
RETREAT FROM REFORM

LABOR RIGHTS & FREEDOM OF EXPRESSION IN SOUTH KOREA

Despite the South Korean government's June 1987 promise of reforms, there is a wide disparity between the rhetoric of democracy achieved and the reality of the Roh government's retreat from reform.

The government continues to violate the workers' right to elect their own leaders and take collective action. Riot police are frequently used to break up strikes and workers' rallies.

The government employs the stringent National Security Law to arrest its critics and advocates of unification with North Korea. Publishing houses are raided and "objectionable" materials confiscated. Writers, publishers and editors are rounded up. Military and civilian security agencies engage in domestic surveillance.

Asia Watch urges the Bush administration to drastically revise its current policy of "silent diplomacy" and to use its leverage as a major ally and trade partner to condemn human rights abuses and promote needed reforms.

ISBN 0-929692-75-6

ROK2.9

FROM REFORM IN SOUTH KOREA



23-2

ROK2.9

RETREAT FROM REFORM

LABOR RIGHTS & FREEDOM OF EXPRESSION IN SOUTH KOREA



AN ASIA WATCH REPORT

Retreat from Reform:

**Labor Rights and Freedom
of Expression in South Korea**

November 1990

An Asia Watch Report

485 Fifth Avenue
New York, NY 10017
(212) 972-8400
(212) 971-0905 Fax

1522 K Street, NW
Washington, DC 20005
(202) 371-6592
(202) 371-0124 Fax

© 1990 by Human Rights Watch
 All rights reserved
 Printed in the United States of America

ISBN 0-929692-75-6
 Library of Congress Card Catalog Number: 90-85381

THE ASIA WATCH COMMITTEE

The Asia Watch Committee was established in 1985 to monitor and promote in Asia observance of internationally recognized human rights. The chairperson is Jack Greenberg and the vice-chairpersons are Nadine Strossen and Orville Schell. Sidney Jones is Executive Director. Mike Jendrzejczyk is Washington Director. Patricia Gossman, Robin Munro and Ji Won Park are Research Associates. Jeannine Guthrie, Joy Lewis and Mary McCoy are Associates.

HUMAN RIGHTS WATCH

Human Rights Watch is composed of five Watch Committees: Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch.

Executive Committee

Robert L. Bernstein, Chairman; Adrian W. DeWind, Vice-Chairman; Roland Algrant, Lisa Anderson, Peter Bell, Dorothy Cullman, Jonathan Fanton, Jack Greenberg, Alice H. Henkin, Stephen L. Kass, Marina P. Kaufman, Jeri Laber, Aryeh Neier, Bruce Rabb, Kenneth Roth, Orville Schell, Sophie C. Silberberg, Gary Sick, Nadine Strossen.

Staff

Aryeh Neier, Executive Director; Kenneth Roth, Deputy Director; Holly J. Burkhalter, Washington Director; Ellen Lutz, California Director; Susan Osnos, Press Director; Jerema Rone, Counsel; Stephanie Steele, Business Manager; Dorothy Q. Thomas, Women's Rights Project Director; Joanna Weschler, Prison Project Director; Allyson Collins, Research Associate; Richard Dicker, Robert Kushen, Dinah PoKempner, Orville Schell Fellows.

Executive Directors

<i>Africa Watch</i>	<i>Americas Watch</i>	<i>Asia Watch</i>
Rakiya Omaar	Juan Mendez	Sidney Jones
<i>Helsinki Watch</i>	<i>Middle East Watch</i>	
Jeri Laber	Andrew Whitley	

TABLE OF CONTENTS

I. Introduction	1
II. Violations of the Right to Freedom of Expression	
The Unification Debate and the National Security Law	7
National Security Law Cases	11
Kim Keun-tae	13
Freedom of Expression and the Labor Movement	16
<i>Dawn</i> (Stone Pagoda Publishing Company)	17
<i>Nodong Haebang Munhak</i> (Nodong Munhak)	17
<i>Together with Farmers</i>	18
Choe Yun-yong	19
Inchon Labor Activists	19
Kim Hong-shin	20
Freedom of Expression and the "Conversion" System	20
Press and Publishing	21
Foreign Correspondents	24
Broadcast Media	26
III. Violations of Worker Rights	
Background	27
Laws Placing Restrictions on Worker Rights	30
Right to Form Trade Unions	31
Independence of Unions	32
"Third-Party Interference" and Freedom of Expression . .	32
Collective Bargaining and Strikes	33
Strike-Breaking	35
Preventing Worker Rallies	36
IV. Chonnohyop	
Background	39
The Legal Issue	41
Right to Assembly	42

Arrests	43
Harassment of Member Unions	43
May Day Response	44

V. Hyundai

Background	47
Independent Unions and Dismissals	48
The August 1987 Clash	48
More Arrests and Dismissals	52
Use of Goon Squads (<i>Kusadae</i>)	54
Kidnappings	57
Treatment of Detained Unionists	58
Ulsan Nambu (South Section) Police Station	58
Cho Chu-nam: Beating in Prosecutor's Office	60
Pusan Pretrial Detention Center	61

VI. Chunkyojo

Background	63
Suppression of Chunkyojo	65
The Legal Issues	67
<i>Chamkyoyuk</i> (True Education)	70

VII. Broadcasting and Press Unions

Background	73
Broadcasting Media	74
Munhwa Broadcasting Company (MBC)	76
Korean Broadcasting System (KBS)	78
Print Media	84

VIII. Orient Electronics

Background	87
Issues in the Labor Dispute	89
Government Response	91

IX. Conclusions and Recommendations

93

X. U.S. Role and Government Policy

U.S. Government Policy	95
U.S. Trade Policy and Labor Rights	98
Role of the U.S. Congress	99
The Role of U.S. Investors and Companies	100
Role of the U.S. Labor Movement	103
Conclusion and Recommendations	105

APPENDICES

I. Statement by the Republic of Korea Ministry of Justice .	107
II. Terms and Laws Cited in the Report	109
III. List of Jailed Unionists and Labor Activists	111
IV. List of Publishers and Others Jailed in Connection with their Publishing Activities, 1989-1990	145

**Retreat from Reform:
Labor Rights and Freedom of Expression in South Korea**

ERRATA

Insert top of page 6.

recommendations to the South Korean government and a chapter on the U.S. role and government policy toward South Korea.

This report was written by Edward J. Baker, a member of the Asia Watch Committee; Mike Jendrzeczyk, the Asia Watch Washington director; and Ji Won Park, Asia Watch research associate. They visited South Korea from June 5-17, 1990 and interviewed government officials and a wide range of non-governmental authorities and contacts, including lawyers, labor activists, domestic and foreign press correspondents, academics, and human rights monitors. Most of the interviews took place in Seoul; the delegation also visited Ulsan, site of the giant Hyundai company plants, and Taegu, where they visited a political prisoner. The report is based on information gathered during the June mission, as well as research before and after it.

I. INTRODUCTION

In June 1987, the government of South Korea embarked on a path of political reform. The tentative moves towards political openness came toward the end of the rule of President Chun Doo-hwan, whose administration had been marked by human rights abuses, ranging from the Kwangju massacre in 1980 to imprisonment and torture of critics and opponents and heavy-handed repression of the press.¹

Massive protests in the spring of 1987 attracted a wide cross-section of the South Korean population and led to government acceptance of an eight-point reform proposal issued by Roh Tae-woo (then chairman of the ruling Democratic Justice Party) on June 29, 1987, calling for direct presidential elections and other reform measures. In October, a newly amended constitution was approved in a national referendum. Besides the provision on elections, the constitution also included provisions strengthening protection of individual rights and empowering the legislature to hold public hearings on issues of national importance.

On December 16, 1987 South Koreans went to the polls for the first time in 16 years to directly elect a new president. The opposition was split, unable to agree on a single candidate. Roh Tae-woo was elected with a plurality of 36.7 percent of the votes. In his inaugural address on February 25, 1988, President Roh declared, "The day when freedoms and human rights could be slighted in the name of economic growth and national security has ended. The day when repressive force and torture in secret chambers were tolerated is over."²

¹ On May 18, 1980 demonstrations for democratic reform and against martial rule in the city of Kwangju (South Cholla province) were brutally put down by riot police and special airborne troops. In three days of barbarity, including beating, stabbing, and mutilating of unarmed and defenseless civilians, thousands were seriously injured and at least 2,000 were killed. Asia Watch, *Human Rights in Korea*, (January 1986), pp. 36-43. This report surveys human rights violations of the early-mid 1980's in South Korea. See also Asia Watch, *A Stern, Steady Crackdown: Legal Process and Human Rights in Korea*, (May 1987) and *Assessing Reform in South Korea*, (October 1988).

² *Korea Times*, February 26, 1988.

Two months after Roh took office, elections to the National Assembly took place in April 1988. For the first time the ruling party had a minority of seats in the legislature, while three other parties held a majority. The opposition asserted its newly-won power by initiating investigations and public hearings into the corruption and human rights abuses committed by former President Chun Doo-hwan. Numerous close associates and relatives of Chun were eventually arrested and jailed on corruption charges. In a controversial move, Chun was allowed to avoid prosecution by apologizing publicly for his past misdeeds and going into internal exile, where he remains as of the date of this publication.

In 1988, reacting to opposition pressure and the focus of the world's media in anticipation of the Olympic Games in Seoul in September, Roh proceeded to implement some of the other promised reforms, including elimination of many of the restrictions placed on the press, amendment of laws regulating trade unions, and release of hundreds of political prisoners.³ Important as those changes were, some things remained unchanged.

All the political parties initially expressed support for reforms, and discussions took place in 1988 between the opposition parties and the Democratic Justice Party to hammer out a reform program. But disagreements and competition between the parties led to a failure to eliminate the repressive laws and practices that characterized the Chun Doo-hwan government. Most significantly, they failed to amend most of the laws used to restrict freedom of expression, association and assembly. Roh vetoed amendments of the labor laws approved by parliament. The National Security Law (NSL), a broadly worded law providing stiff penalties for anyone accused of supporting or benefitting an "anti-state organization," remained on the books and continued to be used to arrest government critics. The Law on Assembly and Demonstration, which allows the government to ban a wide range of gatherings, also remained in force (although it was amended in March 1989). The Agency for National Security Planning, historically involved in domestic surveillance and interrogation of political opponents as well as espionage cases, had no new legal limits put on its activities. And although fewer than before, incidents of torture and mistreatment of detainees continued to be reported.

³ For details on the prisoner releases, see *Assessing Reform in South Korea*, pp. 13-14.

By the end of December 1989, the parliament was at an impasse, with the opposition political parties refusing to pass the national budget. In a surprising move, the presidential Blue House issued on December 16, 1989 an 11-point statement outlining a new agreement reached by the four political parties. President Roh and his ruling party agreed to persuade Chun Doo-hwan to return from internal exile and testify on corruption and abuse of power charges before the National Assembly. Roh also agreed to persuade two key military figures -- who had helped Chun come into power and whom the opposition held responsible for the 1980 Kwangju massacre -- to resign from their public offices. Finally, Roh agreed to seek compensation for those the government admitted were killed or injured during the 1980 Kwangju massacre. He also promised to cooperate in passing local autonomy election laws and amending the National Security Law and the Law on Agency for National Security Planning. But the "grand compromise," as the December agreement was dubbed, and the hope for reform that it engendered were short-lived.

In January 1990, two parties in the National Assembly which were previously considered opposition parties merged with the Roh's Democratic Justice Party to form the Democratic Liberal Party (DLP). The merger followed secret negotiations with the Reunification Democratic Party, headed by Kim Young-sam, and the New Democratic Republican Party, led by Kim Jong-pil. Kim Young-sam, who had been an important opposition leader for more than ten years, became the executive chairman of the new party. This left Kim Dae-jung as the leader of the sole opposition group, the Party for Peace and Democracy. The huge new DLP effectively controls more than two-thirds of the seats in the legislature. The leaders of the new party blamed competition between the four parties for the failure to enact structural reforms which would have led to democratization and reunification, including action on the National Security Law. They claimed the new party would not be hindered by such inter-party squabbles, yet none of the promised reforms were carried out by the new party.

By mid-1990, it was clear that South Korea's path to democratization was going to be neither smooth nor rapid, as various groups in Korean society tested the government's willingness to implement reforms and found it lacking. Since early 1989, thousands of people -- writers, editors, publishers and others-- have been arrested and prosecuted for expressing views contrary to those of the government on reunification between North and South Korea or for engaging in personal pro-unification diplomacy through unauthorized travel to North Korea. This crackdown took place despite President Roh's *Nordpolitik* declaration in July

1988 that it was time to stop treating North Korea as the enemy and that the government wanted to promote contacts across the demilitarized zone.

Likewise, the labor movement, taking advantage of Roh's announced reforms, began to agitate for increased wages and the right to form "democratic unions." In addition to strikes and other labor activity by industrial workers, unions sprang up among teachers in public and private schools and within the broadcasting and newspaper publishing industries. On January 20, 1990, blaming the labor movement for threatening the economy, the government announced a tough crackdown. Strikes were crushed with riot police. Many labor activists were arrested. Dissident labor publications and writers were banned.

The gap between the government's stated commitment to reform and its actual practices widened. The number of political prisoners, one indicator of this gap, continued to rise. There were nearly 1,400 political prisoners in South Korea as of the end of July 1990.⁴ Nearly half of the political prisoners were workers and labor activists. Reforms in the security and labor laws were stalled. Rather than facilitating the smooth operation of the National Assembly, the merger of the political parties only led to further friction and division. The DLP unilaterally passed 26 bills in July and disbanded parliamentary investigations into past abuses. In protest, all of the non-DLP legislators resigned and refused to participate in National Assembly proceedings.

In early October, the limits of democratization were brought into sharp focus when an agent in the Defense Security Command (DSC), the military's counterintelligence agency, publicly revealed the existence of an extensive spying program that kept at least 1,300 politicians, labor leaders, academics, religious leaders, journalists and others under regular surveillance.⁵ President Roh, who

⁴ Minkahyop, *Detainees in Connection with the Current Situation*, as reported by *Hankyoreh Shinmun*, August 4, 1990. Minkahyop is an organization of families of political prisoners. See chapter 2, p. 11. This figure encompasses all those believed to have been arrested for committing politically-motivated offenses, regardless of whether those are considered to be criminal offenses or acts of violence. Asia Watch calls for the unconditional release of only those persons who have neither engaged in or advocated the use of violence.

