

1999

South Korea

South Korea has been a member of the United Nations since 1981. It is a member of the Organisation for Economic Co-operation and Development (OECD), the World Trade Organization (WTO), and the Asia-Pacific Economic Cooperation (APEC). It is also a member of the G20 and the BRICS nations.

South Korea has a long history of human rights violations, particularly during the authoritarian rule of Park Chung-hee and Chun Doo-hwan. The country has since made significant progress in improving its human rights record, but it still faces challenges in areas such as labor rights, freedom of expression, and the treatment of North Korean defectors.

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I. Background

1. South Korea at a Crossroads

The South Korean people have been suffering under a repressive system based on national security doctrine. Including the National Security Law, various security-related laws have been the main instruments of human rights violations under authoritarian regimes. In spite of democratic development and economic growth, the security syndrome which is still overshadowing the country has been the cause of consistent violations of human rights and deepening social conflicts.

In 1998, Korea will be commemorating significant moments in her history. In February, the new government led by Kim Dae-Jung, long-time dissident, will be inaugurated. Although with very limited scope, the country is expected to overhaul its out-of-date corrupt and authoritarian structures and the relationship between state and civil society is expected to gradually normalize.

During this year, the 50th anniversaries of the Chejudo Rebellion (3 April), establishment of the government (15 August) and the promulgation of the National Security Law (1 December), will be commemorated. These events can give momentum for people to reflect on the country's past. On the whole, Korea is in a favorable situation to re-examine the fundamental issues of the nation, in this context.

Meanwhile, mainly because of the on-going economic crisis, there is a possibility that large scale social conflicts surrounding the future direction of the country may erupt between the establishment and the people, and this unstable situation may be abused to mobilize conservative forces under the banner of the nation's economic survival.

2. International Situation

The world is about to celebrate the 50th anniversary of the Universal Declaration of Human Rights on 10 December 1998. In commemoration of this day, the UN and the international community are planning to organize various events to promote human rights all over the world.

2. In addition, the Asia Pacific Human Rights NGOs' Facilitating Team(hereafter the 'FT'), in cooperation with the ICHRDD, has proposed the "98-99 International Campaign on Human Rights Violations under the National Security Laws" by targeting South Korea, China, Indonesia and India. In fact, Korea Human Rights Network(herafter KOHRNET), a network of Korean human rights NGOs, has been contributing to building consensus among Asian NGOs that the National Security Law is the common and most problematic issue to address in the region.

3. Korean human rights NGOs have been campaigning in various ways on human rights violations under the NSL. They welcomed the proposal of the FT, in consideration of the above-mentioned situation, and agreed to focus on the democratic reform of the security regime of the country in their activities during the years of 1998 and 1999. Through cooperation with the FT and other international partners in the campaign, Korean NGOs are willing to learn from them and contribute to the solution of the region-wide human rights issues of the NSL.

II. Objectives

1. General

- 1) Raise critical consciousness about the National Security Regime and human rights situation among the public, academia and mass media.
- 2) Achieve revision of certain provisions of the National Security Law through a strategic campaign and to promote the Korean human rights situation.
- 3) Build domestic, regional and international networks for an effective human rights campaign.
- 4) Mobilize international pressure on the South Korean government to meet international human rights norms and standards in applying the National Security Law.
- 5) Contribute to the FT's campaign by developing human rights standards on certain aspects of the national security regime and by sharing knowledge and experience of the Korean campaign.

2. Thematic Objectives

1) Release of political prisoners under the NSL

2) Issues of concern of the NSL

(1) The National Security Law

(a) Revise or repeal of Article 7 of the National Security Law (punishing the "enemy-benefitting expressions" and the "enemy-benefitting organizations") which is the most notorious provision curtailing freedom of thought, expression and association.

(b) Restrict the concept of the "state secret" which has been interpreted too broadly.

(c) Amend the Law Concerning Exchanges and Cooperation between the South and the North

(2) Procedural Aspects

(a) Reduce the pre-indictment detention period for interrogation by the investigative agencies for suspects under the National Security Law, currently up to 50 days.

(b) Guarantee the right to legal counsel during the interrogation

(c) Reform surveillance system of communications and postal services

(d) Expand the scope of re-trial

(3) Penal administration and Preventive measures

(a) Abolish the ideological conversion system, which automatically deems prisoners under the NSL as communists and compels them to denounce their "communists beliefs"

(b) Reform the security observation system which subject certain political prisoners to surveillance and reporting obligations

(4) Abolish censorship of movies, videos and other cultural activities

(5) Prevent introduction of the electronic resident registration card system and to reform the current resident registration system which enables the government to collect a broad scope of information on individuals and use it for surveillance purposes.

2) Institutional Aspects

(1) Reform the Agency for National Security Planning and strengthen democratic oversight of the intelligence agencies

(2) Establish the national human rights institution in accordance with UN standards and other relevant mechanisms such as a human rights policy forum within the National Assembly and a governmental human rights advisory committee

(3) Abolish the blacklisting of ex-convicts under the NSL

3) Civil Society

(1) Establish networks with women's groups and trade unions regarding human rights issues under the NSL

(2) Set up a media monitoring system in cooperation with media monitoring groups with the human rights perspectives

(3) Cooperate with journalists groups

(4) Cooperate with academic associations

4) International Community

(1) Have international supervisory bodies issue recommendations on the NSL under relevant treaties by submitting NGOs' counter reports to the UN Human Rights Committee and the UN Committee on the Elimination of Discrimination against Women (CEDAW) relating to South Korean government's periodic reports; and communications/complaints to various international mechanisms including the ILO and special rapporteurs and working groups of the UN.

