

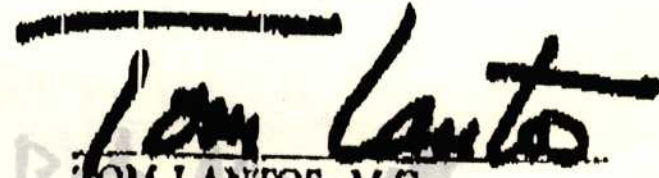
in which these prisoners are being held are in violation of human rights and freedom of conscience, which are guaranteed by the Republic of Korea's Constitution and by the U.N. International Covenant on Civil and Political Rights which was ratified by the South Korean parliament and became effective in July.

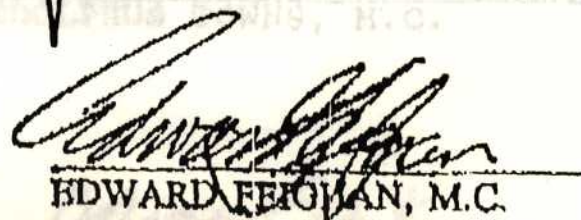
We respectfully request that you grant an amnesty to all persons who remain in prison because of their political beliefs or peaceful political activities.

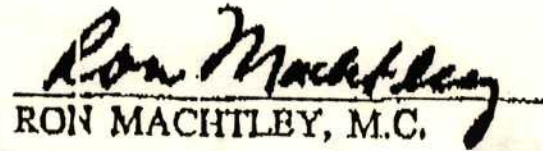
Thank you for your attention to this most important matter.

Cordially,

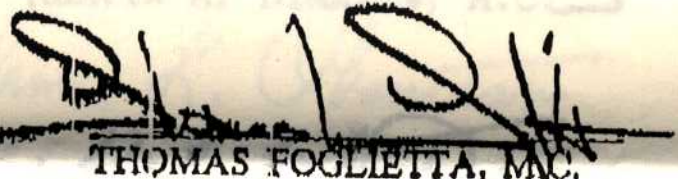

JOHN PORTER, M.C.

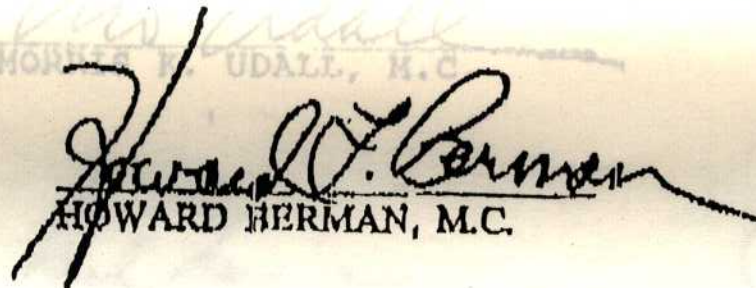

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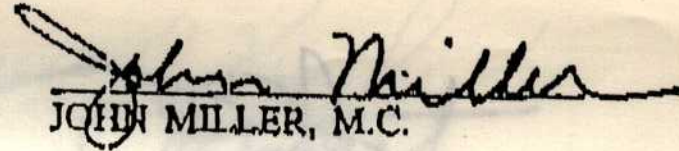

EDWARD FEIGHAN, M.C.


RON MACHTLEY, M.C.

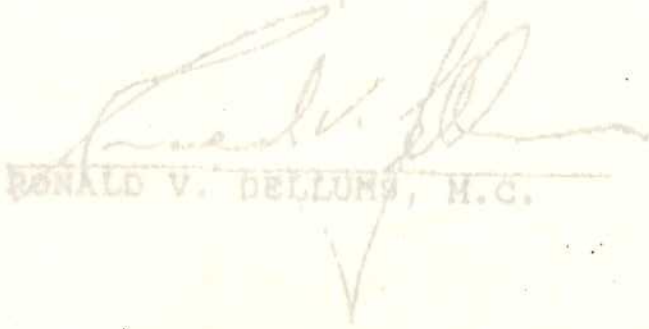

BILL RICHARDSON, M.C.


THOMAS FOGLIETTA, M.C.


HOWARD HERMAN, M.C.


JOHN MILLER, M.C.


JOE KLOTTER, M.C.


RONALD V. DELLUMS, M.C.

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FROM HUMAN RTS WATCH, DC

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Wayne Owens
WAYNE OWENS, M.C.

Harris W. Fawell
HARRIS W. FAWELL, M.C.

Bill Hughes
WILLIAM J. HUGHES, M.C.

Barbara Boker
BARBARA BOKER, M.C.

Edolphus Towns
EDOLPHUS TOWNS, M.C.

Bob Mrazek
ROBERT J. MRAZEK, M.C.

Barney Frank
BARNEY FRANK, M.C.

Mervyn M. Dymally
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Morris K. Udall
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Robert K. Dornan
ROBERT K. DORNAN, M.C.

Mel Levine
MEL LEVINE, M.C.

Dennis E. Eckart
DENNIS E. ECKART, M.C.

Joe Kolter
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Ronald V. Dellums
RONALD V. DELLUMS, M.C.

David E. Bonior
DAVID E. BONIOR, M.C.

George W. Crockett, Jr.
GEORGE W. CROCKETT, JR., M.C.

Patsy T. Mink
PATSY T. MINK, M.C.

Frank Horton
FRANK HORTON, M.C.

Charles A. Hayes
CHARLES A. HAYES, M.C.

Tony P. Hall
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Constance A. Morella
CONSTANCE A. MORELLA, M.C.

William Lehman
WILLIAM LEHMAN, M.C.

Stephen L. Neal
STEPHEN L. NEAL, M.C.

James L. Oberstar
JAMES L. OBERSTAR, M.C.

James H. Bilbray
JAMES H. BILBRAY, M.C.

Gerald D. Kleczka
GERALD D. KLECZKA, M.C.

Bruce A. Morrison
BRUCE A. MORRISON, M.C.

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DAVID E. PRICE, M.C.

George W. Crockett, Jr.
GEORGE W. CROCKETT, JR., M.C.

President Roh Tae-woo
Page 5
November 1, 1990

Jim Moody
JIM MOODY, M.C.

James H. Scheuer
JAMES H. SCHEUER, M.C.

TEL No. 3

October 30, 1990

Nov. 2, 90 10:39 P.03

Peter A. DeFazio
PETER A. DeFAZIO, M.C.

Jaime B. Fuster
JAIME B. FUSTER, M.C.

Dear Mr. President:

Jim Montz
JIM MONTZ, M.C.

Vic Fazio
VIC FAZIO, M.C.

Walter E. Fauntroy
WALTER E. FAUNTROY, M.C.

Sander M. Levin
SANDER M. LEVIN, M.C.

Albert G. Bustamante
ALBERT G. BUSTAMANTE, M.C.

Louis Stokes
LOUIS STOKES, M.C.

