

REPUBLIC OF KOREA (SOUTH KOREA) Summary of concerns for 1999

In February 1998 Kim Dae-jung, a former political prisoner and human rights activist, became President of South Korea. After one year in office, his government deserves credit for taking some positive steps, especially in the face of political opposition, a severe economic crisis and unpredictable developments in North Korea. But further legal and institutional reforms are needed to prevent abuses and safeguard human rights.

Positive steps included the release of over 150 political prisoners in two amnesties and plans to establish a national human rights commission. In September, President Kim Dae-jung told Amnesty International's Secretary General that "poisonous clauses" of the National Security Law would be reviewed and that there should be a debate on abolition of the death penalty. He also called for meetings between elderly family members who were separated as a result of the Korean conflict. At international meetings President Kim argued that human rights are universal and are necessary for sustainable economic development.

President Kim Dae-jung's statements on human rights were welcome, but all too often they were not followed up with concrete measures to prevent human rights violations. During 1998 hundreds of people were arrested for exercising their rights to freedom of expression and association and the National Security Law was not amended. South Korea continued to hold some of the world's longest-serving political prisoners, hundreds of trade unionists were arrested and the rights of vulnerable groups such as migrant workers have been eroded. President Kim Dae-jung and his Minister of Justice told Amnesty International that the economic crisis and political opposition were hampering their efforts to improve human rights.

1998 was certainly a difficult year for South Korea's government as it struggled to cope with the worst economic crisis in decades. Unemployment soared to almost two million, forcing many thousands of people to rely on friends, family and voluntary organizations for their livelihoods. South Korea lacks a social safety net and thousands of people became homeless; women were often laid off before their male counterparts. The huge conglomerates which have dominated the Korean economy in recent years were held largely responsible for the financial collapse but were reluctant to reform. Threatened with mass redundancies, thousands of workers took strike action to protect their jobs.

Meanwhile, powerful groups within business, political circles, the law-enforcement apparatus and the media were among those opposed to the release of political prisoners, National Security Law reform, improved trade union rights and other reforms. Throughout 1998 the country's political system seemed to grind to a slow halt as

hundreds of draft bills were delayed while the National Assembly became embroiled in party political disputes.

Amnesty International acknowledges that the government has faced many economic, political and social problems during its first year in office. However, it believes that human rights protection is particularly important at a time of crisis and that stronger legal and institutional human rights protection would actually help South Korea to overcome its current economic and political problems. Experience throughout the world has shown that basic human rights, including freedom of expression and association, are essential to economic recovery and long-term development.

There are few excuses for continued human rights violations. The economic situation and other difficulties cannot be used to justify further arrests under the National Security Law or the continued imprisonment of political prisoners who pose no security threat. Labour disputes cannot be solved by arresting trade union leaders and the country has an obligation to protect migrant workers and other vulnerable groups who are among the main victims of the economic crisis. There is never an excuse for ill-treating prisoners or inflicting the death penalty.

In spite of the disappointments of the past year, the current government has shown itself to be more receptive to human rights concerns than its predecessors. In 1999, Amnesty International will be continuing to campaign for reforms in key areas of concern and to call for full respect for all rights contained in the Universal Declaration of Human Rights.

Some of Amnesty International's current concerns on South Korea are summarised in this document. For more detailed information, see the short reports entitled:

- *South Korea: Workers rights at a time of economic crisis*, AI Index: ASA 25/02/99, February 1999;
- *South Korea: Time to reform the National Security Law*, AI Index: ASA 25/03/99, February 1999;
- *South Korea, Summary of Amnesty International's concerns and recommendations to the government*, AI Index ASA 25/27/98, September 1998.

The National Security Law

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- **Amnesty International is calling for a halt to the high numbers of arrests under the National Security Law; it is campaigning for the National Security Law to be either amended in accordance with international human rights standards, or abolished.**

On 1 December 1998, hundreds of human rights activists marked the 50th anniversary of the National Security Law by taking to the streets of Seoul to call for reform of the law and prisoner releases. Almost 400 people were arrested under the National Security Law during 1998 including students, political activists, trade unionists, publishers and religious figures.