⁵ "The evidence [including files and computer disks] ... appears to be the first to contradict repeated assurances by President Roh Tae-woo that the armed forces would not get involved in politics. The politicians [under surveillance] include Kim Young-

had once been the head of DSC, immediately fired his defense minister and the head of the Defense Security Command but replaced them with his loyalists. As one respected publication noted, the new appointments "appear cosmetic rather than substantial."⁶ Kim Dae-jung, frustrated with the inability to affect change through the parliament, began a hunger-strike to demand political reforms, including an end to the political surveillance. His strike ended on October 20.

Taken together, these laws and measures against individuals and organizations advocating reunification or involved in collective trade union action provide a telling indictment of the Roh administration's failure to protect fundamental human rights in South Korea.

* * * * *

This report is divided into ten chapters. Chapter 1 examines political developments in South Korea since the last Asia Watch report, *Assessing Reforms in South Korea*, published in October 1988. Chapter 2 examines the ways in which freedom of expression has been restricted through application of the National Security Law, controls on the press, and arrests of opposition leaders, publishers, writers and others. Chapter 3 provides an overview of the labor movement, an analysis of the repression it has faced since President Roh took office, and an examination of both the legal safeguards protecting workers and the ways they are violated. Chapters 4, 5, 6, 7 and 8 are case studies of how certain labor rights are violated in particular industries or professions, including the Hyundai group, the teaching profession, and the broadcasting and newspaper publishing industry. The report concludes with a chapter on

sam, until this year a prominent opposition figure but now executive chairman of the ruling Democratic Liberal Party, and Kim Dae-jung." *The New York Times*, October 8, 1990. The 1,300 included some 140 politicians, 550 dissidents, 250 workers and labor activists, 27 members of Chunkyojo, 160 student activists, 120 religious leaders, 60 professors, 27 journalists, and others. All names were published on October 6, 1990 in *Hankyoreh Shinmun*. Many of the persons mentioned in this report are named in the list, including: Moon Ik-hwan, Kim Keun-tae, Jang Myung-guk, Koh Un, Lee Bu-young (Chonminnyon), Kim Hyon-jang, Hong Song-dam and persons associated with the newspaper *Hankyoreh Shinmun* (chapter 2); Yun Yong-kyu and Lee Bu-young (Chunkyojo) (chapter 3); Dan Byung-ho (chapter 4); Kwon Yong-mok (chapter 5); and members of the press unions discussed (chapter 6).

⁶ Shim Jae-hoon, "Old Habits Die Hard," *Far Eastern Economic Review*, p. 28.

We would like to thank all those who gave generously of their time, energy and expertise to assist with the mission and with this report. We are especially grateful to Mr. Cho Young-rae, a respected human rights lawyer and friend, who reminds us all that concern about human rights is based upon a basic compassion for one's fellow men and women. He guided us but would not allow us to abdicate the responsibility of forming our own impressions and conclusions about the state of human rights in his country.

II. VIOLATIONS OF THE RIGHT TO FREEDOM OF EXPRESSION

Despite its rhetoric and repeated commitments to reform, the Roh government continues to imprison publishers, labor activists, writers, political opponents, advocates of reunification with North Korea and others who attempted to exercise their right to freedom of expression. Government control over the press and publishing industry has eased, but self-censorship is widely practiced. Foreign correspondents have limited access to information, and the broadcast media are largely owned and operated by the state.

The Unification Debate and the National Security Law

Under Roh Tae-woo, it has become much more difficult to prosecute people just for their pronouncements on domestic affairs, and much is now said in public and in private, in the National Assembly and in the press, which once might have landed the speaker in prison. One obvious example: Kim Dae-jung, while functioning as the head of a political party and a member of the National Assembly, has constantly criticized the government in terms at least as harsh as those which led to his being sentenced to death under the National Security Law in 1980.

As the permissible scope for critical political discussions has broadened, the taboo subjects fall into two broad areas: advocacy of unification and criticism of the policies which have led to economic growth at the expense of worker rights. Those speaking out on these subjects can still be arrested under the National Security Law.

The National Security Law (NSL) gives the authorities broad powers to arrest and imprison anyone accused of forming, participating in, or benefitting an "anti-state organization." According to the NSL, such an organization, whether based in South Korea or abroad, is one whose purpose is to "assume a

title of the government or disturb the state" or an organization operating "along the lines of the communists."⁷

Over the years, the National Security Law (NSL) has been widely used to imprison people who, according to the government, visited North Korea, met North Koreans or alleged North Korean agents abroad, expressed support for North Korea or views similar to North Korean positions, listened to North Korean broadcasting, or possessed North Korean or other Marxist books. Conviction under the NSL can result in long prison sentences or the death penalty. Despite the fact that all the political parties have agreed since 1988 that it should be revised, the NSL remains the most frequently used instrument of repression against government dissenters in South Korea. Thirty-three percent of the political prisoners as of June 1990 were detained under the National Security Law.

The law was first enacted in November 1949 and has been amended several times, most importantly in 1980 when the Anti-Communist Law was repealed and several of its key provisions were incorporated into the NSL.⁸ In an April 1990 decision on two key provisions of the NSL, Articles 7(1) and 7(5), the South Korean Constitutional Court recognized that the law raised problems and that it was subject to abuse, yet still found the provisions constitutional and merely recommended limited application in cases where there was "explicit harm to national security, existence or the basic order of free democracy."⁹

On July 7, 1988 President Roh made a declaration in which he proposed an end to confrontation and an increase in contact between South and North Korea and a willingness to bring North Korea into the international community.¹⁰

⁷ Quoted from Article 3 of the NSL. Amnesty International, "Revision of the NSL and of the Law on the Agency for National Security Planning," AI Index: ASA 25/25/90 (May 1990).

⁸ *Ibid.* The Anti-Communist Law was promulgated in 1961 to counter communist insurgencies and infiltration.

⁹ Article 7, para.1 prohibits "benefiting an anti-state organization by praising it, encouraging it, siding with it, or through other means." Para. 5 deals with "importing, disseminating, buying or selling, etc. documents, drawings or other means of expression" for purposes benefiting or supporting "anti-state organizations." The court ruled that these provisions were "qualifiedly constitutional if rightly applied." Yonhap, April 2, 1990, in FBIS, same day.

¹⁰ *Korea Herald*, July 8, 1988.

Many groups and individuals responded with proposals for contacts with the North and some even made contact. One was the Association of Writers for National Literature which proposed to meet with its North Korean counterpart at Panmunjom, the truce village at the demilitarized zone which divides North and South.¹¹ A second was Chonminnyon, a nationwide coalition of dissident groups, including artists', farmers' and workers' organizations, which was founded in January 1989 to campaign for democracy, economic justice, reunification of Korea, and freedom from foreign (i.e. American) influence. At its inaugural meeting it proposed a conference to be attended by "representatives of all walks of life" in the North, the South and abroad.¹² Efforts to hold the conference led to the arrest of several Chonminnyon leaders.

Newspaper editors and political activists also tried to take advantage of the new *Nordpolitik*. Professor Lee Young-hee and some of his colleagues at *Hankyoreh Shinmun* allegedly attempted to arrange for a group of *Hankyoreh* reporters to visit North Korea to write feature articles for the paper. He was arrested, tried and given an 18-month suspended sentence in September 1989 after he had spent five months in prison.

The Roh government's response to these and other cases has made it clear that old habits die hard. After initially responding positively and helpfully to the Association of Writers for National Literature's proposal, the government backed away, then banned the proposed meeting and arrested the chairman of the executive committee, Ko Un, a well-known poet. Other members of the committee were indicted without detention. Eventually Ko was convicted and given a suspended one-year sentence for violating the National Security Law.¹³ Lee Bu-yong and other leaders of Chonminnyon were arrested in April 1989 for violating the NSL, the Law on Assembly and Demonstration, and in Lee's case also the labor laws for interfering in a labor dispute as a "third party."¹⁴ They

¹¹ *News from Asia Watch*, "Update on Human Rights Concerns in South Korea," July 26, 1989, p. 3; Amnesty International, *Urgent Action*, April 18, 1989.

¹² Amnesty International, "South Korea: Return to 'Repressive Force and Torture?'" p.6.

¹³ "Update on Human Rights Concerns," p. 3; "Return to 'Repressive Force and Torture?'" p. 21.

¹⁴ See chapter 3 for discussion of the labor laws, including the ban on "third-party interference."

were sentenced to one-year and two-year terms. Lee was sentenced in October 1989 to two years' imprisonment; he was released in February 1990.

Those who visited North Korea without government permission fared worse. Reverend Moon Ik-hwan, a well-known political activist; Im Su-kyong, a leader of Chondaehyop, a nationwide alliance of student organizations; and Representative Suh Kyong-won, an opposition party member of the National Assembly, all made separate trips to North Korea in the spring and summer of 1989 which were not authorized by the government. All three and several of their associates were arrested, tried, convicted and sentenced to substantial terms of imprisonment under the NSL. On appeal, the Supreme Court reduced Im's sentence to five years, but it confirmed Reverend Moon's seven-year sentence. Representative Suh is serving fifteen years.¹⁵ On October 20, 1990, Reverend Moon was released for reasons of "poor health." The government denied that there was any connection with North Korea's demand for the release of the prisoners tried for visiting the North, which threatened to impede North-South talks. The others sentenced with him remained in prison.

In contrast with the treatment of these individuals, Chung Ju-yong, the founder and head of the Hyundai Group, who also visited North Korea in early 1989, has suffered no ill consequences. The government said, however, that Chung had obtained prior permission to travel to the North.

Reverend Moon's trip spurred the creation of an investigatory body which had a brief but active existence. In April 1989 representatives of the various South Korean security agencies were temporarily grouped into the Joint Security Investigations Headquarters (JSIH). Ostensibly formed to investigate persons in connection with Reverend Moon's trip, its mandate was far broader. The JSIH became a key element in April in a governmental "crackdown on rising militant forces."¹⁶ At a meeting of security officials, President Roh called for tough measures to root out alleged violent leftist revolutionary forces from schools, publishing houses, religious groups, and the labor movement. The Culture and Information Minister was quoted as saying his ministry would "tighten its control

¹⁵ Yonhap, January 25, 1990, in FBIS, January 29; Yonhap, February 10, 1990, in FBIS, February 12; Yonhap, June 8, 1990, in FBIS, June 11; Reuters, June 11, 1990; Seoul Domestic Service, February 5, 1990, in FBIS, same day; Yonhap, June 11, 1990, in FBIS, June 13.

¹⁶ *Korea News Review*, April 15, 1989, p. 3.

over the publication of leftist ideological books."¹⁷ In the first month of operation, the JSIH arrested 234 people, booked 215 others without detention, put 88 on a wanted list, and seized 11,471 publications from 460 bookstores.¹⁸ Another source, the Korean Association for the Publishing Culture Movement, reports that in one three-month period in 1989, the Joint Security Investigations Headquarters organized "the most extreme suppression of the press in Korean history [and] had publishers arrested each week."¹⁹ Those arrested, indicted or sought by JSIH agents included advocates of democracy and unification, labor activists, publishers, booksellers, writers, and others.

The JSIH was officially disbanded in June, although arrests of dissidents under the security laws continued. In the publishing sector alone, according to the Korean Association for the Publishing Culture Movement, 43 people were arrested for suspected violations of the National Security Law, and all were found guilty.²⁰

The pattern of repression continued in 1990. As of the end of July 1990, there were said to be 1,379 persons "detained in connection with the current situation," i.e. arrested for having committed politically-motivated acts. Approximately 438 were workers and union activists, and 25 were involved in publishing. Of the total, 435 were detained under the National Security Law.²¹

National Security Law Cases

One of those arrested was Hong Song-dam, chairperson of the Kwangju chapter of the Korean National Artists Federation (Minminyon). Hong's main offense was sending a photographic slide of a large mural he painted, along with several other artists, to Pyongyang, North Korea. There it was displayed at the 13th World Festival of Youth and Students in July 1989. The mural, entitled "A

¹⁷ *Ibid.*, p. 5.

¹⁸ "Update on Human Rights Concerns."

¹⁹ Korean Association for the Publishing Culture Movement, *The Sixth Republic and Suppression of the Press*, (published in Korean in Seoul, June 8, 1990), pp. 5-6.

²⁰ See Appendix 4. Arrested publishers are almost always found guilty of having violated the National Security Law but are released some months later after being given suspended sentences.

²¹ Minkahyop, *Detainees in Connection with the Current Situation*, as reported by the *Hankyoreh Shinmun*, August 4, 1990. See chapter 1, p. 4.

History of the National Liberation Movement," depicts scenes of popular movements in Korea from the late 19th century through the 1980 Kwangju uprising. Hong was also charged with leaking state secrets by sending books and magazines to North Korean sympathizers in Europe to pass on to North Korean artists. A third charge was that he met with North Korean agents in Germany and received funds for and instructions to set up the Korean National Artists Federation.

On June 1, 1990 the Seoul Appellate Court confirmed the seven-year sentence handed down by the Seoul District Criminal Court for violation of the National Security Law (NSL). Seven years is the maximum sentence allowed under Article 7 of the NSL prohibiting production and distribution of "documents, drawings or any other means of expression" which "praise, benefit or encourage" North Korea.²² In September 1990, the Supreme Court ruled on Hong's case, reversing one charge against him and finding him guilty of the other charges; it sent his case back to the appeals court for retrial.²³

Hong alleged at his initial trial that he had been tortured during his three weeks of detention by the Agency for National Security Planning. A forensic pathologist on the faculty of the Seoul National University testified that he had found evidence of torture when he examined Hong while he was still in detention.

On June 18, 1990 the Seoul Appellate Court also upheld the seven-year sentence of another prominent dissident, Kim Hyon-jang, head of the International Relations Bureau of Chonminnyon.²⁴ Kim's offense also involved expression which the government disliked. He was convicted under the NSL for sending facsimile messages to Hanmint'ong, an association of Korean residents in Japan which was declared an "anti-state organization" by the South Korean

²² Amnesty International, "South Korea: Hong Song-dam: Seven Years' Imprisonment for Sending Paintings to North Korea," February 1990; North American Coalition for Human Rights in Korea, *Korea Update*, No. 100, July-August 1990, p. 22.

²³ The court said there was no evidence to prove that Hong knew that the person he contacted in Germany was a North Korean agent and dismissed his conviction on an espionage charge. *Korea Herald*, September 26, 1990.

²⁴ Kim, a free-lance writer and human rights activist, was previously jailed from 1982-1988 on charges of violating the National Security Law. He had been wanted by the authorities for circulating documents on the Kwangju massacre.

Supreme Court in the late 1970's. Hanmint'ong was one of several organizations abroad to which Kim sent appeals for support for a campaign to demand an independent autopsy and investigation into the suspicious circumstances surrounding the May 1989 death of a Kwangju student activist, Lee Chol-kyu. The authorities alleged that Hanmint'ong sent a contribution of \$1,200 in response.²⁵

Kim Keun-tae

Kim Keun-tae is a chairperson of the executive committee of Chonminnyon and a prominent leader of the opposition movement.²⁶ His case illustrates the use of both the National Security Law and the Law on Assembly and Demonstration, another security measure frequently used to control dissent and restrict freedom of expression.