- Joseph P. Kennedy II (MA)
- Barbara B. Kennelly (CT)
- William Lehman (FL)
- Sander M. Levin (MI)
- John Lewis (GA)
- Ronald E. Mackay (RI)
- Thomas J. Manton (NY)
- Michael G. Mansueti (CA)
- Raymond J. McGowan (NY)
- Michael R. McNally (NY)
- John Miller (WA)
- Wayne Owens (OH)
- Nancy Pelosi (CA)
- Debi Achikowich (CA)
- Charlie Rose (NY)
- Mario Di Salvatore (MI)
- James H. Scheuer (NY)
- Geoff Siskind (NY)
- Denny E. Studd (MA)
- Gus Vander Jagt (MI)
- Frank R. Wolf (VA)

OFFICE

House Annex G, Room 320
Washington, D.C. 20541

Furthermore, we are deeply concerned about the welfare of 57 "unconvicted" political prisoners who are long-term prisoners in Taejeon Prison. A list of these prisoners is enclosed. We urge you to review these cases. In particular, we are disturbed by the continued incarceration of fifty-one of the prisoners who are serving life terms and have been denied the possibility of parole. Thirty-five of them are between the ages of 60 and 70. Forty-seven have already spent between twenty and thirty years in jail and are suffering from chronic health problems. One prisoner is paralyzed from the waist down. We are concerned that the conditions

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HUMAN RIGHTS IN SOUTH KOREA

...
HISTORY, STRUCTURE AND
PRESENT SITUATION



KOREA NGOS' NETWORK FOR THE
UN WORLD CONFERENCE ON HUMAN RIGHTS

The UN World Conference on Human Rights

Member Organizations KONUCH

- Minbyun (Lawyers for a Democratic Society)
- Minkahyup (Family Association for Democracy)
- Korea Association of the Democracy-Bereaved Families
- The Buddhists' Committee for Human Rights
- Workers' Joint Committee for the Ratification of ILO Conventions and Revision of Labor Laws
- National Alliance for Democracy and Unification; Human Rights Committee
- The Catholic Human Rights Committee
- NCKK Human Rights Committee
- Democratic Legal Studies Association
- National Photograph and Documentary Film Institute
- Korea Sexual Violence Relief Center
- Korea Women's Association United
- Korea Council for the Women Drafted for Sexual Slavery by Japan

1974.11.15		
姓名	职称	日期
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HUMAN RIGHTS IN SOUTH KOREA

HISTORY, STRUCTURE AND PRESENT SITUATION



KOREA NGOS' NETWORK FOR THE
UN WORLD CONFERENCE ON HUMAN RIGHTS

HUMAN RIGHTS IN SOUTH KOREA

...

HISTORY, STRUCTURE AND PRESENT SITUATION



KOREA NGOs' NETWORK FOR THE
UN WORLD CONFERENCE ON HUMAN RIGHTS

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Introduction

The Republic of Korea ("South Korea") gives two sharply contrasting images to the international community. On the one hand, South Korea is deemed an industrially advanced country which underwent an economic miracle in the past three decades. People are impressed by how once a war-torn country whose infrastructure was destroyed during the Korean War can record one of the highest rates of economic growth and produce hightech products. South Korea is regarded by developing countries as a role model to emulate. On the other hand, contrary to the favorable economic image, South Korea is also symbolized by military coup d'états, violent antigovernment demonstrations and brutal riot police, and tortures of dissidents.

Many people wonder why a country with a spectacular economic success has a dismal human rights record and whether South Korea has real prospect of improving the human rights with the advent of a civilian government after three decades of military rule. This booklet is intended to provide concerned readers with basic information on the history, structure and present condition of human rights in South Korea.

I. Basic Facts about South Korea

Geopolitically, Korea is adjacent to three major powers: China the northwest, Russia the northeast and Japan the southeast. Throughout its long history, Korea managed to maintain political and cultural independence from these nations except for a brief period of time. Since the middle of the seventh century, there has been only one nation state in the Korean peninsula. As a result, Korea has been a very homogeneous and closely knit society.

Only thirty years ago, South Korea was a poor agrarian society with over two thirds of its population occupied in agriculture. Now, South Korea is an industrialized society with a per capita GNP reaching almost US\$6,500 and ranking 35th in the world. At present, only 15 % of the population of over 43 million are engaged in agriculture. These figures alone are the telling evidence of the speed with which industrialization and urbanization took place in South Korea in the past three decades. They also indicate both the extensiveness and intensity of the structural and social changes imposed on the traditional rural areas.

Though South Korea prospered economically, human rights of its citizens and the qualitative aspect of economic development have been seriously neglected by the military governments in power in the process of relentlessly implementing the growth-oriented strategy. One result is that in terms of human rights indicators such as the number of people per lawyer, doctor, teacher and social worker. South Korea falls well below international average. To take two examples, the number of students per teacher ranked 120th and the number of people per medical doctor 65th in the world in 1992.

South Korea has just come out of a long tunnel of military dictatorship. Though there is high expectation among the populace, it is still to be seen whether the new-born civilian government will be able to eradicate every bit of military elements so deeply entrenched in the Korean society during thirty years' military rule.

At present, Korea is the only divided nation left in the world. Vietnam, Germany, and Yemen have already been reunified.

II. Modern Korean History in the Context of Human Rights Developments

As this part will show, modern Korean history is a tragic history stained with frustrated modernization, foreign occupation, national division, war, military coup d'etats, and military dictatorship. This fact explains to us why human rights have been regarded as dispensable luxuries in Korea. Viewed from a different angle, however, modern Korean history is also a history of people's struggles for obtaining and substantiating human rights. In any case, there is no doubt that human rights violations occurred both extensively and intensively throughout Korean modern history.

1. Failure of Modernization Efforts and Japanese Occupation (1894-1945)

After failure of peasants' uprising in 1894, Korea fell prey to the Japanese Imperialism in 1910. Until liberated in 1945, Koreans, as a colonial people, were deprived of basic human rights in toto.

While permitting western ideology which are not inconsistent with colonization policy, Japan brutally exploited Korea by confiscating its wealth and subjecting people to forced labor. The most notorious and egregious act was the forced mobilization of the young Korean women as sex slaves for Japanese soldiers at the front line.

Throughout the occupation period, Koreans continued fierce resistance against Japanese imperialism. In response, the Japanese ruthlessly tortured, massacred and conscripted Koreans and resorted to other cruel and inhumane methods to maintain the occupation of Korea. It was during the occupation that Koreans learned that the

western ideology of rule of law actually meant rule by the powerful.

2. Independence, Division, War, and the First Republic (1945~1960)

With the victory of the allied force over Japan on August 15, 1945, Korea regained its independence. Upon liberation, however, the Korean peninsula was divided into north and south by ideologically opposite forces, each claiming to be the legitimate government representing all Korean people. The mutual hostility eventually led to the Korean War between 1950 to 1953. This tragic experience instilled many Koreans with a profound sense of suspicion and fear of communism and North Korea. It was against this deeply embedded sense of anti-communism that subsequent Korean governments could gain power through coup d'etat and revive the economy while ruling with an iron fist.

Instead of purging the corrupt and anti-nationalistic forces which supported and even colluded with the Japanese during the occupation, the American hand-picked president of South Korea, Syngman Rhee, bestowed them with top echelon government posts and special privileges and provided fertile ground for the rise of authoritarian form of government. The government of Syngman Rhee collapsed after 12 years when angry students and citizens rose against its rule.

Millions of people died and disappeared during this hot period of ideology and war. Human rights existed only on paper.

3. The 1st Military Dictatorship of Park Chung Hee (1961~1979)

The April 19, 1960 Students Revolution provided Korea with an exellent opportunity to correct the past wrongs. However, this opportunity abruptly vanished when Park Chung Hee seized power through military coup d'etat in 1961 and began to impose military-like orderliness. Economic developments were planned on a five year period basis and the entire nation was utilized to achieve economic growth. Although many people were impressed with years of 10% or more economic growth

and picked Korea as a role model to emulate, the society as a whole was rapidly discarding any sense of national ethic and the political system was pervaded with corruption, cronyism and hypocrisy. The military dictatorship gained further strength as it combined power with the wealth derived from the inflow of foreign capital. With carte blanche to spend the capital as it deemed fit, the Park regime controlled business and finance, which in turn provided the military regime the material basis to control the other branches of government, including the legislature and the judiciary. The regime also politicized the press and the media, education and culture.

With the ever growing resistance of the people which Park regime witnessed when it had to "steal" the 1971 presidential victory from the opposition candidate Kim Dae Jung, the military dictatorship imposed the Yushin Constitution to ensure permanent incumbency in the future. Emergency decrees and martial law were frequently imposed and those who opposed the government policy were harassed and put under surveillance by intelligence agencies.

