



H.Con.Res. 234 – Calling on the Government of the People’s Republic of China to respect the human rights of refugees from North Korea

FLOOR SITUATION

H.Con.Res. 234 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced on October 15, 2007, by Representative Edward Royce (R-CA). The Committee on Foreign Affairs agreed by unanimous consent to consider H.Con.Res. 234 under suspension of the rules on October 23, 2007.

H.Con.Res. 234 is expected to be considered on the floor on October 29, 2007.

SUMMARY

H.Con.Res. 234 resolves that Congress:

- Strongly encourages the Government of the People's Republic of China to honor its obligations under 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), by--
 - ◆ Halting the forced repatriation of North Koreans who face a well-founded fear of persecution if they are returned to North Korea;
 - ◆ Making genuine efforts to identify and protect the refugees among the North Korean migrants encountered by Chinese authorities, including providing refugees with a reasonable opportunity to request asylum; and
 - ◆ Granting the United Nations High Commissioner for Refugees unfettered access to such refugees to determine their status and the degree of assistance to which they are entitled; and
- Recognizes the efforts of the Korean-American community for bringing attention to the plight of North Korean refugees.

BACKGROUND

According to the State Department’s Country Reports on Human Rights Practice for 2006, North Korea’s record on human rights remains “poor” with “numerous serious

abuses.” The abuses documented in this report include, but are not limited to, controls over many aspects of daily life for individuals, no right to change their government, extrajudicial killings, and life threatening prison conditions.

Along with these human rights abuses, North Korea is facing a critical food shortage. These two factors drive thousands of North Koreans over the border to China in search of food and an escape from persecution.

The United Nations Convention Relating to the Status of Refugees and the 1967 Protocol to that Convention are the international instruments that detail the protections for refugees.

China is a party to both of these instruments however they have not allowed United Nations agencies access to the North Koreans living in China because China views the North Koreans as migrants. The United Nations High Commission for Refugees (the UN agency responsible for the protection of refugees displaced by conflict, famine, and natural disasters) has been unable to determine how many of the North Koreans qualify as refugees.

During the 108th Congress, President Bush signed the North Korean Human Rights Act (P.L. 108-333) into law. This legislation authorizes funds to support human rights efforts and improve the flow of information and allows the President to appoint a Special Envoy on Human Rights in North Korea. In addition, it expressed the sense of Congress that human rights remain a key element in negotiations with North Korea and that China is obligated to provide the United Nations High Commission on Refugees with unimpeded access to North Koreans inside China.

STAFF CONTACT

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