

Implementation of the North Korean Human Rights Act

Share

Testimony

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Chairman Ros-Lehtinen, Representative Berman, and Members of the Committee, thank you for inviting me to testify today on the implementation of the North Korean Human Rights Act. The United States remains committed to a denuclearized North Korea that respects the rights of its citizens. Advancing human rights is a top U.S. priority in our North Korea policy and is among the primary factors that will determine if any long-term improvement between the United States and the Democratic People's Republic of Korea (DPRK) will be possible.

Congress has been a consistent supporter of efforts to ensure that U.S. policy toward North Korea promotes respect for the human rights of the North Korean people. The North Korean Human Rights Act of 2004 and its reauthorization in 2008 demonstrates Congress' commitment to ensuring that the well-being of the North Korean people remains an important foreign policy priority. This legislation created the position that I hold, the Special Envoy for North Korean Human Rights Issues, and the 2008 reauthorization made the position full-time with Ambassadorial rank. Since receiving Senate confirmation in November 2009, I have engaged with international organizations, our bilateral partners, and NGOs, to identify concrete ways to improve human rights conditions inside the DPRK and encourage the DPRK government to respect the rights of its citizens.

In my recent trip to Pyongyang, I engaged directly on human rights issues with Kim Kye-gwan, First Vice Minister of Foreign Affairs, and other high-level officials in the Ministry of Foreign Affairs. Engaging with DPRK officials is a key requirement of the position of the Special Envoy for North Korean Human Rights, which, until last week, the DPRK refused to accept outside of the UN context. This was the first time the United States' Special Envoy for North Korean Human Rights Issues was granted entry to the DPRK and the first time we were able to engage in a direct dialogue about ways in which North Korea can improve its human rights record. This is a significant first step and I believe we can build up on this foundation with our partners who share our deep concerns about the North Korean people. The DPRK continues to deny the entry requests made by the U.N. Special Rapporteur on the human rights situation in the DPRK, Mr. Marzuki Darusman of Indonesia, just as they denied his predecessor, Professor Vitit Muntarbhorn of Thailand.

Under the Obama Administration, the Special Envoy position is situated in the Office of North Korea Policy within the State Department to ensure that human rights remains an integral part of our North Korea policy. I work directly with Secretary Clinton and Deputy Secretary Steinberg and cooperate closely with the other members of the North Korea policy team, Special Representative

for North Korea Policy, Ambassador Stephen Bosworth, and Special Envoy for Six Party Talks, Ambassador Sung Kim, and participate in all relevant policy discussions, in accordance with Congressional intent. In close consultation with the Bureau of East Asian and Pacific Affairs (EAP), particularly the Office of Korean Affairs, as well as the Bureau for Democracy, Human Rights and Labor (DRL), including the Office of International Religious Freedom, the Bureau of Population, Refugees, and Migration (PRM), the Bureau of International Organization Affairs (IO), the Office to Monitor and Combat Trafficking in Persons (G/TIP), the United States Agency for International Development (USAID), and the independent Broadcasting Board of Governors (BBG), the State Department works diligently to implement the North Korean Human Rights Act.

In support of international efforts to promote human rights and political freedoms in North Korea, my office and the Department coordinate regularly with the United Nations, the European Union, and with countries that share our concerns for the North Korean people. At the UN Human Rights Council in Geneva and the Third Committee of the UN General Assembly in New York, I represented the United States, including delivering our intervention during the Universal Periodic Review of the DPRK in December 2009 when the international community presented North Korea with 167 recommendations to improve its human rights record. Since I took office, three strong resolutions have been adopted in UN bodies by large margins:

- UN Human Rights Council resolution 16/8 “The Situation of human rights in the Democratic People’s Republic of Korea” was adopted on March 24, 2011 by a vote of 30 in favor, 3 against, and 11 abstentions.
- UN General Assembly resolution 65/225 “The Situation of human rights in the Democratic People’s Republic of Korea” was adopted on December 21, 2010, in the General Assembly by a vote of 106 in favor, 20 against, and 57 abstentions.
- UN Human Rights Council resolution 13/14 “The Situation of human rights in the Democratic People’s Republic of Korea” was adopted on March 25, 2010 by a vote of 28 in favor, 5 against, and 13 abstentions.