On September 29, 1990, Kim Keun-tae was sentenced to three years in prison on charges filed in connection with demonstrations on May 9, 1990 by at least 100,000 people, protesting the formation of the new government party.²⁷ Many people, including Kim, expressed the fear at that time that the new Democratic Liberal Party, holding more than the required two-thirds of the National Assembly seats, would act to amend the constitution to establish a cabinet system thus allowing President Roh to remain in power after his current single five-year term ends in 1992.²⁸ The demonstration led to a firebomb attack on the U.S. Information Service building in downtown Seoul, a frequent target of anti-American protests. About 40,000 riot police were mobilized and as many as 1,900 demonstrators were briefly detained by the police. Kim was

²⁵ *Korea Update*, p. 22.

²⁶ Kim has a long history of opposing the governments of Roh Tae-woo and Chun Doo-hwan. He was detained from 1985 until mid-1988 for his involvement in the National Youth Alliance for Democracy and his role in organizing anti-government demonstrations. He was severely tortured during the initial interrogation. See Asia Watch, *A Stern, Steady Crackdown*, pp. 78-89. He and his wife, Inn Jae-keun, also a leading human rights activist, were awarded the Robert F. Kennedy Human Rights Award for 1987.

²⁷ For descriptions of the demonstrations, see *New York Times*, May 10, 1990, p. 1 and UPI, May 10, 1990, *New York Times*, May 14, 1990, p. 6. Kim was sentenced to a three-year prison term by the Seoul District Criminal Court on September 29, 1990. *Yonhap*, September 29, 1990, in FBIS, same day.

²⁸ See chapter 1 for additional details and background.

arrested on May 14 and indicted on June 9, 1990 under the National Security Law and the Law on Assembly and Demonstration.²⁹

It appears that Kim was arbitrarily singled out because of the influential role he was playing in the movement to unify the opposition, since he was the only person prosecuted for a serious offense in connection with the May 9 demonstrations. Asia Watch believes that Kim was arrested simply for exercising his right to freedom of expression. In response to concerns raised by Asia Watch in meetings in June with the Ministry of Justice, and in correspondence, the government changed the stated reason for Kim's arrest, saying he was charged not only in connection with the May 9 rally, as his arrest warrant indicated, but also with other violations of security laws.³⁰ Specifically, the Ministry said he was charged with violating the NSL by reading, at the organization's inaugural rally in January 1989, Chonminnyon's charter which advocated reunification. It is not at all clear how Kim's activities at the rally were "aiding the enemy," as the government alleged, especially when an official announcement made well after the rally in June 1989 cited the findings of government investigators who uncovered no evidence to link Chonminnyon with the "enemy" (i.e. North Korea), though some of its members have been arrested for trying to make contact with individuals in the North.³¹

In addition, Kim was accused of participating in several protest activities in 1989 and 1990 (including the May 9 demonstration) in violation of the Law on Assembly and Demonstration. Kim's alleged violations of this law included failing to report the assemblies 48 hours in advance as the "sponsor" is required to do, although it is not clear why the government considers Kim the sole "sponsor" of these protest activities.³² Failure to report properly is punishable

²⁹ *Korea Times*, June 10, 1990.

³⁰ Asia Watch wrote to Minister Lee Jong-nam, August 6, 1990, raising questions about Kim's trial and the charges against him. Lee Sun-woo, Director of the Human Rights Division, Ministry of Justice, replied for the government. The case was raised with Lee Sun-woo and other Ministry officials on June 15, 1990 by the Asia Watch mission.

³¹ "Aiding the enemy..." quoted from Justice Ministry letter, *ibid*. The announcement was made in connection with the dissolution of the Joint Security Investigation Headquarters. *Korea Herald*, June 18, 1989.

³² Law on Assembly and Demonstration, Article 6(1). The South Korean government claims that Kim somehow "instigated" acts of violence which allegedly took place in connection with protest activities in February 1990, April 1990, and May 1990. Letter from Lee Sun-woo to Asia Watch, September 11, 1990.

by up to two years in prison or a fine of two million *won* (US\$2860). The law was amended in March 1989 considerably reducing the penalties for violating it. For example, failure to report properly was previously punishable by up to seven years in prison and a three million *won* fine (US\$4290). In addition, any assembly "feared to conspicuously cause unrest" was previously prohibited. The changed law specifies there has to be a "clear and present danger" of a threat to public order.³³ Before the amendments were made, the law was used to prevent opposition demonstrations from taking place, and they continue to be used by the authorities to restrict the exercise of freedom of speech by preventing or breaking up peaceful anti-government demonstrations.³⁴ In a letter to Asia Watch, the Justice Ministry maintained that "the National Security Law and laws governing public assembly and rally have been enacted to regulate freedom of speech and freedom of assembly to protect national security" and insisted they do not violate the "basic essence" of Kim's freedom guaranteed by Korean law.³⁵

Kim Keun-tae's case went to trial on July 20, 1990 and lasted only about five minutes. Kim refused to participate in the proceedings, characterizing his arrest "as a political reprisal for [his] criticism of the ruling group" and stated he could no longer recognize the state's authority to mete out punishment. He withdrew from the courtroom and was informed by the judge as he left that his walkout would be "tantamount to accepting all the evidence presented by the prosecution."³⁶ After he left the courtroom, the prosecutor asked the court to sentence him to seven years' imprisonment to be followed by seven-years' suspension of his civil rights. Asia Watch raised questions about the proceedings in a letter to the Ministry of Justice and expressed concern that the court may have violated Kim's right to the presumption of innocence, as guaranteed in South Korean domestic and international law.³⁷ In response, the government

³³ Law on Assembly and Demonstration, Article 19(2).

³⁴ See *Freedom of Expression*, pp. 38-40; Asia Watch, *Assessing Reform in South Korea*, (October 1988), pp. 37-39.

³⁵ Letter from Lee to Asia Watch, September 11, 1990.

³⁶ Account of the trial, confirmed to Asia Watch by Kim's attorneys, is from the *Hankyoreh Shinmun*, July 23, 1990, p. 19.

³⁷ Asia Watch letter, August 6, 1990: "Under international law, the state has the burden of proof regardless of whether the defendant chooses to participate in the trial. The court may have violated Kim's right to presumption of innocence by accepting the probative value of the prosecutor's evidence before the court had the opportunity to weigh it." The presumption of innocence is guaranteed in Article 14(2) of the International Covenant on Civil and Political Rights and Article 27(4) of the 1987 Constitution of the

denied that the judge made the statement attributed to him and said it would be up to the court to rule on the basis of the evidence presented regardless of the position taken by Kim and his lawyers.³⁸ In keeping with his refusal to stand trial, Kim has refused to appeal. The prosecutor has appealed for a heavier sentence, and an appeal has also been made by the defense in the name of one of Kim's lawyers.

Freedom of Expression and the Labor Movement

If those seeking reunification with North Korea have experienced the limits on freedom of expression, so have the leaders and members of South Korea's independent trade unions. The growth of the labor movement stimulated the creation of new periodicals and magazines dealing with labor issues, as well as a weekly newspaper (*Nodongja Shinmun*, literally translated as *Workers' Newspaper* but also known as the *Korea Labor News*). But like the independent unions themselves, the labor publications and the individuals associated with them have been targeted by the authorities for sustained and harsh repression. The suppression of labor publications is evidently aimed at stifling further growth and mobilization in the independent trade union movement by hindering the free and open exchange of information, news and ideas.

Asia Watch has compiled information on a number of cases of labor publishing companies and/or individuals associated with them, although these are only a fraction of the nearly eighty such cases of persons arrested during the Sixth Republic (Roh Tae-woo's presidency) for their publishing activities.³⁹ Asia Watch also has obtained information about cases of labor activists labelled by the authorities as "leftists" and "radicals" because they allegedly possessed "pro-communist" or pro-North Korean books or literature.

Republic of Korea.

³⁸ Lee letter to Asia Watch, September 11, 1990: "The court stated that in order for the prosecution to prove Mr. Kim's crimes [sic], each evidence admitted must be examined and explained by Mr. Kim or his lawyers....The presiding judge cannot simply rule that the defendant is guilty just because he refused to examine and comment on the evidence presented by the prosecution....Mr. Kim will receive a fair trial on the charges brought against him."

³⁹ See Appendix 4.

Dawn (Stone Pagoda (Suktap) Publishing Company)

Jang Myung-guk is the founder of the Stone Pagoda (Suktap) Labor Research Institute. In October 1988, the Stone Pagoda Publishing Company, affiliated with the labor institute, began issuing *Dawn*, a periodical dealing with labor issues. Jang, 43, contributed articles addressing issues of economic class, social stratification, women's concerns and other matters. Active in the labor movement for 20 years, he authored the well-known book, *Explanation of Labor Laws*, which was published in 1982 and has sold 400,000 copies. In March 1989, Jang went into hiding for 13 months. In the May 1990 issue of *Dawn*, Jang contributed articles that critically examined the present and future direction of the labor movement. Arrested on June 19, 1990, he was indicted on August 8 under the National Security Law (NSL) and the labor law ban on "third-party interference" in labor disputes.⁴⁰ His trial began on October 19, 1990. The NSL charges under Articles 7(1) and 7(5) stem from articles Jang wrote in *Dawn*.

Nodong Haebang Munhak (Nodong Munhaksa)

The Nodong Munhaksa (Labor Literature Company) began publishing its *Nodong Haebang Munhak* (Labor Liberation Literature) magazine in March or April 1989.⁴¹ In publishing the magazine, its editors said, "Our goal is to maintain a clear line on behalf of the labor class."⁴² They added that the magazine was mainly intended for a readership consisting of union activists and reporters covering the labor scene.⁴³ The editors pledged "to make their magazine a guardian for the working class, a moderator of independent labor movements, and an essence of poignant literature of labor issues."⁴⁴

In May 1989, *Nodong Haebang Munhak's* publisher, Kim Sa-in, and its editor, Im Kyu-chan, were arrested in connection with an article on the Kwangju massacre published in the magazine's May issue. On September 18, 1989, they

⁴⁰ For details on the "third-party interference" charge against Jang, see chapter 3.

⁴¹ The June 1990 report by the Korean Publishing Culture Movement Association; International PEN, *Writers in Prison Committee Report*, September 1990.

⁴² *Korea Herald*, February 24, 1989.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

were found guilty and were each sentenced to two years' imprisonment and deprivation of civil rights. Their sentences were suspended for three years.

In December 1989, *Nodong Haebang Munhak* was ordered by the authorities to suspend publication for three months. On January 11, 1990, Kim and Im were arrested again by the Agency for National Security Planning (ANSP) and held under the National Security Law for allegedly defaming President Roh in their December issue. Im was sentenced on May 1, 1990 to two years' imprisonment and deprivation of civil rights; his sentence was suspended for two years.

ANSP agents also raided the magazine's office and the homes of the magazine staff members and confiscated 46,000 copies of the magazine.⁴⁵ Security agents were also reported to be seeking several other contributors to the magazine, including the author of the offending article who wrote it under the pen name Pak No-hae (short for *Nodong Haebang*). Pak, 31, is believed to be a poet from Chollanamdo reportedly famous for satirical verses and prose about harsh working conditions of workers. Among his writings is a piece published in the magazine's October issue entitled "Our Love, Our Wrath" which criticizes the semi-autobiography of Kim Woo-choong, chairman of one of Korea's largest conglomerates, the Daewoo group.⁴⁶

Kim Tae-jong, also a publisher of the *Nodong Haebang Munhak*, was arrested in February 1990 in connection with the May - December 1989 issues of the magazine. He had previously been arrested in March 1989 for publishing "A Philosophy of National Liberation."

Together with Farmers

Kim Chun-ki, publisher of *Together with Farmers* was arrested around June 26, 1989. According to the New York-based Committee to Protect Journalists, the magazine published articles criticizing the government's agricultural policies and the influence of the United States on the South Korean economy. In late 1989, Kim was sentenced to two years' imprisonment under the National Security Law for disseminating and publishing materials that "praised" North Korea. Lee

⁴⁵ *Korea Herald*, January 13, 1990.

⁴⁶ *Korea Times*, January 13, 1990, in FBIS, January 18, 1990.

Sam-haeng, a writer for *Together with Farmers*, was also arrested; he was released on a suspended sentence.⁴⁷

Choe Yun-yong

Choe Yun-yong, 29, a labor activist, was accused of receiving a "seditious" book on communist organization tactics from a member of the audience during an October 16, 1988 performance of a play that was performed to raise money for a workers' library on the Kyongbuk National University campus in Taegu. Choe was accused of displaying the "pro-communist" book at the office of the Progressive Political Union in Pisan-dong and photocopying it in order to disseminate information on communist tactics. He was arrested on May 21, 1989, convicted of violating the National Security Law and sentenced to six months' imprisonment and deprivation of civil rights for the same period. Choe appealed his case to the appellate court but on February 3, 1990 he was given a heavier sentence--10 months' imprisonment plus one year's civil rights suspension. In the ruling, presiding Judge Son Che-hui reportedly said, "We cannot allow his actions committed in the name of academic freedom to overthrow the free democratic system, even though we admit that freedom of thought is one of the basic rights that should be guaranteed fully."⁴⁸

Inchon Labor Activists

In April 1990 eight labor counselors were arrested and three others booked for alleged violation of the National Security Law for teaching the *juche* to workers. (*Juche* is the name of North Korean President Kim Il-sung's "self-reliance" ideology.) The National Police Headquarters accused the men of setting up a labor counselling center in Inchon in November 1988 and teaching the North Korean ideology to workers at five companies, including Daewoo Heavy Industries, Haitai Confectionery and Jindo Industries. Investigators also confiscated 300 articles on *juche* and other "illegal" publications containing the texts of North Korean radio broadcasts.⁴⁹

⁴⁷ See Appendix 4.

⁴⁸ *Korea Times*, February 4, 1990, in FBIS, February 6, 1990.

⁴⁹ The names of the men were not published. *Korea Herald*, April 13, 1990, in FBIS, same day.

