



Tom Lantos Human Rights Commission Hearing

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

Thursday, April 15, 2021

10:00 a.m. – 12:00 noon

Virtual via Cisco WebEx

As prepared for delivery

Good morning. I welcome the witnesses and those attending today's hearing which has been organized and convened by Congressman Smith.

We are here to discuss civil and political rights in the Republic of Korea, better known to most Americans as South Korea. And specifically we are here to talk about the right to freedom of expression.

This may seem surprising.

Generally when human rights are raised in regard to the Korean peninsula, the focus is on the appalling rights record of the highly authoritarian regime in North Korea. And in fact this commission has previously examined human rights concerns in North Korea, most recently in September 2018.

In contrast, since 1987 South Korea has been a constitutional democracy governed by a president and legislature chosen in free and fair elections.

Freedom House ranks South Korea as "free" with a score of 83 out of a possible 100, the same score received by the United States.

Over the past thirty years, South Korea has conducted seven presidential elections, managed multiple changes in power from ruling to opposition party, held elections at all levels of government, and seen a flowering of civil society.

Peaceful protests against government policies happen all the time and contributed to ousting a former president from office for corruption.

And yet, credible human rights organizations have criticized the South Korean government under current president Moon for measures that arguably infringe on political and civil freedoms. In particular, there are complaints that the government has attempted to silence groups criticizing its pro-engagement approach to North Korea.

We know from our own experience here in the United States that being a democracy does not automatically mean that human rights are fully protected.

The U.S. continues to struggle with the legacy of slavery, perpetrated for decades after our republic was founded but recognized now as a crime against humanity.

We are currently struggling with practices of police brutality that disproportionately harm people of color.

And we are also struggling with the tension between freedom of expression and incitement to violence in the aftermath of the January 6 insurrection in the U.S. Capitol.

So, clearly, the fact that we live in a democracy does not mean all the human rights problems are automatically solved.

What it does mean is that the political system allows for redress. That's what distinguishes democracy from authoritarianism. In democracies people have channels they can use to change policies and demand accountability.

That is the reason, by the way, that most of the country situations brought before this commission involve authoritarian regimes. People come to us when they cannot get redress in the country in question because no democratic channels exist, or they exist only on paper.

But that is not the case with South Korea.

The specific action that prompted this hearing today was the passage last December by South Korea's National Assembly of an "anti-leaflet" law that requires that certain materials be approved by the government before being sent into the North. Violators could face criminal or financial penalties.

Those who support the law justify it on security grounds, to avoid provoking a North Korean response that could endanger the lives of people living in and near the D.M.Z.

But the law has been widely criticized inside and outside South Korea for suppressing speech, because it appears to cover third countries, and for using vague and overly broad language.

It is worth remembering that restrictions on freedom of expression are not new in South Korea. Previous governments, including those led by conservatives, periodically discouraged and prohibited the launching of leaflets during delicate moments in inter-Korean relations.

The prior history does not mean the restrictions are okay. It does mean the problem is not new.

The debate around the December law has been vigorous and has had an effect. The government has tried to address the concerns by issuing interpretative guidelines. The law is already being challenged in court.

Personally, I hope the National Assembly decides to fix the bill – again, that’s the advantage of living in a democracy. There’s always a chance for a re-do.

International human rights law provides guidance on what is and is not acceptable when it comes to restricting freedom of expression for security reasons. If the National Assembly does revisit the law, I would encourage legislators to take that guidance into account.

So, is today’s hearing really about freedom of expression and the status of civil and political rights in South Korea? Or, for some, is today about airing grievances and disagreements with President Moon’s policies of engagement with North Korea?

To the extent that the testimony we are about to hear amounts to a political broadside against the Moon government, let me be very clear: such assertions do not meet the standards to be considered human rights arguments and I strongly disassociate myself from them.

Like many members of Congress, I have Korean American constituents in my district.

Many of my constituents still have extended families in North or South Korea who live in constant fear of renewed conflict on the peninsula and the risk that it could escalate into nuclear war. What they want is for the U.S. government to help bring about a sustainable peace on the Korean peninsula.

What they want is for family members in the North and family members in the South to be reunited, to be able to meet and visit one another.

They support engagement with the North Korean government in service of achieving peace and denuclearization.

That is not an anti-human rights position.

President Moon has championed inter-Korean engagement and dialogue for nearly two decades. He took office in 2017 having argued that expanded relations between Seoul and Pyongyang could create a path to peace on the peninsula, greater stability and economic prosperity for South Korea, North Korean denuclearization and, eventually, reunification.

Moon made important progress in 2018 and the first half of 2019. He helped facilitate the three meetings that took place between President Trump and North Korean leader Kim Jong-un, and separately he reached a number of important inter-Korean agreements. Pope Francis was among those who praised the agreement signed between the North and South in April 2018.

But the breakdown of U.S.-North Korea diplomacy in 2019 led the North to backtrack.

I am not sure Americans always realize what a powerful effect U.S. foreign policy can have on the lives of people in other countries. Perhaps if Americans understood better, our leaders would act with more humility and greater care.

In the meantime, the Biden administration has made commitments to restore human rights as a centerpiece of U.S. foreign policy and to rebuild U.S. alliances based on shared values and support for a rules-based order.

South Korea is a staunch American ally led by a duly elected president. I hope there will be an opportunity soon for President Biden and President Moon to discuss ways to reinforce the alliance and review how best to advance several shared goals, including improving human rights in North Korea, reducing the risk of conflict and nuclear war, and ensuring security and stability on the peninsula.

The U.S. and South Korea must work together to achieve those goals in ways that are consistent with our shared commitment to human rights – including the right to family reunification.

I look forward to hearing any and all recommendations along these lines from the witnesses today.

Finally, let me take a moment to extend a special welcome to Su-mi Jeon, a human rights attorney who is joining us from Seoul.

Su-mi provides pro bono legal assistance to women defectors who are victims of sexual assault and to other defectors indicted under the National Security Act for attempting to rescue family members still in the North.

What she does is traditional core human rights work and I especially want to highlight it today and thank her for her commitment.

Thank you and I yield back.