

REPUBLIC OF KOREA (SOUTH KOREA)

A human rights agenda for South Korea

Amnesty International is a worldwide voluntary movement which works to prevent human rights violations by governments. The main focus of its campaigning is to free all prisoners of conscience, to ensure fair trials for political prisoners, to abolish the death penalty and torture and to end extrajudicial executions and "disappearances".

The organization also works to promote all the human rights contained in the Universal Declaration of Human Rights and other international standards, through human rights education programs and campaigning for ratification of international human rights treaties.

Amnesty International has over 1,000,000 members in countries throughout the world, including South Korea. Research into human rights violations and individual victims is conducted by the International Secretariat in London. To ensure impartiality, the organization's members campaign for individual victims in countries other than their own.

Amnesty International's Korean Section works to improve human rights in South Korea, through human rights promotion and education programs and campaigns to bring South Korean law and practice into line with international standards. It also campaigns for the victims of human rights violations in other countries.

In October 1997 Amnesty International's Secretary General wrote an open letter to all candidates in the Presidential election. The letter called on candidates to commit themselves to a program of human rights reform if elected.

After the publication of Amnesty International's letter, Kim Dae-jung made a public commitment to release some, but not all, prisoners of conscience. After his election as President, Kim Dae-jung made public a number of other proposals for human rights reforms. These included the reform of the Agency for National Security Planning, the establishment of a human rights commission, measures to protect the rights of women and a commitment to ensure that Korean law and practice is in conformity with international human rights standards. These proposals have been welcomed by Amnesty International.

Amnesty International wrote again to President-elect Kim Dae-jung in February 1998 describing its proposals for human rights reform, including the following points.

Release prisoners of conscience and amend the National Security Law

Amnesty International calls for the release of all prisoners of conscience and for the National Security Law to be amended in accordance with international standards. In recent years Amnesty International has campaigned on behalf of hundreds of individual prisoners whose cases demonstrate a pattern of human rights violation under the National Security Law. The organization calls for the release of *all* prisoners who are currently held for the non-violent exercise of their rights to freedom of expression and association.

Most of the individual prisoners Amnesty International is campaigning for have been sentenced to long prison terms. They include prisoners who were convicted of espionage during the 1970s and 1980s, prisoners accused of belonging to "anti-state" groups and those who made an unauthorized visit to North Korea. These cases highlight the problems associated with unfair trials of political prisoners in past decades and the broad definition of the terms "espionage" and "state secrets" under the National Security Law

Amnesty International is also concerned about a pattern of shorter-term arrest where prisoners are held for up to six months for minor violations of the National Security Law. At least 600 people were arrested under the National Security Law in 1997 alone. Many of these prisoners were charged under Article 7 of the National Security Law which provides up to seven years' imprisonment for the act of "praising" and "benefitting" North Korea. Article 7 has been used widely to detain people for the non-violent exercise of their rights to freedom of expression and association.

Amnesty International believes that the National Security Law should be amended so that provisions which punish non-violent political activities are removed. Many provisions of the law are vaguely worded and appear to be used selectively.

Reform the Agency for National Security Planning

Amnesty International is encouraged at reports that the new President proposes to reform the Agency for National Security Planning (ANSP) and urges him to ensure that this reform will prevent the Agency from abusing fundamental rights. In recent years Amnesty International has received reports of torture and ill-treatment committed by the ANSP. In December 1996 it was concerned about the passage of legislation which extended the agency's powers, without additional measures or curbs to ensure that these powers were not abused.

Investigate human rights violations - past and present

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

The investigation of all reported human rights violations should conform to international human rights standards, which 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.

Improve human rights promotion and education

On the 50th anniversary of the Universal Declaration of Human Rights Amnesty International has called on the new President to promote the importance of civil, political, economic and social rights throughout Korean society.

It has urged him to integrate human rights education into school teaching and to ensure that human rights education is including in training programmes for all government officials, law enforcement and military personnel. It has also called on the President to promote equality throughout Korean society in order to prevent social and institutional discrimination against women and other disadvantaged groups.

Establish a human rights commission

Amnesty International is encouraged by the new President's proposal to establish a Human Rights Commission and urges him to ensure that the commission's statute is consistent with international standards for human rights commissions.

The new commission's mandate should include investigation of reported human rights violations, including by security agencies, making suggestions for legislative reforms and taking a lead in human rights education work. However, a 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 and the public in South Korea.

End torture and ill-treatment

Torture and ill-treatment of detainees by police and security agencies should 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.

Amnesty International urges the new President to ensure that existing legislation against torture is reinforced and effectively implemented. It should be made fully consistent with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which South Korea has ratified.

Improve prison conditions

Amnesty International calls for conditions of imprisonment for all prisoners to be improved, by providing more and better medical facilities in prisons, fitting prisons with heating and providing warmer clothing for all prisoners in winter. It believes that political prisoners

should not be isolated from other prisoners, denied meetings with lawyers or denied the opportunity to correspond with supporters.

Amnesty International also calls for an end to the system of ideological “conversion” of certain political prisoners which is used arbitrarily and is a violation of prisoners’ right to freedom of conscience. Some long-term political prisoners have been held in poor conditions for over three decades and are denied the possibility of release on parole solely because of their refusal to “convert”.

Abolish the death penalty

Following the execution of 23 people on 30 December 1997, Amnesty International wrote to President-elect Kim Dae-jung urging him to abolish the death penalty during his term in office. As a first step it calls on the new President to commute all death sentences and ensure that no further executions are ordered.

Respect trade union rights

Amnesty International urges the new President to ensure that labour legislation conforms with international standards relating to freedom of expression and association. South Korea should commit itself to protecting basic labour rights by ratifying conventions 87 and 98 of the International Labour Organization (ILO) which guarantee the rights to establish and join a trade union and to be protected from discrimination.

Implement international human rights treaties

South Korea should fully implement the international conventions which it has ratified. They include the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

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 and all people seeking asylum should have access to a fair and satisfactory refugee status determination process. Foreign workers in South Korea should also be afforded legitimate safeguards for their civil and social rights, in accordance with international standards.

Promote human rights throughout the world

As an active member of the United Nations, South Korea has a responsibility to press for improvements in the human rights situation internationally. Amnesty International urges the new President to express support for the UN’s work to further protect human rights, and to commit his government to active human rights diplomacy both within the UN system and bilaterally with other governments. It also calls on him to uphold and promote the Universal Declaration of Human Rights in its 50th anniversary year.