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H. RES. 1080

Expressing the sense of Congress that coordinated action must be taken by the United States Government and partner countries to address the humanitarian and human rights crises facing North Koreans in the People's Republic of China, including forced labor, arbitrary detention, human trafficking, and the forcible repatriation from China.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2024

Mrs. STEEL (for herself, Mr. SMITH of New Jersey, Mr. GOTTHEIMER, Mrs. KIM of California, and Mr. D'ESPOSITO) submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Expressing the sense of Congress that coordinated action must be taken by the United States Government and partner countries to address the humanitarian and human rights crises facing North Koreans in the People's Republic of China, including forced labor, arbitrary detention, human trafficking, and the forcible repatriation from China.

Whereas North Korean escapees and asylum seekers in China, the vast majority of whom are women, are again being forcibly returned to the Democratic People's Re-

public of Korea (North Korea) with the opening up of the Sino-North Korean border in 2023;

Whereas the Governments of China and North Korea are now aggressively seeking to locate and detain North Koreans who are in China and to forcibly return them to North Korea, including by offering bounties for information on North Koreans living in China;

Whereas, according to the 18 United Nations Special Experts on human rights in an October 2023 statement urging the People's Republic of China to honor its obligations under international law, "there are long-standing and credible reports to believe that North Korea escapees forced returned to [North Korea] would be subjected to torture, cruel, inhuman or degrading treatment and punishment and other serious human rights violations.";

Whereas the 2014 Commission on Inquiry on Human Rights North Korea and the United Nations High Commissioner of Human Rights condemned the long-standing, systematic and gross violations of human rights occurring in North Korea, including those that may amount to crimes against humanity;

Whereas, according to the 2014 United Nations Commission of Inquiry on Human Rights in North Korea report, the Government of North Korea holds up to 120,000 political prisoners in camps managed by its State Security Agency through the use of forced labor, beatings, torture, and executions. Many prisoners also die from disease, starvation, and exposure;

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 the combination of political, social, and religious persecution and acute food insecurity in North Korea cause many North Koreans to flee to China, a trend that has occurred for over 30 years now;

Whereas an estimated 80 percent of North Korean asylum seekers are women and girls who are particularly vulnerable to trafficking for the purpose of sexual exploitation, forced labor, or forced marriages and detention in China and if forcibly returned to North Korea they may face forced abortions, rape, and other forms of violence in detention;

Whereas, according to the State Department's latest Trafficking in Persons Report, approximately 30,000 children in China who were born to North Korean mothers and Chinese fathers are unregistered, making them stateless and ineligible for medical care, schooling, and other government support in the People's Republic of China;

Whereas in order to generate income for the Government, including its illicit nuclear weapons program, North Koreans are sent abroad, most often to China and Russia, to work under conditions that reportedly amount to forced labor, including in seafood process factories in Liaoning Province of China;

Whereas seafood processed by North Koreans in Liaoning Province of China enter the United States market, including baby clams, squid, and haddock according to reports published by the Outlaw Ocean Project;

Whereas China and Russia violate with impunity United Nations Security Council resolution 2397 (para. 8) which prohibits countries from employing North Korean workers after December 2019;

Whereas any good made by North Korean labor, wholly or in part, is prohibited from entry into the United States market by section 321 of the Countering America's Adversaries Through Sanctions Act (P.L. 115-44);

Whereas Members of Congress, on a bipartisan basis, have urged the Department of Homeland Security to take action to stop seafood imports from China to enter the United States market, until importers show that no North Korean or Uyghur labor was used in processing;

Whereas, according to the United Nations Special Rapporteur on the situation of human rights in North Korea in 2023, as many as 2,000 North Korean asylum seekers and refugees were arrested and detained in China during the COVID-19 lockdown;

Whereas at a July 2023 hearing at the Congressional-Executive Commission on China titled "North Korean Refugees and the Imminent Danger of Forced Repatriation from China," satellite images were shown detailing expanded detention facilities for North Koreans in China;

Whereas United Nations Third Committee adopted a resolution (A/C.3.78/L.39) in November 2023, reminded UN member states, without naming the People's Republic of China, to comply with its obligations to protect North Korean refugees under the United Nations Convention Relating to the Status of Refugees of 1951 (1951 United Nations Refugee Convention), and its Protocol Relating to the Status of Refugees of 1967 (1967 United Nations

Refugee Protocol), which 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 the obligations of the People’s Republic of China, as a state party to the 1951 United Nations Refugee Convention and the 1967 United Nations Refugee Protocol, the Government routinely classifies North Koreans in China as “economic migrants” and forcibly returns them to North Korea without regard to the reason they escaped North Korea or the serious threat of persecution they face upon their return;

Whereas the United Nations Resolution of November 2023 “strongly urge(d)” United Nations member states to respect the principle of nonrefoulement, or forced deportations, given the “internment, torture, [and] other cruel and degrading treatment or punishment . . . including the death penalty,” faced by North Koreans forcibly returned from the People’s Republic of China;

Whereas the People’s Republic of China is a signatory to the United Nations Convention Against Torture, which obligates United Nations member states to protect individuals, regardless of their migratory status, if there is a risk of torture, cruel, inhuman or degrading treatment or punishment, including the death penalty or enforced disappearances upon return;

