HUMAN RIGHTS WATCH

1630 Connecticut Ave, N.W., Suite 500
Washington DC, 20009
Phone: 202-612-4321
Fax: 202-612-4333
Email: hrwdc@hrw.org
Website:http://www.hrw.org

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Advancing Human Rights in North Korea

Senate Foreign Relations Committee

Testimony by Tom Malinowski
Washington Advocacy Director
Human Rights Watch

Thank you Mr. Chairman for giving me the opportunity to testify today, and for ensuring that North Korea's appalling human rights record remains part of the picture as we consider the way forward with Pyongyang.

All of us here agree that North Korea is a country over which we should be losing sleep. I would argue that there are two reasons for that, not merely one -- certainly the nuclear program, which threatens our security, but also political repression so complete that it should seriously disturb our conscience. Some day, when North Korea does open up, and we see with our own eyes the conditions we can now only glean from refugee accounts, we will be horrified. And I predict we will ask ourselves whether we should have said and done more today, just as people wonder whether they should have said and done more to defend the victims of persecution when Stalin ruled the Soviet Union or during the Cultural Revolution in China. North Korea is to our time what those experiments in negative utopia were to their time.

I should stress that we do not have perfect knowledge of what is going on in North Korea, no matter what the issue, including human rights. North Korea is so closed that human rights organizations cannot go there and conduct the thorough, well documented and corroborated research that we do in most other countries around the world.

But since the North Korean famine in the 1990's when thousands of North Koreans began fleeing their country to China, with a few managing to make it to South Korea, we have been able to gather increasingly reliable accounts from people who have experienced North Korean repression first hand. My organization, Human Rights Watch, issued a report two years ago on the plight of North Korean asylum seekers in China, a report that also included many refugee accounts of conditions inside North Korea. Last year, the U.S. Committee for Human Rights in North Korea issued a report, also based on refugee accounts, exposing North Korea's extensive system of prison camps. The stories gathered from North Koreans who have escaped do not yet allow us

to paint a complete and comprehensive picture of life inside their country. But they are largely credible and consistent. There is a great deal we do now know.

We know that North Korean government seeks to control virtually every aspect of its people's political, economic and private lives. All citizens are required to demonstrate loyalty to the government and its ruling ideology; no criticism of any kind is permitted. There is no free press and no civil society. There is no freedom of religion -- even private, independent worship is prohibited. No organizations of any kind are
allowed to exist independent of the state.

We know that the government divides all North Koreans into three classes "core," "wavering" and "hostile," depending on their loyalty to the state and social background. Those belonging to the "core" class get preferential access to food, medicine, education and employment; those at the bottom of this class system suffer permanent discrimination and the most intense persecution, a fate that is passed from generation to generation.

We know that those who run afoul of the state are punished severely, often in a system of penal labor colonies that are reminiscent of the old Soviet Gulag. It has been estimated that up to 200,000 political prisoners toil in these prison camps in North Korea. They are often tortured, starved, and forced to perform slave labor in mining, logging and farming enterprises. For many, imprisonment is a death sentence.

Those sentenced to such camps include not only people accused of crimes but their parents, children, siblings or other relatives. Likewise, people may be punished or blacklisted in North Korea not just for their own political opinions or actions but for the imputed opinions or actions of relatives, even long-dead ancestors. People whose parents or grandparents were suspected of collaborating with the Japanese during Japan's occupation of Korea or those who went south during the Korean War, for example, are often assigned to the worst schools, jobs and localities, and sometimes wind up in labor camps.

We also know that the North Korean government has sought to isolate its people completely from the outside world, indeed from all knowledge of the outside world. All televisions and radios are fixed so they can transmit only state channels. Reading foreign publications or listening to foreign broadcasts -- or tampering with TV's or radios for this purpose -- is a crime. Leaving the country is also a crime.

Most repressive governments deny people the right to demand an alternative way of life. The North Korean government has attempted to deny people the ability even to imagine an alternative way of life. It has attempted to create a society in which everything that is not required of its citizens is forbidden to them; a society in which freedom of choice does not exist, even in day to day life. Many people have described this as "Orwellian." And it is telling that only in literature can we find the vocabulary to describe what we know of North Korean society. It is a society like no other in the world today. And one of its most historically unique, and troubling, features is that the people of North Korea have endured this system of total control and isolation for over 50 years -- for multiple generations -- which means that the vast majority of North Koreans have no memory of living in a different kind of country.

