

REPUBLIC OF KOREA (SOUTH KOREA)

A human rights agenda for the Presidential election: open letter to all candidates

London, 16 October 1997

Dear Candidates,

As Secretary General of
Amnesty International, the
largest international human

rights organization in the world, I am writing to suggest that you make specific commitments to protect and promote human rights if you are elected President of the Republic of Korea.

Presidential elections will take place in the Republic of Korea (South Korea) in 1997. Ahead of these elections, Amnesty International's Secretary General Piero Gleijeses is writing to all candidates to urge them to commit themselves to taking specific steps to promote and protect human rights in South Korea. Amnesty International hopes that all candidates will respond publicly on each of the points raised in this Open Letter. The organization urges South Korean voters, in deciding on their vote, to take into account the proposed human rights policies of the candidates.

Amnesty International is an international non-governmental organization which works to prevent human rights violations throughout the world and to promote awareness of all human rights and international human rights standards for their protection.

Amnesty International is independent: it does not support or oppose political systems or individual candidates for elected office. The measures proposed in the present letter are based on Amnesty International's long-standing concerns about human rights violations under successive governments in South Korea.

We hope that you will commit yourself to taking the specific measures suggested in this Open Letter, if you are elected to the Presidency. We believe that these steps, if taken by the new South Korean administration, would advance the enjoyment of human rights for all Koreans, the country's long-term security and development and its image in the eyes of the world.

Over a relatively short period South Korea has undergone an extraordinary transformation. The country has made remarkable economic progress and assumed ever greater importance in regional and world affairs. Today its citizens are generally enjoying a greater degree of freedom and better respect for human rights than they did in previous decades. But there are still far too many flagrant violations of human rights which successive governments have not addressed.

Amnesty International is aware of the special circumstances in which the South Korean democratic process operates, in particular the continuing tension in the Korean Peninsula. Uncertainty about the future of the Democratic People's Republic of Korea (North Korea) remains very widespread and is reinforced by serious food shortages and continuing economic difficulties. These security considerations, while legitimate, have

too often been used by South Korean administrations to justify repression and violations of human rights against South Koreans.

Respect for human rights helps to ensure, and does not undermine, stability and security. The measures Amnesty International is suggesting are aimed at preventing human rights violations by increasing the accountability of South Korean institutions such as the security services, not at weakening them. More accountability and less arbitrary use of power by these institutions should enhance their effectiveness.

The year 1998 will be the 50th anniversary of the establishment of the Republic of Korea. It will be a time to reflect on the great changes which have transformed it, and to enact the reforms that are needed to further modernize the country. For instance, 1998 will also be the 50th anniversary of the enactment of the National Security Law which has been used ruthlessly throughout the years to detain thousands of political prisoners. 1998 also marks the 50th anniversary of the proclaiming of the Universal Declaration of Human Rights by the United Nations. This presents a great opportunity for the new President to promote the universal human rights values of this global human rights declaration, both internationally and within South Korea.

So far in the presidential election campaign, some candidates have mentioned the importance of human rights. However, they have generally stopped short of making clear commitments on major issues. We hope that this Open Letter will encourage candidates to make such commitments and engage positively in debate on the human rights challenges faced by South Korea.

Amnesty International is writing to each candidate in the South Korean presidential election. The organization is asking each candidate to make public their positions with regard to each of the recommendations made in this Open Letter.

I am looking forward to receiving your response to this letter.

Yours sincerely,

Pierre Sané
Secretary General

***Amnesty International's recommendations to all candidates in the
South Korean presidential election***

1. Restore Fundamental Rights

Release all prisoners of conscience

Amnesty International regards as prisoners of conscience those who are detained for their beliefs or because of their ethnic origin, sex, colour, language, national or social origin, birth or economic status - who have not used or advocated violence. The organization believes the imprisonment of such people cannot be justified in any circumstances and that they should be immediately and unconditionally released. In recent years hundreds of prisoners of conscience have been arrested in South Korea and some have been imprisoned for long periods. Some are elderly men who have already spent 15 or 20 years in prison, but many others are younger people convicted under sweeping and vague provisions of the National Security Law.

Candidates who make a clear commitment to release all prisoners of conscience would show that they are genuinely willing to mark a new departure for South Korea.

Review the situation of long-term political prisoners

Amnesty International believes that all political prisoners are entitled to a fair trial. The organization knows of at least 20 political prisoners who were sentenced to long prison terms during the 1970s and 1980s after being tortured. They were tried under procedures which fell far short of international standards for fair trials. It is unacceptable that modern Korea should continue to neglect these victims of a recent past when there was far less respect for human rights.

Candidates should commit themselves to reviewing the situation of all long-term political prisoners, or ordering their release.

End restrictions on released political prisoners

Prisoners of conscience who have been released are often not completely free. Many are required to make a regular report of their activities to the police and Amnesty International knows of several former prisoners who have been refused permission to travel abroad. The restrictions hamper legitimate, peaceful activities which other South Korean citizens can carry out. Surveillance of and restrictions on the legitimate activities of former prisoners of conscience constitutes a violation of their rights to privacy and freedom of movement and should be stopped immediately.