Kim Hong-shin

Kim Hong-shin, a well-known novelist and radio announcer, was fired from his radio job in June 1990 for speaking out about the police mistreatment in April 1990 of striking unionists at the Korea Broadcasting System (KBS). During his program at a KBS-owned station, Kim announced over the air that he had watched a video showing police violence against striking KBS workers and that he could not remain silent about it. He added that if he were prohibited from broadcasting after he made his statement or if the radio station were retaliated against, then South Korea could not be a democracy. The KBS management pulled Kim off the air.⁵⁰

Freedom of Expression and the "Conversion" System

Another group in South Korea which has faced violations of freedom of expression consists of prisoners convicted under the National Security Law and the Anti-Communist Law who are pressured to sign statements formally "converting" to anti-communism and recanting their allegedly pro-communist beliefs. Requiring prisoners to sign "conversion" statements violates their rights to freedom of expression and freedom of conscience as guaranteed by the International Covenant on Civil and Political Rights (ICCPR) and Article 19 of the South Korean Constitution.⁵¹

A ranking system exists in the South Korean prisons. As an inmate serves his sentence, he moves up the ranks and is afforded better treatment, such as more frequent family visits and correspondence, as well as the possibility of being considered for parole commutation or inclusion in a presidential amnesty. Prisoners convicted under the National Security Law are not included in this

⁵⁰ Interview with labor activist in Seoul, June 1990. Kim's case reportedly received wide press coverage in South Korea. Also see chapter 7.

⁵¹ "Everyone shall have the right to freedom of thought, conscience and religion...No one shall be subject to coercion which would impair his freedom to have or to adopt...beliefs of his choice." Article 18, ICCPR; "All citizens shall enjoy freedom of conscience." Article 19, Constitution of the Republic of Korea.

ranking system unless they sign a conversion statement. Signing such a statement, however, does not necessarily guarantee improved treatment.⁵²

Family members are pressured to convince prisoners to sign conversion statements, and there have been reports of ill-treatment of long-term prisoners who refuse to convert. In September and October 1989, inmates at several prisons staged hunger strikes; among their demands was a call for the abolition of the conversion system.⁵³

Suh Sung, a former political prisoner who spent 19 years behind bars and was released on parole in February 1990, provided Asia Watch with information on 57 political prisoners, all refusing to convert, held at Taejon Prison. According to Suh, 51 of them are serving life sentences. Twenty-five are between 60 and 70 years old; ten are over 70. Three prisoners have served 40 years behind bars, and 20 have spent more than 30 years in prison. Many of them are now reportedly in failing health with little hope of being released. Suh said beatings and other forms of physical and psychological pressure were employed over the years to coerce the prisoners to convert.⁵⁴

Press and Publishing

In his inaugural address on February 25, 1988, President Roh admitted that critics had often accused his predecessors of stifling free expression "in the name of national security." When he took office, Roh ended regulations for overt censorship of the daily press, which under the Chun administration had included specific, detailed guidelines on what could and could not be published, and the press often contains articles critical of the government.

⁵² See *Assessing Reform* and Amnesty International, "South Korea: Long-term Political Prisoners," December 1989. The requirement to sign conversion statements was also confirmed to Asia Watch by Suh Joon-shik, chairman of Minkahyop's committee on long-term political prisoners in an interview, Seoul, June 1990.

⁵³ *Ibid.*

⁵⁴ Suh Sung is the only prisoner convicted under the NSL known to have been released before the end of his sentence despite his refusal to convert. For details of his imprisonment, See Suh Sung, "Nineteen Years Behind Bars: My ordeal as a political prisoner in South Korea," *Asahi Monthly*, May 1990.

According to publishers interviewed by Asia Watch, publishing companies are no longer required to register with the government and to submit manuscripts to the Ministries of Culture and Information before they are put on sale.⁵⁵ Both requirements had been used as a censorship tool to control the content of publications.⁵⁶ Books and periodicals which could not have been published before June 1987 are now published. Under the Chun administration, some 650 books were banned. The ban on 431 titles on this list was lifted in October 1987, and the decision in the cases of 181 others was entrusted to the courts. In addition, there were new guarantees and protection of the right to freedom of expression contained in the 1987 South Korean Constitution and in the International Covenant on Civil and Political Rights to which the Roh government acceded in July 1990.⁵⁷

The problems that remain with censorship of the press stem largely from the fact that many of the most conscientious journalists were fired under government pressure during the Park and Chun years, and the habit of self-censorship has become ingrained. Self-censorship continues in part because of uncertainty about the consequences of ceasing it. *Hankyoreh Shinmun*, an outspoken opposition newspaper which employs many of the formerly dismissed journalists, continues to have trouble attracting corporate advertisers because "its lower

⁵⁵ The Ministry of Culture and Information was divided in the beginning of 1990 into two separate ministries.

⁵⁶ See Asia Watch, *Freedom of Expression in the Republic of Korea*, August 1988, pp. 37-38. However, despite the lifting of these requirements, an informed person told the Asia Watch delegation that advance copies of books still have to be filed with the relevant ministries: books with the Ministry of Culture and periodicals with the Information Ministry. Interview in Seoul, June 1990.

⁵⁷ Article 18 of the constitution guarantees the right of all citizens to "freedom of conscience"; Article 37(2) protects the freedoms of speech, press and assembly. Article 19 of the Universal Declaration of Human Rights specifies, "This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." Article 19 of the ICCPR provides similar guarantees. South Korea ratified the ICCPR with four reservations, none of which applied to this article. The ICCPR allows for "certain restrictions" in these rights, under law, "for the protection of national security or of public order...." (3)(b). The Korean constitution, in an almost identical provision, says the rights of citizens are to be restricted only "when necessary for national security, the maintenance of law and order or for public welfare;" but it adds, "Even when such restriction is imposed, no essential aspect of the freedom or right shall be violated." 1987 Constitution of the Republic of Korea, Article 37(2).

income readership and politically committed coverage have branded it a newspaper of the militant working class and radical fringe."⁵⁸ The danger of being seen to support *Hankyoreh Shinmun* was underscored in 1989 by the arrest and conviction of editorial board member, Professor Lee Young-hee, and by a July 12 police raid of the newspaper's offices to confiscate photographs and documents a reporter had allegedly received from National Assemblyman Suh Kyung-won after his trip to North Korea.⁵⁹

Since 1987, reporters have been given greater access to information. But the existence of a small elite of media personnel with close proximity to those in power has been, since the time of Park Chung-hee,⁶⁰ an obstacle to accuracy in reporting, reinforcing the trend toward self-censorship. After 30 years of dictatorship, a "yardstick" measuring what is acceptable to the government has been internalized in the minds of many journalists.

Access to information with respect to the civilian and military intelligence agencies and high government officials remains restricted. Reporters, particularly cameramen and photographers, are still sometimes beaten by the police while trying to cover demonstrations. For example, a Yonhap news agency photographer and another photographer from *Hankyoreh Shinmun*, plus two others from local dailies were beaten by police while covering a demonstration in Inchon. The Yonhap photographer was trying to photograph riot police running to arrest demonstrators. He was reportedly swept up by the police squad who threw him to the ground; ten police officers trampled on him and beat him with truncheons. The other journalists were beaten when they tried to intervene.⁶¹

Related to the problem of journalists' access to official sources of information is the informal system of bribes reportedly paid by government ministries to the reporters assigned to cover them. Members of the press corps reportedly receive envelopes containing money, termed *chonji*, on a periodic

⁵⁸ Shim Jae-hoon, "A Different Drummer," *Far Eastern Economic Review*, August 23, 1990, p. 26.

⁵⁹ For details on the raid, see *News from Asia Watch*, "Update on Human Rights Concerns in South Korea," July 26, 1989, p. 3.

⁶⁰ Park Chung-hee was South Korea's president from 1961 until 1979.

⁶¹ *Korea Herald*, February 28, 1989. See also June 1988, March/April 1989, May 1989 issues of *The Seoul Correspondent*, an in-house newsletter of the Seoul Foreign Correspondents Club.

basis from the ministries they cover. We were told that the sum given to the reporters varies; a former journalist said that the money is even allocated in some of the ministries' budgets as a "public relations expense." Many of the journalists we spoke with frowned upon acceptance of *chonji* and agreed that the practice should be discontinued, but there appears to be little prospect of this. In fact, we were told that newspapers calculate the ministries' bribes as part of journalists' salaries; the only exception was *Hankyoreh Shinmun*, which maintains a company policy of refusing to accept *chonji*.⁶²

Foreign Correspondents

Foreign correspondents based in South Korea have special problems with respect to access to news and official sources. The Press Freedom Committee of the Seoul Foreign Correspondents Club (SFCC) believes that the attitude of officials "has always been to keep [foreign correspondents] from, rather than to help us obtain, information."⁶³ At the same time, we were told it was easier for a foreign correspondent to obtain an interview with certain ministers, for example. In addition, the assistant foreign minister holds a briefing each Friday at the Seoul Foreign Correspondents' Club.

Since 1987, the SFCC and the Korea Overseas Information Service (KOIS), a government agency, have engaged in a dialogue on restrictions on access imposed on the foreign media. This ongoing dialogue has been chronicled in the "Press Freedom Report" column of *The Seoul Correspondent*, the SFCC's in-house newsletter. In the June 1988 "Press Freedom Report," Joe Manguno, reporter for the *Asian Wall Street Journal* and then chair of the SFCC's Press Freedom Committee, observed, "Personal hazards, censorship and poor access to government information continue to present obstacles to foreign media working in South Korea." A Reuters correspondent had been severely beaten on April 13, 1988 by guards of former President Chun Doo-hwan while trying to cover a

⁶² *Far Eastern Economic Review* reported on August 23, 1990, "Following overseas publicity, news organizations have posted circulars banning acceptance of money or favors by journalists. But the movement has had only limited success, according to newsroom sources...[the] technique is reportedly favored by the political parties and government ministries, which so far failed to disband their notoriously cozy 'press clubs' despite criticism from within the profession and the public." "Watching the Watchdog," p. 25.

⁶³ Interview with Joe Manguno, *Asian Wall Street Journal*, in Seoul, June 1990.

1988 by guards of former President Chun Doo-hwan while trying to cover a press conference for "local media only," and a cameraman from Visnews, a British news organization, was hit and seriously injured by a tear gas grenade while covering a demonstration.⁶⁴

Access to information remained a key problem. Manguno cited the following in his June 1988 report:

- Lack of access to venues open to the Korean media, such as the presidential Blue House, Kimpo Airport VIP lounges, and even portions of President Roh's public inauguration ceremonies;
- Restricted access to information from and about the government, particularly regarding political matters;
- Arbitrary decisions, such as allowing print reporters at events barred to photographers or prohibiting tape recorders at events that are open to video cameras with sound.

The SFCC petitioned and met with various government and party officials to discuss their concerns. At a meeting with the SFCC in August 1988, one month before the Seoul Olympics, KOIS officials pledged to resolve the problems of foreign media access within a month's time. As of April 1990, the Press Freedom Committee remained dissatisfied with the limited measures the KOIS had taken to ostensibly fulfill their promise.⁶⁵

⁶⁴ Attacks against foreign journalists have also been carried out by demonstrators. In a March 1989 report to the SFCC's annual meeting on press freedom, Manguno wrote that SFCC had begun issuing its own armbands to members of the foreign media. He said this was necessitated by "the government practice of issuing armbands to foreign journalists — and slipping the same foreign journalists armbands to government agents so they could get close to demonstrators and protestors. That resulted in growing mistrust by protestors of anyone wearing the government armbands.... [Since the issuance of the new armbands,] incidents of abuse dropped dramatically."

⁶⁵ See SFCC Press Freedom Report for details.

The Broadcast Media

The government's tight control over the broadcast media is described in chapter 7. The Korea Broadcasting System, which has a near monopoly over television and radio, is wholly owned and operated by the state. It need only be noted here that in June 1990, a complicated and controversial White Paper was issued by the government proposing a fundamental restructuring of the South Korean broadcasting industry. It introduced the notion of privately-owned companies, as well as regional broadcasting systems and other major changes in television and radio. The White Paper called for the breakup of the two existing broadcasting systems. Stocks in the new, wholly privately-owned companies would be limited to no more than 30 percent to be owned by any individual or group. The large conglomerates would not be permitted ownership, nor would anyone associated with a conglomerate be allowed to own stock.⁶⁶

It is not yet clear how the reorganization will proceed or what the implications will be for freedom of expression in South Korea.

⁶⁶ *Far Eastern Economic Review, Ibid.; Korea Herald*, June 29, 1990.

III. VIOLATIONS OF WORKER RIGHTS

Under Roh Tae-woo's administration, labor union activity and government repression of workers have both risen dramatically. Workers have seen the more open political atmosphere as an opportunity to make long-suppressed demands for better wages and working conditions; the government has seen the increasingly militant labor movement as both a threat to economic growth and evidence of a growing leftist ideology which imperils national security. In the clashes that have ensued, both sides have used violence. In some cases, the use of an appropriate level of force by police in controlling demonstrations may arguably have been justified.⁶⁷ But Asia Watch is concerned about a range of techniques used by the government to curb the labor movement which violate fundamental human rights. These include laws which curtail the exercise of freedom of assembly, association and expression, and arrests of workers under those laws; tacit condoning of the use by companies of goon squads to break strikes, often resulting in serious injury to workers; excessive use of force by riot police to break up workers' rallies and strikes; and physical abuse of workers in detention.

Background

Until June 29, 1987, the government's program to promote economic growth depended upon tight restrictions on the labor movement, aimed at keeping workers docile and wages low. (One scholar estimates that the hourly wage of a Korean industrial worker in the beginning of 1987 was 11 percent of his or her American counterpart and less than that of a worker in Japan, Taiwan or Hong

⁶⁷ The United Nations Code of Conduct for Law Enforcement Officials, adopted by the General Assembly on December 17, 1979, stipulates in Art. 3, "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." Commentary (a) adds, "This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used."

Kong.)⁶⁸ From the time of Park Chung-hee, successive governments have regarded unions as inherently left-wing institutions; the restrictions were thus also aimed at keeping communism out of the work place.

No independent unions were allowed under President Chun Doo-hwan. Existing unions, which were virtually company-controlled, were required to join the Federation of Korean Trade Unions (FKTU), the only legal nationwide federation of trade unions, which was closely tied to the ruling Democratic Justice Party. Some of the largest corporations in the country, such as the Hyundai conglomerate, allowed no unions at all. A strict trade union law placed severe constraints on the rights to form a union, engage in collective bargaining, or take other kinds of collective action.

The institution of the *chaebol*, or conglomerate, contributed to the difficulties faced by the labor movement. Run in a hierarchical, often authoritarian manner by the founder or his family, these massive enterprises such as Hyundai, Samsung, or Daewoo used appeals to Confucian values and patriotism to demand from their workers long hours, high production levels and total obedience.

Roh Tae-woo did not mention labor rights specifically in his Eight Point Reform Program of June 29, 1987. But the theme of that program, democratization, seemed to give a green light to all sectors in society to participate more actively in the political system, and workers were no exception. The June declaration became the impetus for an explosion of labor union activity, focused heavily on improving wages and working conditions, which as of October 1990 showed no signs of letting up.

