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£SOUTH KOREA

@Trade union leaders face arrest

7 JULY 1993

AI INDEX: ASA 25/25/93

DISTR: SC/CO/GR

Amnesty International has written to the South Korean Government to express concern about reports that arrest warrants were issued on 2 and 5 July for five trade union leaders under Article 13(2) of the Labour Dispute Mediation Act for third party intervention in a labour dispute. The trade unionists belong to the Korean Trade Union Congress (KTUC) and include KTUC President Dan Byung-ho.

According to information received by Amnesty International the men are accused of intervening in the current labour dispute in companies belonging to the Hyundai group. Dan Byung-ho is said to have visited Ulsan and incited Hyundai workers. He is also accused of visiting other trade unions in the area where he apparently gave lectures about the Hyundai dispute and about the conduct of this year's wage negotiations.

Amnesty International believes that Dan Byung-ho and other trade union leaders should be given the right to instruct trade union members about legitimate trade union activities such as wage negotiations and the conduct of industrial action. Any curtailment of this right can be regarded as a violation of their rights of freedom of expression and association. It has urged the South Korean Government not to arrest Dan Byung-ho and other KTUC members for giving advice to trade union members about peaceful and legitimate trade union activities.

Article 13(2) of the Labour Dispute Mediation Act (LDMA) prohibits a third party - that is somebody who has no immediate connection with a workplace where a dispute is taking place - from intervening in the dispute. The authorities regard as third party intervention giving advice to trade union members about their labour rights and about the

conduct of wage negotiations. Amnesty International is concerned that this provision has often been used to deny trade union leaders their rights of freedom of expression and association. It believes that the LDMA should be amended immediately to bring it fully into line with international standards, including the International Covenant on Civil and Political Rights which was ratified by the Republic of Korea in 1991.

The International Labour Organization (ILO) has also expressed concern about the prohibition on third party intervention in South Korea. In March 1993 the ILO's Committee on Freedom of Association made the following recommendation to the South Korean Government: "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 the South Korean press reported a spokesman of the Ministry of Labour as saying that draft legislation to revise the LDMA would be presented to the next National Assembly session. Amnesty International would welcome such an amendment if it offers full protection of the rights of freedom of expression and association. It believes that the arrests of Dan Byung-ho and other trade union leaders for the peaceful exercise of these rights would go against the spirit of the proposed amendment.

Please send appeals to the South Korean Government,

- *urging the authorities not to arrest Dan Byung-ho and other trade union leaders if the charges against them amount to no more than the peaceful and legitimate exercise of their trade union activities;*
- *expressing concern that the prohibition on third party intervention in labour disputes may be used to curtail the rights of freedom of expression and association;*
- *urging the government to amend Article 13(2) the Labour Dispute Mediation Act so that the above rights are fully protected, in conformity with international standards.*

Appeals to:

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Copies to: Diplomatic representatives of South Korea in your country

KEYWORDS: TRADE UNIONISTS1 / BANNING / CENSORSHIP / LEGISLATION / ILO /

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