

107TH CONGRESS
2^D SESSION

S. CON. RES. 114

Expressing the sense of Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2002

Mr. BROWNBACK (for himself and Mr. KENNEDY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress regarding North Korean refugees who are detained in China and returned to North Korea where they face torture, imprisonment, and execution.

Whereas the Government of North Korea is one of the most oppressive regimes and was identified by the President of the United States as one of the three countries forming an “axis of evil”;

Whereas the Government of North Korea is controlled by the Korean Workers Party, which does not recognize the right of North Koreans to exercise the freedoms of speech, religion, press, assembly, or association;

Whereas the Government of North Korea imposes severe punishments for crimes such as attempted defection, slander of the Korean Workers Party, listening to foreign broadcasts, possessing printed matter that is considered reactionary by the Korean Workers Party, and holding prohibited religious beliefs;

Whereas at least 1,000,000 North Koreans are estimated to have died of starvation since 1995 because of the failure of the centralized agricultural system operated by the Government of North Korea and because of severe drought;

Whereas the combination of political, social, and religious persecution, economic deprivation, and the risk of starvation in North Korea is causing many North Koreans to flee to China;

Whereas between 100,000 and 300,000 North Korean refugees are estimated to be residing in China without the permission of the Government of China;

Whereas the Governments of China and North Korea have reportedly begun aggressive campaigns to locate North Koreans who reside without permission in China and to forcibly return them to North Korea;

Whereas North Koreans who seek asylum in China and are refused, are returned to North Korea where they have reportedly been imprisoned and tortured, and in many cases killed;

Whereas the United Nations Convention Relating to the Status of Refugees of 1951, as modified and incorporated by reference by the Protocol Relating to the Status of Refugees of 1967, 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 despite China’s obligations as a party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967, China routinely classifies North Koreans seeking asylum in China as “economic migrants” and returns the refugees to North Korea without regard to the serious threat of persecution they will face upon their return;

Whereas the Government of China is party to the United Nations Convention Relating to the Status of Refugees of 1951 and the Protocol Relating to the Status of Refugees of 1967 and must respect the term of these agreements;

Whereas in recent weeks, Chinese authorities have increased security around diplomatic properties and reportedly have stepped up detentions of North Koreans hiding in the country, in response to 28 North Koreans seeking asylum who rushed several foreign embassies;

Whereas on May 9th, eight North Koreans seeking political asylum rushed the United States and Japanese consulates in the northeastern Chinese city of Shenyang, including three who scaled a wall and made it into the United States mission; and

Whereas Chinese police captured the other five, including a toddler, allegedly by entering the Japanese Consulate compound without permission, and dragging five people out, in clear violation of the provisions of the Vienna

Convention on Consular Relations ensuring the inviolability of consular missions: Now, therefore, be it

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

3 (1) the Government of China to honor its obli-
4 gations under the United Nations Convention Relat-
5 ing to the Status of Refugees of 1951, as modified
6 and incorporated by reference by the Protocol Relat-
7 ing to the Status of Refugees of 1967, by—

8 (A) making genuine efforts to identify and
9 protect the refugees among the North Korean
10 migrants encountered by Chinese authorities,
11 including providing the refugees with a reason-
12 able opportunity to petition for asylum;

13 (B) allowing the United Nations High
14 Commissioner for Refugees to have access to all
15 North Korean asylum seekers and refugees re-
16 siding in China;

17 (C) halting the forced repatriations of
18 North Korean refugees seeking asylum in
19 China; and

20 (D) cooperating with the United Nations
21 High Commissioner for Refugees in efforts to
22 resettle the North Korean refugees residing in
23 China to other countries;

1 (2) the Government of China to permit access
2 to the United Nations High Commissioner for Refu-
3 gees in order to evaluate the asylum claims and to
4 facilitate the resettlement of the North Korean refu-
5 gees residing in China in other countries; and

6 (3) the United States Government to consider
7 asylum claims and refugee claims of North Koreans
8 arising from a well-founded fear of persecution.

○