Workers at the various Hyundai companies formed unions within days of the 1987 declaration. Teachers, who as public sector employees were forbidden by law to form unions at all, began to organize. Workers in the news media took the opportunity to demand that curbs on editorial freedom be lifted. In January 1989, Chonminnyon, the opposition political coalition, was inaugurated with the participation of labor leaders. These labor leaders moved to form a second federation of unions, Chonnohyop (Council of Korean Trade Unions), directly challenging the FKTU's legitimacy. Chonnohyop was formally inaugurated in January 1990.

⁶⁸ Walden Bello and Stephanie Rosenfeld, *Dragons in Distress*, The Institute for Food and Development Policy (San Francisco: 1990), p. 24.

The government response to the unprecedented wave of strikes and demonstrations, often involving violence, was initially muted. In 1987 and 1988, it is true, thousands of workers were arrested under the Law on Assembly and Demonstration and labor laws, but the government tended to leave the work of strike-breaking to company goons called *kusadae* ("company defense corps") rather than trying to intervene directly.

By the beginning of 1989, however, the government was becoming increasingly frustrated at its inability to curtail labor unrest. The government was also fearful that Chonnohyop's emergence -- as a coordinating body for the new, independent unions and alliance between workers and the dissident and student movement -- would further fuel the labor unrest anticipated with the spring collective bargaining negotiations. In April, amidst the escalating labor unrest and Chonnohyop's call for a general strike on May 1, the Joint Security Investigation Headquarters (JSIH) rounded up hundreds of union leaders and labor activists.⁶⁹ The new labor activity became not just a public order issue but an ideological one as well. As the Chun administration had blamed "radicals" for labor unrest, President Roh also indicated the need to "set stern measures to root out leftist elements from the labor movement."⁷⁰ In June, the government stepped up its campaign against the labor movement and began blaming the workers' "excessive" wage demands and strikes for the country's "gloomy" economic forecast of 7.5 percent growth in GNP for 1989. To forestall additional labor disputes over wage increases, the government said that all wage increases from then on would "be curbed at 10 percent or less."

By the beginning of 1990, the government's campaign against the workers was in full swing. Having fostered a widespread sense of economic crisis, on January 20 the government unveiled a package of tough policies aimed at curbing the labor movement. It called for ending illegal labor strikes by mobilizing police. The government move had widespread public support. An Economic Planning Board survey showed that nearly 90 percent of those polled

⁶⁹ The JSIH, composed of civilian and military security officials, was formed to investigate dissident organizations in the aftermath of Reverend Moon Ik-hwan's trip to North Korea. See chapter 2, pp. 9-10.

⁷⁰ *Korea News Review*, April 15, 1989, p. 3.

thought the economy was in crisis, and half put the blame on strikes and excessive wage hikes.⁷¹

But if the public supported the new measures, workers criticized them as "an effort to turn back the clock to the dark era of the past."⁷² The effect of the new policies was to make labor disputes even more violent than before. When riot police intervened in the labor dispute at Hyundai Shipyard in April 1990, over 600 workers were arrested and two policemen and four workers were injured. The raid, in turn, sparked violent street demonstrations by the workers who clashed with the police. Similar violence took place when security forces clashed with members of Chonnohyop following its inauguration on January 22.

It turned out there was no economic crisis after all. Perhaps worried by a fall in the stock market caused by government-induced concern about the economic situation, President Roh declared in a televised address on May 7, "It is wrong to think we have an economic crisis on hand.... The real problem is that a pervasive sense of anxiety is making the situation more troublesome than it actually is."⁷³

Laws Placing Restrictions on Worker Rights

At the same time that the Roh government was deciding to intervene more forcefully in labor disputes, it was trying to gain membership in the International Labor Organization (ILO).⁷⁴ Those efforts are ironic given that South Korea's

⁷¹ *Korea News Review*, January 27, 1990, p. 13. The date of the survey was not given.

⁷² *Ibid.*, p. 3.

⁷³ As quoted in the *Wall Street Journal*, May 8, 1990, p. A21.

⁷⁴ A country may become a member of the ILO by: 1) getting two-thirds of the votes at an ILO conference, including two-thirds of the votes of government delegates, or 2) first becoming a member of the United Nations and then communicating to the Director-General of the ILO its formal acceptance of the obligations under the ILO Constitution. ILO Constitution, Art. 1(2) and (3). South Korea had observer status with the ILO and was attempting to gain membership in the United Nations, as of October 1990.

domestic labor laws violate the fundamental principle of the right to freedom of association contained in the ILO's constitution.⁷⁵

The three key laws in this regard are the Trade Union Law and the Labor Dispute Adjustment Law, both of which were promulgated in 1953, and the Law on Assembly and Demonstration, promulgated in 1962. The Trade Union Law and the Labor Dispute Adjustment Law were most recently amended in November 1987; the Law on Assembly and Demonstration in 1989.

Right to Form Unions

The Trade Union Law, the relevant articles of which appear in Appendix 2, restricts the right to form unions. Workers are not permitted to form a union whose potential "membership is the same as the already existing trade union" or if it is "deemed to hamper the normal operation of the already existing trade unions."⁷⁶ These provisions effectively outlaw any alternative to the company-sponsored unions or union federations existing at the time of Chun. They were used, for example, in January 1990 to declare Chonnohyop illegal.

Likewise, public servants, a category which includes government personnel, public school teachers at all levels, maintenance workers, and other miscellaneous state employees, cannot form a union unless "stipulated separately by a Law."⁷⁷ No such law has been enacted. This provision, reinforced by the Civil Service Law,⁷⁸ violates an ILO convention which notes the special need for unionization in the public sector, and it has been used to declare illegal an independent teachers union called Chunkyojo. Repression against that union is described in chapter 4.⁷⁹

⁷⁵ "Declaration Concerning the Aims and Purposes of the International Labor Organization" (also known as the Philadelphia Declaration), *Constitution of the International Labor Organization and Standing Orders of the International Labor Conference* (Geneva: International Labor Office, January 1988), pp. 22-23.

⁷⁶ Art. 3(5).

⁷⁷ Trade Union Law, Art. 8. See also Republic of Korea Constitution (November 1987), Art. 33(2).

⁷⁸ Art. 6.

⁷⁹ It should be noted that Korea is not alone in prohibiting teachers from forming unions. In the U.S., any teacher can legally belong to a union, but not all states allow collective bargaining. Thirty-three states have laws recognizing teachers' collective bargaining rights; in three other states, contracts are legally enforceable though there is

Independence of Unions

The independence of unions, a corollary of freedom of association and one specifically guaranteed by the ILO Convention on Freedom of Association and Protection of the Right to Organize, is undermined in South Korea by the Trade Union Law. By terms of that law, workers who wish to form a union must first receive prior authorization by relevant Labor Ministry authorities. In order to get that authorization, the workers must submit a report which contains information, among other things, on the proposed union's by-laws, membership and background of leaders. The administrative authority may refuse to certify the union based on the information contained in its report.⁸⁰ Contrary to international standards which provide for the union's autonomy, "union by-laws are subject to amendment, cancellation or supplementation by the administrative authority."⁸¹ Government authorities may also investigate the union's internal documents when it deems necessary⁸² and impose ceilings on allocation of dues.⁸³ Unions are prohibited from engaging in political activity.⁸⁴

"Third-Party Interference" and Freedom of Expression

Unions are also forbidden to seek advice from a "third party." "Third-party interference," banned by both the Trade Union Law and the Labor Dispute Adjustment Act,⁸⁵ is one of the most controversial provisions in Korean labor laws and has been used to arrest hundreds of trade unionists and labor activists and to prevent any organized effort to educate workers about their rights. It places severe constraints on freedom of expression. "Third parties" are defined by the Trade Union Law as:

no state law. Many states that allow collective bargaining rights impose restrictions and sanctions on strikes. American Federation of Teachers, Research Department, Washington, D.C.

⁸⁰ Trade Union Law, Arts. 13-15. The term "administrative authority" refers to the proper government authority to which unions and employers must submit all required documents and notices, as described in Appendix 2.

⁸¹ *Ibid.*, Arts. 16 and 21.

⁸² *Ibid.*, Art. 30; penal provisions in Art. 47.

⁸³ *Ibid.*, Art. 24.

⁸⁴ *Ibid.*, Art. 12.

⁸⁵ *Ibid.*, Art. 12(2), penal provisions in Art. 45(2); Labor Dispute Adjustment Law, Art. 13(2), penal provisions in Art. 45(2).

Persons other than a worker who has actual employment relations with the employer, or a concerned trade union, or other persons having legitimate authority under law....⁸⁶

These third parties

shall not engage in an act of interference for the purpose of manipulating, instigating, obstructing, or otherwise influencing the concerned parties in the establishment or dissolution of a trade union, joining or withdrawing from a trade union, or in collective bargaining with the employer.⁸⁷

The provisions against "third-party interference" in both the Trade Union Law and the Labor Dispute Adjustment Law were enacted in 1980 during a period of severe labor repression to prevent two church-related organizations, the Urban Industrial Mission and the Catholic Workers Movement from educating and organizing workers.⁸⁸ They have been used repeatedly since then. For example, in June 1990, Jang Myung-guk, the publisher of a labor magazine, was arrested under the "third-party interference" provision for a series of articles on the labor movement in South Korea (see chapter 2). In March 1989, the National Assembly amended the Trade Union Law and the Labor Dispute Adjustment Law to permit labor advisers and lawyers to advise workers without violating the "third-party" ban. The amendments were vetoed by President Roh.

Collective Bargaining and Strikes

The Trade Union Law and the Labor Dispute Adjustment Law also allow for a degree of government control over collective action that is unacceptable by ILO standards. Collective bargaining, for example, must be conducted at the enterprise level; a collective agreement is not valid beyond the individual

⁸⁶ Trade Union Law, Art. 12(2).

⁸⁷ But a federation of unions or the industrial federations affiliated with the concerned unions shall not be regarded as a "third party." This latter provision exempts the Federation of Korean trade unions from being considered an illegal "third party" in labor disputes. Republic of Korea Ministry of Labor, *Labor Laws of Korea* (Seoul, 1989), p. 5. Translation altered slightly after consulting original Korean text.

⁸⁸ Asia Watch, *Human Rights in Korea*, p. 185.

enterprise level unless determined otherwise by the administrative authority.⁸⁹ The administrative authorities "may order changes or nullification of a term in collective agreement when the term is improper in violation of laws."⁹⁰

The right to strike is severely constrained. Labor disputes are permitted under the Labor Dispute Adjustment Law (as amended in November 1987), as long as they concern working conditions such as wages, hours, welfare, dismissals or treatment of workers. However, "No act which suspends, discontinues or obstructs the normal maintenance and operation of safety protection facilities, of factories, work places or any other workshops shall be regarded as an act of dispute,"⁹¹ and the administrative authority can order the suspension of acts falling under those categories. In addition, the government announced in January 1990 that strikes on "political issues," such as the release of jailed unionists, appointments of management and personnel, and relocation plans were prohibited, as were sympathy strikes. In announcing the decision, the official noted that these provisions are not legally binding but that labor offices reportedly were ordered to refer to them.⁹² According to figures provided by the Labor Ministry in February 1990, nearly 70 percent of the 1,107 labor disputes in 1989 were deemed illegal.

Before the union can engage in a strike, it must notify the administrative authority of a labor dispute⁹³ and then wait out the "cooling-off" period.⁹⁴ Additionally, the Minister of Labor "may render a decision for an emergency adjustment, in case an act of dispute is related to public interests, or it is of large

⁸⁹ The binding force of a collective agreement beyond the individual enterprise level is described in Trade Union Law, Art. 38.

⁹⁰ Trade Union Law, Art. 34(3).

⁹¹ Art. 13-2.

⁹² It had always been the government's stance to prohibit strikes over such matters. The formal announcement, however, was made on January 20, 1990 after a high-level meeting. See chapter 4, Chonnohyop. There is no inherent ban on strikes over issues such as management appointments in international standards and laws; they are protected as a form of free association. Though such strikes are not prohibited by law in the U.S., they would be in violation of most contracts, and striking workers would not be protected by U.S. labor laws.

⁹³ Labor Dispute Adjustment Law (LDAL), Art. 16.

⁹⁴ *Ibid.*, Art. 14. The "cooling-off" period is 10 days for regular businesses and 15 days for businesses "of public interest," as defined in LDAL, Art. 4.

scale or specific character, and that because of such act of dispute...might impair the national economy or endanger the daily life of the general public."⁹⁵

Strike-breaking

The government has used or condoned several methods of strike-breaking which are in violation of international standards on freedom of association and freedom of assembly. One is the use of special units of police in civilian clothes, called *baikgoldan* (literally translated as the "white skeleton brigade," a derogatory term) to forcibly break up strikes. A second is the practice of charging striking workers under a provision of the Criminal Code prohibiting "interference with business." A third is the use of *kusadae* (company goon squads) which the government appears to condone.

A company will most often call in the *baikgoldan* during the "cooling-off" period. A union must notify the authorities and the company of its plan to strike.⁹⁶ Thereafter, it has to wait until the "cooling-off period" has elapsed before striking.⁹⁷ To discourage workers from going through with the strike, a company will call in the police and complain about the workers. The company can file a written complaint or, more simply, dial "112" on the telephone, the emergency number that South Koreans call to report crimes.⁹⁸ Regular police respond when ordinary crimes are reported. When a report concerns a labor problem, however, the *baikgoldan* are dispatched to the work site to harass, intimidate, and arrest the workers. The police authorities also summon workers for questioning.

Arresting striking workers on charges of violating the criminal code provision barring "interference with business"⁹⁹ has been one of the most commonly used strike-breaking methods since mid-1989.¹⁰⁰ A person may

⁹⁵ *Ibid.*, Art. 40(1). In such instances, the act of labor dispute in question must be suspended immediately. Art. 41.

⁹⁶ *Ibid.*, Art. 16.

⁹⁷ *Ibid.*, Art. 14.

⁹⁸ "119," similarly, is the number to report fires; "113" to report spies.

⁹⁹ See Appendix 3 for list of unionists imprisoned under this legal provision.