The greatest change North Korea has experienced in the last decade was brought about by the famine that began in the 1990's -- for the first time, large numbers of North Koreans began fleeing the country. Tens of thousands of North Koreans now live in hiding in China (the estimates range from 10,000 to 300,000), mainly in the province of Jilin, mixed among Chinese citizens of Korean ethnicity. To reach China they have defied their government's criminal prohibition on illegal exit and China's rigorous border controls. They are inaccessible except to a handful of intrepid journalists and activists, and barely acknowledged by China, which maintains a policy of immediate expulsion to maintain good relations with North Korea and to deter further migration.

Once in China, these migrants face a range of abuses, from extortion to rape to forced prostitution and trafficking to torture in prison. They are unable to call on the Chinese government for protection. China is a party to the 1951 UN Convention on the Status of Refugees and its 1967 Protocol (the Refugee Convention), which forbids states to push back migrants "to the frontiers of territories where [their] life or freedom would be threatened on account of . . . race, religion, nationality, membership of a particular social group or political opinion." But China refuses to protect North Koreans, regardless of their reason for leaving, and regardless of the likelihood they will be persecuted on return.

In fact, even if they did not leave for political reasons, North Koreans who are forced back to their country face a high likelihood of persecution, if only because the act of leaving North Korea made them criminals in the eyes of their government. North Korean authorities detain and interrogate returned migrants about their activities and experiences in China. Many are imprisoned for up to several months in a string of detention facilities along North Korea's border with China. Those suspected of more serious offenses, including repeated border crossings, contact while in China with South Koreans or foreign missionaries or aid workers or journalists, as well as marriage, pregnancy or other evidence of a sexual liaison while in China, are subject to greater punishment, including being sent to a labor camp and, in some cases, reportedly, execution. There are also reports that women who were pregnant when they were returned to North Korea have been subjected to forced abortions, or had their babies killed immediately after birth.

As we learn of these horrors, Mr. Chairman, the question we face is what can be done about them from the outside?

We can begin by approaching North Korea's neighbors. China should be pressed to stop forcibly returning North Korean migrants to their country, to grant all North Korean migrants an indefinite humanitarian status that would protect them from harassment, extortion and exploitation, and to give the U.N. High Commissioner for Refugees a presence on the North Korean border and a role in screening asylum seekers. These issues should be part of any discussions the United States conducts with China on North Korea. South Korea should also be challenged to be less silent about the plight of North Koreans. At the very least, South Korea should support the resolution on North Korea that the U.N. Human Rights Commission will be considering in the next few weeks, instead of remaining completely on the sidelines as it did last year.

But the most difficult challenge lies in deciding whether more direct efforts can be made to ease repression inside North Korea itself.

In facing this challenge, the first conclusion I come to is that further isolation of North Korea will not help.

Some may hold out hope that squeezing North Korea will destabilize its government or even bring it down, leading inevitably to a better, freer life for its people. But it is hard to see how such a strategy would actually work. Just who will act inside North Korea to bring such change about, and how? There is no political opposition in North Korea, no civil society from which an opposition could emerge, and little awareness of the very idea that opposition is possible. As for hunger -- it might lead North Koreans to despair, even to anger, but history teaches that it rarely drives people to revolt. The North Korean government has presided securely over many periods of economic distress. Its leadership and elite supporters have been well taken care of. Its failed economic policies are not necessarily a threat to its political control; after all, their primary purpose has been to help maintain political control.

The formal state of war that has existed between North Korea and the United States and its allies also has arguably helped the government maintain its grip. It has enabled the government to stoke fear and even hatred of the outside world among its people, to distract them from their daily sacrifices, to mobilize them for labor and service to the state. Once again, all we have to do is to dig up our old copies of Orwell's 1984 to see how this phenomenon works.

The bottom line is this: North Korea's isolation has been self-imposed. It is a deliberate defense mechanism against a political awakening among the North Korean people and against political change. Those who seek change should therefore work to ease that isolation, on the right terms. Our human rights agenda for North Korea should begin with bringing this nation out of solitary confinement. It should be to shed the light of day on its people so that a better day can come.

We should be working to increase the amount of information trickling into North Korea from the outside world. As more North Koreans obtain radios clandestinely, more foreign broadcasting, as Senator Brownback has proposed, will be essential. We also should be seeking every opportunity to get humanitarian and human rights organizations into North Korea, including representatives from the U.N. High Commissioner for Human Rights, and pressing the North Korean government at every turn to give them greater access and freedom of movement.

