children without the threat of forced repatriation.

- f. Implement a system that obligates Chinese fathers and their families to enlist their newborn children, irrespective of the birth location (whether it be a hospital or residence) or the legal status of the mothers.
- g. Establish a system to scrutinize and prevent the trafficking of Chinese children born to North Korean mothers, while disclosing the current situation to the United Nations and the international community.

Endnotes

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