The government became complacent and the society underwent a period of stagnation. The Park regime came to an end when President Park was assassinated by his friend and then director of the Central Intelligence Agency.

During this period, Korean economy grew rapidly and absolute poverty disappeared. But the economic growth of this time was made possible on the basis of forced sacrifice of workers and peasants. In protest, Chon Tae Il, a young worker, incinerated himself in 1971, with the labor standards law booklet in his arms. His death is commonly regarded as a turning point in the history of Korean labor movement. During the Yushin period, human rights and democracy along the western line were officially denounced as obstacles to economic growth. Nevertheless, anti-dictatorship democratic movement gained wide moral support among the populace.

4. The 2nd Military Dictatorship of Chun Doo Hwan (1980~1987)

The death of President Park did not mean the end of military dictatorship.

There were plenty of opportunistic army generals who wanted to succeed President Park. Even with the announcement that certain general Chon Doo Hwan was now in power, many people protested the military rule, especially in the southwestern city of Kwangju. People who participated in the May 18, 1980 democratic movement in Kwangju were brutally massacred by the regular military troops at the de facto command of Chon Doo Hwan. The death toll ranges from 200 to 3,000. The Kwangju experience taught the democracy movement that it can overcome any obstacle and that spirit still lives on.

The Chon regime tried vigorously to legitimize itself but in vain. No sane Korean could forgive him for the heinous and bloody crime he committed at Kwangju. He was universally despised.

Amidst the socio-political turmoil and the constant questioning of legitimacy, social ills were never really addressed and the political system became even more decadent. During the repressive and unpopular rule of Chon, democratic movement began to take hold with the labor unions leading the way. It was during this period that the democratic movement became socialist-oriented, many democratic movement leaders and union leaders were arrested and persecuted for violating the notoriously harsh National Security Law. There were many deaths in the process of opposing the Chon regime. The brutality of the Chon regime culminated with the revelation that a college student, Jong Chul Park, was killed while being tortured. The Chon regime had no choice but to surrender to the demand of the people who let their feeling be known in June 1987 that he step aside.

During this period, the Korean economy boomed thanks to the favorable international environment. In protest to ruthless iron-fist rule, anti-dictatorship democratic movement became increasingly radicalized and socialist-oriented during this period, resulting in numerous indictments under the National Security Law. A noteworthy fact in this connection is that people's conception of the United States of America changed a lot; U.S.A. was no longer simply viewed as the friend of Korean democracy and human rights. Also noteworthy is the universalization of medical and old age insurance during this period. Yet labor union movement was most severely suppressed.

5. The 3rd Military Dictatorship of Roh Tae Woo (1988~1993)

In the wake of the June 1987 democratic movement, Constitution was amended and a presidential election was held. Despite the massive election frauds and divided opposition camps, the ruling party narrowly maintained power with only 34% of the popular vote.

Despite the democratic aura, repression was still pervasive and many were persecuted for violating the National Security Law, even though Roh Tae Woo adopted the Northern diplomatic policy to accommodate socialist countries. People's political consciousness was raised to a point where military dictatorship was no longer viable. There was a sense that a solid legal foundation was necessary to sustain an ethical and progressive society.

6. The Beginning of Kim Yong Sam Administration

Mr. Kim Yong Sam became the first civilian to be popularly elected as the president of the Republic of Korea in 32 years. In order for the new government to be judged by history as a government representative of the people, it must take bold steps to eliminate deeply rooted and vested corruption, cronyism, hypocrisy and other forms of morally repugnant practices. In order to accomplish the above stated objective, the new administration must curtail the power of the government and exercise self-restraint. At the same time, it cannot reform the system without taking bold measures. Therein lies the dilemma which the Kim administration must resolve.

The administration of Kim Yong Sam has no alternative but to renounce and terminate any relationship with the past military regimes and establish a country governed by law to legitimize his rule. It is possible, however, that the Kim Yong Sam administration may not give socio-economic human rights a high priority. In any case, Korean people will continue to take necessary steps to ensure that human rights are respected and honored in Korea.

III. The Structure of the Human Rights Question in Korea

As the above history section shows, modern Korea is the product of three structural factors: five decades old division between South and North Korea, three decades old growth-first economism, and traditional male patriarchy. Division of Korea has mainly affected civil and political rights, growth-first economism socio-economic rights, and male-dominant traditionalism the rights of such groups as women, children, and the handicapped. In order to really improve the human rights situation in Korea, it is imperative to transform these three structures. For this reason, human rights movement in Korea has always been the movement for national reunification, social justice and democratic culture at the same time.

1. Human Rights under the Structure of Division

The division of Korea and the subsequent war between divided Koreas has been the single most important structural factor in shaping the human rights situation in Korea. The division in 1945 and the ensuing Korean War in 1950 contributed decisively to the formation and maintenance of military dictatorship in many ways.

First, as a result of the Korean War, the Korean military became the most powerful group in Korea in terms of human and physical resources. Herein lies the objective foundation of military dictatorship. So long as the division and hostility continue between South and North Korea, the military would always pose a real threat to Korean democracy.

Second, the Korean War made most South Koreans anti-North and anti-communist. Based on quasi-war sentiments, many have actually believed that anti-North and anti-communism excuses even such outrageous practices as tortures

and forced conversion of thought. The military governments exploited such popular sentiments relentlessly to oppress political opponents and dissidents by labelling them as pro-North or pro-communist. In addition, military dictatorship of the past used to avoid political crises by resorting to fabricated threats from North Korea.

Third, division has provided the government in power with the pretext to suppress progressive and labor movements on the ground that they are pro-North or pro-socialist. Consequently, there has been little room for progressive politics and the human rights of the working people.

In short, the division of Korea has been the major culprit responsible for the suppression of socio-economic rights as well as civil and political rights.

2. Human Rights under the Dependent Economic Structure

The basic structure of the Korean economy can be summarized as a foreign capital and foreign market dependent economy. Accordingly, its foundation is rather fragile and volatile. In order to squeeze profits under this condition, Korean capitalists have had to establish dictatorship over labor at workplaces. To strengthen their rule over labor and maintain low wages and long working hours, they have colluded with the government. As a result, corruption and selfish materialism has blossomed.

Workers and farmers have been the representative victims under this economic system. Workers have been effectively denied in practice the right to freely organize and strike, although the constitution and the relevant law stipulate otherwise. Labor union movement and labor disputes were brutally suppressed on both political and economic grounds, regardless of their militancy or radicalness. As a result, Korean workers have suffered from the longest working hours and the highest rate of industrial injuries in the world up until now.

The situation has been even worse in case of farmers and peasants. The prices of agricultural products have long been maintained artificially low, so that even low-paid workers may have no real difficulties obtaining daily food. As a result,

farmers and peasants have been impoverished. It is quite clear even now that if negotiations were reached in Uruguay Round, the human rights of Korean farmers and peasants would be far more aggravated than now.

The handicapped and the unfortunate have been left in the cold amidst the heat of economic development. It was only in the eighties that old age insurance and medical insurance became available. Unemployment insurance is not provided yet. As of 1993, social welfare budget accounts for less than 20% of the whole budget.

Finally, the right to clean and pleasant environment has also been thoroughly neglected in the process of hasty economic development.

Of course we do not deny that economic growth so far has contributed to the improvement of human rights by eliminating absolute poverty together with its side effects. But it is also true that the ruthless pursuit of growth-oriented economic development strategy resulted in a society where the quantity rather than quality of life is highly valued and where power rather than human rights prevails.

In short, the human rights of the working people and the underprivileged have been seriously neglected under the growth-first economic development strategy pursued in the context of the foreign dependent economic structure.

3. Human Rights under the Traditional Social Structure

The prevailing social norms are predominantly of Confucian character in Korea. The characteristic of Confucian thought is its emphasis upon the hierarchical nature of social order. Male patriarchy is its prime expression. Social order based on strict hierarchy tends to be anti-democratic and authoritarian. Korea is no exception.