¹⁰⁰ The Republic of Korea Criminal Code Article 314 provides that: A person who interferes with the business of another...by the threat of force, shall be punished by penal servitude for not more than five years or by a fine not exceeding twenty-five thousand

be arrested for posing a "threat of force," as opposed to express use of force, while interfering in the business of another. Workers who did nothing more than to sing or beat on drums while on strike have been arrested under this law.¹⁰¹ For example, in April–May 1990, ten striking workers at Taehwa Dyeing Company in Taegu were arrested for beating drums outside of the plant. All were charged with "interference with business," but only one worker was additionally charged with committing physical violence.¹⁰²

The *kusadae* function as another form of strike-breaker. Hired and trained by the individual companies, these goon squads serve as virtual corporate armies and are believed to have links with government security officers. They have been responsible for beatings, kidnappings and other forms of violence against workers. One instance of *kusadae* violence at Hyundai attracted nationwide attention and led to the arrest and prosecution of those involved (see chapter 5). But for the most part, the goons are allowed to operate with impunity. A Labor Ministry spokesman stated that companies had been told to stop using *kusadae*, but the Ministry's admonitions do not seem to have been effective.¹⁰³

Preventing Worker Rallies

Workers are prevented from holding and participating in demonstrations and rallies which authorities consider constitute a "clear and present danger" to public order. For example, in November 1989, the government denied Chonnohyop permission to hold a rally saying that it feared violence by the participants.

In most instances, workers will hold the demonstration regardless of official approval. If the government is aware that the workers will hold a demonstration, the riot police are dispatched to blockade the rally site (and other possible alternate sites) in advance to prevent the participants from gathering. Additional riot police are deployed at railway stations, the bus terminal and other key strategic locations to turn back those coming from other areas to participate in

Hwan [won] (US\$36)." There is no comparable law in the U.S., but under certain circumstances, unions on strike can be restrained by a court injunction from organizing picket lines or other strike activity, under penalty of arrest.

¹⁰¹ Interviews in Seoul, June 1990.

¹⁰² Interview in Seoul, June 1990.

¹⁰³ Interview in Kwacheon, June 1990.

the rallies.¹⁰⁴ If the demonstration is still held, rally participants are rounded up *en masse* by riot police who sometimes employ excessive force. Nearly all of those arrested are detained and sentenced under special summary proceedings authorized by the Minor Offense Punishment Act. Those accused of being the leaders or organizers of the demonstrations are formally arrested and charged under the Law on Assembly and Demonstration.

¹⁰⁴ *Korea Times*, January 23, 1990, in FBIS, January 26, 1990.

IV. CHONNOHYOP

Chonnohyop (Council of Korean Trade Unions) was inaugurated in January 1990 despite a government ban and outstanding arrest warrants against its leaders.¹⁰⁵ It emerged in response to restrictions on the labor movement and quickly became one of the foremost targets in the government's suppression of that movement. Its rallies were blocked, its leaders imprisoned, and its member unions harassed.

Background

At the time of its inauguration, 600 member unions and 190,000 workers belonged to Chonnohyop. Its membership was comprised of the independent unions formed since July 1987 which sought an alternative to the pre-existing Federation of Korean Trade Unions (FKTU).¹⁰⁶ These unions set up links at the regional level, and in December 1988 formed the National Council of Regional and Industrial Trade Unions Association (NCRITUA). Representatives of these unions announced in February 1989 their plan to form Chonnohyop.¹⁰⁷ In October 1989, NCRITUA decided upon a platform that emphasized economic demands including increased wages, a 44-hour work week, and improved working conditions. They also called for the amendment of labor laws and cooperation with dissident organizations.¹⁰⁸

Beginning in early November 1989, the government took steps to control Chonnohyop which was to be formally inaugurated January 22, 1990. The Labor Ministry stated that it would form an inter-ministry committee to cope with labor disputes.¹⁰⁹ The special committee, chaired by the vice minister of labor, would analyze the causes behind the labor unrest. The Labor Ministry reportedly

¹⁰⁵ For details on its inauguration, see *Asian Labor Update*, February-April 1990, p. 9.

¹⁰⁶ FKTU has 7,000 member unions numbering 2 million members.

¹⁰⁷ *Korea Times*, February 24, 1989, in FBIS, March 3, 1989.

¹⁰⁸ *Chungang Ilbo*, January 23, 1990, in FBIS, March 14, 1990. Chunkyojo (Korean Teachers and Educational Workers Union), the Technical Specialists' Union, and the Freight/Transportation Workers Union maintain observer status in Chonnohyop.

¹⁰⁹ *Korea Herald*, November 1, 1989.

also decided to conduct regular investigations of 500 firms which had been embroiled in labor unrest more than three times in the previous three years or whose labor unions had links with dissident labor organizations.

In mid-January at a meeting held at Chongwadae (the Blue House) with President Roh Tae-woo presiding, key cabinet ministers discussed a package of measures termed "countersteps to achieve industrial peace and to stabilize wages."¹¹⁰ President Roh told his key ministers that "labor problems should be coped with resolutely at an early stage and forces behind illegal disputes should be subject to stern punishment."¹¹¹

After the meeting, the Labor Ministry announced a new set of guidelines restricting the scope of "legitimate" collective action. There were four key guidelines. First, unionized workers would not be allowed to stage legal strikes if they put forth "political demands," such as the release of their imprisoned union leaders, resignation of certain executives, or opposition to appointment of presidents or senior company officials. Second, unions would be prohibited from staging sympathy strikes in support of striking workers at other sites of the same company. Third, striking workers would not be paid. And fourth, workers could not launch collective actions against relocation plans.

According to the Labor Ministry, these guidelines were not legally binding, but labor offices were reportedly ordered to refer to them.¹¹² Other official measures reportedly planned included mobilizing the police, either with or without the request of the companies involved, at the onset of an "illegal" strike. Labor Minister Choi Young-chul said that the government would consider invoking emergency powers if unrest at key industries became serious.¹¹³

On January 20, 1990, two days before the inauguration, the government officially banned Chonnohyop. Arrest warrants were issued for key Chonnohyop leaders who were accused of violating the Law on Assembly and Demonstration, the ban on "third-party interference" in labor disputes and "interference with normal operations of business." Although Chonnohyop was formally inaugurated

¹¹⁰ *Korea Herald*, January 20, 1990 in FBIS, January 24, 1990.

¹¹¹ *Korea Herald*, January 21, 1990, in FBIS, January 24, 1990.

¹¹² *Korea Herald*, January 21, 1990.

¹¹³ *Ibid.*, January 20 and 29, 1990.

as planned,¹¹⁴ the government's actions had their intended effect: 50 to 60 member unions dropped out of Chonnohyop.¹¹⁵

The Legal Issue

The ban on Chonnohyop was based in part on Article 3(5) of the Trade Union Law which prohibits the formation of a union at any level that would compete for membership with a preexisting union.¹¹⁶ Korean law recognizes three levels of union: the company union, the single industry federation (such as the Korean Metalworkers Federation) and the cross-industry federation. Until Chonnohyop's emergence, the FKTU was the only federation in the country to consist of both company and industry-wide unions. Chonnohyop broke that monopoly; the government feared that it would compete for membership with FKTU and that any such competition would only further fuel labor disputes.

Asia Watch believes that Article 3(5) itself restricts the right to freedom of association and should be repealed. The ban on Chonnohyop is in clear violation of international standards which safeguard the right to establish and join federations.¹¹⁷ International standards also state, "The acquisition of legal personality by workers'... federations and confederations shall not be subject to conditions" that infringe on the workers' right to freedom of association.¹¹⁸ Chonnohyop's leaders, however, challenged the ban on other grounds. The federation claimed that it was a consultative committee, not a national union federation and, therefore, did not need to register or obtain government certification in order to operate legally.

¹¹⁴ Dan Byung-ho was elected chairman. Forty-two Central Committee members appointed, including nine vice-chairmen among whom were Kim Young-dae, chairman of the Seoul Association of Workers' Unions (also chair of the Chonggye apparel labor union); Choi Dong-sik, chairman of Incheon Association of Workers' Unions; and Kwon Yong-mok, chairman of the Hyundai unions in Ulsan. *Korea Herald*, January 21, 1990.

¹¹⁵ Interview in Seoul, June 1990. Also, *Korea Times*, February 7, 1990 in FBIS, February 12.

¹¹⁶ See Appendix 2 for text of the law.

¹¹⁷ "Workers'...organizations shall have the right to establish and join federations and confederations." Art. 5, ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize, adopted by the General Conference of the ILO July 9, 1948 and effective July 4, 1950.

¹¹⁸ Art. 7, ILO Convention 87.

Right to Assembly

One of the ways in which the government has suppressed Chonnohyop has been to deny its members the right to assemble. The police blocked a November 12, 1989 rally planned by Chonnohyop to promote their right to organize and to demand the release of Choe Tong-shik, 28, the chairman of Chonnohyop's Inchon chapter. On the next day, 47,000 Chonnohyop-affiliated workers from 95 companies staged one-day or half-day strikes to protest what they alleged was police suppression of their legal union activities.¹¹⁹ The authorities said they had blocked the rally because they feared violence by the participants, although an FKTU-organized rally had been permitted to take place at the same site only a week before.¹²⁰

Chonnohyop was forced to change its inaugural site to the Suwon campus of Sunggyunkwan University because the originally planned site, Seoul National University, was blocked off by police.¹²¹ But even at the new site, the rally was aborted after 20 minutes as some 600 riot police, firing tear gas, charged into the campus to break it up.¹²²

On March 18, Chonnohyop held rallies in five big cities, including Seoul, Inchon and Taegu. Some 15,000 riot police were mobilized around the country to prevent the rallies. Yonsei University, the original site for the protests, was sealed off by riot police who were posted on roads and outside subway stations around the campus. The police detained a total of 1,552 protesters. All except seven were released on the following day with admonitions. Four were referred to summary courts, and three were still being questioned as of June 1990.¹²³

¹¹⁹ *Korea Herald*, November 18, 1989. The figures were provided by the Labor Ministry.

¹²⁰ *Yonhap*, December 13, 1989, in FBIS, same day.

¹²¹ *Korea Herald*, January 23, 1990.

¹²² *Ibid.* Police were also reportedly deployed around railroad stations and bus terminals to turn back those coming from other areas to participate in the Chonnohyop rally. *Korea Times*, January 23, 1990, in FBIS, January 26, 1990.

¹²³ *Yonhap*, March 19, 1990 in FBIS, March 20, 1990.

Arrests

The government has tried to inhibit the new federation's activities by arresting its leaders. According to Amnesty International, 136 persons were arrested at Chonnohyop's January 22 inauguration rally.¹²⁴ Dan Byung-ho, the federation's chairman who had been wanted by the police since December, managed to evade arrest that day. But at the beginning of February, the National Police Headquarters (NPH) announced that it had ordered all police stations around the country to arrest Dan "by every means available" before March 3. Special investigation squads were reportedly set up at police stations, and special probing teams planned to make house-to-house searches. Temples, churches, inns and apartment houses for bachelors were also to be searched.¹²⁵ On February 28, Dan was arrested during an on-the-spot check on the street.¹²⁶ In July, he was convicted under the Law on Assembly and Demonstration and sentenced to one-and-a-half years' imprisonment.

On May 3, the prosecutor's office announced the names of 32 Chonnohyop leaders and heads of Chonnohyop-affiliated unions who were being investigated or sought for arrest.¹²⁷ Fourteen Chonnohyop leaders were on a wanted list, including Kim Yong-tae, acting president; Hyon Chu-ok, vice-president; Kim Hak-tu, auditor; and Choe Tong-sik, secretary general.¹²⁸

Harassment of Member Unions

To further erode support for Chonnohyop, on February 1, 1990 the Ministry of Labor launched a fifteen-day probe into 160 member unions of Chonnohyop to find out whether they misappropriated funds for "ideological purposes."¹²⁹

¹²⁴ Amnesty International, ACT 73/03/90 March 1990.

¹²⁵ *Korea Times*, February 7, 1990, in FBIS, February 12, 1990.

¹²⁶ *Korea Herald*, March 1, 1990.

¹²⁷ *Korea Herald*, May 4, 1990, in FBIS, same day.

¹²⁸ Other Chonnohyop activists being investigated or sought for arrest were: Choe Yong-min, president of the Kangwon Industrial Company union; Kim Pyong-oh, president of the Hyosung Machinery Company union; Kim Kyong-man, a leader of the Dalim Motor Company union; Kim Chong-hun and two other leaders of the Tongil Company union. Eleven others had already been arrested for their membership in or affiliation with Chonnohyop.

¹²⁹ *Korea Times*, February 2, 1990, in FBIS, same day.

According to the Trade Union Law, "When it is deemed necessary, the administrative authority may have the accounting status or other necessary documents of the trade union submitted for investigation."¹³⁰ Anyone violating that provision may be jailed for up to three months and fined.¹³¹

On March 13, the government arrested Kim Un-im and Kim Young-sun, leaders of the union at Samsung Pharmaceutical Industrial Company for refusing to hand over union office papers to the authorities.¹³² Hanyang University Hospital union leader Cha Su-yon, who had twice refused to submit union papers to the authorities, evaded arrest that day. But as of early October, she was also under arrest for violation of the Trade Union Law. The labor authorities began a probe of 24 independent unions with significant roles in Chonnohyop. The leaders of 13 of the 24 unions were accused of violating the Trade Union Law. When some of the leaders under investigation refused to submit the requested documents, they were arrested.¹³³

The prosecutors' office also announced that it had booked chairmen of some fifty trade unions, most of whom belonged to Chonnohyop. They were charged with violating the labor laws by obstructing the government's investigations into their union's internal affairs.¹³⁴

May Day Response

In March, to protest the suppression of their rallies, Chonnohyop decided to stage a walkout on May Day. By the end of March, however, member unions of Chonnohyop decided not to walk off their jobs. Instead, they planned to stage a "reduced commemorating ceremony" and to co-sponsor several cultural events on that day with the rival FKTU. It also showed a flexible stance on its demand

¹³⁰ Art. 30. See Appendix 2 for definition of administrative authority.

¹³¹ Art. 47, Trade Union Law states: "Any person who, in violation of the provisions of Article 30, failed to submit the required documents or filed false report, or who refuses, obstructs or obviates investigation, shall be subjected to an imprisonment for the term not exceeding three months or a fine for the amount not exceeding 200 thousand won [US\$285]."

¹³² Yonhap, March 14, 1990, in FBIS, same day.

¹³³ Korea Times, March 14, 1990, in FBIS, March 16, 1990.

¹³⁴ Yonhap, March 14, 1990, in FBIS, same day.

for 23.3 percent pay increase.¹³⁵ A spokesman for the independent workers' federation said, "Chonnohyop leaders reached the conclusion that flexible and multilateral strategies are the only way to obtain its long-term goals."¹³⁶

Subsequent developments at Hyundai Heavy Industries and the Korean Broadcasting System changed that stance. Following raids by riot police to break up the strikes at Hyundai and KBS, Chonnohyop called for a nationwide general strike on May 1.¹³⁷

¹³⁵ Korea Times, March 31, 1990, in FBIS, April 3, 1990.