We have also encouraged our partners to include human rights in their North Korea policy. I have engaged with our ally the Republic of Korea (ROK), meeting with officials at high levels in the President’s Office, the Ministry of Foreign Affairs and Trade, and the Ministry of National Unification. In visits to North Korean resettlement and assistance centers in the ROK, including Hanawon, I have seen the extent to which the ROK has invested in providing opportunities to the 21,000 North Koreans they have resettled. I have learned from North Korean refugees themselves, about the grim conditions inside the DPRK and their often perilous journey in seeking a better life in the ROK.

In Japan, I have met with senior Japanese government officials at the Ministry of Foreign Affairs dealing with Northeast Asia issues and human rights. I have also engaged with Japanese Cabinet officials responsible for the issue of Japanese abductees taken by the DPRK and met with family members of abductees in Geneva, Tokyo, and Washington. We have assured them the United States will never forget the suffering of the abductees or their families.

In addition to consulting with other governments, I have met with over 90 organizations that deal with North Korea human rights issues – think tanks and academic institutions that analyze human rights issues; advocacy organizations that call attention to human right abuses; humanitarian assistance organizations that provide food, medical aid, and other assistance to the DPRK; educational, cultural, and scientific organizations that seek to engage the DPRK; churches and religious organizations; and Korean-American organizations that are interested in family reunions with relatives living in the DPRK.

My position exists because North Korea remains one of the worst human rights violators in the world. The Department of State assesses that the human rights situation in the DPRK remains deplorable.

· The U.S. Department of State's 2010 annual *Human Rights Report* documents NGO reports of a number of serious problems with the DPRK's human rights record. State security forces reportedly commit severe human rights abuses and subject political prisoners to brutality and torture. Elections are not free or fair; the judiciary is not independent; and citizens are denied freedom of speech, press, assembly, and association. In addition, the DPRK imposes severe restrictions on freedom of religion and freedom of movement. Finally, we hear continuing and widespread reports of severe punishment of repatriated asylum seekers and of trafficking of women and girls across the border into China.

· The U.S. Department of State's *2010 International Religious Freedom Report* documents the denial of religious liberty. Under the terms of the International Religious Freedom Act of 1998, the DPRK is designated a "Country of Particular Concern."

· The U.S. Department of State's 2010 *Trafficking in Persons Report* states that the North Korean regime continues to use forced labor as part of an established system of political repression.

To ameliorate these conditions, the North Korea Human Rights Act authorized funding to support programs which promote human rights, democracy and rule of law in the DPRK. Between FY 2008-2011, the Department received \$9.5 million in ESF funds within the Governing Justly and Democratically objective to promote rule of law and human rights, increase media freedom, and build civil society in North Korea. These funds also support efforts to build the capacity of the defector and NGO community in the ROK to better advocate for improved conditions inside the DPRK.

Since 2004, the United States has resettled 120 North Korean refugees and their families. We remain actively committed to ensuring that each North Korean refugee who is interested and eligible gains access to the U.S. Refugee Admissions Program. We continue to coordinate closely with host governments in the region to pursue every possible viable avenue to facilitate the admission of refugees from North Korea. For many individuals from North Korea, where to resettle is one of the first meaningful choices they are able to make, and the United States respects their decision on resettlement.

