

AMNESTY INTERNATIONAL

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Statement by Irene Khan, Amnesty International Secretary General, on the completion of her visit to South Korea Foreign Press Club, Seoul Press Centre

(Seoul) Amnesty International has a long track record of working on human rights issues in this country: from political prisoners in past decades, to new issues we are now addressing.

South Korea has made a long journey on human rights over the decades. But there is still room for improvement.

Now that it has a strong economy and is a stable democracy, the expectations are raised in terms of better respect for human rights.

Recognising the gains that have been made, the time has come for the Government of South Korea to move forward confidently and strengthen democracy through better respect of human rights for all persons in South Korea.

During my visit, I have met with human rights defenders and activists, as well as migrant workers. I met with Minister of Justice Lee Kwi-nam, Deputy Minister for Foreign Affairs and Trade Shin Kak-soo, other senior government officials and the Chair and members of the National Human Rights Commission of Korea.

I am disappointed that the President and the Prime Minister were unable to meet with me and my delegation. When my predecessor visited Korea in 1998 he was received by the then President Kim Dae Jung.

South Korea is today a major power globally. This is clearly demonstrated by its chairing of the 2010 G20 summit. South Korea will gain credibility as a global leader if it is ready also to lead on human rights domestically, as well as regionally and globally.

Amnesty International believes there are five areas of human rights that require the urgent attention of the Government of Korea.

Improving policing and accountability

A range of recent incidents indicate the need for the government to put into place appropriate mechanisms to improve and monitor policing, particularly of demonstrations and public protests.

We recommend to the Government of South Korea that their policing should be brought in line with international standards, in particular the UN Code of Conduct for Law Enforcement Officials.

We have recommended that there should be a mechanism for independent investigation into allegations of excessive use of force by the police. This should be done by an independent body with the power to ensure the enforcement of its recommendations – something the National Human Rights Commission of Korea does not have the power to do.

Our report last year on the Candlelight protests documented violence used by protesters, but it also documented excessive use of force on the part of police officials. Amnesty International is not making a judgement in cases like these, but we believe it is the responsibility of the government to conduct investigations.

Proper investigations by independent bodies monitoring actions of police and law enforcement officials not only protect individuals' rights, but also allow the government to improve accountability and build confidence among the public.

The failure to undertake any prosecutions following the Candlelight protests and the failure to cooperate with the National Human Rights Commission in the Yongsan incident are two clear examples of the need for improvement in this area.

In a meeting with the Minister of Justice, we were informed that the government is investigating the use of force in the context of the Candlelight protests. We hope the report of the investigation will be made public soon as this issue is now pending over a year.

National Human Rights Commission

The powers of the National Human Rights Commission of Korea (NHRCK) are not sufficient in that the Commission does not have the authority to enforce its recommendations, or even to get government Ministries to cooperate in its investigations. The Government of South Korea must support the work of the NHRCK, including through cooperating with its investigations and through implementing the recommendations issued by the Commission.

The NHRCK has had a very good reputation in Korea and internationally. However, recently concerns have been voiced by various stakeholders about threats to the independence of the NHRCK. I was reassured today by the Chair of the Commission that he is determined to maintain its independence. We encourage the government to uphold the independence of the Commission, provide it with sufficient resources and strengthen its authority to investigate, and to implement the recommendations made by the Commission. Maintaining the Commission's high reputation would make South Korea a role model for the region.

Space for expressing different views

I met with human rights defenders and representatives of human rights organizations who spoke of increased restrictions on their activities and even arrests when they tried to protest publicly.

I heard that some journalists fear that if they cross a line on a politically sensitive issue they could face harassment or possible criminal charges.

Respected civil society leaders have confirmed the growing environment of restriction and control, and lack of tolerance for different views.

The rights to free speech, association and assembly are protected in the South Korean Constitution and under international human rights treaties to which Korea is a party. These are essential elements of a healthy democracy and need to be nurtured, instead we see worrying signs of control and restrictions.

We are encouraged by the ruling by the Constitutional Court that provisions in the Assembly and Demonstration law banning night time protests violate the spirit of the Constitution. We call on the government to review the Assembly and Demonstration Law and introduce new legislation in line with international standards and best practice from other developed democracies.

Civil society is an essential element of democracy, alongside an independent judiciary, an elected government and a free press. We call on the Korean government to support civil society and to open channels for constructive dialogue with them.

One issue that has become extremely controversial is the Yongsan incident. The families feel that their voices are not being heard. We call on the government to open a dialogue and negotiate a solution urgently so that this issue can be closed in a fair manner.

It is also important for the government to introduce guidelines against forced evictions in keeping with international standards so as to avoid other incidents of this nature.

Migrant workers

As you know, Amnesty International released a report a few weeks ago that presented our research and recommendations to improve the conditions for migrants in South Korea.

I visited Maesok and spoke with migrant workers and NGOs who work on migrant issues. Migrant workers make an important contribution to South Korea's growing economy and yet suffer discrimination, exploitation and abuse. Amnesty International has urged the government to establish an effective complaints and investigation mechanism to look into allegations of abuse of migrant workers – regardless of their regular or irregular status.

The intense wave of crackdowns on irregular migrants continues to cause suffering and distress to many individuals who are often detained and deported in ways that do not follow immigration regulations.

The safeguards in relation to arrest and detention available to all individuals in South Korea should be applied to irregular migrants. We ask the government also to seek alternatives to detention and mass arrests.

Death penalty

We welcome the fact that South Korea has not executed anyone since December 1997 and call on the government to retain that position. Any retrogression on this issue would be extremely damaging for South Korea's reputation internationally. On the other hand, if South Korea abolishes the death penalty it will join the majority of countries in the world that are abolitionist. South Korea would set an example in the region and send an important message to other countries – and in particular to neighbouring China and Japan -- that capital punishment is unacceptable.

To conclude, a consistent approach of respect for human rights at home and abroad is essential for governments on the global stage and I hope South Korea will step up to the mark.

Note to editors

Irene Khan visited South Korea between 21 and 24 November 2009.

While in South Korea, Irene Khan launched the Korean edition of her book, *The Unheard Truth: Poverty and Human Rights*, which addresses the issues of poverty and human rights.

More information about the book *The Unheard Truth: Poverty and Human Rights* is available at www.theunheardtruth.org

The Unheard Truth: Poverty and Human Rights is part of Amnesty International's Demand Dignity that campaign aims to end the human rights violations that drive and deepen global poverty. The campaign is mobilizing people all over the world to demand that governments,

corporations and others who have power, listen to the voices of those living in poverty and recognize and protect their rights.

Photographs and footage of Irene Khan's visit to South Korea are available. To obtain them, and for further information or to arrange an interview, please contact:

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