¹³⁶ Ibid.

¹³⁷ Workers' day in South Korea is commemorated on March 10. Since the mid-1950s, May Day celebrations have been banned by the government. In 1990, in a compromise agreement with union leaders, the government said it would allow a rally in a Seoul gymnasium on May 1 in exchange for the cancellation of all other outdoor and indoor celebrations. Yonhap, April 12, 1990, in FBIS, same day.

V. HYUNDAI

Background

The Hyundai Group, founded in 1947, produces most of Korea's automobiles and ships and a variety of other industrial products. Twelve of its 45 subsidiaries, including Hyundai Engine, Hyundai Shipbuilding, Hyundai Motors and Hyundai Heavy Industries, are located in the port city of Ulsan and employ some 70,000 people.

Hyundai's fortunes got a mammoth boost in the late 1970s when President Park Chung-hee embarked on a new economic strategy favoring heavy and chemical industries (HCI). Its rapid growth was due in part to the economic incentives that accompanied the new strategy but also to its policy of keeping wages low and hours long. Hyundai's authoritarian founder, Chung Ju-yung, is said to run the conglomerate like a "boot camp," demanding regulation uniforms and haircuts and absolute obedience from his workers.¹³⁶

If the HCI strategy catapulted Hyundai into the forefront of Korea's economic development program, it also meant that Hyundai workers would be at the forefront of the labor movement when controls on union organizing were eased in 1987. The first union at a Hyundai company was formed at Hyundai Engine on July 4, 1987, only five days after Roh Tae-woo's democratization declaration.

Workers at other Hyundai firms in Ulsan soon followed suit, and in August 1987, unions at the 12 Ulsan-based firms formed an Association of Unions at Hyundai to coordinate their efforts. The man they elected chair, Kwon Yong-mok, founder of the path-breaking union at Hyundai Engine, has become one of the most important trade union leaders in South Korea and as a result has been in and out of jail. Hyundai management has tried to control the new unions through bribes, threats, and infiltration. At Hyundai Heavy Industries, for example, the company conceded in August 1987 to workers' demands for recognition of rank-and-file elected union leaders. But only a few weeks later

¹³⁶ Walden Bello and Stephanie Rosenfeld, *Dragons in Distress*, The Institute for Food and Development Policy (San Francisco: 1990) pp. 29, 41.

the same union leaders were arrested and held responsible for the workers' riot at Ulsan City Hall. While they were in jail, Hyundai managed to fill their union positions with more pliable individuals. When they sought to regain their jobs and union offices after their release, they set off a chain of events which led to collective actions. The company and the government aggravated the situation by blaming only the "militant" faction for the labor unrest, jailing the leaders once again and setting the stage for the massive industrial actions that characterized the next three years.

Independent Unions and Dismissals

The right to an independent union and the right not to be dismissed for engaging in union activity are essential components of freedom of association. ILO conventions, for example, state that workers shall be protected from acts of anti-union discrimination, including acts calculated to "cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours...."¹³⁹

In the Hyundai disputes, with rare exceptions, the government, using provisions of the Trade Union Law, acted in concert with Hyundai management to curb those rights. A pattern was established in August 1987 during the first violent clashes between the new unions and the government. Key elements of the pattern were as follows: workers would demand higher wages, better working conditions and, after the first strikes, the release of arrested union leaders and reinstatement of workers dismissed for their participation in strikes. The companies would either refuse (which led to collective actions) or agree to negotiate. Failure of the negotiations would also lead to collective action. The government would declare such action "political" and therefore illegal. Riot police would be called in. Workers and police would clash, and union leaders would be arrested or dismissed. Their arrest would lead to new demands for their release or reinstatement, and a whole new chain of events would begin.

The August 1987 Clash

Because the August 1987 clash set the pattern for subsequent disputes, it is worth noting in some detail. That month, after Hyundai refused to recognize the

¹³⁹ International Labor Organization, "Convention Concerning the Application of the Principles of the Right to Organize and to Bargain Collectively," Article 1.

new unions at the 12 Hyundai firms or their Association of Unions at Hyundai, some 40,000 workers went on strike in Ulsan, and Hyundai imposed lock-outs at six of its firms.¹⁴⁰ The government, still committed at that time to the democratization process, intervened on behalf of the workers. Appearing at a strikers' rally held on August 19, Labor Vice Minister Han Jin-hee announced that the government had managed to persuade the Hyundai Group to recognize the worker-elected unions and the new association. He also promised that the government would not punish those who played key roles in the labor disputes and that the issue of wage increases would be settled by September 1.¹⁴¹

Although Hyundai initially denied that there had been an agreement, it agreed to recognize the association. Hyundai also agreed to secure recognition for the newly-elected independent union at Hyundai Heavy Industries.¹⁴² But the wage negotiations became deadlocked, provoking strikes and violence at four of the Hyundai firms, Hyundai Heavy Industries, Mipo Dockyards, Precision and Motors. According to news accounts, on September 3 about 300 workers, mostly from Hyundai Heavy Industries, stormed Ulsan city hall, set cars on fire and ransacked offices.¹⁴³ The government arrested nearly 300 strikers, including fifteen union leaders at Hyundai Heavy Industries.¹⁴⁴ Domestic human rights monitors and opposition politicians charged that the government was exaggerating the level of violence to justify the crackdown.¹⁴⁵

The government had no hesitation about charging the strikers with violations of the law, and the Hyundai management equally readily sacked those charged, then claimed that as they were no longer workers at the firm, they could not hold union positions. The government and Hyundai management together made two

¹⁴⁰ *Korea Herald*, August 18, 1987; see articles of the same date in *The New York Times*, *Washington Post*, and the *Los Angeles Times*.

¹⁴¹ Yonhap, August 19, 1987, in FBIS, same day.

¹⁴² *New York Times*, August 19, 1987; Yonhap, September 2, 1987, quoted in FBIS, same day.

¹⁴³ *Korea Herald*, September 3, 1987; *Washington Post*, September 3, 1987; *New York Times*, September 4, 1987.

¹⁴⁴ *Washington Post*, September 4, 1987; *Korea Herald*, September 7, 1987; *Los Angeles Times*, September 5, 1987.

¹⁴⁵ *Korea Herald*, September 4, 1987; *New York Times*, September 7, 1987, also noted that the Korean government, abetted by the South Korean press, exaggerated the level of violence by the striking workers.

not fully successful attempts to use the arrests as a pretext for replacing the union leaders with more pro-company individuals.

In the first attempt, on September 10, 1987, Hyundai Heavy Industries requested that the Ulsan City administration order the disbandment of the present union leadership.¹⁴⁶ The company stated that 15 of the union's 20 leaders, including union president Lee Hyong-kon, were in jail in connection with the September 3 violence, and it refused to negotiate with the "interim" leadership of the union. The city denied the request stating that the company's reasons were insufficient. As 5,000 workers protested the company's move,¹⁴⁷ Hyundai made a second request a day later. This time city officials reversed themselves, reportedly at the Home Ministry's instructions,¹⁴⁸ and forwarded their decision upholding Hyundai's request to the Kyongsangnam-do provincial government and its Labor Committee for a final decision.

On September 17, the Kyongsangnam-do Labor Committee voted to order the reelection of current labor leaders, and the next day, the Kyongsangnam-do provincial government issued an administrative order to Lee Hyong-kon, in police custody, for the reorganization of the union leadership.¹⁴⁹ When the Labor Committee's decision was handed down, the workers voted to protest it. They turned down a proposal to resume operations by September 21 because, the union stated, the proposal "includes non-recognition of the current labor union leadership."¹⁵⁰

On September 19, Hyundai Heavy Industries reversed its earlier position and met with ten members of the union's interim leadership.¹⁵¹ They reached a four-point agreement in which management agreed to try and secure the release

¹⁴⁶ *Korea Times*, September 11, 1987, in FBIS, same day.

¹⁴⁷ *Korea Herald*, September 12, 1987.

¹⁴⁸ *Korea Times*, September 12, 1987, in FBIS, September 15. In contrast, the National Police Headquarters (NPH) stated on September 15 that it opposed replacing the current union leadership "as it may aggravate the protracted labor strife... [and] that the government order is sure to backfire and aggravate public opinion." *Korea Times*, September 16, 1987, in FBIS, same day. The NPH asked the Kyongsangnam-do Labor Committee not to order the disbandment.

¹⁴⁹ *Korea Times*, September 18, 1987, in FBIS, same day.

¹⁵⁰ *Ibid.*

¹⁵¹ *Yonhap*, September 22, 1987, in FBIS, September 23.

of the jailed unionists, who would be allowed to return to work upon their release. Work resumed three days later.

The second attempt was aimed at one individual in particular. Kwon Yong-mok was arrested in November 1987 for his role in leading the August protests. Hyundai Engine workers began a movement to secure his release, but the company responded by dismissing two other union leaders at Hyundai Engine. Kwon himself was dismissed on February 4, 1988 after a district court sentenced him to a one-year prison term, suspended for two years, on charges of leading protests.¹⁵² On February 15, a district court ruled that Kwon could not be a candidate for president of the union at Hyundai Engine because he no longer worked for the company. The next day the workers at Hyundai Engine elected him anyway.

The company refused to recognize the new union leadership because it included Kwon. He in turn challenged the company's position, stating that his dismissal could not be effective until a higher court ruled on his appeal. On February 26, hundreds of Hyundai Engine workers protested and began a sit-down strike. The next day, Hyundai Engine was forced to suspend its operation. Kwon and some 90 fellow workers barricaded themselves in the fifth floor of the Hyundai Engine company's office building, vowing to stay there until the company recognized the new union leadership. On March 16, the company requested negotiations with them. Kwon and two other union leaders went down to talk with the management. But word spread among workers outside of the building that Kwon had been kidnapped by company officials.¹⁵³ The workers protested, and in the ensuing confusion a security guard for the company was hit on the head and killed with a stone thrown from the roof of the building.¹⁵⁴ At this point Kwon and the other two union leaders stopped the negotiations and rejoined the protestors. The police accused Kwon of having incited the workers and immediately launched a manhunt to apprehend him. On March 27, Kwon

¹⁵² *Korea Herald*, March 1, 1988.

¹⁵³ George Ogle, *South Korea: Dissent within the Economic Miracle* (to be published in December 1990, Zed Books, London, distributed by Humanities Press International in the U.S.). The book is a history of South Korea's independent trade union movement. See the section on Hyundai.

¹⁵⁴ *Korea Herald*, March 17, 1988.

was arrested once again. The protest petered out, and the workers returned to work.¹⁵⁵

More Arrests and Dismissals

In December 1988, more strikes broke out at Hyundai Heavy Industries and lasted 128 days. The strike was crushed with a massive show of force by riot police. Nearly 700 workers were rounded up, but most were released after questioning.¹⁵⁶ Some were sentenced to short prison terms and dismissed from their jobs. In response to work slowdowns protesting the dismissals, however, Hyundai eventually reinstated them.

Six of the arrested workers from Hyundai Heavy Industries were in danger of being sentenced to longer terms. The company acceded to worker pressure and pledged to ask the prosecution to seek lesser sentences for them. When the trials were over, one worker was released and five were given sentences ranging from two and one-half to three years' imprisonment. But at the appeals hearings before the Pusan Appellate Court in February 1990, the prosecution requested that the sentences be increased. The prosecution demanded that Kim Chin-kuk, a former union vice-president, be sentenced to five years in prison, three more years than it had demanded in lower court.¹⁵⁷ The prosecution demanded an eight-year sentence for O Chong-sae, also a union leader, although it had previously demanded a two-year sentence.¹⁵⁸ The workers believed that the company reversed its earlier pledge and used its influence to persuade the prosecution to demand tougher sentences.¹⁵⁹ Some 20,000 workers staged a walkout in protest, and the next day, refused to go back to work. The company

¹⁵⁵ Although it is unclear when Kwon was released from jail, he addressed workers at a gathering held on April 1, 1989, after the 128-day strike was broken up. For this, he was once again sought for arrest on the charge of "third-party interference." Kwon was in hiding for 11 months before being arrested in March 1990. See section on "third party interference" in chapter 3.

¹⁵⁶ *Korea Times*, April 2, 1989, in FBIS, April 4.

¹⁵⁷ *Korea Herald*, February 8, 1990, in FBIS, February 13, 1990.

¹⁵⁸ *Ibid.*

¹⁵⁹ *Ibid.*

complained to the police that the workers were "interfering with the normal operation of business."¹⁶⁰

Lee Young-hon, the newly elected union leader at Hyundai Heavy Industries who called for the walkout, asked the workers to go to Pusan to protest the sentencing. Anticipating that the police might try to prevent a demonstration in Pusan, Lee himself decided to travel there the day before. But he was stopped at a roadblock and arrested under an outstanding arrest warrant. The next day, while some 4,000 workers protested in front of the court in Pusan against Lee's arrest and the anticipated sentencing of the six others, the judge entered the courtroom, read off the sentences, and left the room. The workers called for a new strike.

During March-April 1990, all twelve of the Hyundai Group's Ulsan firms struck in rotation. The vice-chairman on strike participated in the demonstrations, and each chair was then, in turn, arrested. Most were charged with "interference with normal operations." Again, the arrests seemed to be a way of preventing top union leaders from engaging in organizing efforts.

The April 20 arrest of U Ki-ha, senior vice-chairman of the union at Hyundai Shipbuilding, sparked the shipyard workers' anger and provoked a spontaneous strike action.¹⁶¹ They were joined by workers from the Heavy Industries, Motors, and other sections of Hyundai as well as by workers from non-Hyundai companies in Ulsan whose union leaders had also been arrested. On April 28, more than 10,000 riot troops raided the Heavy Industries, clashed with strikers and detained nearly 700 workers.¹⁶² Sympathy strikes broke out. At the Hyundai Shipyards, 100 workers staged a hunger strike atop a huge shipbuilding crane to demand the release of their co-workers and the withdrawal of the riot police. Their hunger strike continued until the end of May when normal operations resumed at all the Hyundai companies. The storming once again of the world's largest shipyard by riot police sparked international headlines

¹⁶⁰ "Interference with the conduct of business" is a violation of Article 314 of the Criminal Code. See chapter 3.

¹⁶¹ Reuters, April 27, 1990. The Shipbuilding section employees 8,000 persons.

