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December 8, 2020

National Assembly of the Republic of Korea
1 Uisadang-daero,
Yeouido-dong, Yeongdeungpo-gu,
Seoul, South Korea

To the Members of the National Assembly,

We respectfully request that you uphold your country's democratic principles and refrain from violating the right to freedom of expression and the right to freedom of association of South Korean citizens who have chosen to be outspoken and to demonstrate their discontent with North Korea's totalitarian regime.

According to a bill proposed by the Chair of the Foreign Affairs and Unification Committee, the National Assembly is considering a law to criminalize activities that send information to North Koreans who suffer from the most severe form of censorship, among numerous other egregious human rights violations as outlined in the findings of the 2014 United Nations Commission of Inquiry (COI) [report](#).

Should your assembly approve this legislation, this would constitute a grave violation of the fundamental freedoms and democratic norms guaranteed by the constitution of the Republic of Korea, as well as a violation of the universal right to receive information, as guaranteed in the Universal Declaration of Human Rights (UDHR) and the International Covenant for Civil and Political Rights (ICCPR).

In 2020, South Korea was praised for its strategy in successfully dealing with the COVID-19 pandemic with an approach centered on “openness, transparency, democracy.” Your country was praised for its science and facts-based policy, open communication, and responsible behavior towards fellow citizens. The Korean government imposed no lockdowns, and chose instead to test and treat all those found with the virus, including foreign nationals, for free, in a clear demonstration of the vision for South Korea as that of an “Innovatively Tolerant” nation. In 2019, President Moon had announced plans to implement this vision by “guaranteeing equal opportunity and justice, and ensuring not a single Korean citizen is subject to discrimination.”

How is this proposed legislation following the vision of being “Innovatively Tolerant” and how does it not contradict the concept of ensuring no discrimination?

As you are well aware, North Korea is tightly controlled by the world's most oppressive totalitarian regime, where extrajudicial executions, torture in gulags, and extreme restriction of outside information are commonplace. The United Nations 2014 COI report documented extensive violations of human rights in North Korea, such as the right to life, food, and individual freedoms, that sufficiently constitute crimes against humanity. North Korean's only access to the outside world is through state television, which consists of brainwashing propaganda that praises the Kim regime while demonizing the principles of democracy and self-determination.

For more than three decades, the constitution of South Korea has granted full citizenship rights to North Koreans who are successful at fleeing from the Kim Dynasty-inflicted nightmare in the North and making their way into South Korean territory. For decades, the handful of defector-run organizations based in Seoul have been the only source of free and unbiased information for many North Koreans, who live in the world's most censored society.

These defectors are also the only people capable of representing the voices of the 25 million North Koreans living without access to the Internet, outside mail, or any piece of uncensored information. These individuals are exerting their democratic right to freedom of expression and they are also helping the people of North Korea reclaim their fundamental right to receive information.

Legally preventing defector-run organizations from disseminating information into North Korea violates both the UDHR and the ICCPR, both of which clearly outline the fundamental right to freedom of expression and the right to seek, receive, and impart information. As a member state of the United Nations and home to one of the few UN Human Rights Offices in Asia, South Korea must safeguard these rights for all its citizens, including those of North Korean origin, particularly because the Seoul OHCHR office was established as a direct response to the findings of the 2014 COI report.

Moreover, the legislation you propose will disproportionately target a specific group of people from North Korean origin, namely, defector-activists who send information into North Korea. Criminalizing the activities of a narrowly defined group of population in South Korea violates the principle of equal rights guaranteed in the South Korean constitution. To be clear, these guarantees are applicable to the approximately 33,700 South Korean citizens of North Korean origin, and the 25 million North Koreans, as defined by the South Korean constitution.

As people who have suffered and escaped tyranny, it is the defectors' right to enjoy their newly-found freedoms and to criticize and seek to undermine the dictatorial regimes that led them to leave their home country in the first place. Instead of prohibiting activism, Seoul should encourage the principled work of North Korean defectors who, at huge peril to their lives, were able to escape to the democratic part of the Korean Peninsula, and now, as South Korean citizens free from the Kim regime's oppression, they refuse to normalize and forget the horrendous predicament facing millions of their fellow Koreans. It is callous and cruel to not recognize this reality.

The proposed bill does not properly balance the government's legitimate interest to protect its national security with the key democratic interest to protect the rights to freedom of expression and freedom of association of all South Korean citizens, especially those who devote their lives to doing something about the horrors occurring on the other side of the DMZ. You should be thankful to these defectors, not persecuting them.

We are appalled and alarmed by this recent shift in the National Assembly. South Korea has been one of the few countries in Asia that has been able to achieve true democracy, and with it, high levels of respect for human rights and individual freedom. Banning information transmission into North Korea would suggest that the current administration is not holding itself to the standard of a liberal democracy, in which individual freedoms are protected and valued, but instead sliding dangerously into authoritarianism, in which civil activism and free speech are routinely suppressed, in order to advance the political agenda of an administration.

HRF believes that the persecution of North Korean defector-run organizations' freedom of association and expression will set back South Korea's record as a democratic nation. As Asia's leading democracy, repressing the voices of North Korean defectors who speak for their 25 million fellow countrymen will violate South Korea's history and constitutional norms promoting a more tolerant and just society.

We respectfully urge you to keep in mind the South Korean constitution's guarantees of equal rights to all citizens and to reject the passage of this legislation. We urge you to uphold the democratic principles valued highly by the South Korean people. It is imperative that the National Assembly refrain from approving any legislation that would obstruct the work of civil society organizations that are dedicated to bringing information into the world's most closed society, and that would promote the wrongful persecution of North Korean defector-activists fighting to expose the horrors of the Kim regime.

Sincerely,



Thor Halvorssen
President
Human Rights Foundation



Enclosed:

Foreign Affairs and Reunification Committee

National Assembly of the Republic of Korea

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The Democratic Party of Korea

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