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U.S. Policy on North Korean Human Rights

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Testimony
Robert R. King
Special Envoy for North Korean Human Rights Issues
Statement before the Subcommittee on Asia and the Pacific of the House Committee on Foreign Affairs
Washington, DC
July 30, 2014

As Prepared

Chairman Chabot, Congressman Bera, and Members of the Committee, thank you for inviting me to testify today on U.S. human rights policy in the Democratic People's Republic of Korea (DPRK). This is an issue on which we believe there is broad bipartisan agreement, and both Congress and the Administration are united in our effort to press North Korea to improve its truly deplorable human rights situation.

Today, the DPRK remains a totalitarian state, which seeks to dominate all aspects of its citizens' lives, including denial of the freedoms of expression, peaceful assembly, association, religion, and movement, as well as worker rights. Reports continue to portray a vast network of political prison camps where individuals are subject to forced labor under horrific conditions and the government commits human rights violations including extrajudicial killing, enslavement, torture, prolonged arbitrary detention, and rape, forced abortions, and other sexual violence.

Mr. Chairman, this past year, we made significant progress in our effort to increase international pressure on the DPRK to improve its human rights record. The decision of the United Nations Human Rights Council (HRC) in March 2013 to create a Commission of Inquiry (COI) to examine "grave, widespread, and systematic violations of human rights" in the DPRK was a landmark event. This resolution, which the United States co-sponsored, reflects the international community's deepened concern about the deplorable human rights situation in the DPRK.

The independent Commission of Inquiry was chaired by Mr. Michael Kirby, former Justice of the High Court of Australia, and included Mr. Marzuki Darusman, the UN Special Rapporteur on the Human Rights Situation in the DPRK and former Attorney General of the Republic of Indonesia, and Ms. Sonia Biserko, president of the Helsinki Committee for Human Rights in Serbia and a prominent human rights activist.

The Commission held a series of public hearings in Seoul, Tokyo, London, and Washington, where it heard from North Korean refugees sharing first-hand accounts of abuse and violence they suffered, and their horrific experiences leaving their homeland. The Commission also heard from leading international experts, who described deliberate denial of access to food, gender-based violence,

and numerous other human rights violations in the prison camps. The full proceedings of these hearings have since been made available on the UN web site in video and in written transcript.

At the completion of its investigation, the Commission issued a final report on February 17 of this year that concluded that systematic, widespread, and gross human rights violations have been and are being committed by the DPRK, its institutions, and its officials. The report further concluded that in many cases, these human rights violations by the DPRK government and its officials may “meet the high threshold required for proof of crimes against humanity in international law.” The Commission’s comprehensive 400-page report is the most detailed and devastating exposé of DPRK human rights to date, and it laid bare a brutal reality that is difficult, if not impossible, to imagine.

The Commission formally presented its final report to the UN Human Rights Council in Geneva in March of this year. After hearing from the Commission, the UN Human Rights Council—by an overwhelming vote approved a strongly-worded resolution praising the report and calling for accountability for those responsible for human rights violations. This resolution made clear that the international community has identified the DPRK as one of the worst human rights violators in the world.

This resolution—among many other things—called for the creation of a field office, or a “field-based structure,” under the Office of the High Commissioner for Human Rights (OHCHR) to preserve and document evidence of atrocities committed in the DPRK and to support the future work of the Special Rapporteur on DPRK human rights issues.

At the request of the High Commissioner’s office, South Korea has agreed to host this field office. We welcomed the decision to host this office, which will play an important role in maintaining visibility and encouraging action on the human rights situation in the DPRK.

Building on the momentum created by the UN Commission of Inquiry’s report, the United States joined Australia and France in convening the UN Security Council’s first-ever discussion of the human rights situation in North Korea. At this session on April 17, the Commission presented its report, and two North Korean refugees, Mr. Shin Dong Hyuk and Ms. Hyeonseo Lee spoke of their personal experiences in the DPRK before they escaped. Thirteen of the 15 members of the Security Council attended that discussion.

Council members expressed grave concern about the horrific human rights violations and crimes against humanity outlined in the Commission of Inquiry report and urged the DPRK to comply with the report’s recommendations and to engage with United Nations human rights agencies. Council members emphasized the importance of accountability for human rights violations, and many expressed support for Council consideration of the Commission of Inquiry’s recommendation of referral of the situation in North Korea to the International Criminal Court (ICC). They expressed support for the UN Human Rights Council’s decision to extend the mandate of the Special Rapporteur on human rights in the DPRK and to establish a field-based office to strengthen monitoring and documentation of human rights abuses to ensure accountability.