(2) Lobby the United Nations Commission on Human Rights as well as other International conferences to expose human rights violations using the NSL and mobilize pressure on the Korean government to abide by international human rights standards.

(3) Lead research and host workshops to develop existing and/or new international standards on certain aspects of the NSL.

III. Introduction to the Main Campaign Organizations

1. Minbyun (Lawyers for a Democratic Society): Established in 1988, with a membership of about 250 volunteer lawyers from around the country. Minbyun has represented and advocated victims of human rights under repressive laws. It has been working for democratic reform of anti-democratic laws, institutions, and the judiciary. President CHOI Young-Do, Secretary-General BAIK Seung-Hun.
2. MINKAHYUP Human Rights Group: Established in 1985 by families of

prisoners of conscience. It has been working to get release of prisoners of conscience as well as to repeal the National Security Law. MINKAHYUP has been hosting the "Thursday Rally" since 1993 to publicize human rights violations and raise public awareness. It also has been holding various cultural events on human rights issues. President IM Ki-Ran and Secretary-General NAM Kyu-Sun.

3. Sarangbang Human Rights Group: Established in 1993, Sarangbang has been serving as a documentation centre of human rights. It has been publishing 'Human Rights Daily' (faxed bulletin of about 1,000 issues) everyday; and hosting the 'Seoul Annual Human Rights Film Festival.' Mr. Suh, Joon-Shik, who has been detained for 18 years in the past and currently detained again under the NSL, is its representative and PARK Rae-Koon is the secretary-general.
4. The above three organizations will be jointly responsible for the National Security Law Campaign to the FT and the donor agencies. They will lead the campaign in cooperation with other organizations within Korea as well as the international community.
5. Partners: KOHRNET and its member organizations, PSPD(People's Solidarity for Participatory Democracy), KWAU (Korea Women's Associations, United), Minkyohyup(Democratic Professors' Association), Hakdanhyp(Association of Academic Groups), Korea Journalists' Association, Korea Producers' Association, Chunkyojo (National Teachers' and Educators Union), and KCTU (Korean Confederation of Trade Unions)

IV. Campaign Program

1. Domestic

1) Research and documentation

(1) Documentation of human rights violations under the NSL

- (a) Workshop on human rights violations documentation and information systems

- * Sarangbang in cooperation with KOHRNET for human rights organizations and activists - May 1998

- (b) Database and information centre
 - * Sarangbang
 - (c) Publication of the White paper on the National Security Law and Human Rights (1948-1998)
 - * Minbyun & Sarangbang, December 1999
- 3) **Culture**
- (2) Research and Publication
 - (a) Series of workshops on freedom of thought and expression
 - * Minbyun in cooperation with Minkyohyup and Hakdanhyup, every two months from March 1998 to December 1999
 - (b) Publication of books on the NSL and human rights
 - * Minbyun in cooperation with Minkyohyup
 - * legal aspect, December 1998
 - * political, economic, societal and cultural aspect, December 1999
 - (c) Research on the contents of textbooks for elementary, junior, and high schools on human rights issues, in particular on national security ideology
 - * Minbyun in cooperation with Teachers' Union, June 1998 - June 1999
 - (3) Public opinion polls of human rights consciousness
 - * MINKAHYP and Sarangbang: August 1998, March & October 1999
- 2) **Public campaign**
- (1) Campaign with media
 - (a) Human rights campaign commemorating the 50th anniversaries of the Korean government and the UDHR with Hankyoreh Newspaper
 - * October-December 1998
 - (b) Programs on human rights issues on TV and radio networks
 - (c) Articles in NGO newsletters
 - (2) Handbook on the National Security Law
 - * December 1998
 - (3) Cartoons
 - "The Story of the National Security Law"
 - "Freedom of Expression"
 - * MINKAHYUP, December 1998 and August 1999
 - (4) Leaflets, brochures, posters, postcards, buttons, phone cards, etc.
 - * MINKAHYUP, August 1998 - August 1999

- (5) Quarterly newsletter on the National Security Law Campaign (in Korean)
 - * campaign secretariat, from June 1998

- (6) Campaign for the release of SUH Joon-Shik

3) Cultural Events

- (1) Human Rights Concert - 'A Night of Poetry and Song for Prisoners of Conscience'

- * MINKAHYUP, December 1998 & 1999

- (2) The 3rd and the 4th Human Rights Film Festivals, featuring human rights violations under the National Security Laws

- * Sarangbang, September 1998 & 1999

- (3) Documentary film on the National Security Law

- * MINKAHYUP, September 1999

- (4) Animation film on the NSL

- * MINKAHYUP, August 1999

- (5) Public performance with victims of the National Security Law

- * MINKAHYUP, December 1998

- (6) International exhibition of Korean Artists' Art Exhibition for National Security Law Victims - Seoul, Japan, Europe, the US

- * MINKAHYUP, September-December 1999

4) Public Rallies/Demonstrations

- (1) "Thursday Rally to Repeal the National Security Law and Free Prisoners of Conscience"

- * MINKAHYUP, every Thursday, 1998-1999

- (2) One-day Prison Experience in Solidarity with Prisoners of Conscience

- * MINKAHYUP, August 1998 & 1999

- (3) 'Rally to Repeal the National Security Law on the 50th Anniversary'

- * MINKAHYUP, 1 December 1998

5) Education & Networking

- (1) Media monitoring and campaign

- (a) NSL and freedom of thought and expression workshop for journalists and media monitoring groups

