
Amnesty International

REPUBLIC OF KOREA (SOUTH KOREA) @Update on Trade Union Leaders

April 1996

SUMMARY

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Kwon Young-kil (53), President of *Minju Nochong* (Korean Confederation of Trade Unions, KCTU) was released on bail on 13 March 1996. However, his trial continues on charges of "third party intervention" in labour disputes. Yang Kyu-hun (44), Vice President of the KCTU is also charged with "third party intervention" and remains in prison. (See earlier Amnesty International appeals: *Arrest of trade union leader Kwon Young-kil, ASA 25/30/95*, issued in November 1995 and *Arrests and Trial of Trade Union Leaders ASA 25/03/96*, issued in February 1996.)

Amnesty International believes that the two trade union leaders have been charged for the non-violent exercise of their legitimate trade union activities. Amnesty International calls for the immediate and unconditional release of Yang Kyu-hun. It welcomes the release on bail of Kwon Young-kil but calls for all charges against him to be dropped. Amnesty International also calls for the release of a third KCTU leader, Dan Byung-ho (47), whose case was recently brought to its attention. Dan Byung-ho was sentenced to one year's imprisonment in November 1995, also on charges of "third party intervention" in labour disputes.

Prohibition of "third party intervention" in labour disputes:

The prohibition of "third party intervention" is contained in Article 13-2 of the Labour Dispute Mediation Act. This article prohibits a "third person", that is anyone who has no immediate connection with a workplace where a dispute is taking place, from intervening in the dispute. Trade unions are generally formed at company level and a person outside the company will be regarded as a "third party". The authorities regard as "third party intervention" advice given to trade union members about their rights and about the conduct of industrial disputes. The maximum penalty on conviction is five years' imprisonment.

The Korean Confederation of Trade Unions (KCTU):

Within two months of the KCTU's inauguration, on 11 November 1995, both its President and Vice President had been arrested. Although the charges against the two men were related

to incidents which took place in 1994, their arrests at this particular time appeared to be an attempt by the authorities to suppress the activities of the newly-established KCTU.

The KCTU, with some 418,000 members from 861 trade unions, has described itself as a national centre of independent and democratic trade unions. It aims to improve workers' fundamental rights, to build and unify the trade union movement in South Korea, to improve work conditions, to eliminate discrimination in the workplace and to develop solidarity with workers throughout the world.

The KCTU is considered by the authorities to be illegal because it duplicates the work of an existing trade union federation, *Hankuk Nochong* (Federation of Korean Trade Unions, FKTU). South Korea's Trade Union Law prohibits the establishment of a second trade union at a workplace if it duplicates the work of an existing union, denying workers the opportunity to join a trade union of their choice. This prohibition extends to trade union federations and at the national level the FKTU is the only legally recognized national trade union body. The FKTU is generally considered to be supportive of government policy.

Arrests of KCTU leaders:

In June 1994 warrants were issued for the arrests of Kwon Young-kil and Yang Kyu-hun, on charges of "third party intervention" in labour disputes. The two leaders remained in hiding for over one-and-a-half years. Kwon Young-kil was arrested on 23 November 1995 and Yang Kyu-hun on 1 February 1996.

They were accused of giving advice to trade union members in speeches made on 10 occasions in May and June 1994. In these speeches they made general expressions of support for workers and criticised the government for using armed police to arrest striking workers. They also expressed support for workers regarding industrial disputes at Daewoo Shipyard, Hyundai Heavy Industry and Seoul Subway. Several of the charges relate to statements made about a strike at Korean National Railroad in June 1994. In this case, members of the trade union *Chonkihyop* had only taken strike action after management refused to negotiate with the union. In addition to the charges of "third party intervention" they were charged with several minor offences including interference of traffic during a KCTU demonstration, holding an unauthorized demonstration and illegal fundraising (collecting funds from people who do not belong to KCTU).

Kwon Young-kil's trial opened in Seoul on 26 January. His lawyers submitted a petition to the Constitutional Court arguing that provisions of the Fund Raising Act violate the Constitution. On 9 February the petition was accepted for consideration by the court. At the same time, Kwon Young-kil's application for bail was accepted.

Yang Kyu-hun remains in prison and his trial is expected to be shortly. At the time of writing his release on bail is considered unlikely. Dan Byung-ho was sentenced to one year's imprisonment on 14 November 1995 for "third party intervention". This was for the contents of his speech to workers at Hyundai Heavy Industry during strike action in 1993, when he expressed support for the strike and criticised government policy.

Recommendations about workers' rights in South Korea:

Amnesty International calls for the amendment of legislation prohibiting "third party intervention" in labour disputes in accordance with international standards on freedom of

expression and association. The organization believes that the law should not permit the arrest and imprisonment of trade union leaders for non-violent and legitimate trade union activities.

Other international organizations have called for the removal of the ban on “third party intervention”:

- In 1991 South Korea became a member of the International Labour Organization (ILO). In March 1993 the ILO called on the South Korean government to lift the ban on "third party intervention", saying *"As the Committee is of the opinion that the ban on third party intervention in the settlement of disputes constitutes a serious restriction on the free function of trade unions, it calls on the Government to repeal this ban"*.
- In May 1995 the UN Committee on Economic, Social and Cultural Rights included the following in its recommendations to the South Korean Government *"The committee recommends that the Government immediately amend its laws and regulations concerning the freedom to form trade unions and the right to strike in order to bring them into compliance with the Covenant [International Covenant on Economic, Social and Cultural Rights] and with other applicable international standards"*.
- In July 1995 the UN Human Rights Committee found that Sohn Jong-kyu, sentenced to 18 months' imprisonment for "third party intervention" in a labour dispute, had been convicted for exercising his right to freedom of expression. The Committee urged the South Korean Government to review Article 13-2 of the Labour Dispute Mediation Act and to ensure that similar violations did not occur in future.

Please send letters and faxes in English, your own language or Korean:

- Calling for the immediate and unconditional release of Yang Kyu-hun and Dan Byung-ho and for charges against Kwon Young-kil to be dropped;
- Calling for amendment of legislation prohibiting "third party intervention", in line with international standards relating to freedom of expression.

Write to:

- President Kim Young-sam
The Blue House, 1 Sejong-no, Chongno-gu
Seoul, Republic of Korea
Fax: +82 2 770 0253

- Mr Ahn Woo-man, Minister of Justice
Ministry of Justice, 1 Chungang-dong, Kwachon-myon,
Shihung-gun, Kyonggi Province
Republic of Korea
Fax: +82 2 504 3337

- Mr Jin Nyum, Minister of Labour
Ministry of Labour, 1 Chungang-dong, Kwachon-myon
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- and to diplomatic representatives of the Republic of Korea (South Korea) in your own country.



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