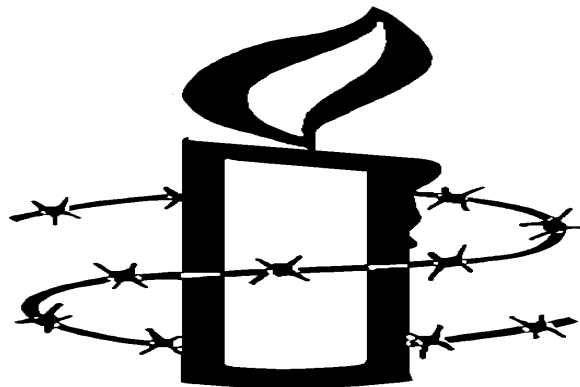


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SOUTH KOREA

**Briefing for
ASEM Foreign Ministers Meeting
March 1999**



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SOUTH KOREA

Briefing for ASEM Foreign Ministers Meeting, March 1999

One year after taking office, the government of President Kim Dae-jung deserves credit for taking some initial steps to improve human rights, 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 further abuses and safeguard human rights.

During 1998 over 150 political prisoners, including many long-term prisoners, were released in two prisoner amnesties and the government took steps to establish a national human rights commission. In September President Kim Dae-jung said that "poisonous clauses" of the National Security Law should be reviewed and that there should be a debate on abolition of the death penalty. In February 1999, a further prisoner amnesty included 19 long-term political prisoners, some of whom had been held for up to 40 years.

President Kim Dae-jung's statements on human rights were welcomed, but all too often they were not followed up with concrete measures. 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. Dozens of trade union leaders were arrested for taking strike action and the rights of vulnerable groups, such as migrant workers, were eroded.

1998 was a difficult year for South Korea as it struggled to cope with the worst economic crisis in decades. The crisis itself resulted in an erosion of many rights as unemployment soared to around two million, while the country lacks a social safety net for the jobless. Powerful groups within business, politics and the media were among those opposed to human rights reforms. Government officials told Amnesty International that the economic crisis and political opposition had hampered their efforts to improve human rights.

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 help South Korea to overcome its current problems.

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 are not solved by arresting trade union leaders and the country has a responsibility 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 maintaining the death penalty.

The National Security Law

Almost 400 people were arrested under the National Security Law during 1998, mostly for non-violent political and social activities. They included students, youth activists, trade unionists, publishers and religious figures. Most were arrested and brought to trial for non-violent offences under Article 7 of the law which provides up to seven years' imprisonment for vaguely-defined charges of 'praising' and 'benefiting' North Korea. Other provisions provide longer sentences and the death penalty for ill-defined "anti-state" and "spying" crimes. In practice most of those brought to trial over the past year have been given suspended sentences or short prison terms, but some received heavy sentences.

In September 1998 President Kim Dae-jung told Amnesty International that "poisonous elements" of the law should be reviewed in the near future. Amnesty International was encouraged by this news but has received no further information about when such a review will take place and arrests have continued.

Establishment of a National Human Rights Commission

Amnesty International welcomed the new 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. 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 recent months, Amnesty International has joined Korean lawyers and NGOs in opposing this legislation and calling for the new commission to be both independent and 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 rights

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 which are in accordance with ILO and other international standards.

Migrant workers

Migrant workers have suffered particularly in South Korea's economic crisis. Thousands 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 received reports of several incidents where detained migrants were subjected to ill-treatment by immigration officials. At the end of 1998 some 60,000 migrant workers were believed to have left the country, leaving behind a further 90,000 who continued to live with minimal legal protection.

The death penalty

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.

Foreign policy

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. Amnesty International is encouraging the South Korean government to play a more active role in promoting human rights, both internationally and in the Asia region.

Other concerns

Amnesty International's other concerns on South Korea include the protection and promotion of women's rights; the protection of asylum seekers; police ill treatment and conditions of imprisonment which do not conform with international standards.

Amnesty International calls on the Member States of the European Union in their meetings with South Korea, either individually or in concert, and as part of the ASEM process:

- **to welcome President Kim Dae-jung's commitment to universal human rights values and to urge South Korea to play a more active role in promoting human rights both internationally and in the Asia region;**
- **to raise concern about continued arrests of prisoners of conscience under the National Security Law and to call for the law to be amended in accordance with international standards;**
- **to support South Korea's proposal to establish a national human rights commission but to reiterate the importance of a commission which is independent and established in accordance with international standards;**
- **to express concern about the 1998 arrests of trade union leaders for calling two general strikes, and to seek assurance that no trade union leaders will be arrested in the coming year for non-violent trade union activities;**
- **to welcome the fact that there were no executions in South Korea in 1998 and encourage the government to take steps towards the abolition of the death penalty in law.**
- **to ensure that a human rights component is included in all agreements on trade and cooperation between members of the EU and South Korea.**