- * Minbyun and MINKAHYUP, April 1998
 - (b) monitoring media reports on human rights issues
 - (c) filing lawsuits on media reporting of human rights issues
 - (2) Workshop for university newspaper reporters
 - * May 1998
 - (3) Workshop for artists and cultural activists
 - * July 1998
 - (4) Writing competition on the NSL
 - * May 1999
 - (5) Workshop on the NSL, women's rights and CEDAW
 - * Minbyun & KWAU, March 1998
 - (6) Workshop on the NSL, workers' rights and ILO
 - * Minbyun & KCTU, October 1998
 - in other relevant activities
- 6) Lawsuits**
- (1) Workshop on legal issues and strategies of lawsuits relating to the National Security Law
 - * Minbyun, April 1998
 - (2) Workshop on the effective use of the Optional Protocol Procedure, training program for lawyers and activists
 - * Minbyun, July 1998
 - (3) Representation of selected political prisoners under the NSL
 - * Minbyun
- 7) Activities relating to Government, the National Assembly and the Judiciary**
- (1) Formation of a policy forum on human rights with National Assembly members and human rights NGOs
 - (2) Monitoring the National Assembly on human rights issues
 - * PSPD National Assembly Watch Center
 - (3) Monitoring trials of NSL cases
 - * Minbyun & PSPD Judiciary Watch Center
 - (4) Lobby the National Assembly for the inspection and audit of the ANSP, Ministry of Justice, etc. and evaluation thereof.
 - * PSPD National Assembly Watch Center, September 1998 & 1999

- (5) Lobby the National Assembly for the revision of relevant provisions of the laws
- (6) Campaign to prevent those responsible for human rights violations from being appointed to government positions
- ASEM April 1998, London
2. International Activities August 1998, Geneva
Vienna + 3 conferences ?
- 1) UN Human Rights Committee, consideration of the 2nd periodic report of Korea
 - (1) Preparation and submission of NGOs' counter report
 - * Minbyun, February - December 1998
 - (2) Attendance of the Committee meeting and lobbying, March 1999, Geneva
 - (3) Publication of the government report, counter-report, summary records and final comments of the Committee, June 1999
 - (4) Other relevant activities
 - 2) UN Committee on the Elimination of Discrimination against Women, consideration of the periodic report of Korea
 - (1) Preparation and submission of NGOs' counter report
 - * Minbyun & KWAU, March - June 1998
 - (2) Attendance of the meeting and lobbying, July 1998, Vienna
 - (3) Publication of reports, records and final comments and relevant activities,
 - * September 1998
 - 3) Submission of communications to UN thematic mechanisms
 - * campaign secretariat: special rapporteur on torture; special rapporteur on freedom of opinion and expression; special rapporteur on states of emergency; and working group on arbitrary detention
 - 4) UN Human Rights Committee
 - submission of individual communications under the Optional Protocol for prisoners under the NSL, 1 case per month through 1998-1999
 - 5) ILO Committee on the Freedom of Association
 - submission of a special complaint on the NSL
 - * KCTU in cooperation with Minbyun, December 1998
 - 6) Internet website on the NSL campaign
 - * campaign secretariat, May 1998
 - 7) Publication and distribution of a quarterly newsletter on the NSL campaign (in

- English)
- * campaign secretariat, from June 1998
- 8) International conferences
- UN CHR March 1998, Geneva
 - ASEM April 1998, London
 - UN Sub-Commission August 1998, Geneva
 - Vienna + 5 conference ?
 - International Conference on State Terror August 1998 Chejudo, Korea
 - UN CHR March 1999, Geneva
 - UN Sub-commission August 1999, Geneva
- 9) International circulation of exhibition of "Enemy-benefitting Expressions" of Korea, March-April 1999 USA, Europe, Japan,
- 10) International workshops on selected issues of the NSL to develop procedures, mechanisms and standards in the human rights perspective. FT is recommended to hold one or more of these workshops or Korean NGOs are willing to hold at least one of them with proper cooperation of the FT
- (a) democratic control of intelligence agencies
 - (b) electronic surveillance and human rights
 - (c) conversion system and preventive measures
- (3) "Rally to Repeal the NSL"

VI. Budget (Expenses)

5) Education & Networking

1. Domestic monitoring and campaign

1) Research and Documentation and media monitoring groups

- (1) Documentation of human rights violations under the NSL
 - (a) workshop on documentation and information system 1,000 \$
 - (b) database and information centre 3,000 \$
 - (c) publication of the white paper on the NSL 3,000 \$
- (2) Research and Publication
 - (a) series of workshops 300 x 10 = 3,000 \$
 - (b) publication of books on the NSL 2,000 x 2 = 4,000 \$
 - (c) research on the contents of textbooks 1,000 \$
- (3) Public opinion poll 1,000 x 3 = 3,000 \$
- (4) Workshop on legal issues and strategies of lawsuits 300 \$

2) Public campaign

- (1) Campaign with media
- (2) Handbook on the National Security Law and its problems 2,000 \$
- (3) Cartoon books 2,000 \$
- (4) Leaflets, brochures, etc. 1,000 \$
- (5) Quarterly newsletters in Korean 500 x 7 = 3,500 \$
- (6) Campaign for the release of SUH Joon-Shik

3) Cultural Events

- (1) Human Rights Concert 5,000 x 2 = 10,000 \$
- (2) Human Rights Film Festivals 5,000 x 2 = 10,000 \$
- (3) Documentary film on the National Security Law 5,000 \$
- (4) Animation film on the NSL 5,000 \$
- (5) Public Performance 3,000 \$
- (6) International exhibition 10,000 \$