In May, the United States participated in the UN Human Rights Council’s Universal Periodic Review (UPR) of North Korea. The UPR is a mechanism to assess each country’s human rights record, and puts all UN member-countries on the agenda of the Council for review. The UPR process provides the international community with another tool to discuss the situation in the DPRK, as well as provide recommendations to address it.

Most recently, on June 18, the Special Rapporteur on DPRK human rights, Mr. Marzuki Darusman, gave his report on the human rights situation to the UN Human Rights Council.

As I participated in these UN sessions, two things struck me. First, it is clear that the DPRK is feeling growing international pressure. The mounting criticism of its human rights record has

clearly struck a chord in Pyongyang, which responded by condemning the Commission's report and issuing its own reports on human rights in the United States and the Republic of Korea.

Second, with a growing number of countries standing up for North Korean human rights, the DPRK has very few supporters left. At the UN Human Rights Council session in June, only a handful of countries were supportive of the DPRK—most protested the singling out of one country and did not comment on the substance of the human rights violations. The countries who defended the DPRK were among the world's worst human rights violators—Belarus, Cuba, Iran, Syria, and Zimbabwe.

China's statement at the June session was especially noteworthy. China objected to country-specific reports in general, but mainly defended itself against the criticism in both the Commission's and the Special Rapporteur's report against its refoulement of refugees from the DPRK who were attempting to escape through Chinese territory. The Chinese did not defend the DPRK's human rights record.

As I look back over what has taken place already this year to focus attention on the human rights record of North Korea, I am reminded of Commission of Inquiry Chair Michael Kirby's statement when he presented the Commission's report. With the body of evidence of the North Korean human rights situation, he said, no one can now say "We did not know."

Mr. Chairman, I would like to say a few words about another critical issue related to North Korean human rights: our efforts to increase North Koreans' access to information. When the Commission of Inquiry presented its report to the UN Human Rights Council, it also released a 20-minute documentary, highlighting testimony of North Korean defectors. Because North Korea is one of the most closed societies on this planet—where internet access is reserved for a very tiny elite—ordinary North Koreans had no way to see the documentary, let alone any independent news about the abuses taking place inside their own country today.

While this information blockade makes it nearly impossible for North Koreans to read the Commission's report or watch the video, we have recently seen modest indications that information from outside is becoming more available in North Korea.

It is still illegal to own a tunable radio that permits anything other than state-controlled information channels. However, the latest Broadcasting Board of Governors (BBG) study, a survey of 350 North Korean refugees and travelers who were interviewed outside of North Korea, found that:

- As many as 35 percent of them had listened to foreign radio broadcasts while inside North Korea.
- Foreign DVDs are now being seen by even larger numbers—approximately 85 percent of those interviewed had seen foreign (South Korean) DVDs in North Korea.
- Additionally, some two million cell phones now permit North Koreans to at least communicate with each other on a domestic network, according to open source reports.

Given the closed nature of North Korean society, international media are among the most effective means of sharing information about the outside world with residents of the country. Our government is a strong supporter of getting broadcasting of independent information about the outside world into North Korea. Thank you for continuing Congressional support for Radio Free Asia (RFA) and Voice of America (VOA). These efforts are important in breaking down the information barrier that the DPRK government has imposed on its own people.

Together with our partners in the international community, we must make clear to the DPRK that its egregious human rights violations prevent economic progress and weaken the regime. The United States has long made clear that we are open to improved relations with North Korea if it is willing to take concrete actions to live up to its international obligations and commitments.

Mr. Chairman, I would like to emphasize here that one of the highest priorities for the United States is the welfare and safety of American citizens abroad. The United States remains deeply concerned about the three U.S. citizens currently held by the DPRK. We have repeatedly requested that the DPRK grant them amnesty and release them so they may return to their families, and we will continue to do everything we can to secure their release.

The world will not, and cannot, close its eyes to what is happening in North Korea. Ultimately, we will judge the North not by its words, but by its actions. It needs to refrain from actions that threaten the peace and stability of the Korean Peninsula and comply with its international obligations under UN Security Council resolutions to abandon all nuclear weapons and nuclear programs, among other things.

We have consistently told the DPRK that while the United States remains open to meaningful engagement, North Korea must take concrete steps to address the core concerns of the international community, from the DPRK's nuclear program to its human rights violations.

Just as importantly, North Korea will also have to address its egregious human rights record. North Korea's choice is clear. Investment in its people, respect for human rights, and concrete steps toward denuclearization can lead to a path of peace, prosperity, and improved relations with the international community, including the United States. Absent these measures, North Korea will only continue to face greater and greater isolation—as well as pressure from the international community.

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