

110TH CONGRESS
1ST SESSION

H. CON. RES. 234

IN THE SENATE OF THE UNITED STATES

OCTOBER 30, 2007

Received and referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea.

Whereas the Government of North Korea is a dictatorial regime that commits gross human rights violations against the North Korean people;

Whereas the Government of North Korea attempts to exert absolute control over the lives of North Koreans through the use of deplorable systems of punishment and torture and by restricting the flow of information;

Whereas the Government of North Korea engages in the systematic torture, unlawful detainment, and mass murder of tens of thousands of political prisoners, defectors, and refugees, employing the world's most brutal concentration camp system;

Whereas the lack of freedom, government persecution, and policies of selective starvation have driven hundreds of thousands of North Koreans to northeast China, fleeing for their lives from prison camps or political persecution;

Whereas the Government of the People's Republic of China forcibly repatriates North Korean refugees and imprisons foreign aid workers who try to assist North Korean refugees inside China;

Whereas to encourage these repatriation efforts, Chinese central government authorities assign local public security bureaus in northeastern China a target number of North Koreans that they must detain in order to receive favorable work evaluations;

Whereas the refugees returned to North Korea by the Government of the People's Republic of China face imprisonment, brutal persecution, or execution;

Whereas up to 90 percent of North Korean women refugees fall prey to traffickers in China who sell the refugees into sexual slavery;

Whereas the United Nations Convention relating to the Status of Refugees, done at Geneva on July 28, 1951 (189 UNTS 150), as modified by the Protocol relating to the Status of Refugees, done at New York on January 31, 1967 (606 UNTS 267), defines a refugee as a person 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”;

Whereas the Government of the People’s Republic of China violates its obligations under the United Nations Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees by impeding access to the United Nations High Commissioner for Refugees (UNHCR) and continually classifying North Korean refugees as “economic migrants”, denying them asylum and forcibly returning them to North Korea without the review to which they are entitled;

Whereas the UNHCR fails to robustly press the Government of the People’s Republic of China to grant the UNHCR access to North Korean refugees and has failed to initiate a binding arbitration proceeding against the Government of the People’s Republic of China pursuant to the terms of Article XIV of the Agreement on Upgrading of the UNHCR Mission in the People’s Republic of China to the UNHCR Branch Office in the People’s Republic of China, done at Geneva on December 1, 1995, governing refugee access and the refugee designation process;

Whereas the UNHCR’s failure to bring such an arbitration proceeding was determined by the United States Congress in the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) to constitute a “a significant abdication by the UNHCR of one of its core responsibilities”;

Whereas the failure of the People’s Republic of China to abide by its treaty obligations toward the United Nations is a critical means by which the Government of North

Korea is allowed to subject the people of North Korea to persecution and effectively imprison them within its borders;

Whereas Special Envoy for Human Rights in North Korea Jay Lefkowitz testified before the House Foreign Affairs Subcommittee on Asia, the Pacific, and the Global Environment on March 1, 2007, that “the fact that the Government of China is not honoring its international commitments, is not providing genuine access as it is required to the U.N. High Commissioner on Human Rights, I think is really the single most significant issue we have outside of the North Korean Government’s own emigration policies that is a barrier now to the free movement of people in that region”;

Whereas the International Parliamentarians Coalition for North Korean Refugees’ Human Rights, a coalition of parliamentarians from across the globe, met in Seoul, South Korea, on August 29, 2007, and called on the international community to increase its efforts to protect North Korean refugees; and

Whereas the Korean-American community, acting through various religious and civic organizations, including the “Let My People Go Campaign”, has worked to bring awareness to the plight of the hundreds of thousands North Korean refugees living in China: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That Congress—*

3 (1) strongly encourages the Government of the
4 People’s Republic of China to honor its obligations
5 under the United Nations Convention relating to the

1 Status of Refugees, done at Geneva on July 28,
2 1951 (189 UNTS 150), as modified by the Protocol
3 relating to the Status of Refugees, done at New
4 York on January 31, 1967 (606 UNTS 267), by—

5 (A) halting the forced repatriation of
6 North Koreans who face a well-founded fear of
7 persecution if they are returned to North
8 Korea;

9 (B) making genuine efforts to identify and
10 protect the refugees among the North Korean
11 migrants encountered by Chinese authorities,
12 including providing refugees with a reasonable
13 opportunity to request asylum; and

14 (C) granting the United Nations High
15 Commissioner for Refugees unfettered access to
16 such refugees to determine their status and the
17 degree of assistance to which they are entitled;
18 and

1 (2) recognizes the efforts of the Korean-Amer-
2 ican community for bringing attention to the plight
3 of North Korean refugees.

Passed the House of Representatives October 29,
2007.

Attest: LORRAINE C. MILLER,
Clerk.