4) Public Rallies/Demonstrations

- (1) "Thursday Rally" 100 x 90 9,000 \$
- (2) One-day Prison Experience 1,000 x 2 = 2,000 \$
- (3) "Rally to Repeal the NSL" 2,000 \$

5) Education & Networking

- (1) Media monitoring and campaign
 - (a) workshop for journalists and media monitoring groups 500 \$
 - (b) monitoring media reports on human rights issues 500 \$
 - (c) filing lawsuits on media violations 500 \$
- (2) Workshop for university newspaper reporters 500 \$
- (3) Workshop for artists and cultural activists 500 \$
- (4) Writing competition on the NSL 3,000 \$
- (5) Workshop on the NSL, women's rights and CEDAW 500 \$
- (6) Workshop on the NSL, workers' rights and ILO 500 \$

6) Lawsuits

- (1) Workshop on legal issues and strategies of lawsuits 500 \$

(2) Workshop on the effective use of the OPP		1,000 \$
(3) Representation of selected political prisoners under the NSL		10,000 \$
7) Activities relating to Government, the National Assembly and the Judiciary		
(1) policy forum with National Assembly members	500 x 7 =	3,500 \$
(2) Monitoring the National Assembly		1,000 \$
(3) Monitoring trials of NSL cases		1,000 \$
(4) Petition with the National Assembly		5,000 \$
(5) Campaign against human rights violators		1,000 \$
2. International Activities		
1) Human Rights Committee		
(1) preparation and submission of NGOs' counter report		2,000 \$
(2) attendance of the Committee meeting	2,000 x 2 =	4,000 \$
(3) publication		3,000 \$
(4) other relevant activities		1,000 \$
2) CEDAW		
(1) preparation and submission NGOs' counter report		1,000 \$
(2) attendance of the meeting and lobbying, July 1998, Vienna		2,000 \$
(3) publication		2,000 \$
3) Communications to the UN thematic mechanisms		
4) HRC, individual communications under the OP	1,000 x 20 =	20,000 \$
5) ILO Committee on the Freedom of Association		1,000 \$
6) Internet website on the NSL campaign	250 x 2 =	500 \$
7) Quarterly newsletter in English	500 x 7 =	3,500 \$
8) International conferences		
UN CHR March 1998, Geneva		2,000 \$
ASEM April 1998, London		2,000 \$
UN Sub-Commission August 1998, Geneva		2,000 \$
Vienna + 5 conference ?		
International Conference on State Terror August 1998 Chejudo, Korea		
UN CHR March 1999, Geneva		2,000 \$
UN Sub-commission August 1999, Geneva		2,000 \$

- 9) Exhibition of the "enemy-benefitting expressions" 10,000 \$
- 10) International symposium 10,000 \$

1998

- 3. Secretariat expenses
 - 2 staff 500 x 2 x 20 = 20,000 \$
 - miscellaneous 10,000 \$

Total Budget 212,000 \$

V. Budget (Income)

- 1. International
 - (1) Facilitating Team/ICHRDD \$ 80,000 (?)
 - (2) International Donations \$ 20,000
- 2. Domestic
 - (1) NGOs' internal fund raising \$ 70,000
 - (2) Publication Sales \$ 5,000
 - (3) Video/publicity materials sales \$ 5,000
 - (4) cultural events \$ 10,000
 - (5) Donations and public fund raising \$ 22,000

Total \$212,000

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'98-'99 National Security Law Campaign Program

1998

- March 1998: UN CHR, Geneva
- 3-6/98: Preparation and submission of NGOs' counter report to CEDAW
* Minbyun & KWAU
- March 1998: Workshop on the NSL, women's rights and CEDAW
* Minbyun & KWAU
- April 1998: Workshop on legal issues and strategies of lawsuits relating to the National Security Law * Minbyun
- April 1998: NSL and freedom of thought and expression workshop for journalists and media monitoring groups * Minbyun and MINKAHYUP
- April 1998: ASEM, London
- March 1998: every two months : Series of workshops on freedom of thought and expression * Minbyun with Minkyohyup and Hakdanhyup
- May 1998: Internet website on the NSL campaign * campaign secretariat
- May 1998: Workshop on human rights violations documentation and information systems * Sarangbang with KOHRNET
- May 1998: Workshop for university newspaper reporters
- June 1998: Newsletter on the NSL Campaign (in Korean) *campaign secretariat
- 6/98-6/99: Research on the contents of textbooks for elementary, junior, and high schools on human rights issues, in particular on national security ideology * Minbyun in cooperation with Teachers' Union
- June 1998: Publication and distribution of a quarterly newsletter on the NSL campaign (in English) * campaign secretariat
- July 1998: Workshop for artists and cultural activists
- July 1998: Workshop on the effective use of the Optional Protocol Procedure, training program for lawyers and activists * Minbyun
- July 1998: Attendance of CEDAW meeting and lobbying, Vienna
- August 1998: UN Sub-Commission, Geneva
- August 1998: International Conference on State Terror Chejudo, Korea
- August 1998: Leaflets, brochures, posters, postcards, buttons, phone cards, etc.
* MINKAHYUP
- August 1998: One-day Prison Experience in Solidarity with Prisoners of Conscience * MINKAHYUP