The status of women has been very low. "Women are women," they still say. Confined to a few subsidiary roles, women are expected to obey men in the different role of father, husband and son. Likewise, children are expected to be obedient to the authority of father in the family life.

Of course, male patriarchy reaches all kinds of social organizations beyond the family. A deep sense of hierarchy prevails even among the most rationalized elements of society such as teachers, doctors and judges. So long as this condition continues, it would be very difficult for those who are stationed at relatively low places of social hierarchy to receive equal respect as a human being and as a fellow citizen.

In short, under the traditional Confucian culture of hierarchy, coupled with the hierarchical and quantity-oriented culture of military dictatorship, the human dignity of women, children and other underprivileged strata have not been taken seriously.

IV. Human Rights Threatening Agencies and Instruments

Korea's human rights condition has been adversely affected by antidemocratic laws enacted by past military regimes without undergoing formal legislative process. These laws severely restricted socio-political freedom and instilled corruption and injustice at every level of political and economic system. Government's rule based on the antidemocratic laws seriously distorted the operation of the constitution. By frequently enacting laws through extraordinary means, past military regimes denied parliamentarism and eventually brought about the destruction of constitutionalism. The legislative enactment period of 1961-62, 1972 and 1980 are characterized by the destruction of republican form of government and provided the democracy loving people grounds to oppose the military regimes.

It should be noted that the human rights condition was aggravated by various governmental bodies responsible for enforcing and administering the antidemocratic laws. Agency for National Security Planning ("National Security Agency" or "NSA") and Military Intelligence Command Division wielded more power than the parliament, the Board of Audit and Inspection and other bureaucracies.

1. Antidemocratic Laws

National Security Law

Koreans and others familiar with human rights condition in Korea mention the National Security Law ("NSL") as the major antidemocratic law. When the opposition parties gained the majority in parliament after the 1988 election, the issue of amending or repealing the NSL and other antidemocratic laws became the major

political focus. However, the issue faded away when two opposition parties merged with the ruling party.

Since the government was established in 1948 in South Korea, the NSL was amended seven times. The NSL thrived by oppressing people and depriving citizens of civil liberty and due process of law.

The NSL was originally concocted with a view to quelling socio-political and economic turmoil which prevailed in the Korean peninsula during the cold war period. In 1948, two years before the outbreak of the Korean War, the political atmosphere was extremely volatile. The government tried to govern and legitimize its political rule through extraordinary means. It claimed that leftist organizations had close ties with the Communist North and therefore posed a serious threat. After the military coup d'état in 1961, the military junta labelled opposition politicians, student and labor union leaders, progressive artists and others as subversives with close links to the Communist North Korea.

There was no law more convenient and effective than the NSL in silencing the opposition and the National Security Agency actively enforced the law. The NSL intimidated many Korean people for exercising their civil rights. Of the acts proscribed by the NSL, about fifty are punishable by death. This violates Article 6(2) of the International Covenant on Civil and Political Rights which stipulates that only those accused of the most serious crimes are punishable by death.

There were constant efforts to repeal or amend the NSL. Initially, there was little opposition to the NSL. However, many quickly began to realize that the NSL was being abused to oppress any opposing views and that it could bring about an Orwellian state. With the public defiance of the NSL by many college students and other progressive activists, interpretation of the NSL became the center of attention for the Korean people in the eighties. The courts, however, were openly sympathetic and colluded with the military regimes by broadly construing the definition of activities prohibited. For example, the courts interpreted the meaning of "national secret" with respect to espionage very liberally to include information which were already public knowledge. Article 7 of the NSL which prohibits any praise,

encouragement, sympathizing or production of objects or symbols which represent the enemy was most frequently used to limit the freedom of speech, press and media, assembly and other forms of expressions. The NSL clearly violated constitutionally protected fundamental rights. Yet, the court's inability and/or unwillingness to confront the issue resulted in the failure to restrain the antidemocratic trend. The situation did not improve even though the Constitutional Court was established in 1988 to deal with unconstitutional acts and laws. The NSL is a serious obstacle to cooperation and reunification with North Korea.

Security Observation Act

People punished under the NSL and subsequently released from prison face a further restraint on their conscience and freedom. Security Observation Act, in lieu of former Social Safety Act, restricts freedom of those who have been released from prison.

Laws Related to Association and Demonstration

While the NSL was used to control the opposition leaders, the Act on Association and Demonstration was effectively employed to silence the mass. The law required all demonstrations to be reported to the local government and allowed the government to ban any demonstration which would pose "clear and direct threat to public peace." The government used this provision to deny the right of peaceful association by suppressing all demonstrations and meetings which opposed the policies of the government or the ruling party.

Suppression of demonstration entails the application of extreme degree of violence and many were arrested under this law. According to police statistics, 11,644 people were detained at the police stations for demonstration from October 31, 1990 to August 31, 1991 and of the 11,644 people, 11,158 were arrested.

An idiosyncratic aspect of Korean demonstration "culture" is the existence of combat police and special anti-demonstration forces within the military to break up demonstrations and meetings. Combat police originated during the Korean War when

the Korean government wanted to maintain an armed force independent from the control of the United Nations. In the 1970's, the combat police was institutionalized by law for anti-espionage operations. In the beginning (1948 - 1953), they were used against armed leftist forces. Now, they are used to suppress demonstrations. Military forces are utilized when the combat police alone cannot handle demonstrations. The so-called "loyalty troops" are special forces organized to suppress the demonstration and is directly under the authority of the president. These forces took part in the bloody massacre and suppression of Kwangju democracy movement and was mobilized during the June 10, 1987 democracy movement.

Laws Restricting Freedom of Expression

Freedom of expression is seriously restricted by the Film Act, Public Performance Act, Phonograph Record Act, and Registration of Periodical Publication Act. A person wishing to perform publicly must submit the script or the plot to the relevant district office for prior review and approval. Such reporting requirement, of course, smacks of censorship and prior restraint. Pursuant to the Film Act, a film producer must be registered. In order to show a film, the film must pass screening by the Public Performance Ethics Commission. Many people have been convicted for showing foreign films without reporting to the authorities. A person must also file a report when producing a phonograph record or publishing a periodical. These laws are used to punish the publishers for espousing anti-government views.

2. Illegally Operating Government Agencies

National Security Agency

After the military junta seized power in 1980, the National Security Agency was formed in February 13, 1981 to replace the Central Intelligence Agency, which the change in name was sanctioned by the National Emergency Legislating Commission, an emergency law making body appointed by the military junta in 1980. The NSA pledged that it would curtail the former Central Intelligence Agency's domestic operations and put an end to abuse of power by concentrating on gathering

foreign intelligence and information on Communist activities and policies. However, the NSA placed more emphasis on monitoring its citizens and conducting surveillance over suspicious activities. The NSA does not disclose its budget, organizational structure, personnel or nature of its activities to the parliament, public or the media. It is responsible directly to the president only.

The NSA facilitated the continuation of military government by intervening in local and parliamentary elections. It gathered intelligence on opposition candidates to vilify them and closely monitored voters' preference and at times it blackmailed certain candidates to withdraw from elections. It suppressed democracy movement by surveilling, eavesdropping and shadowing opposition leaders and members. The NSA unlawfully and arbitrarily detained and arrested opposition members and frequently used torture to accomplish its objectives. The NSA also intervened in labor disputes and actively sought to destroy labor union movements. Worst of all, the NSA exercised significant influence over the media. In February 1993, the new civilian government promised that the NSA will limit its activities to gathering foreign intelligence and no longer intervene in domestic activities. Soon afterwards, however, it resumed its "visits" to the press and other domestic organizations. As an organization for surveilling the populace, it poses as the single most threat to human rights.

