

28 June 2016

Ms Park Geun-hye,
President of the Republic of Korea
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Dear President Park

I am writing to you on behalf of the Irish Congress of Trade Unions, an affiliate of the International Trade Union Confederation, to strongly condemn the criminal charges against Han Sang-gyun, the President of the Korean Confederation of Trade Unions (KCTU).

On 5 January, 2016, Han was indicted for charges related to the "obstruction of public duty", "destruction of public goods", "obstruction of traffic" and "hosting and assembly at a banned location". We deplore the fact that all charges against him are related to legitimate and peaceful trade union activities he has undertaken in his capacity as a union leader. The indictment specifically refers to the commemoration rally of Sewol Ferry Tragedy on April 16, a May Day demonstration, pension reform demonstrations on 6 and 28 May as well as protests against labour law reforms and the Peoples Mass Rally on 14 November 2015. Moreover, the indictment justifies the charge of eight-year imprisonment requested by the prosecutors on 13 June 2016 on the basis of Han's leadership of the KCTU thereby making it explicit that he is targeted for his leading role in the movement. Unfortunately, Han is not the only trade unionist facing criminal persecution for his union activities. We know of 585 KCTU leaders and members who were arrested for their participation in the above mentioned protests with 20 of them held in custody and 7 are still in jail while other 13 were convicted and sentenced from 8 months - 1.5 years in prison. These include Lee Young-joo, the Secretary General of KCTU who received arrest warrant by the authorities last December for her participation in public rallies in 2015 and has been under self-imposed house arrest at the KCTU headquarter office since then.

The right to free assembly is protected by the Universal Declaration of Human Rights and the International Bill of Human Rights. Furthermore, as a member of the International Labour Organization (ILO), Korea is obliged to respect the principles of freedom of association. The International Labour Conference declared that the right of assembly, freedom of opinion and expression constitute civil liberties which are essential for the normal exercise of trade union rights. The ILO Committee on Freedom of Association made clear that public meetings on the occasion of May Day are protected by the right to freedom of association and highlighted that the arrest and sentencing of trade unionists to long periods of imprisonment on grounds of the "disturbance of public order" can constitute a repressive measure.

Indeed, Maina Kiai, Special Rapporteur of the United Nations on Freedom of Peaceful Assembly and of Association submitted a report to the Human Rights Council on 15 June 2016 about the case of Han and Park Lae-goon stating that *"charging assembly participants with certain criminal offenses, such as the general obstruction of traffic, de facto criminalises the right to peaceful assembly"*.

Criminal charges against union leaders and members are a clear violation of fundamental rights and in particular the right to freedom of association. Regrettably, these repressive measures seem to have become a common response by the Korean government against dissenting voices. We therefore urge your government to drop all charges against trade unionists for actions undertaken as part of their peaceful and legitimate trade union activities including Han Sang-gyun and Lee Young-joo; and stop criminalisation of trade union leaders and activists. Moreover, we call on you to review the national legal framework in consultation with trade union and civil society organisations in order to prevent such abuses in the future.

Yours sincerely



Patricia King
General Secretary

cc: His Excellency Mr. Kang-il Hu, EMBASSY OF THE REPUBLIC OF KOREA