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- August 1998: Public opinion polls of human rights consciousness
* MINKAHYUP and Sarangbang
- August 1998: One-day Prison Experience in Solidarity with Prisoners of Conscience * MINKAHYUP,
- September 1998: Lobby the National Assembly for the inspection and audit of the ANSP, Ministry of Justice, etc. and evaluation thereof.
* PSPD National Assembly Watch Center
- September 1998: The 3rd and the 4th Human Rights Film Festivals, featuring human rights violations under the National Security Laws
* Sarangbang,
- September 1998: Publication of CEDAW reports, records and final comments and relevant activities
- October 1998: Workshop on the NSL, workers' rights & ILO *Minbyun/KCTU
- 10-12/1998: Human rights campaign commemorating the 50th anniversaries of the Korean government and the UDHR w/ Hankyoreh Newspaper
- December 1998: Publication of books on the NSL and human rights * legal aspect
* Minbyun in cooperation with Minkyohyup
- December 1998: Preparation and submission of NGOs' counter report to HRC
* Minbyun, February
- December 1998: ILO Committee on the Freedom of Association, submission of a special complaint on the NSL * KCTU w/ Minbyun
- December 1998: Handbook on the National Security Law
- December 1998: Public performance with victims of the National Security Law
* MINKAHYUP
- 1 10 1998: 'Rally to Repeal the National Security Law on the 50th Anniversary' * MINKAHYUP
- December 1998 Cartoons books - "The Story of the National Security Law"
- "Freedom of Expression" * MINKAHYUP
- December 1998: Human Rights Concert - 'A Night of Poetry and Song for Prisoners of Conscience' * MINKAHYUP
- 1998: "Thursday Rally to Repeal the National Security Law and Free Prisoners of Conscience" * MINKAHYUP, every Thursday,
- 1998: UN HRC, submission of individual communications under the Optional Protocol for prisoners under the NSL, 1 case per month

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- March 1999: Public opinion polls of human rights consciousness
* MINKAHYP and Sarangbang
- 3-4/99: International circulation of exhibition of "Enemy-benefitting Expressions" of Korea, USA, Europe, Japan
- March 1999 UN CHR, Geneva
- March 1999: Attendance of the HRC meeting and lobbying, Geneva
- May 1999: Writing competition on the NSL
- June 1999: Publication of the government report, counter-report, summary records and final comments of the HRC
- August 1999 UN Sub-commission, Geneva
- August 1999: Cartoons Books - "The Story of the National Security Law" - "Freedom of Expression" * MINKAHYUP
- August 1999: Animation film on the NSL * MINKAHYUP
- August 1999: One-day Prison Experience in Solidarity with Prisoners of Conscience * MINKAHYUP
- September 1999: Lobby the National Assembly for the inspection and audit of the ANSP, Ministry of Justice, etc. and evaluation thereof.
* PSPD National Assembly Watch Center
- September 1999: The 3rd and the 4th Human Rights Film Festivals, featuring human rights violations under the National Security Laws
* Sarangbang
- September 1999: The 3rd and the 4th Human Rights Film Festivals, featuring human rights violations under the National Security Laws
* Sarangbang
- September 1999: Documentary film on the National Security Law * MINKAHYUP
- 9-12/99 International exhibition of Korean Artists' Art Exhibition for NSL Victims - Seoul, Japan, Europe, the US * MINKAHYUP
- October 1999: Public opinion polls of human rights consciousness
* MINKAHYP and Sarangbang
- December 1999: Human Rights Concert - 'A Night of Poetry and Song for Prisoners of Conscience' * MINKAHYUP
- December 1999: Publication of a White paper on the NSL and Human Rights(1948-1998) * Minbyun & Sarangbang,
- December 1999: Publication of books on the NSL and human rights

- * political, economic, societal and cultural aspect - ???
- 1999: Series of workshops on freedom of thought and expression
- *Minbyun w/ Minkyohyup & Hakdanhyup, every 2 months
- 1999 "Thursday Rally to Repeal the National Security Law and Free Prisoners of Conscience" * MINKAHYUP, every Thursday
- 1999: submission of individual communications under the ICCPR Optional Protocol for prisoners under the NSL, 1 case per month

날자없음.

- International workshops on the NSL
 - (a) democratic control of intelligence agencies
 - (b) electronic surveillance and human rights
 - (c) conversion system and preventive measures
- Database and information centre * Sarangbang
- monitoring media reports on human rights issues
- filing lawsuits on media reporting of human rights issues
- Representation of selected political prisoners under the NSL * Minbyun
- Activities relating to Government, the National Assembly and the Judiciary
 - Formation of a policy forum on human rights with National Assembly members and human rights NGOs
- Monitoring the National Assembly on human rights issues
 - * PSPD National Assembly Watch Center
- Monitoring trials of NSL cases * Minbyun & PSPD Judiciary Watch Center
- Lobby the National Assembly for the revision of relevant provisions of laws
- Campaign to prevent those responsible for human rights violations from being appointed to government positions
- Submission of communications to UN thematic mechanisms
 - * campaign secretariat: special rapporteur on torture; special rapporteur on freedom of opinion and expression; special rapporteur on states of emergency; and working group on arbitrary detention
- Programs on human rights issues on TV and radio networks
- Articles in NGO newsletters
- Vienna + 5 conference ?

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REPUBLIC OF KOREA (SOUTH KOREA) Workers' rights at a time of economic crisis

February 1999

SUMMARY

AI INDEX: ASA 25/02/99

DISTR: SC/CO/GR

1998 was a difficult year for South Korea's workers. As the economic crisis unfolded and unemployment soared to unprecedented levels, thousands of people were left destitute and disadvantaged groups including women and migrant workers faced new levels of discrimination in the job market. Unemployment is expected to increase in the early months of 1999, leading to renewed social unrest and further tensions between labour, employers and the government.

President Kim Dae-jung took office in February 1998 with a new commitment to protect and promote human rights and his government deserves credit for taking some positive steps. But it has resorted to heavy-handed tactics in the face of worker unrest over economic policies leading to job losses. Amnesty International's main concern on workers' rights over the past year has been the arrest and prosecution of trade union leaders for organizing strike action and demonstrations to protect the rights of their members. Although most trade unionists had been released by early 1999, tensions remain and further human rights violations may occur at any time.