Prosecutors and Police

Theoretically, the independence of the public prosecutors' office is an indication of democratization in Korea. During the past three decades of military rule, however, the prosecutors' office has lost its independence and became a tool of oppression. Since 1961, the military government appointed military lawyers to the Prosecutor General's Office in an attempt to control the prosecutors' office. The public peace department within the public prosecutors' office is widely believed to have fabricated espionage cases to scare the public into accepting military rule by creating a crisis atmosphere.

The esteem for the prosecutors' office and police is very low. It is a common knowledge that many prosecutors and policemen receive bribes from organized crime, corporations and loan sharks. Assaults, prolonged detentions, torture and threats are

commonly used during an investigation. And yet, they are tolerant of crimes committed by people close to the power and passive in their investigation of crimes committed by prosecutors or high ranking police officers. They are feared and distrusted by the Korean people.

Military

For the past 30 years, the military seized power and wielded authority over the Korean people. Ever since the military usurped power in 1961, the military mobilized its forces to suppress human rights whenever it perceived the government was in crisis. The military played an important political role in the 1970's and when the military dictatorship collapsed after 18 years of rule in 1979, it again seized power by coup d'etat.

The military carried out large scale human rights abuses by declaring martial law which denied civil rights and other freedom. When martial law is decreed, majority of the politicians are detained, meetings and demonstrations are banned, the press is restricted and even travel is curtailed. The 1980 coup d'etat was followed by the massacre of hundreds of citizens in the city of Kwangju.

The military has its own intelligence agency for the purpose of gathering military intelligence. It also kept surveillance over civilian political activities. Military intelligence has personnel information on civilians, gathers information on labor unions and student organizations and places field agents on school campuses to gather intelligence. It does not disclose its activities and justified the non-disclosure based on the need to maintain secrecy.

Until recently, all college students were required to take military education. Students wore military fatigue and received military education, including firearm and guerilla warfare. Military education forced obedience and instilled fear in the students' mind. Many students were involuntarily drafted for participating in anti-government demonstrations and subject to cruel and inhumane treatment. These students were targets of the military intelligence and few died while in the military for unknown reasons. The military claimed they committed suicide but the families think otherwise. None of the cases have been thoroughly investigated.

In the early 1980's, many citizens were unlawfully conscripted by the military to undergo rigorous training. The government claimed it was to educate criminals and hoodlums. However, those who received the training also included innocent civilians. The training was so intense that many lost their lives.

Thirty months of military service is compulsory for all males. They are subject to continuous ideological bombardment by the government during the service period. They are still under the military control after the discharge through the compulsory reserve forces and civil defense corps trainings.

3. Degenerated Media and School System

In the past 30 years, schools and the media were not able to fulfill their obligations to teach citizens that human rights must be respected. Instead, they degenerated to becoming educational and propaganda organizations for the military government. Schools educated students to conform by imposing strict rules and corporal punishment and requiring military style uniforms and appearance. The media was controlled by the privileged conglomerates which are insensitive to human right conditions of the laborers and the public. Few courageous reporters who publicized human rights movements were subject to punishment by intelligence agencies and were frequently imprisoned. National Labor Union of Teachers was formed in 1988 in order to teach students about human rights but was subject to severe oppression by the government.

4. Ultra-Right Groups Aided by the Government

There are numerous ultra right groups openly operating in Korea. There are also a number of groups that receive secret, favorable treatment from the government. Many of these groups lease offices from government agencies for free and receive financial assistance. In return, these groups provide necessary personnel during government events and functions. The government also supports several research centers, of which the Academy of Korean Studies is a prime example. This research center provides the theoretical foundation for anti-communist, ultra-right policies.

V. The Present Situation: Issues And Tasks

1. National Security Law

Introduction

National Security Law (hereinafter the "NSL") was enacted in 1948 to protect the state from seditious and subversive activities. Opponents and critics have since claimed that the NSL in fundamental ways violates constitutionally protected civil rights and individuals freedom, namely the freedom of speech, press and assembly.

The NSL was drafted with the view to making North Korea the enemy and reiterating the central theme that the government of the Republic of Korea is the only legitimate government of both north and south. To accomplish its objective, the following activities are deemed violation of the NSL: organizing subversive groups, engaging in espionage activities against the state, smuggling spies into and out of state, praising and encouraging subversive acts, providing a forum of convenience to those engaging in subversive activities, aiding and abetting and other forms of subversive acts.

Although the proponents and the ruling parties have consistently indicated that the NSL is indispensable in protecting the state against those who advocate the overthrow of it, recent developments in South Korea and the end of the Cold War and the consequent change in international order make such claim difficult to justify. As it currently stands, the NSL can only be seen as a mechanism to justify violation of human rights.

Victims of NSL

The number of people arrested and the grounds under which they were arrested clearly illustrates the pervasiveness of human right violations in South Korea. The following list outlines the number of people arrested under the NSL since 1985 and the charges under which they were convicted:

Year	Number of Cases
1985	176
1986	318
1987	432
1988	104
1989	312
1990	414
1991	265

Charges	Expressing Views Held by the Enemy	Praising & Encouraging Subversive Activities	Participating in Subversive Organization	Engaging in Espionage Activities	Other
1989-90 (759 person)	418	173	136	9	23
1990-91 (724 person)	324	128	234	2	36

The above table only shows impersonal numbers and does not reveal the undue hardship, suffering and humiliation to which each and every individual is subject for violating the NSL. Those who exercise their constitutionally protected rights and subsequently convicted for violating the NSL not only face imprisonment but are also stripped of their human dignity by the treatment they receive from their accusers, the

press and the media and other institutions which have vested interests in maintaining the NSL. In addition to lacking legitimacy, the NSL is also in direct conflict with the International Covenant on Civil and Political Rights (the "Covenant") to which South Korea is a signatory. More specifically, the NSL contradicts articles 8, 12, 19 and 22 of the Covenant which calls for the guarantee of the freedom of expression, thought, association and movement.

The NSL can be a powerful tool with which the state can impose strict control on the intelligentsia. Until a few years ago the NSL was effectively used to prevent people from reading or possessing books written by Marx and Lenin or books originating from socialist countries, especially from North Korea. Even now, the sale and purchase of such books can be prohibited. Citizens can be and were arrested even for minor infractions of the NSL such as listening to a North Korean broadcast on a transistor radio or collecting stamps from North Korea. In short, the scope of the NSL is broadly applied to cover all forms of intellectual expression, thoughts and acts which are deemed to be subversive from the standpoint of the state.

Another element which makes the NSL offensive to one's notion of fairness and decency is the ambiguity contained throughout the NSL. As a matter of legal principle, a criminal statute which seeks retribution must be clear on its face. Yet, the NSL, in its attempt to encompass all forms of thought, expression and activity, contains catch-all phrases such as "and so forth." The law enforcement agencies and the judiciary exploit this vagueness by broadly defining thoughts, expressions and acts which are prohibited under the NSL. To illustrate, the term "state secret" was construed by the courts to include information on how presidential election is conducted and who was elected with how much popular support. These ambiguous provisions in the NSL are used to oppress not only political activists but also the press and media, artists, clergy, labor unions and students.

Those who were convicted or suspected for violating the NSL were systematically tortured and received egregious prison terms. There are many political prisoners and prisoner of conscience who have been in jail for over thirty five years because they refuse to change their political beliefs and thoughts.

Although there are dozens of provisions warranting death clauses, the state can and does punish offenders in more cruel and inhumane ways. The state takes steps to completely ostracize an offender from the society by depriving him or her from ever holding a public or private job. Because the offender is branded as an enemy of the state, no employer or social organizations will employ or admit such person and thereby incur the wrath of the state. The offender is constantly reminded of his outcast status by those conducting surveillance over his movements.

Given the irreparable and damning nature of punishment imposed on the violators and their friends and family, the NSL virtually confines the thought pattern and beliefs of its populace by imposing a state of siege through the use of terror. Worst of all, the NSL has a chilling effect on those who advocate democratic principles.

