

107TH CONGRESS
2D SESSION

H. CON. RES. 213

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.

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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 punishments, including execution, 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 genuine religious freedom does not exist in North Korea and reports of executions, torture, and imprisonment of religious persons in the country continue to emerge;

Whereas the Government of North Korea holds an estimated 200,000 political prisoners in camps that its State Security Agency manages through the use of forced labor, beatings, torture, and executions, in which many prisoners also die from disease, starvation, and exposure;

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;

Whereas the combination of political, social, and religious persecution 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 Koreans are estimated to be residing in China without the permission of the Government of China;

Whereas in past years some Chinese authorities appear to have tolerated quiet efforts by nongovernmental organizations to assist North Korean refugees in China, and have allowed the departure of limited numbers of North Korean refugees after the advocacy of third countries, whose diplomatic facilities granted these refugees sanctuary;

Whereas the Governments of China and North Korea have begun aggressive campaigns to locate North Koreans who

are in China without permission and to forcibly return them to North Korea;

Whereas North Koreans who seek asylum while in China are routinely imprisoned and tortured, and in some cases killed, after they are returned to North Korea;

Whereas the United Nations Convention relating to the Status of Refugees of 1951, as modified 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 mere “economic migrants” and returns the refugees to North Korea without regard to the serious threat of persecution faced by the refugees after their return;

Whereas the Government of China does not provide North Koreans whose asylum requests are rejected a right to have the rejection reviewed prior to deportation despite the recommendations of the United Nations Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967 that such a right be granted;

Whereas people attempting to assist North Korean refugees inside China face danger because of their efforts, includ-

ing Chun Ki Won, a South Korean citizen detained inside China since December 2001, and the Reverend Kim Dong Shik, a United States permanent resident allegedly abducted by North Korean agents inside China in January 2000; and

Whereas the Government of China recently has permitted some North Koreans who have managed to enter foreign diplomatic compounds to travel to South Korea via third countries, but has forcibly repatriated to North Korea many others captured inside China: Now, therefore, be it

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

3 (1) encourages the Government of China to
4 honor its obligations under the United Nations Con-
5 vention relating to the Status of Refugees of 1951,
6 as modified by the Protocol relating to the Status of
7 Refugees of 1967, by—

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

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

1 (C) providing North Korean refugees resid-
2 ing in China with safe asylum;

3 (D) allowing the United Nations High
4 Commissioner for Refugees to have access to all
5 North Korean refugees residing in China; and

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

10 (2) encourages the Secretary of State—

11 (A) to work with the Government of China
12 toward the fulfillment of its obligations de-
13 scribed in paragraph (1); and

14 (B) to work with concerned governments in
15 the region toward the protection of North Ko-
16 rean refugees residing in China;

17 (3) encourages the United Nations High Com-
18 missioner for Refugees to facilitate the resettlement
19 of the North Korean refugees residing in China in
20 other countries;

21 (4) encourages the Secretary of State to begin
22 efforts toward the drafting, introduction, and pas-
23 sage of a resolution concerning human rights in
24 North Korea at the 59th Session of the United Na-
25 tions Commission on Human Rights in March 2003;

1 (5) urges the Government of China to release
2 Mr. Chun Ki Won; and

3 (6) urges the Governments of the United
4 States, South Korea, and China to seek a full ac-
5 counting from the Government of North Korea re-
6 garding the whereabouts and condition of the Rev-
7 erend Kim Dong Shik.

Passed the House of Representatives June 11, 2002.

Attest:

Clerk.