Candidates should commit themselves to ending restrictions on released political prisoners, and ensuring that any restrictions that are imposed can be effectively challenged before an independent tribunal.

Develop cooperation with human rights defenders

A country which is committed to human rights is one which values and respects the work of human rights activists, lawyers and non-governmental organizations working in this field. Their work should be protected and encouraged.

Candidates should commit themselves to protecting the work of human rights defenders, as well as increasing cooperation between the government administration and all groups concerned with human rights issues. In particular, they should systematically seek the views of these organizations on matters affecting human rights and encourage their public activities.

2. Enhance Safeguards for Human Rights

Seek the truth about past and present human rights violations

There should be a thorough, impartial and independent investigation into all reported human rights violations in South Korea, past and present. This includes the May 1980 killings in Kwangju and cases of torture, political arrest and unfair trial carried out under past administrations. Those responsible for human rights violations, past and present, should be brought to justice.

Amnesty International urges presidential election candidates to commit themselves to ensuring that the investigation of all reported human rights violations conforms to international human rights standards and the Vienna Declaration and Programme of Action, issued by the UN World Conference on Human Rights in June 1993. These standards seek to end impunity for human rights violations. They state that all reports of human rights violations should be thoroughly and impartially investigated, the results of investigations should be made public, those responsible for such violations should be brought to justice, and victims should receive adequate compensation.

Legislate against discrimination and promote human rights

The year 1998 will be the 50th anniversary of the Universal Declaration of Human Rights. A new President in South Korea should take this opportunity to promote the importance of civil, political, economic and social rights throughout Korean society, for example by integrating human rights education into primary and secondary school teaching. Training on human rights and related legal issues should be a requirement for government officials, law enforcement and military personnel.

Presidential election candidates should make a commitment to promote equality throughout Korean society in order to prevent social and institutional discrimination against women and other disadvantaged groups. They should also commit themselves to developing human rights education and training.

Develop public consultations on establishing a Human Rights Commission

Independent national Human Rights Commissions are contributing in some countries to safeguarding and promoting human rights. Amnesty International believes that Human Rights Commissions established in accordance with United Nations standards for independence, scope of action and resources, can play a positive role in safeguarding human rights. In South Korea such a commission could help investigate complaints of past human rights violations and contribute to ending other violations.

Such a commission's mandate could include investigation of reported human rights violations, making suggestions for legislative reforms and taking a lead in human rights education work. However, the commission should not be seen as a substitute for effective legal structures and an independent judiciary

To be effective, a Human Rights Commission must be independent and impartial, and must command the trust and respect of human rights defenders nationwide. In order to ensure this, Amnesty International recommends that presidential election candidates commit themselves to developing detailed and public consultations with all sectors of society concerned with human rights, on the establishment of a Human Rights Commission.

3. End Torture and All Forms of Ill-Treatment

End all forms of torture and cruel, inhuman or degrading treatment

Torture and ill-treatment of detainees by police and security agencies must not be tolerated. In practice this means introducing effective measures to end the widespread use of sleep deprivation, threats, coercion and sometimes beatings of suspects in custody aimed at obtaining a confession. There should be a thorough and independent investigation of all such reported human rights violations, ensuring that those responsible be brought to justice. Training of law enforcement officials should include human rights law.

Amnesty International calls on all presidential election candidates to state unequivocally that they will not tolerate the use by law enforcement officials of torture or of any form of cruel, inhuman or degrading treatment or punishment. Candidates should commit themselves to reinforcing existing legislation against torture and to monitoring the effective implementation of this legislation.

Improve prison conditions

Conditions of imprisonment for all prisoners should be improved. In particular, there is a need for more and better medical facilities in prisons and provision of warmer clothing

and heating in the winter. Political prisoners should not be isolated from other prisoners, denied meetings with lawyers or denied the opportunity to correspond with supporters.

Presidential election candidates should commit themselves to reforming policies and practices concerning conditions of detention to bring them into line with international human rights standards.

End the practice of forced “conversion”

The system of ideological “conversion” must be ended. This is a system whereby some political prisoners are pressurized by prison authorities to “convert” by signing a statement renouncing communism. Those who refuse are denied rights and privileges granted to other prisoners and are not considered for release on parole. Amnesty International believes “conversion” is being used arbitrarily against certain political prisoners and that it is a violation of a prisoner’s right to his or her own political opinions.

Amnesty International urges candidates to commit themselves to ending the use of “conversions” in political cases.

4. Reform Legislation

Amend the National Security Law

The National Security Law should be amended in accordance with international standards and so that provisions which punish non-violent political activities are removed. Many provisions of the National Security Law are vaguely worded and open to misuse. In recent years hundreds of innocent people have been detained under the law on the grounds that they have “praised” or “benefitted” North Korea or engaged in some ill-defined “anti-state” activity.