Most were arrested and brought to trial for non-violent offences under Article 7 of the law on vaguely-defined charges of 'praising' and 'benefitting' North Korea. Article 7 provides up to seven years' imprisonment, while other provisions provide for longer sentences and the death penalty for ill-defined "anti-state" and "espionage" crimes. In practice most of those brought to trial over the past year have been given suspended sentences or short prison terms.

Like every country, South Korea has a right to maintain its security, but locking people up simply because of their alleged political views does little to enhance state security and violates individual rights. A released political prisoner told Amnesty International: *"For South Korea to develop, we need people to be critical and to make creative proposals. It is a disgrace to arrest such people."* President Kim seems to agree. In September 1998 he told Amnesty International that "poisonous elements" of the law should be reviewed in the near future. The organization was encouraged by this news but has received no further information about when such a review will take place. The Minister of Justice told Amnesty International that directives had been issued to ensure the National Security Law was applied strictly and not abused - but the number of arrests has remained at very high levels, including many people engaged in peaceful political and social activities.

Prisoner releases

- **Amnesty International calls for the unconditional release of all prisoners of conscience, including political prisoners who were not released over the past year because they refused to sign a "law-abiding oath".**

In December 1998 there were at least 300 political prisoners in South Korea, many of whom were held under the National Security Law for the non-violent exercise of their rights to freedom of expression and association.

Over 150 political prisoners were released in two prisoner amnesties in 1998. Before the second amnesty, in August, the government said that political prisoners would not be released unless they agreed to sign a "law-abiding oath". Some of the world's longest-serving political prisoners were among those who refused to sign this oath, considering it to be a violation of their right to freedom of conscience. During his visit to South Korea in September, Amnesty International's Secretary General met the families of Cho Sang-nok and Kang Yong-ju, convicted unfairly in 1978 and 1985 respectively. He made a special appeal to President Kim and his Minister of Justice for the release of these and 20 other long-term political prisoners. A further prisoner amnesty is expected in March 1999 but, as mentioned above, new arrests are continuing.

Surveillance of released prisoners

- **Amnesty International is calling for an end to the use of the Security Surveillance Law to harass and restrict the activities of former political prisoners.**

Under the terms of the Security Surveillance Law, many released political prisoners are required to report their activities regularly to the police. They also face arbitrary restrictions on their activities, such as a ban on meeting other former prisoners subject to the same law or from participating in certain meetings and demonstrations. Former prisoners have told Amnesty International that their neighbours and work colleagues are asked by the police to report on them and they receive regular phone calls to check on their whereabouts. They include former prisoners who are elderly and suffering from the after-effects of long-term imprisonment and torture. Many former prisoners refuse to comply with these requirements and in 1998 at least ten were reported to be subject to court proceedings for violating the terms of the Security Surveillance Law. The maximum penalty is two years' imprisonment.

Establishment of a National Human Rights Commission

- **Amnesty International calls for the establishment of a national human rights commission which is independent and in conformity with international human rights standards.**

Amnesty International has welcomed the government's plans to establish a national human rights commission (NHRC) and believes that an empowered, independent and well-financed NHRC could address many of South Korea's outstanding human rights problems. In May 1998 it submitted to the government a comprehensive set of principles

for the establishment of NHRCs, including international standards adopted by the United Nations.

However, the government's draft law to establish the commission, published in September 1998, was seriously flawed and would have created a weak commission under the control of the Ministry of Justice. In the last few months of 1998 Amnesty International joined Korean lawyers and NGOs in opposing this legislation and calling for the commission to be established in accordance with international standards. It is now urging the government to make this a priority in the early months of 1999.

Trade union arrests

- **Amnesty International is calling for the release of trade union leaders held for non-violent activities; it is concerned that trade unionists continue to face arrest and imprisonment for the exercise of their trade union activities.**

Hundreds of trade unionists were arrested in 1998 as workers demonstrated and took strike action to protect their jobs. While strikes and protests led to some violent clashes with police, dozens of trade union leaders were arrested for peaceful and legitimate trade union activities. Most had been released by early 1999 but some remained in prison. They included Dan Byung-ho, Vice President of the Korean Confederation of Trade Unions and President of the Korean Metal Workers' Federation, who was sentenced to two years' imprisonment in January 1999 for organizing strike action to protest against economic policies leading to mass redundancies.