As the economic crisis continues in 1999, Amnesty International is calling on the South Korean Government to ensure that trade union leaders are able to exercise their rights to freedom of expression and association without facing arrest and criminal prosecution. It calls for legal and institutional reforms to protect the rights of all workers and urges the government to recognise that respect for basic human rights, including labour rights, will be important for the country's stability, economic recovery and long-term development.

KEYWORDS: TRADE UNIONISTS1 / MEC1 / STRIKES / MIGRANT
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This report summarizes a 8-page document (3,200 words): *Republic of Korea (South Korea Workers' rights at a time of economic crisis* (AI Index: ASA 25/02/99) issued by Amnesty International in February 1999. Anyone wishing further details or to take action on this issue should consult the full document.

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amnesty international

**REPUBLIC OF KOREA
(SOUTH KOREA)**

**Workers' rights at a time of
economic crisis**



Laid-off Hyundai workers stage a sit-down protest
in Seoul, September 1998. © AI

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REPUBLIC OF KOREA (SOUTH KOREA)

Workers rights at a time of economic crisis

1998 was a difficult year for South Korea's workers. As the economic crisis unfolded and unemployment soared to unprecedented levels, thousands of people were left destitute; disadvantaged groups including women and migrant workers faced new levels of discrimination in the job market and those lucky enough to keep their jobs suffered huge pay cuts. Some of the country's main trade union leaders were arrested and prosecuted for leading strikes and demonstrations to protest against economic policies leading to mass redundancies. Unemployment is expected to increase in 1999, leading to renewed social unrest and further tensions between labour, employers and the government. Amnesty International is calling on the South Korean Government to protect the rights of workers and to ensure that trade union leaders are able to peacefully exercise their rights to freedom of expression and association without facing arrest and criminal prosecution.

President Kim Dae-jung took office in February 1998 making new commitments to protect and promote human rights and his government deserves credit for taking some positive steps. One of its early reforms was the establishment of a Tripartite Commission composed of government, business and trade union representatives. The formation of this commission opened up new possibilities for dialogue with the trade unions and it made a promising start. Disagreements soon emerged, however, over the issue of mass redundancies and the arrests of trade unionists. Other positive reforms introduced by the new government included the enactment of a law allowing teachers to form and join trade unions and the removal of a ban on trade union participation in political activities.

Amnesty International's main concern on workers rights over the past year has been the arrest, prosecution and harassment of trade union leaders for organizing strike action and demonstrations to protect the rights of their members. During 1998 the economic crisis and conditions laid down by the IMF led to obvious tensions and conflicts of interest between business, labour and the government. The government appears to have viewed trade union protest as an obstacle to economic recovery and a factor which would deter foreign investors. It reacted to strike action by attempting to remove the trade union leaders it deemed responsible and by deploying large contingents of riot police to break strike action and block demonstrations. This resulted in numerous human rights violations, increased tension and less protection for all workers. The National Security Law was also used to arrest trade unionists and workers and some were given heavy sentences.

As the economic crisis continues, Amnesty International urges the government to recognise that suppression of workers rights is short-sighted and counter-productive. Respect for basic human rights, including labour rights, will be important for the country's stability, economic recovery and long-term development.

Arrests of trade union leaders

In February 1998, South Korea's National Assembly adopted amendments to labour legislation which paved the way for mass redundancies. The government argued that the new legislation was necessary to fulfil the conditions for restructuring and labour market flexibility laid down by the IMF when it loaned US\$57 billion to Korea in late December 1997. Trade unions opposed the new legislation, fearing mass job losses in a country which lacks a social safety net for the unemployed.

In May and July the Korean Confederation of Trade Unions (KCTU) called general strikes to protest against the government's economic policies including restructuring leading to mass redundancies, inadequate social welfare provision, the failure to prosecute employers engaging in illegal lay-offs and the lack of effective consultation between the government, employers and trade unions. The KCTU also claimed that in some cases businesses had made use of the new legislation to lay-off trade union leaders before other workers. As a result of these two strikes, and organization of a May Day demonstration, arrest warrants were issued against many of South Korea's leading trade unionists. Some went into hiding but most were eventually arrested and prosecuted.

Many of the arrested trade union leaders were charged with "obstruction of business" under South Korea's Criminal Code, on the grounds that the two strikes were illegal. The authorities defined the two general strikes as technically illegal because they were in protest at general economic and social policies and were not specific to the workplace.

Those arrested included Koh Young-ju, Secretary General of the KCTU, who was sentenced to 18 months' imprisonment in October 1997 and released on appeal in January 1999. Others arrested and later released included Kim Ho-seun, President of the Korean Federation of Public Sector Unions; Kang Han-kyu, Chairperson of the KCTU Pusan Regional Council; Kim Je-yeun, First Vice President of Korea Telecom Trade Union; Park Chol-woo, Chairperson of the Seoul Branch of Korea Telecom Trade Union; Hwang Young-ho, President of the Korean Federation of Chemical and Textile Trade Unions and Park Seun-cheol, President of the Donghwa Bank Trade Union. Amnesty International called for the release of these and other trade union leaders arrested for calling the two general strikes and May Day demonstration.