In short, the more outsiders we can get into North Korea, whether aid workers, human rights monitors, journalists or diplomats, and the more we can get for them the ability to move around the country, to see beyond what the government wants them to see in the Potemkin capital of Pyongyang, the better.

Such contact could help break through the wall of isolation and disinformation the North Korean government has built between its people and the world. It could help to create among North Koreans a consciousness that a different existence is possible. This is the essential first step if there is to be any internal pressure for change in the country.

Already, there are some very limited possibilities of change in North Korea that can be directly attributed to the limited contacts that now exist with the outside world. Many residents in border towns are aware of the reality of life outside North Korea either because they have been to China or because they have watched Chinese TV despite the risk of arrest and imprisonment. A relatively small number of North Koreans also have been increasingly exposed to visitors -- mostly tourists from South Korea -- in two resort areas where they are allowed to sell food and interact with the tourists. Although they are loyalists hand-picked by the state, one cannot ignore the 'word-of-mouth' effect their interaction with South Koreans could have.

More contacts could also help expose to the world the horrors North Koreans endure. I believe that this kind of exposure would at least place some pressure on the North Korean government to ease its repression. The concerns of the outside world may not be paramount for North Korea's leadership. But the government does seem to care somewhat about its reputation -- enough to deny that labor camps and torture and deprivation exist, enough to put on elaborate shows for visiting foreigners to convince them its people are happy, well fed, and free. As more outsiders have access to North Korea, and as North Koreans have more access to them, it will be harder for the North Korean government to deny reality. Instead, it may feel increasingly compelled to alter it.

At the same time, we should not assume that diplomatic dialogue and economic engagement with the North will by itself produce the kind of contact with the world that encourages greater respect for human rights. The North Korean government will of course do everything it can to prevent foreigners from interacting with ordinary people and to manipulate what they see and hear. It will seek to ensure that foreign investors deal only with the state and try to retain an iron grip over the lives of workers in enterprises foreigners invest in. It will try to keep information and ideas out even as money and aid flow in. Engagement and interaction with the outside world should not, therefore, be pursued on North Korea's terms alone.

How can we ensure that the terms of engagement with North Korea at least favor change? Should we press human rights and humanitarian issues as part of the current U.S. dialogue with the North Korean leadership, even as the nuclear issue remains unresolved?

I am not going to argue that these issues should stand in the way of a non-proliferation agreement with North Korea. The use of a nuclear weapon by North Korea or by a terrorist group that obtains such a weapon from Pyongyang would be a horrific tragedy. Preventing it is also a paramount human rights imperative.

But if we are talking about an agreement that transforms the North Korean government's relationship with the international community, an agreement that provides it with significant economic benefits, an agreement that opens the door to significant foreign investment in North Korea, then human rights and humanitarian issues should be on the table. Even if the demands are modest -- greater access to North Korea by U.N. human rights experts, for example, or greater transparency in humanitarian aid distribution -- the North Korean government needs to understand now that these are important international concerns.

Outsiders who go to North Korea as it opens will also carry an extraordinary set of responsibilities, and should not assume that their mere presence in the country is enough to encourage change. Aid workers will have to struggle hard to fulfill their humanitarian obligations while reporting to the world what they see, and, to the best of their ability, preventing aid from being stolen or manipulated to serve the North Korean elite. Foreign investors who do business with North Korean state enterprises will have to avoid becoming complicit in horrific practices like slave labor. Indeed, I believe that that governments and the private sector should work together to develop a specific code of conduct for companies that plan to do business in North Korea, one that addresses the challenges responsible investors will face there as in no other place in the world.

In sum, we should do everything we can now to ease the suffering of the North Korean people, because that is the right thing to do, and because we will want to have something to say to future generations who ask of us "what did you do when you learned of the horrors North Koreans endure?" But addressing the human rights tragedy in North Korea is more than a moral imperative -- it is, ultimately, part of the larger challenge of building a more secure Korean Peninsula.

We just need to remember the lessons of dealing with the Soviet Union during the Cold War. We learned then that in the short run, it is possible and often necessary to strike agreements with repressive governments that diminish the threat of nuclear war. We learned that it is possible to manage insecurity through arms control. But we could not banish insecurity in this way. The underlying tensions that might have led to war between the Soviet Union and the West did not disappear until people behind the Iron Curtain won their freedom and their basic human rights. I believe the same will be true in Korea. I believe that is one of the paramount goals we should be working for, right now, for the sake of the North Korean people, and the security of all people.