Selective Application of the NSL

The NSL is selectively applied only to those who are critical of government policy. If a person advocates views consistent with those of the government, his activities will be condoned even though his action may threaten or challenge the national security of the state. In 1988, the students at the prestigious Seoul National University who proposed to arrange athletic games with Kim Il Sung University were convicted and imprisoned because their activity was in violation of the NSL. Immediately after the incident, several government officials made an identical proposal and no charges were brought against them.

Elected and government officials who visited Pyongyang to meet with their counterparts have never been charged with any violations of the NSL. However, a student who found her way to Pyongyang to attend a festival was promptly arrested upon her return to the South. Perhaps a more disturbing selective application is illustrated by the arrest of a Hankyerae newspaper editor for planning to gather information on North Korea when his colleagues at other newspapers published their views about the north based on their visits.

The government justifies the selective application of the NSL on a twisted logic that although traveling to North Korea is illegal, its acts are carried out with the

official blessing of the state and therefore cannot be prosecuted. Is the government above the law?

Abolition of the NSL

When Korea was in the midst of socio-political strife and was still a developing country, proponents could, with some legitimacy, argue that the NSL was needed to protect the state from being overthrown by radical elements of the society. This argument is now arcane.

Korea is no longer an unstable country and the economic growth in the past decade has been phenomenal. A large middle class has already found a niche in the Korean society. The existence of North Korea is not sufficient to warrant the maintaining of the NSL in view of the dramatic change in international order, namely the disintegration of the former Soviet Union, fall of Communism, diplomatic recognition by North Korea's key allies and simultaneous entry to the United Nations by north and south.

It is the desire of the majority of Koreans to repeal the NSL and establish a democratic trend guaranteeing that human rights will be respected.

2. Criminal Justice System And Procedure

Introduction

Although the written criminal law seems to adequately protect the right of the criminally accused, the enforcement of criminal law in practice is quite different. The extent to which the criminal justice system encroaches upon one's constitutionally protected rights is most profoundly disturbing because it imposes guilt on the criminally accused even before the trial commences. It is not unusual that the burden of proof shifts from the prosecution to the defendant and the latter must prove his innocence. Contrary to the law, a criminal investigation is conducted with the criminally accused person under the custody.

Voluntary Submission to Police Custody

Under the Korean constitution, a warrant is required to physically detain an individual. Exceptions to this rule are when a person is arrested at the scene of the crime and when a person is arrested for committing a crime which imposes three years or more of prison term. In those two exceptional cases, a warrant must be procured after the person has been arrested.

However, the law enforcement has created a fictitious term, "voluntary submission," to eschew the warrant requirement. Under this fiction, a person "voluntarily" goes to a police station at the request of the police and is detained for 48 hours or more. During the detention, the police will resort to ruthless and intimidating tactics to obtain a confession and use that confession to obtain a warrant for his arrest. Only if the application for the warrant is denied is the detained person released.

Although the police is authorized to interrogate a person without a warrant and take him to a police station if there are suspicious grounds, the police must inform the person that he has the right to refuse to go to the police station and the police must release the person within three hours. However, in practice the law is almost never complied with and suspects are forced to answer questions until released by the police.

Arrest

Under the Korean criminal law, the prosecution is to conduct its investigation without physically detaining the criminal suspect unless there is a likelihood that the incriminating evidence will be destroyed or the suspect might flee. However, as stated previously, suspects are forcefully taken to a police station where they are compelled to confess to the crime for which they are accused. The illegally obtained confession is used as the basis to obtain a warrant for arrest. Accordingly, although the law states otherwise, criminal investigations are, in most instances, conducted while the accused is in the custody of the police or the prosecution. An individual who is criminally accused ends up spending time in jail even before there is a determination of his guilt and the emotional and physical damage arising from the

detention is often devastating. The noncompliance with the criminal procedure by the law enforcement deprives a criminally accused person with his right to be free from arbitrary detention and causes undue hardship. Law enforcement agencies and the judiciary must be reformed so that the rights of criminally accused persons are respected to prevent grossly unjust results.

Right to Remain Silent and Torture

Article 12(2) of the Korean constitution explicitly prohibits torture and guarantees the right to remain silent. Unfortunately, Article 12(2) exists only in theory. The police and prosecution seldom inform the accused that he has the right to remain silent. The interrogators have frequently resorted to cruel forms of physical torture and threats to obtain a confession to indict the suspect.

Torture has been systematically used in cases involving political activists who are arrested for engaging in antigovernment activities or pro-North Korea activities. Few years ago, it was revealed that the feared and notorious National Security Agency employed electric shocks, water torture and sexual abuse against political activists whose views were opposed to those of the government. Although a civilian government is currently in power, the old law enforcement officials still remain at their positions and their approach to interrogation has not changed much and their methods have only become more subtle and sophisticated.

Even more tragically, the judiciary shows no signs of change in its attitude towards the use of torture. The courts do not recognize the criminally accused's claim that the confession was made under torture. The accused must prove that he was tortured to nullify the confession. However, proving that the confession was made under torture is virtually impossible because the physical evidence of torture is difficult to secure since the trial is held several months after the interrogation. Moreover, there are forms of torture which do not leave any scars.

Right to Counsel

A criminally accused has a right to consult an attorney once he is detained.

This right to counsel is critical under the Korean criminal justice system because the accused person is under custody. As recently as 1992, the press uncovered cases in which people who were detained for twenty to thirty days were not able to see a lawyer even though they requested one. The prosecution justifies the denial of right to counsel on the ground that the presence of lawyers interferes with orderly interrogation. It was not unusual for the police and the prosecution to disregard court instructions ordering the police or the prosecution to permit criminally accused persons to confer with lawyers.

Although the Constitutional Court ruled in 1991 and 1992 that denying a criminally accused person an access to a lawyer is unconstitutional, the right to counsel is frequently denied in cases involving those arrested for antigovernment activities. For those who cannot afford a lawyer, the right to counsel is effectively denied. Even though the government appoints an attorney for the indigent, the representation is inadequate because the lawyer does not enter the process at the critical early stage when the accused is detained and interrogated. Because compensation is minimal and the lawyer is appointed just before the commencement of the trial, there is very little, if anything, the lawyer can do other than to plead for mercy on behalf of the accused. Critics point out that lawyers appointed by the government are for the purpose of expediting the judicial process rather than protecting the indigent persons' rights.

Fair Trial and Judiciary

That a criminally accused person is entitled to a fair trial is an inherent right under the Korean constitution. To receive a fair trial necessarily implies that the judiciary is an independent branch not subject to influence of the executive or legislative branches. Yet, in a poll taken in 1988, 61.5% of lawyers believed that the judiciary is not independent. Of the 289 cases involving violations of the National Security Law, arrest warrants were granted in all cases.

Based on statistics for the year 1991, only 0.43% and 0.81% were found not guilty at the district court and appeals court, respectively. These numbers indicate either that the prosecution is extremely fair and competent or that the judges

cooperate if not collude with prosecutors. The prevailing view is that the latter case reflects the reality of Korean judiciary.

The primary reason for failing to achieve independence lies in the fact that promotion and geographical assignments of judges are decided by the chief justice of the supreme court who is appointed by the president. Judges are required to be reappointed every ten years. Unless there are special reasons, they are usually reappointed. Those who are not reappointed are judges who render decisions in favor of defendants accused of violating the National Security Law or engaging in antigovernment activities. Unless reform minded judges replace the old ones who in the past colluded with the military dictatorship, the judiciary will fail to achieve its independence and lack the power and respect to guard democratic principles.