In September 1998 Amnesty International's Secretary General met Dan Byung-ho, President of the Korean Metal Workers' Federation and Vice President of the KCTU and Yu Deuk-sang, First Vice President of the KCTU. The two leaders were evading police arrest in the compound of Myongdong Catholic Cathedral in central Seoul. Amnesty International called for the charges against these two leaders to be dropped but Dan Byung-



AI's Secretary General meets trade union leader Yu Deuk-sang outside Myongdong Cathedral where he was evading police arrest. September 1998. © AI

ho was later arrested and in January 1999 he was sentenced to two years' imprisonment. In February 1999 Yu Deuk-sang was still evading arrest.

Many other trade union members were arrested in the course of separate labour disputes at Hyundai, Mando Machinery and other large companies. While most were charged with "obstruction of business", many were additionally charged with committing acts of violence during clashes with riot police. One such incident took place in September when 10,000 riot police were used to break a strike at seven Mando Machinery factories. Dozens of workers were arrested and television pictures of the raid showed policemen beating unarmed demonstrators. Amnesty International does not condone the use of violence by workers and has not called for the release of those arrested for violent actions. However, it is concerned that on several occasions, such as the raid on Mando Machinery factories, the police used excessive force which only served to exacerbate tensions and resulted in injuries to both demonstrators and police.

Over 400 trade unionists were arrested and prosecuted during the year (about half were detained pending trial and others were freed on bail). Most were released after trial, either with a suspended sentence or a fine. A small number of key trade union leaders were, however, given a prison term. In February 1999 some 20 trade unionists remained in prison and a small number were still evading arrest. President Kim Dae-jung is reported to have



Trade union leader Dan Byung-ho signs AI's Universal Declaration of Human Rights pledge in September 1998. One month later he was arrested and put on trial for his trade union activities. © AI

called for leniency in dealing with the remaining detainees and further releases were expected.

Although most trade unionists had been released by early 1999, tensions remain and further human rights violations may occur at any time. The mass arrests over the past year have weakened the trade union movement at a time of instability and uncertainty. In January 1999 the head of the Tripartite Commission predicted that industrial relations would continue to be unstable and that mass unemployment and a lack of protection for the jobless would be the most serious social problem of the year.

Trade union leaders face an uncertain future as they continue to risk arrest and imprisonment for exercising their right to take strike action and to call demonstrations in protest at economic and social policies which will affect the lives of their members. Powerful groups within business and government circles continue to oppose rights for trade unionists.

In November 1998 the International Labour Organization (ILO) Committee on Freedom of Association examined two complaints lodged by the KCTU earlier that year. The Committee stated in its conclusions: *"The Committee must express its deep concern over the fact that trade union leaders and members are still detained or on trial, it would appear, for activities linked to collective labour disputes. The Committee is convinced that it will not be possible for a stable industrial relations system to function harmoniously in the country as long as trade unionists are the subject of detentions and judicial proceedings. The Committee considers that, in the new climate of tripartism prevailing in the country, it would be particularly appropriate for the authorities to pursue measures which would allow for the building of a new industrial relations system based on a climate of confidence"*.

The Committee went on to recommend that *"the Government take the appropriate measures so that the persons detained or on trial or for whom arrest warrants have been issued as a result of their trade union activities are released or that the charges brought against them are dropped or that the arrest warrants are withdrawn. In the case of persons charged with violence or assault, the Committee asks the Government to ensure that these charges are dealt with as soon as possible."*¹

Use of the National Security Law

In July 1998, fifteen trade unionists and political activists, were arrested under the National Security Law on charges of forming an "anti-state" organization. The arrests in Ulsan and

¹Taken from 311th Report of the Committee on Freedom of Association, Case no 1865

Pusan Cities took place around the time of the July general strike and those arrested were actively involved in the trade union movement and opposition to government economic and social policies. The 15 were accused of supporting North Korea through joining the "Youngnam Committee" with alleged links to North Korea, spreading North Korean ideology, including within the trade union movement, and attempting to indoctrinate South Korean society with North Korea's *Juche* ideology. Amnesty International believes the charges are unfounded and is concerned that the 15 appear to have been arrested principally because of their opposition to government policies and as a means of curtailing anti-government protests at a time of social unrest. It is concerned at this apparent attempt to link the trade union movement to alleged pro-North Korean activities.

Amnesty International is calling for the release of the 15 activists who were put on trial and given sentences of between three and 15 years in January 1999. They include Pang Suk-soo, Education and Publicity Officer of the Ulsan Regional Council of the KCTU, and Kim Myong-ho, Policy Director of the Ulsan Office of the Korean Metal Workers' Federation, who were both sentenced to five years' imprisonment. Among the women prisoners is Lee Eun-mi, Chairperson of a preparatory committee for the Ulsan Women's Association, who was sentenced to four years' imprisonment.

The National Security Law is frequently used to arrest people for exercising their rights to freedom of speech and freedom of association. Throughout the decades, at times of social unrest, it has been used to arrest government opponents on the pretext that they pose a threat to state security. Amnesty International is calling for an end to abuses under the National Security Law and for the law to be amended in accordance with international standards (see *South Korea: Time to reform the National Security Law*, AI Index: ASA 25/03/99, February 1999).

Trade Union rights in South Korea

Only a small portion of South Korea's workforce is unionised and the economic crisis has further weakened existing structures. The two main trade union confederations are the Korean Confederation of Trade Unions (KCTU), with around half a million members, and the longer-established Federation of Korean Trade Unions (FKTU) which has around 1.5 million members. Though established in 1995, by early 1999 the KCTU had still not been able to obtain legal registration.

