



Mr. Hwang, Kyo-ahn, the prime minister and acting president of Republic of Korea

Cc:

- Ambassadors and Permanent Representatives to the OECD
- Angel Gurría, Secretary-General, OECD

Paris, 14 December 2016

Dear Prime Minister,

Prison sentence confirmed for Korean trade union Leader

I wish to express the deep concern about the failure of the Republic of Korea to uphold freedom of assembly and fundamental labour rights and in particular the sentence of Mr Han, Sang-guyen, President of the KCTU (affiliated to TUAC, alongside the FKTU) to three years in prison for charges related to his legitimate trade union activities.

Mr Han was indicted in January 2016 for charges related to the “*obstruction of public duty*”, “*destruction of public goods*”, “*obstruction of traffic*” and “*hosting and assembly at a banned location*” in relation to a demonstration held in November 2015 to commemorate the Sewol Ferry Tragedy. In July 2016 he was sentenced to five years in prison. Today, 13 December 2016, the Seoul High Court confirmed the imprisonment for a period of three years.

The case of Mr Han is not isolated. Over a dozen of Korean trade union leaders are detained on the same charges. Several hundreds of trade unionists have also been sued or threatened by the Korean judiciary in relation to the same events. Trade union offices have been raided.

Government repression of trade unions in Korea is a reality. It is the manifestation of serious failures by the Korean government and public institutions to uphold freedom of peaceful assembly – as recently documented by the United Nations¹ – but also freedom of association and, more broadly, of fundamental labour rights, as shown by the many cases brought against Korea at the ILO.

Repression against trade unions is also taking place in a context of deep-rooted income inequality in the Korean society compared to OECD peers, of severe labour market imbalances and job precarity – some 40% of Korean workers are “non-regular” workers – and more recently of a deep political crisis.

When Korea joined the OECD in 1996, it committed to “*reform existing laws and regulations on industrial relations in line with internationally accepted standards, including those concerning basic rights such as freedom of association and collective bargaining*”. Twenty years after, Korea is still failing to meet this commitment.

In May 2016, the TUAC, representing 58 national trade union confederations of OECD countries, including the FKTU and the KCTU, adopted a Resolution on “*Trade Union Rights in the Republic of Korea*”, among others calling upon your government to “*release and drop all charges against Han Sang-guyen, President of the KCTU, and other KCTU officers in the fulfilment of their trade union duties*”, to “*engage in transparent and democratic dialogue with all components of the Korean civil society, including trade unions*” and to “*uphold labour rights and freedom of assembly and initiate a reform process to effectively align its labour law with internationally recognised labour standards, including ratification of ILO conventions 87 and 98 and dropping reservation to art. 22 of the International Covenant on Civil and Political Rights*”ⁱⁱ.

I urge you to take the highest consideration for the current situation of labour rights in Korea and accordingly to take all appropriate steps, including the above.

Yours sincerely,



John Evans
General Secretary
Trade Union Advisory Committee
to the OECD

ⁱReport of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his mission to the Republic of Korea, Office of the United Nations High Commissioner for Human Rights , 15 June 2016

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Documents/A_HRC_32_36_Add.2_en.docx

ⁱⁱ 07/06/2016| 20th Anniversary of Korean OECD Membership overshadowed by labour rights and freedom of assembly violations http://www.tuac.org/en/public/e-docs/00/00/12/38/document_news.phtml