3. Worker'S Rights

Introduction

Korea experienced a rapid economic growth in the sixties and thereafter. Its economy was transformed from one of an agrarian society to an industrial society. This transformation was made possible by and at the expense of cheap, highly skilled labor force. Because workers were not well organized and the creation of labor unions was severely restricted, workers were not able to express their grievances and demand their rights. It was only after 1987 that workers were able to freely organize themselves to demand what are rightfully their rights. They organized strikes to gain better working conditions, hours and wages and to be able engage in collective bargaining. As a result of the tremendous effort on the part of the leadership of labor unions, workers received higher wages and better working conditions. Weekly work hours were reduced to 47.5 hours, number of job related accidents decreased and workers had more freedom to unionize themselves.

Despite the improvements and gains made, laborers' position still remains weak. Although the weekly work hours were shortened to 47.5 hours, it still remains one of the highest in the world. The number of casualty from job related accidents remains

the highest in the world and workers who are injured on job do not receive adequate compensation.

In 1992, industrial accident rate stood at 1.52% and the death rate stemming from industrial accidents was 3.28%. More specifically, of the 7,000,000 workers covered by industrial accident insurance, 83,025 workers had to take four or more days to convalesce and 1,715 of them died in the first nine months of 1992. It is true that the absolute number of industrial accidents have decreased. However, such claim can be misleading because it only reveals half the truth. Along with the decline in number of job related accidents, there has been a disturbing trend in the rise of job related deaths. Moreover, injuries suffered by workers have become more serious and illnesses stemming from inhaling toxic gas and metal-contaminated air are on a steady rise.

Korean Labor Law and International Labor Organization

Under the Korean labor law, workers are not entitled to set up more than one union. Workers can join only the existing labor union. Labor law prohibits government employees, including teachers of private and public schools, from forming a union, which is against the standards set forth by the International Labor Organization (the "ILO")

In the event of a labor dispute, there must be a cooling off period of ten to fifteen days. Without passing the cooling off period, all activities related to the labor dispute, including strikes, are of no legal effect. Even after the cooling off period, certain union activities may be prohibited pursuant to decisions rendered by labor arbitration committee. With respect to union activities in connection with a labor dispute, only union members can legally take actions and third party participation is barred. However, third parties can act and intervene on behalf of employers. To further curtail union's power, labor laws forbid unions from engaging in political activities.

The ILO declared at its 255th annual meeting that the Korean government should take steps to (1) recognize multiple labor unions (2) permit government

employees to form unions and (3) eliminate legal provisions forbidding third parties to act and intervene on behalf of labor unions in the event of labor disputes. ILO made a total of eleven recommendations for the Korean government to consider and implement. ILO's recommendations were based on ILO Convention No.87 which calls for the freedom to assemble and unionize and on ILO Convention No.98 which calls for the right to collective bargaining.

Workers' Rights and Government Policy

Government policy on labor up to this point has been to sacrifice workers for the sake of economic growth. Whenever labor strikes or disputes flared, the government used brute force to break up strikes or resolve disputes. Leaders and participants of strikes were arrested en masse and were sentenced to prison for violating relevant criminal and labor laws. As of October 10, 1992, there are 70 workers in prison serving time for violating the Labor Union Act and Labor Dispute Mediation Act. If one includes the workers imprisoned for violating the criminal code in connection with labor activities, the number swells to 153.

The civilian administration of President Young Sam Kim declared that all labor disputes be settled without any government interference. Several of the imprisoned union leaders and workers were released based on amnesty granted to them. However, in May 1993, the government ordered police to break up a strike at the workplace of Apollo Co., Ltd., a manufacturer of car parts, and arrested three union leaders. Government still harasses and closely monitors national labor union which is closely allied with the opposition party. In addition, the government has not taken any tangible steps to rehire 5,200 workers who were unjustly dismissed in the past even though it made a public announcement that it will take positive steps.

After the creation of the national teacher's union in 1989, 1,500 teachers who joined the union were dismissed from their posts and the leaders of the union were arrested. Recently, the government promised to rehire the terminated teacher on the condition that they forego their membership to the union. In this connection, it is to be noted that the Freedom of Association Committee of the ILO asked the government not to discriminate workers on the basis of occupation and permit

workers to form and join a union on their free will without regard to other domestic laws.

Employers and Labor Unions

The world recession is causing painful setbacks for many Korean companies. To become globally competitive, Korean companies are investing more in research and development as well as laying off workers, freezing wages and demanding longer work hours. Employers facing strikes respond with temporary closure of the work place or feign a permanent closure. These tactics used by employers only justify and conceal the violation of laborers' rights.

Violation of laborers' rights usually relate to union activities. Employers are of the view that unionization of laborers work to their detriment. Thus, employers resort to various methods to interfere with the creation of a union and its activities, including termination and punishment of union leaders, assault and bribe. In the last four years, 4,892 workers were terminated from their jobs for engaging in union activities. In 1992, there were 362 workers who were fired for the same reason. Reasons stated for the termination are chronic absenteeism, business interference, disobedience and falsification of past experience. However, the genuine reason for the dismissal is participating in union activities.

There are means other than assault and punishments to retaliate against union workers. For example, the management of Handok Hospital in Pusan forced 56 employees who were not wearing hospital uniform during the cooling off period to submit a written statement apologizing for disobedience and business interference.

At various work sites, there are groups comprised of company managers and thugs whose primary responsibility is to break up lawful strikes. These groups often physically beat the striking workers and cause substantial bodily harm. Police and prosecutors overlook these vicious acts and instead focus their criminal investigation on the striking laborers. These savage acts should not condoned by authorities and steps must be taken to recognize the rights of workers.

4. Women's Rights

Introduction

The economic growth of Korea was at the expense of highly disciplined, cheap labor of both men and women. Women laborers bore the blunt of double discrimination, namely discrimination against workers and sexual discrimination. Through tireless efforts of various women's groups, women's rights have gained saliency in the past few years. Although the women's rights movement in Korea has endeavored to gain equality, it has yet to overcome the deeply rooted sexual discriminatory practices of the past stemming from highly Confucian culture which emphasize family value and tradition. To aggravate the situation, laws enacted to treat women equally are without working rules and enforcement decrees to implement the law.

Equal Treatment

Through the Employment Law for Equal Opportunity (the "ELEO") women are entitled to equal opportunities and treatment in the labor force. However, women's groups have criticized the ELEO as a classic example of law which unfairly discriminates women because it has no provision regarding equal pay for the same job performed by men and penalty in the event of discriminatory practice by employer. Moreover, the committee to oversee sexual discrimination has no real power to take concrete actions to correct discriminatory practices.

Child Care

In order to secure equal opportunities and pay for women labor force, child care centers are a must. Yet, child care facilities are woefully lacking and this inadequacy contributes to less opportunities and inequality. The law which requires the establishment of child care centers, Child Care Act is not sufficient to guarantee the creation of such facilities. Child Care Act requires the central and local governments to establish child care facilities for the children of low income parents. However, because facilities for non-low income parents are to be created at the expense of the

beneficiary and the legal requirements are extremely rigorous, there are very few child care centers, thereby depriving women of opportunities. Moreover, the Child Care Act requires the employer to establish child care facility only if there are 500 or more full time women employee and there is no penalty imposed if the employer fails to provide such facility.

Custom

The competition for the few slots available to women in companies is extremely fierce and many end up resigning from their positions as a result of built in institutional sex discrimination. Many women are compelled to quit their jobs once they are married or become pregnant although the law prohibits termination of employment on such grounds.

According to a survey conducted in 1988, only 24.4% of children of low income family used the child care facility while the remaining 75.6% were basically neglected. Based on August 1991 research, only 8% of employers provided child care facilities out of 233 employers who were required by law to do so.

Because child care facilities are lacking, many women have no choice but to forego their jobs. Without strengthening the laws to require child care centers, prospects for women in the work force remain dim.

Family and Tradition

In the highly Confucian Korean society, women are taught to obey their father before marriage, husband after marriage and son in the old age. This tradition is deeply rooted in Korean culture.

Recent amendment in the family and inheritance laws have eliminated many disparities between men and women. However, there still remains a law which permits only men to be the head of a household.