Whereas the Government of the People’s Republic of China continues to deny access to its border regions with North Korea to the United Nations High Commission for Refu-

gees (UNHCR) and to deny the UNHCR staff in the PRC to determine the status of asylum or refugee claims, as the People's Republic of China is obligated to do by its international legal obligations: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) strongly encourages the President, the Sec-
3 retary of State, and all other relevant Cabinet Offi-
4 cers to raise with the officials of the Government of
5 the People's Republic of China, in both bilateral and
6 relevant multilateral settings, the interests of the
7 United States in protecting North Koreans seeking
8 asylum or those trafficked in the People's Republic
9 of China, including through—

10 (A) encouraging fulfilling of international
11 obligations to protect refugees and address
12 human trafficking within the People's Republic
13 of China under the 1951 United Nations Ref-
14 ugee Convention and the 1967 Refugee Pro-
15 tocol; Article 3 of the Convention Against Tor-
16 ture, and the Palermo Protocol, all which the
17 which the Government of the People's Republic
18 of China has acceded to and ratified;

19 (B) using the voice, vote, and influence at
20 the United Nations to ensure that the UNHCR
21 is able to protect North Korea asylum seekers

1 and provide them with a reasonable opportunity
2 to request asylum and be processed in-country;

3 (C) ensuring that the Government of the
4 People's Republic of China understands the in-
5 terests of the United States and allied nations
6 in ending North Korean labor in the People's
7 Republic of China as such labor is a source of
8 foreign capital for the North Korean Govern-
9 ment which is diverted to its nuclear program;

10 (D) using the voice, vote, and influence at
11 the United Nations to ensure that the People's
12 Republic of China and other United Nations
13 member states fulfill United Nations Resolution
14 2397 (para. 8) prohibiting the use of North Ko-
15 rean labor; and

16 (E) ensuring that the Government of the
17 People's Republic of China remains fully aware
18 that goods produced with the labor of North
19 Koreans in China are presumptively prohibited
20 entry into the United States market under
21 Countering America's Adversaries Through
22 Sanctions Act (P.L. 115-44);

23 (2) encourages the Secretary of State to—

24 (A) coordinate diplomatic actions with the
25 Governments of South Korea, Japan, and other

1 concerned Governments to end the forced de-
2 portations and forced labor of North Koreans
3 living in China;

4 (B) build coalitions with allies and part-
5 ners at the United Nations to—

6 (i) fully implement the recommenda-
7 tions of the United Nation’s Commission
8 of Inquiry on Human Rights in North
9 Korea;

10 (ii) continue requests for briefings at
11 the United Nations Security Council by the
12 High Commissioner for Human Rights and
13 the Special Rapporteur on the Situation in
14 North Korea;

15 (iii) schedule regular Arria-formula
16 meetings at the United Nations Security
17 Council on the situation of North Koreans
18 in China;

19 (iv) coordinate joint actions and reso-
20 lutions on the issue of the forced repatri-
21 ation or forcible return of North Koreans
22 from China and other human rights abuses
23 experienced in China with like-minded al-
24 lies at the United Nations Human Rights
25 Council; and

1 (v) press for UNHCR access to North
2 Koreans seeking asylum in China;

3 (C) consider issuing an atrocity determina-
4 tion for the Government of the People’s Repub-
5 lic of China for its treatment of North Korean
6 asylum-seekers, laborers, women and girls in
7 China and the fact that North Koreans forcibly
8 repatriated or returned will face arbitrary de-
9 tention, torture, hard labor, or even execution;

10 (D) use existing sanctions authorities
11 found in the Global Magnitsky Human Rights
12 Accountability Act and the Trafficking Victims
13 Protection Act of 2000 to hold accountable offi-
14 cials from the Government of the People’s Re-
15 public of China, or other United Nations mem-
16 ber states, who knowingly engage in the forcible
17 deportation of North Koreans and for failing to
18 address the human trafficking of North Kore-
19 ans, including Chinese Communist Party offi-
20 cials in charge of provinces near the North Ko-
21 rean border; and

22 (E) redesignate the Government of the
23 People’s Republic of China as a “Tier 3” coun-
24 try for its failure to address trafficking in per-
25 sons in China and use the tools available in the

1 Trafficking Victims Protection Act of 2000 to
2 provide incentives for the government to fulfill
3 its obligations under international human rights
4 and refugee law;

5 (3) encourages the Secretary of the Department
6 of Homeland Security, in coordination with the Sec-
7 retary of the Department of Labor, to address the
8 issue of forced labor of North Korean workers in the
9 People’s Republic of China including through—

10 (A) enforcing the Countering America’s
11 Adversaries Through Sanctions Act (P.L. 115–
12 44) provision that presumptively prohibits entry
13 into the United States market of any goods pro-
14 duced with the labor of North Koreans;

15 (B) reporting to Congress on any imports
16 to the United States of goods produced by
17 North Koreans working in the People’s Repub-
18 lic of China;

19 (C) issuing a Withhold Release Order for
20 Liaoning Province of the People’s Republic of
21 China where the seafood industry using North
22 Korean labor is based;

23 (D) issuing a Withhold Release Order for
24 any factory where North Korean labor is em-
25 ployed; and

1 (E) issuing a joint advisory with other rel-
2 evant Cabinet-level agencies on imported sea-
3 food processed in China to ensure that all Fed-
4 eral agencies end the sourcing of seafood proc-
5 essed by forced labor or caught by fleets of the
6 People's Republic of China engaged in illegal,
7 unregulated, and unreported fishing.

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