Like every country, South Korea has legitimate security needs. International human rights standards recognize the legitimate needs of states in that field. However in South Korea national security concerns have often been invoked as an excuse to justify human rights violations against real or alleged members of peaceful political groups. Too many governments have used the threat from North Korea as an excuse to crack down on opponents, especially those with left-wing views. The activities of artists, writers, publishers and journalists have also been hampered through the application of the National Security Law.

Amnesty International urges presidential candidates to commit themselves to amending the National Security Law so that it is brought fully into line with international human rights standards.

Prevent human rights violations by the Agency for National Security Planning

The Agency for National Security Planning (ANSP) should be made more accountable for its actions and the government should ensure that none of its officials are responsible for human rights violations. The ANSP's powers to investigate South Koreans under the National Security Law were restricted in 1994 because of its poor human rights record and a lack of democratic control over its activities. But in 1996 these same powers were restored, without additional curbs or measures to ensure that these powers are not abused. Amnesty International is gravely concerned that the ANSP's considerable powers may be used again in future to investigate people solely by reason of their legitimate political activities, and that ANSP officials will continue to enjoy virtual immunity for human rights violations.

Amnesty International urges presidential candidates to commit themselves to limiting the powers of the ANSP, preventing its officials from carrying out human rights violations and reinforcing the agency's accountability to elected authorities.

Abolish the death penalty and commute death sentences

The death penalty is the ultimate cruel and inhuman punishment, which violates the fundamental right to life. It is often used against the poorest and most vulnerable members of society and is an irreversible punishment which cannot be undone in case of miscarriage of justice. In South Korea, people sentenced to death are held in virtual isolation from the outside world. Executions are not announced in advance, making it more difficult for lawyers to ensure that all opportunities for legal recourse have been exhausted before an execution takes place.

There is no evidence that the death penalty has a unique deterrent effect against crime. The number of countries using the death penalty has been dropping steadily in recent decades.

Amnesty International calls on presidential candidates to commit themselves to abolishing the death penalty for all crimes. As a temporary measure pending abolition, the candidates should commit themselves to commuting all death sentences. South Korea should join the growing number of countries which have abolished the death penalty in law.

5. Implement and promote international human rights standards

Amend labour legislation in line with international standards

Labour legislation should be reviewed and amended so that it conforms with international standards concerning freedom of association and labour rights. In particular, independent trade unions should be granted effective legal recognition and teachers and other government employees should be entitled to join a trade union. Trade union members and workers should not be arrested solely for taking strike action or demonstrating in defence of their basic rights. South Korea should commit itself to protecting basic labour rights by ratifying Conventions 87 and 98 of the International Labour Organisation (ILO), which guarantee the rights to establish and join a trade union and to be protected from discrimination.

Amnesty International urges all presidential candidates to commit themselves to amending South Korean labour laws to bring them into line with relevant international standards, in particular ILO Conventions 87 and 98.

Effectively implement international human rights treaties

South Korea should implement fully the international conventions to which it is a party. These include the Convention relating to the Status of Refugees; the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). With regard to the last two instruments, the recommendations made by the Human Rights Committee in July 1992 and by the Committee against Torture in November 1996 have still not been fully implemented.

Amnesty International urges presidential candidates to ensure that the recommendations made by these international expert bodies are fully implemented.

Protect the rights of foreigners and asylum seekers

People of any nationality seeking asylum in South Korea must not be sent back to a country where they face human rights violations. All people seeking asylum should have access to a fair and satisfactory refugee status determination process. However Amnesty International believes that, with the exception of North Koreans, asylum seekers in South Korea are not currently being afforded these rights in accordance with international standards. Foreign workers in South Korea should also be afforded legitimate safeguards for their civil and social rights, in accordance with international standards.

Amnesty International calls on all presidential candidates to commit themselves to ensuring that the Convention on the Status of Refugees, ratified by South Korea, is

fully implemented and that no-one is returned to a country where they face human rights violations.

Promote United Nations safeguards for human rights

As an active member of the United Nations, South Korea has a responsibility to press for improvements in the human rights situation internationally. For example, South Korea should be promoting the protection of human rights defenders throughout the world by working towards the adoption of a strong United Nations draft Declaration on Human Rights Defenders. South Korea should also press for the establishment of a fair and effective permanent international criminal court in order to secure justice for the victims of human rights atrocities and to act as a deterrent for the future.

Amnesty International urges presidential candidates to express support for the UN's work to further protect human rights, and to commit themselves to active human rights diplomacy both within the UN system and bilaterally with other governments. Candidates should pledge to uphold and promote the Universal Declaration of Human Rights in its 50th anniversary year.

Promote respect for human rights by business

South Korean companies invest in countries throughout the world. The South Korean Government should ensure that South Korean companies investing abroad are respecting the basic human and legal rights of employees and of the people affected by the activities of these companies. South Korea should also take measures to ensure that none of its exports, including military, police or security equipment, are exported to countries where such equipment is known to be used to commit human rights violations.

Amnesty International urges presidential candidates to commit themselves to initiating debates with business and human rights groups, aimed at developing relevant guidelines for businesses investing abroad.