Delinquent Women and Sexual Harassment

Laws governing sexual delinquency punish both men and women. However, there is still a law which permits authorities to confine women who have the tendency to or the likelihood of engaging in sexually delinquent activities. There are numerous reports of cases involving women who are arrested based their likelihood and tendency to engage in sexually delinquent behavior.

At the present, the government shows no signs of taking active steps to arrest pimps and middlemen. The government is, however, seriously considering legislations to deal with sexual harassment.

Japan's Coercion of Women into Sex Slave During World War II or "Comfort Women"

During World War II, the Japanese government forced tens of thousands of Korean women to be sex slaves to serve Japanese soldiers at the front line. Many were brutally gang raped and deliberately killed to destroy any evidence of coerced bondage.

Five decades after the morally repugnant and outrageously offensive experience, the issue of comfort women is beginning to bring public attention it deserves. The issue of comfort women still remains unresolved because Korea and Japan are unable to come to acceptable terms to resolve the problem and Japan continues to deny that it forced women to become sex slaves.

5. Rights Of Prisoners

Introduction

The criminal justice system and the criminal code are made with a view to not just punishing those convicted of a crime but reforming these people so that they are able to lead a normal life once released from correctional institutions. In order to

effectively reform prisoners, their rights must be respected. Prisoners' right to maintain good health, read, write and communicate with the outside are important elements in reforming prisoners. Such rights are advocated in Article 10(3) of International Covenant on Civil and Political Rights.

Since the criminal code was adopted in 1950, the practice of Korean correctional institutions has been to closely guard and isolate prisoners from the society. Although a civilian government came into power after three decades of military regime, reforming correctional institutions is not likely to receive high priority. The reality is that the principles declared in the United Nations Standard Minimum Rules for the Treatment of Prisoners adopted in 1955 are not honored.

Discriminatory Treatment Based on Thoughts and Beliefs

Prisoners who are incarcerated for violating the harsh National Security Law are segregated from other prisoners. Usually they are imprisoned in solitary confinement until they sign a document indicating their willingness and desire to change their beliefs and ideas. Tortures of all sorts were employed to coerce prisoners to convert from left leaning ideology to one acceptable to the state.

Sanitation and Medical Treatment

Most of the prisons are overcrowded and the cells emit foul odor and are too small to hold the number of inmates contained therein. The food is not nutritious and only the most rudimentary medical treatments are available. Outside medical treatment is often refused.

Prison Discipline

The most inhumane treatment of inmates occurs in connection with disciplining the prisoners. The form of discipline ranges from warning and temporary restriction on reading and correspondence to reduction in diet and solitary confinement. Solitary confinement at a disciplinary cell is confining an inmate in a dark and narrow cell where he can barely lie down or move. Often, instruments of restraint such as

handcuffs and straitjackets are used as a form of disciplining inmates. These disciplinary measures are imposed arbitrarily and at the will of prison guards without the approval of the board of prison discipline.

Access to Books, Television and Right to Correspond

Since the Penal System Reform Project was implemented by the Ministry of Justice on November 1, 1988, an inmate's access to books, television, radio and the right to correspond have improved. Books critical of the state or which are on the banned list are not allowed in prison and letters of political prisoners are closely monitored.

However, because there are no definitive provisions regarding access to books and other forms of keeping up with outside events, prison guards still arbitrarily deny inmates access to books. Thus, depending on the sociopolitical atmosphere and whether the inmate is a political prisoner, these rights are constantly violated by the prison officials.

Filing of Complaints

There are no communication channels which inmates can voice their complaints to the jail warden. When a prisoner resists what he deems a cruel punishment, he will receive even more abusive treatment from prison officials.

Member Organizations - KONUCH

1. Minbyun (Lawyers for Democratic Society)

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Tel. 82-2-522-7284 Fax. 82-2-522-7285

Person in charge of the WCHR : Mr. Cho, Yong-whan (attorney at law)

2. Min-ka-hyup (Family Association for Democracy)

Formed on Dec. 12, 1985 as an HR organization of family members of unjustly arrested persons.

Address : 592-7 Chansin 2 Dong, Chongno-Ku, Seoul, Korea

Tel. 82-2-763-2606 Fax. 82-2-745-5604

Person in charge of the WCHR : Ms. Nam, Kyu-seon

3. NCKK Human Rights Committee

Founded on April. 11, 1974

Address : Rm, 708 Christian Building, 136-46 Yonji-Dong, Chongon-Ku, Seoul, Korea

Tel. 82-2-764-0203 Fax. 82-2-744-6189

Person in charge of the WCHR : Rev. Shin, Seung-min

4. The Catholic Human Rights Committee

Founded on Nov. 4, 1988

Address : Ilsim Building 3/f, Mia 2 Dong 762-21, Tobong-Ku, Seoul, Korea

Tel. 82-2-945-6447 Fax. 82-2-945-1239

Person in charge of the WCHR : Mr. Kim Hyung-tae (attorney at law)

5. The Buddhists' Committee for Human Rights

Founded on Nov. 20, 1990

Address : Cho-ke Temple, 45 Kyunji-Dong, Jongno-Ku, Seoul, Korea

Tel. 82-2-725-0452

Person in charge of the WCHR : Mr. Hae-jin

6. Korea Woman's Associations United

Founded on Feb. 17, 1987

Address : 1-23, Jeo-Dong, Jung-Ku, Seoul, Korea

Tel. 82-2-738-2883 Fax. 82-2-722-9244

23 affiliates

Gen. Secretary : Ms. Na Young-hee

7. Korea Council for the Women Drafted for Sexual Slavery by Japan

Founded on Nov. 16, 1990

Address : Rm. 802. Chistian Building, 136-46 Yonji-Dong, Chongon-Ku, Seoul,

Korea

Tel. 82-2-763-9633 Fax. 82-2-763-9634

20 affiliates

Co-representative : Ms. Lee Hyo-chaee (Professor)

8. Workers' Joint Committee for the Ratification of ILO Conventions and Revision of Labor Laws

Founded on Oct. 8, 1991

Address : Rm, 1802, Press Center, 1-25 Taepyuong-No, Chung-Ku, Seoul, Korea

Tel. 82-2-739-7285*6 Fax. 82-2-735-9400

2 trade union national centers and 2 national labor movement org.

9. Korea Association of Democracy-Bereaved Families

Founded on Oct. 12, 1986

Address : 651-30 Chansin 2 Dong, Chongno-Ku, Seoul, Korea

Tel. 82-2-764-1684 Fax. 743-2835

Person in charge of the WCHR : Mr. Park Nae-Koon

10. Korea Sexual Violence Relief Center

Founded on April. 13, 1991

Address : Socho P.O Box 45, Seoul, Korea

Tel. 82-2-522-1040*2 Fax. 82-2-525-5837

Person in charge of the WCHR : Ms. Ro Ju-heui

11. National Alliance for Democracy and Unification : HR committee

Founded on 1991

Address : 301 Samwoo Building, 44 Dongsomoon Dong, Sungbuk-Ku, Seoul, Korea

Tel. 88-2-747-4364*5 Fax. 88-2-747-4363

Person in charge of the WCHR : Mr. Yum Kue-hong

12. Democratic Legal Studies Association

Founded on Jan. 5, 1989

Address : 901 Nakwon Officetel, 39-2 Donei Dong, Chongno-Ku, Seoul, Korea

Tel. 82-2-766-1163; 82-2-740-4590 Fax. 82-2-740-4183

Person in charge of the WCHR : Mr. Lee Sang-soo

13. National Photograph & Documentary Film Group

Founded on May. 1990

Address : 177-1 Hwawon B/D 4F, Myo Dong, Chongno-Ku, Seoul, Korea

Tel. 82-2-745-9618 Fax. 88-2-745-6073

Person in charge of the WCHR : Mr. Song Huck