

Tom Lantos Human Rights Commission
US Congress

**Hearing on Civil and Political Rights in the Republic of Korea:
Implications for Human Rights on the Peninsula**

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Thank you to the committee for their sustained focus on human rights issues on the Korean peninsula. It is a topic that always deserves more attention.

My testimony today will focus on the Biden administration's current review of US policy on North Korea, and what steps congress can take to support the administration's future policymaking and negotiations—including steps congress can take to help convince US allies, notably South Korea, to support a more human rights focused approach.

Let me get straight to the point. Past US policy—and South Korean policy—has not properly or adequately incorporated human rights protection and promotion into strategies to address North Korea. In focusing mostly on security and weapons counter-proliferation strategies, or trust-building exercises in the context of North-South relations, policymakers in both Washington and Seoul have relegated the freedom, health, and well-being of the 25 million people of North Korea to a distant tertiary status.

Yet for over 70 years—longer than the existence of the Soviet Union—the North Korean government has been oppressing its people and isolating them from the world. [Systemic denials of basic rights](#) have caused widespread, sustained, and severe poverty.

The current situation has turned especially worrying. In the context of Covid-19, North Korean leader [Kim Jong Un now appears to be using](#) the pandemic to further entrench his already firm grip on power by installing harsh new controls on the distribution of food and products, stopping all information flows into the country, and entirely closing its border with China. And with reported shortages of food and basic supplies, serious concerns have been raised about mass famine.

In a statement on April 8, even Kim Jong Un himself referenced the “[obstacles and difficulties ahead of us](#).” He announced orders to the country to “wage another more difficult ‘Arduous March,’”—the exact propaganda term used by the government in the 1990s to mask a devastating famine in which the government's refusal to allow imports or food assistance, and the failures and injustices of its food distribution system, killed hundreds of thousands of people, and possibly more.

All of us, of course, acknowledge North Korea's threats to global security. All of us understand why policymaking by the US and its allies focuses on counter-proliferation issues. But let us also admit that decades of failure to hold the North Korean government accountable for its human rights abuses have only served to entrench totalitarian rule. And this has made the work of weapons counter-proliferation even harder.

Which brings me to our main recommendations. What does the Biden administration need to do to confront North Korea's record of crimes?

At the outset, the administration needs to embrace the reality that future negotiations with North Korea have to re-prioritize human rights issues in strategy discussions about North Korea and commit to incorporating human rights issues into future negotiations.

And it will also need to urge the government of South Korea—as well as other allies—to follow suit, which will entail sustained and calibrated diplomacy in Seoul.

There are multiple reasons why a rights-based approach needs to be embraced—reasons which, we believe, the Biden administration should discuss in more detail with the South Korean government.

First, incorporating rights into negotiations is a legal necessity. For the United States, human rights must be part of diplomatic negotiations by law, according to the terms the 2016 North Korea Human Rights Act, since broad relief for the government from US sanctions—a key point of leverage in negotiations—cannot occur without North Korea making progress on human rights.

Second, the issues of human rights and weapons proliferation are closely connected, and success on any one side will support successes on the other. North Korea's maintaining a closed and repressive political system, prioritizing the leadership's survival and maintenance of power over the rights of its people, and using forced labor and diverting resources away from the people, are precisely what enables the government to develop nuclear weapons and missiles. And as the Helsinki Accords and other past security agreements have demonstrated, inter-linking security considerations with human rights goals during diplomatic negotiations can be self-reinforcing.

Third, incorporating human rights issues is essential for practical reasons relating to verification. Many North Korea experts, including some who have [participated in previous talks](#), now acknowledge that pressing human rights issues at the United Nations and raising human rights in negotiations are practical necessities for any successful negotiations with Kim Jong Un. Any sustained diplomatic progress, or successful and durable verification of a counter-proliferation process, will require the government of North Korea to restore access to the International Atomic Energy Agency *and* improve its cooperation with the UN system in general, to allow at least some measure of openness required for monitoring. Verifying counter-proliferation agreements is hard enough in authoritarian countries. It is harder yet in totalitarian ones.

All of these steps, of course, should be taken in connection with other efforts on the international level. As Human Rights Watch and other groups recently recommended in a letter to the Biden administration, submitted for the record, the US government should also:

Increase pressure at the UN level. For several years after a ground-breaking 2014 UN Commission of Inquiry report on human rights in North Korea, the US and allies supported increased attention to North Korea's human rights record at the UN level, including several debates in the formal agenda of the UN Security Council, helping to acknowledge that abuses constitute threats to international peace and security. During those debates, some countries

even raised the idea of a formal Security Council resolution referring the situation in North Korea to the International Criminal Court. Despite the obvious political roadblocks to such a resolution, Security Council debates and ongoing attention at the UN Human Rights Council and the General Assembly clearly impacted Kim Jong Un and his government, as the strength and vociferousness of their responses showed. The US government should use its seat at the Security Council to re-establish regular discussions on North Korea's human rights record as a critical component of any assessment of the risk posed by Pyongyang on the Korean peninsula and the region.

Elevate the US Special Envoy on North Korean Human Rights. The administration should prioritize the appointment of the congressionally mandated US ambassador on human rights issues by nominating a high-level ambassador and placing the ambassador in all administration meetings on North Korea, talks with foreign governments, and at all negotiations with North Korea. Doing so will signal the prioritization of human rights in North Korea policy to the North Korean government and ensure that a senior voice within the administration will be focused on the rights of North Korean people.

Increase North Korean people's access to information. Despite the North Korean government's draconian restrictions on foreign information, North Korean refugees report the strong desire for and powerful effects of foreign information among North Koreans, including its role in empowering forces of change within the country. The United States should invest more in the North Korean people's access to information through robust support for Voice of America and Radio Free Asia, funding for civil society efforts, and initiatives by other relevant government agencies.

Protect North Korean refugees. North Koreans risk their lives to escape the government's stifling repression and find safety and freedom. Even beyond the humanitarian importance of ensuring their safety, escapees are a crucial source of insight and information from inside North Korea, and after resettlement regularly send information and resources back to their home communities, which may contribute to future change in the country. Escape and safe passage have become even more difficult since the Covid-19 pandemic. The US government should increase efforts to protect those risking their lives for freedom, including by maintaining pressure on the Chinese government to not arrest and repatriate North Korean refugees.

Provide humanitarian aid and ensure access. Take steps to ensure that sanctions imposed by the United States or the UN Security Council do not inhibit the delivery and availability of effectively monitored humanitarian relief for the North Korean people, including travel of US citizens, and movement of funds, medicine and medical equipment. The US should publicly clarify to the UN, financial institutions, and other entities that US law does not penalize such transactions and ensure that entities are not penalized or subjected to sanctions if they are legitimately providing medical supplies or other humanitarian aid. The US should also offer new humanitarian aid to North Korea, or provide UN agencies with more resources for aid, while urging the North Korean government to accept the aid and allow access for monitoring and distribution.

Promote the health and safety of people in North Korea during the Covid-19 pandemic. Urge China, South Korea, Japan and European Union and its member states to work together to urge the North Korean government to:

- Restart imports of food and basic necessities;
- Accept humanitarian aid, and allow monitoring and distribution;
- Reduce the risk of spreading Covid-19 by releasing all political prisoners, prisoners nearing the end of their sentences, people held for nonviolent offenses or misdemeanor charges, and prisoners with underlying medical conditions from all detention sites across North Korea, including political prison camps, ordinary prison camps, and labor and pre-trial detention facilities or training facilities.

Thank you again for allowing me to testify today and I look forward to answering any questions you may have.