The United States remains deeply concerned about the plight of North Korean refugees and asylum seekers. Reports of the involuntary return of North Koreans from China to the DPRK, including victims of human trafficking, remain deeply disturbing, as these returnees often face serious consequences, including the possibility of imprisonment, torture, and even execution. We continue to urge China to adhere to its obligations as a party to the 1951 Refugee Convention and its 1967 Protocol, including by not expelling or forcibly returning North Koreans who should be protected under those treaties. The United States is further troubled by the lack of access afforded to the United Nations High Commissioner for Refugees (UNHCR) to North Koreans, particularly in Northeast China, and we continue to urge the Chinese to cooperate with UNHCR in exercising its functions, including allowing access to North Korean asylum seekers. We regularly engage with other governments, NGOs and private groups who share our concerns.

Given the closed nature of North Korean society, broadcasting is one of the more effective means of sharing information about the outside world with residents of the country. To increase the flow of independent information into, out of, and within the country, the U.S. government funds Korean-language broadcasting into North Korea by the Broadcasting Board of Governors (BBG) and supports independent and defector-run broadcasts through the Bureau for Democracy, Human Rights and Labor. In FY 2010, the BBG expended \$8.5 million for a ten-hour-daily schedule of Voice of America (VOA) and Radio Free Asia (RFA) broadcasts, transmitted via shortwave and medium wave during peak listening hours. RFA broadcasts 3.5 hours of original programming and 1.5 hours of repeat programming; VOA broadcasts four hours of original and one hour of repeat programming with daily news updates. With the FY 2009 ESF appropriation, the Department of State provided approximately \$1 million from the Human Rights and Democracy Fund to support independent broadcasts into North Korea. These broadcasts are produced by North Korean defectors, now living

in South Korea, and provide news and information with a more authentically North Korean voice. The BBG continues to explore avenues to expand broadcast capability into North Korea, and the Department of State is exploring opportunities using new media to reach North Koreans. Reports indicate that North Koreans are listening to foreign broadcasts in increasing numbers, even at serious risks to their personal safety.

Pursuant to our goal of promoting increased monitoring, access, and transparency in the provision of humanitarian assistance inside North Korea, I traveled to North Korea last week to assess the food situation and need. I candidly discussed the monitoring terms that would be necessary for the United States to provide food assistance to the DPRK. Our delegation met with DPRK officials in Pyongyang and the food security specialists that accompanied me on the trip traveled throughout the country, visiting schools, clinics, orphanages, and hospitals to evaluate firsthand the food security situation.

Although we have made no decision on whether we will provide food aid to North Korea, obtaining a better understanding of the true food situation in the DPRK is a necessary first step towards making this decision. We are carefully reviewing our findings and coordinating closely with our partners and the donor community in advance of a decision. If the team determines there is a legitimate humanitarian need, the DPRK must first address our serious concerns about monitoring and outstanding issues related to our previous food aid program, which North Korea abruptly suspended in March 2009 and our humanitarian personnel were ordered to leave the country and forced to leave behind approximately 20,000 metric tons of U.S. food items, before any decision can be considered.

The U.S. government's policy on the provision of food assistance is based on three factors: 1) the level of need in a given country; 2) competing needs in other countries; and 3) our ability to ensure that aid is reliably reaching the people in need. This policy is consistent with our long-standing goal of providing emergency humanitarian assistance to the people of countries around the world where there are legitimate humanitarian needs. However, consistent with our practices worldwide, the United States will not provide food aid without a needs assessment and adequate program management, monitoring, and access provisions in place to ensure that food reaches the intended beneficiaries.

Since the late 1990s, as the world became increasingly aware of the terrible conditions inside the DPRK, the State Department has actively worked to promote respect for and protection of fundamental human rights in North Korea, durable humanitarian solutions to the plight of North Korean refugees, the free flow of balanced information into, out of, and within North Korea, increased monitoring, access and transparency in the provision of humanitarian assistance to North Korea, and progress towards the peaceful reunification of the Korean Peninsula under a democratic system of government, in accordance with the wishes of the Korean people.

Thank you for the opportunity to appear before you today. I welcome any questions you may have.