

Calendar No. 419107TH 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

JUNE 13, 2002

Reported by Mr. BIDEN, with an amendment, an amendment to the preamble, and an amendment to the title

[Strike out the preamble and all after the resolving clause and insert the part printed in italic]

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 sealed 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

Whereas the people of North Korea live in extreme poverty and do not enjoy 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 and other natural calamities;

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 presence of so many North Korean refugees on Chinese soil imposes a heavy burden on the Chinese people;

Whereas North Koreans who seek asylum while 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 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;

Whereas China routinely characterizes North Koreans seeking asylum while in China as being economic migrants and returns the refugees to North Korea without adequate due process or regard to the serious threat of persecution they will face upon their return;

Whereas in recent weeks, in response to North Koreans seeking asylum who have rushed several foreign missions, Chinese authorities reportedly have begun an aggressive campaign to locate North Koreans who reside without permission in China and forcibly to return them to North Korea;

Whereas the Vienna Convention on Diplomatic Relations and the Vienna Convention on Consular Relations obligate China to ensure the inviolability of foreign missions and to provide for their security;

Whereas the refugee problem will persist until there is peace and reconciliation on the Korean Peninsula;

Whereas June 15, 2002, marks the second anniversary of the historic North-South Summit in Pyongyang between South Korean President Kim Dae-jung and North Korean leader Kim Jong-il, at which both sides pledged to pursue peace and reconciliation;

Whereas President Bush has pledged to support South Korea's policy of engagement with North Korea; and

Whereas the President of the United States has offered to send a representative to meet with North Korean authorities to address issues of mutual concern, including humanitarian issues: 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;

1 (C) halting the forced repatriations of
2 North Korean refugees seeking asylum in
3 China; and

4 (D) cooperating with the United Nations
5 High Commissioner for Refugees in efforts to
6 resettle the North Korean refugees residing in
7 China to other countries;

8 (2) the Government of China to permit access
9 to the United Nations High Commissioner for Refu-
10 gees in order to evaluate the asylum claims and to
11 facilitate the resettlement of the North Korean refu-
12 gees residing in China in other countries; and

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

16 *That Congress—*

17 (1) *encourages the Government of China to honor*
18 *its obligations under the United Nations Convention*
19 *Relating to the Status of Refugees of 1951, as modi-*
20 *fied and incorporated by reference by the Protocol Re-*
21 *lating to the Status of Refugees of 1967 by—*

22 (A) *making genuine efforts to identify and*
23 *protect the refugees among the North Korean mi-*
24 *grants encountered by Chinese authorities, in-*

1 *cluding providing the refugees with a reasonable*
2 *opportunity to petition for asylum;*

3 *(B) allowing the United Nations High Com-*
4 *missioner for Refugees to have access to all North*
5 *Korean asylum seekers and refugees residing in*
6 *China in order to evaluate the asylum claims*
7 *and to facilitate the resettlement of the North Ko-*
8 *rean refugees residing in China in other coun-*
9 *tries; and*

10 *(C) halting the forced repatriations of North*
11 *Korean refugees seeking asylum in China;*

12 *(2) encourages the Government of China to re-*
13 *spect the inviolability of foreign missions while pro-*
14 *viding for their security, as called for under the Vi-*
15 *enna Convention on Diplomatic Relations and the Vi-*
16 *enna Convention on Consular Relations;*

17 *(3) urges the Government of North Korea to al-*
18 *leviate the suffering of the North Korean people, to re-*
19 *spect their universally recognized human rights, and*
20 *to take concrete steps to implement the North-South*
21 *Joint Declaration of June 15, 2000, issued by the*
22 *leaders of South Korea and North Korea on that date;*
23 *and*

24 *(4) encourages the United States Government to*
25 *consider asylum claims and refugee claims of North*

- 1 *Koreans arising from a well-founded fear of persecu-*
- 2 *tion.*

Amend the title to read: “A Concurrent Resolution expressing the sense of Congress regarding North Korean refugees in China and those who are returned to North Korea where they face torture, imprisonment, and execution.”.

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