Many trade unionists were arrested after two general strikes in May and July and there were further arrests later in the year as employees of several large companies took strike action. Several trade union leaders went into hiding to evade arrest. Amnesty International is concerned that such high numbers of workers were arrested - many more than in previous years - and that trade union leaders in South Korea continue to face criminal punishment for engaging in legitimate and peaceful trade union activities.

Vulnerable groups, including migrant workers

- **Amnesty International encourages the government to protect the rights of vulnerable groups including migrant workers, asylum seekers and others who have suffered particularly from the effects of the economic crisis.**

Thousands of migrant workers lost their jobs in 1998 and were told by the government to either leave the country or pay a large fine. Many could not afford to comply with these measures and were left destitute. Amnesty International also received reports of several incidents where detained migrants were subjected to ill-treatment by immigration officials. At the end of 1998, some 90,000 undocumented workers remained in the country, with minimal legal protection.

Among the thousands of migrant workers sent home, there may have been people who risked human rights violations in their own country. Over the past year Amnesty International received several reports from asylum seekers in South Korea who said that immigration officials had tried to prevent them from making an application for refugee status. Refugee recognition procedures in South Korea fall below international standards and not one person has been accepted as a refugee since the country signed the Refugee Convention six years ago.

Women's rights

- **Amnesty International calls for government action to protect and promote the rights of women.**

During 1998 President Kim committed his government to improving the rights of Korean women who face discrimination in the home, the workplace and society at large. One positive step during the year was the introduction of legislation to outlaw discrimination in the workplace. Women's groups claim, however, that too little has been achieved. During the economic crisis, women have often been made redundant before male colleagues. They also face discrimination in a prison system where they are a minority and most facilities are designed to meet the needs of men.

The death penalty

- **Amnesty International welcomes the fact that there were no executions in South Korea during 1998. It is now calling on the government to commute remaining death sentences and take steps towards abolition of the death penalty in law.**

There were no executions in 1998, although at least 37 people, convicted of murder, remained under sentence of death at the end of the year. The last hangings took place on 30 December 1997 when 23 men and women were executed secretly, without their families receiving advance warning. President Kim has told Amnesty International that he

is personally opposed to the death penalty but that further time is needed before his government can initiate a debate on the subject.

Police ill-treatment and poor prison conditions

• **Amnesty International is calling for reports of ill-treatment to be investigated promptly and thoroughly; for conditions of imprisonment to be brought into line with international standards and for human rights to be fully incorporated into training programs for all law-enforcement officials.**

Throughout 1998 there were continued reports of ill-treatment in police stations, detention centres and prisons. Suspects were often deprived of sleep for long periods, threatened and sometimes beaten. Conditions of imprisonment fall below international standards in several respects, including inadequate medical facilities, lack of heating and the infliction of severe disciplinary punishments. Long-term political prisoners are often held in complete isolation.

Reform of the intelligence agency

• **Amnesty International calls on the government to curb abuses by the intelligence agency. All reports of human rights violations committed by the agency should be subject to an impartial investigation.**

In January 1999 South Korea's intelligence agency was renamed the National Intelligence Service. Formerly the Agency for National Security Planning, it has been responsible for some of the most serious human rights violations in South Korea, including torture of political suspects. During 1998 the government claimed that it had reformed the agency, but there were continued reports of abuses, including illegal surveillance of political suspects and torture.

Foreign policy

• **Amnesty International encourages the South Korean Government to play a more active role in promoting human rights, both internationally and in the Asia region**

At international meetings, President Kim Dae-jung has spoken out in support of the universality and indivisibility of human rights and he has told Amnesty International of his interest in human rights initiatives on Myanmar and East Timor. In November 1998, South Korea co-sponsored a UN resolution on Myanmar at the UN General Assembly, but the government has not so far played a very active role in promoting human rights internationally. Among other things, Amnesty International is calling on South Korea to raise human rights in bilateral relations with other governments, to ensure human rights are placed on the agenda of forthcoming ASEM meetings and to ratify the Statute of the International Criminal Court.