Trade unions in South Korea are company-based, making them unviable in very small companies, and as a consequence they are mostly confined to heavy industry. Women make up over 40% of the workforce but work mostly in the informal sector or in small companies where there are few trade unions. In January 1999 the first women's trade union organization was established in Seoul. Under current legislation only one trade union is permitted at each workplace, a factor which has restricted the growth of independent trade

unions. Legislative amendments in 1997 stated that multiple unions will be permitted at company level from the year 2002.

In spite of the government's commitment to initiate reforms, several provisions of the Trade Union Labour Relations Adjustment Act (enacted in March 1997) remain in contravention of international standards relating to freedom of association. These include a prohibition of the right to strike in some non-essential services; denial of the rights of dismissed and unemployed workers to organize; denial of the right of civil servants to join or establish trade unions; and a requirement to notify the government of the identity of third parties who intervene in collective bargaining and industrial disputes.

In February 1998 the government agreed to allow teachers to form a trade union and legislation to this effect was adopted by the National Assembly in December. Teachers will be permitted to form a trade union from July 1999, though they will remain banned from taking collective action. Most civil servants are prohibited from joining trade unions, but will be permitted to form workplace associations from January 1999.

South Korea became a member of the ILO in 1991 but has not ratified ILO Convention 87 (on freedom of association and protection of the right to organize) or Convention 98 (on the right to organize and collective bargaining). As a condition of its entry to the OECD in 1996 South Korea agreed to bring its labour laws into conformity with international standards.

Effects of the crisis on women and vulnerable groups

Few in South Korea remain unaffected by the worst economic crisis to hit the country in decades. By the end of 1998 official figures put the number of unemployed at just over 1.5 million but civil rights groups and trade unions estimated the real figure to be more than two million. The country lacks a social safety net for the jobless and thousands have been forced to rely on friends, family and voluntary organizations for their livelihoods. By late 1998 over 3,000 people were estimated to be living on the streets in Seoul, with thousands more in other cities.

During 1998 President Kim committed his government to improving the rights of Korean women and one positive step during the year was the introduction of legislation to outlaw discrimination in the workplace. Women's groups claim, however, that too little has been achieved. Women were often laid off before their male counterparts or put under pressure from employers to accept voluntary redundancy, although labour laws prohibit redundancy on the grounds of gender. Women are vulnerable because they are often employed on a part-time or temporary basis in the informal sector, because they are not considered the main bread-winner and because they are less likely or able to resist than their male colleagues. Most women work in small companies which are not covered by

unemployment legislation. Women's groups have claimed that government employment programs do not adequately reflect the needs and rights of women. In July 1998 the Committee on the Elimination of Discrimination against Women expressed concern about female unemployment during the economic crisis and made a series of recommendations to the South Korean Government, including the provision of statistical data on female unemployment and increased trade union involvement for women.

Thousands of migrant workers who lost their jobs in 1998 were told by the government to either leave the country or pay a large fine. Many had not been paid for many months and could not afford to comply with these measures. Amnesty International has received recent reports of incidents where detained migrants were held in cramped conditions and beaten by immigration officials prior to deportation. Even before the economic crisis, migrant workers were a vulnerable group, often the victims of unscrupulous brokers, low or unpaid wages, a high rate of industrial accidents, poor health, poor working conditions and racial discrimination. Most migrant workers lack legal protection and workers' organizations have been campaigning for legislation to introduce a work permit scheme, giving migrant workers the same rights and benefits as Korean workers. At the end of 1998, some 90,000 undocumented workers remained in South Korea, with minimal legal protection. In September 1998 the Minister of Justice told Amnesty International that provisions to protect the rights of migrant workers would be included in a proposed human rights act.

Recommendations to the government

- Trade union leaders and members arrested over the past year for non-violent trade union activities should be unconditionally released and outstanding charges should be dropped.
- The government should ensure that trade unionists are able to exercise their legitimate trade union rights, including the right to take strike action and to hold demonstrations, without fear of arrest and prosecution.
- Trade union leaders and others imprisoned under the National Security Law for their non-violent trade union and political activities should be released. The National Security Law should either be substantially amended in accordance with international standards or abolished.
- Police officers, in carrying out their duty, should apply non-violent means before resorting to the use of force. Whenever the lawful use of force is unavoidable, police officers must exercise restraint and act in proportion to the seriousness of the offence and the legitimate objective to be achieved. Relevant international standards, including the *UN*

Code of Conduct for Law Enforcement Officials, should be widely disseminated and police should receive training in their practical application.

- South Korea's labour legislation should be brought fully into line with international labour standards. South Korea should ratify ILO Conventions 87 and 98 and take steps to implement the recommendations made in November 1998 by the ILO.
- The government should take steps to protect and promote the rights of women, migrant workers and other vulnerable groups who have faced increased discrimination during the economic crisis. It should implement the July 1998 recommendations of the Committee on the Elimination of Discrimination against Women.
- South Korea should ensure that the social and human rights dimensions of the Asian economic crisis are addressed at Asia Pacific Economic Cooperation (APEC) ministerial meetings and working groups and in other regional fora.

Recommendations to companies in South Korea

- Companies should ensure that all employees are able to exercise their rights to freedom of expression, peaceful assembly and association, as well as a fair means of collective bargaining without discrimination, including the right to form trade unions and to strike. Employees should not face arrest and prosecution for exercising these rights.
- Amnesty International calls on all companies to adopt codes of conduct which include an explicit commitment to respect human rights in their operations, including those set out in the Universal Declaration of Human Rights, the ILO "core" Conventions and other international standards. They should establish mechanisms to monitor effectively all their operations' compliance with international human rights standards.
- As part of this code of conduct, companies should ensure that their policies and practices prevent discrimination based on sex, ethnic origin, colour, social origin, religion, economic status, political or other conscientiously held beliefs.