¹⁶² *Ibid.*, April 30, 1990.

and editorials. *The New York Times* queried: "Is this the new democratic South Korea?"¹⁶³

Use of Goon Squads (*Kusadae*)

Links between *kusadae* and government security forces were conclusively demonstrated in what has come to be known as the "James Lee Terror Incident" involving one of Hyundai's goons. Evidence of the links hardly came as a surprise. Contact between management of the *chaebols* (conglomerates) and police is known to be close, and the Korean intelligence organization reportedly includes the Committee to Combat Labor Insurgency, originally set up by the Korean Central Intelligence Agency and maintained by its successors.¹⁶⁴ Perhaps because of the severity of the violence in the James Lee case and Lee's status as a permanent legal resident of the U.S., this case is one of the few where the perpetrators were arrested and prosecuted. In most cases, the goons go free.

James (Yun-sop) Lee, a forty-year-old Korean-American, was hired by some Hyundai executives in January 1989 to train some 100 "pro-management" Hyundai workers and launch a violent assault against the union leaders.¹⁶⁵ On January 8, Lee and a group of thugs went to a meeting of Hyundai union leaders and brutally beat those present. Afterwards, about 30 of them raided the offices of an organization of fired Hyundai workers and supporters called the Association of Dismissed Hyundai Workers. There they beat up five persons, including Kwon Yong-mok. Kwon's right arm was broken so severely in the attack that bone had to be removed from his hip to repair it.

Chon Chang-su, one of the workers seriously injured that night, reportedly said that "the attackers carrying about 20 torches [sic]...dragged him and his

¹⁶³ "Stutter-step Democracy in Korea," *New York Times* editorial, May 4, 1990. The editorial warned that the government's "violent assaults on labor" had steadied the shaky stock market but risked "setting off a dangerous backlash." The *Times* also observed that "in light of the importance of U.S. economic and military ties with Korea, any threat of a return by Seoul to the discredited repressive ways of the past is a legitimate cause for U.S. concern."

¹⁶⁴ Bello and Rosenfeld, *Dragons in Distress*, p. 33

¹⁶⁵ *Korea Herald*, January 10, 1989; see also *Korea Times*, January 10, 11, and 18, 1989, in FBIS, January 18, 1989; *Yonhap*, January 11, 12, and 18, 1989 in FBIS, January 18, 1989. See also Ogle, *Dissent within the Economic Miracle*.

colleagues outside their room, forced them to place their heads on the ground before taking pictures and beating them."¹⁶⁶ Other victims said that the attackers shouted, "Kill the bastards," while beating them with baseball bats. The attackers also beat them when they refused to chant, "Our father is Kim Il-sung," as ordered.¹⁶⁷

James Lee's involvement came to light when one of the assailants was caught and eight others surrendered to the police.¹⁶⁸ Kim Nam-so, one of the arrested goons, told the police that he purchased wooden sticks including four baseball bats for the assault. Lee admitted that he gave Kim 400,000 *won* (US\$570) to carry out the attack in order "to discipline militant workers who 'inflict much harm' on a majority of shipyard workers."¹⁶⁹

Curiously, all of the nine arrested were identified by the company as current or former "labor representatives" at Hyundai companies. The nine claimed that "neither management nor outside forces were involved in the incident."¹⁷⁰ A police investigation revealed, however, that top level management at Hyundai was directly responsible for the assault as well as subsequent attempts to cover up the high-level involvement. Han Yu-dong, a managing director in charge of personnel management at the Hyundai Group's Planning Office, had ordered three buses to transport the *kusadae* to the site of the assault. He was later charged with planning it.¹⁷¹ To Yong-hoe, director of the Hyundai Group Human Resources Development Institute, was also questioned by police. The nine attackers had a meeting with To before their surrender to the police, according to the investigators.¹⁷²

On January 17, members of the National Assembly's Labor Committee went to Ulsan to investigate the assaults. In the course of their investigation, they

¹⁶⁶ *Korea Herald*, January 10, 1989.

¹⁶⁷ *Ibid.* Kim Il-sung is the president of the North Korea.

¹⁶⁸ A source close to the Hyundai union told Asia Watch that the Hyundai Group had paid James Lee four million *won* (US\$5,700) to carry out the attacks because he was known to have "a good technique for breaking things up." We are, however, unable to verify the figure. Interview in Ulsan, June 1990.

¹⁶⁹ *Korea Herald*, January 11, 1989.

¹⁷⁰ *Ibid.*, January 10, 1989.

¹⁷¹ *Ibid.*, January 15, 1989.

¹⁷² *Ibid.*, January 11, 1989.

uncovered evidence of direct police complicity. According to an account in the *Korea Herald*, Sergeant Lee Sang-gu, chief the Ulsan Police Station's Sangbuk substation, said that on January 8 at 1:30 a.m., the night of the assaults against Hyundai unionists, he stopped three buses which had their license plates covered with tape. He ordered James Lee out of one of the buses and questioned him. Lee then telephoned Superintendent Kim Yong-gap, the intelligence chief at the police station. Sergeant Lee said he did not know what James Lee had said to Kim but that he had let the buses pass on Kim's orders. According to the account of the National Assembly investigation, Kim was quoted as having said to Sergeant Lee: "You must keep secret what happened at the police box because police may be suspected of intervention in the case."

Superintendent Kim admitted that he ordered Sergeant Lee to let the buses pass but said that "since Lee Yun-sop [James] gave his identity," he "assumed that those on board were trying to hold talks with militant unionists."¹⁷³

James Lee received a prison term of one year after a trial in April 1989.¹⁷⁴ He was released in January 1990 and has resumed goon squad activity in Inchon, although we have no information as to who his current employers are. Others also received minor sentences. Han Yu-dong, a Hyundai company executive was sentenced to one year for his involvement in the assault.¹⁷⁵ Kim Nam-so, one of the key assailants, received the longest sentence of one year and six months' imprisonment.¹⁷⁶ Thirty-one other workers who took part in the assault were given suspended sentences and released.

¹⁷³ *Ibid.*, January 18, 1989. On January 20, the National Police Headquarters announced that Superintendent Kim would be removed from his position, and possibly fired after the prosecution completed its investigation. The prosecution, in the meantime, announced that it would seek an arrest warrant for Kim for not taking any action to prevent the incident when he knew a clash was imminent. Prosecutors said that Superintendent Kim received a tip ten hours before the attack that the Hyundai workers were planning to hold the meeting at a particular bungalow, and he had even dispatched his subordinate Senior Patrolman Kim Tu-hwan to monitor their activities. Ulsan police chief Senior Superintendent Kwon Chung-su was also removed from his position by the National Police Headquarters. The prosecutors said that Kwon would be arrested if it was found that he had been notified of a possible clash but failed to take any action. *Korea Herald*, January 21, 1989.

¹⁷⁴ *Ibid.*, April 25, 1989.

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

Kidnappings

The *kusadae* have also been responsible for kidnappings of union leaders. Kim Hyong-kwon, a leader of the Hyundai Heavy Industries union, told a reporter for the *Christian Science Monitor* that company-hired men tried to kidnap him in September 1987.¹⁷⁷ Kim said that he had gone to the headquarters of another Hyundai union when suddenly a "gang of about 30 company goons burst in, grabbed him, hustled him into a waiting van." Workers witnessing this incident rushed to the van and rescued Kim and grabbed seven goons. They took the seven to the police; six of them were released due to lack of evidence.

In May 1988, So Chong-hui, a 37-year-old assistant manager at the Hyundai Engineering and Construction Company, was kidnapped by goons hired by the Hyundai Group. According to reports in the *Korea Herald*, So had been attempting to form a trade union for white collar workers at Hyundai, and Hyundai executives were pressuring him to give up his efforts.¹⁷⁸ On May 6 he was abducted by five persons outside a saloon in Yongdong after meeting with Choi Che-dong, a Hyundai director. At home in Seoul on May 11, So said that he had been kidnapped by five people, blindfolded and driven to an inn in Mokpo where he had been held for five days. According to So, the kidnappers told him that they had been paid 17 million *won* (US\$24,300) by an unnamed person. His abductors forced him to write a letter of resignation and freed him when he complied.¹⁷⁹ Hyundai president Chun Hun-mok denied any involvement of Hyundai officials in the kidnapping, but among the ten persons who were convicted and drew light sentences on July 30 for their roles in the abduction were two company officials, Kang Myung-gu, chief of the Hyundai Construction Company's General Affairs Department, and Choi Che-dong, a company director.¹⁸⁰

¹⁷⁷ "South Korea Unions: A Potent Voice Shaping Democracy Debate," *Christian Science Monitor*, September 21, 1987.

¹⁷⁸ *Korea Herald*, May 11, 1988.

¹⁷⁹ *Ibid.*, May 12, 1988.

¹⁸⁰ *Ibid.*, May 22, 1988.

Treatment of Detained Unionists

In addition to the violations of their freedom of association, Hyundai workers have also had to face physical abuse and ill-treatment in detention. The Hyundai unionists arrested in connection with the April-May 1990 strikes were reportedly mistreated both at the Ulsan Nambu Police Station and the Pusan Pre-trial Detention Center where they were being held as of June 1990.¹⁸¹

Ulsan Nambu (South Section) Police Station

Normally, prisoners awaiting trials are kept in pretrial detention centers, but Ulsan does not have one. Hence, the Hyundai workers were kept in the lock-up facilities at the Nambu Police Station along with common criminals, who reportedly extorted "entrance fees" from the unionists in the form of clothes and other goods brought by their family members.¹⁸² If the unionists refused, the criminals would beat them. But even if they paid the "entrance fee," they were beaten, albeit less severely.

Relatives of the detained workers felt that at best the police had lost control of the situation in the lock-up or were "like the monkey who closes his eyes." At worst, the families feared the police were encouraging or abetting this practice. When the family members initially complained to the police, they were told that extortion of "entrance fees" was a standard practice in the jail and that the unionists should simply handle it by paying up.

Not satisfied with the police response, members of the Family Association of Imprisoned Hyundai Workers picketed outside the main Hyundai complex gate for ten days in May to protest the mistreatment of workers and the violence in the police lock-up facility.¹⁸³ On May 28, the association released a

¹⁸¹ Information gathered in Ulsan and Seoul, June 1990. Asia Watch has raised the following cases with South Korean officials and their responses are noted in this section. We also raised these cases with the U.S. Embassy officials in Seoul; their responses are noted in the U.S. policy chapter.

¹⁸² Interview in Ulsan with the workers' families, June 1990.

¹⁸³ The association was formed in May 1990 after the most recent strikes were broken up and union leaders were jailed. It is composed primarily of women whose husbands, sons or brothers are imprisoned. Its predecessor was called the Association of Dismissed Hyundai Workers.

statement on the prison conditions. The protest and the statement generated publicity on national television, thereby attracting the attention of the police officials. The chief investigator called the families and asked them why they were making trouble. He told them that they should try to resolve the problem without creating so much trouble. Yet the outside pressure had some effect. Within a day of the association's public statement on May 29, the workers were given a separate room where they could eat by themselves. In South Korean prisons, as in most other prisons, meals are centrally prepared and portions allocated by inmate-workers. Before the measure, the common criminals prevented the unionists from getting their share of the food. But now they could eat in peace and supplement their diet by buying private food without fear of having it snatched away.¹⁸⁴

The common criminals continued to extort goods from the workers, however. After the chief investigator met with the protesting family members on May 29, he instructed the clerk not to accept packages brought for the workers. This angered the common criminals. They blamed the families for the discontinuation of the goods and, in retaliation, beat the jailed workers.¹⁸⁵ In one incident in early June, the workers were beaten during the regular visiting hours, forcing officials to abruptly halt all visits for half an hour. The unionists were reportedly refused access to medical care after they were beaten.

All persons awaiting trial in South Korea fall under the jurisdiction of the Justice Ministry. However, Lee Sun-kil, director of the Security Division at the Justice Ministry, maintained that the violence against the unionists detained at the Ulsan police station was not his division's responsibility.¹⁸⁶ The internal affairs of the police stations fall under the jurisdiction of the Ministry of Home Affairs, he said.

¹⁸⁴ The prisoners are permitted to spend 1,000 won/day (US\$1.50) on private food.

¹⁸⁵ The Asia Watch delegation accompanied several Hyundai family members to the Ulsan Nambu Police Station and observed the procedures and conditions for visits. Visiting conditions are the same for all detainees at the police station. Regular visiting hours are 10 a.m.-noon and 2-4 p.m., Monday through Friday; on Saturday, 2-4 p.m.; no visits allowed on Sunday. Visitors are usually allowed three to five minutes per visit and speak to the prisoner over an interphone. Dark glass windows with bars separate the prisoners from their visitors making it possible only to see the outline of the person on the other side of the glass. While there are barriers between the prisoners and their visitors, nothing separates the prisoners from each other on their side of the visiting room.

¹⁸⁶ Interview in Kwacheon, June 1990.

Cho Chu-nam: Beating in Prosecutor's Office

Another account of abuse involves a Hyundai worker and union official named Cho Chu-nam. All of the following information comes from a source who asked to remain anonymous. In May 1990, Cho was in the office of Chung Pyong-t'ae, Ulsan regional prosecutor No. 330, when he was asked to sign a prepared statement on charges against him. When he refused, he was beaten by Choi Chong-gi, prosecutor Chung's clerk. Chung, who was present throughout, then told Cho to cross out the parts of the statement he did not agree with and sign it. When Cho crossed out everything of importance, he was forced to stand with his hands in the air for one hour. Afterwards, when he still refused to sign a statement that was satisfactory to the prosecutor, he was beaten again. This time, the clerk stomped on Cho's head five times with his boots and kicked Cho in the mouth, causing swelling and lacerations. Cho was unable to eat for three days. Although he was promised medical attention, he did not receive any.

When Cho's relatives found out about the beating and complained about the mistreatment, his case was moved to another prosecutor's office in Yangsan. The beating was not investigated. Chang Yun-suk, the Director of the Prosecution Division at the Justice Ministry, said that he was unaware of the incident.¹⁸⁷ He stressed that such mistreatment was forbidden by law, but said that if the clerk had hit Cho, he must have done so for a reason.

Asia Watch requested that Cho's case be investigated and reiterated the appeal in a July letter to Lee Sun-woo, the Director of the Human Rights Division at the Ministry of Justice. Lee responded:

Cho Chu-nam was arrested on May 13, 1990 for leading the Hyundai Heavy Industry illegal strike and violent demonstration. After an investigation at the Ulsan police, he was transferred to the Pusan District Prosecutor's office. During the prosecutor's investigation, he was shown his statement prepared by the clerk Choi Chong-gi. As he requested some corrections to be made, he was allowed to make the corrections himself. The statement prepared by the clerk was an official document and damaging it constituted a criminal offense. However, while he was making corrections, he drew a diagonal line from left to right and damaged the entire document despite the clerk's attempts to

¹⁸⁷ Interview in Kwacheon, June 1990.

stop him. Thus, the clerk kicked the chair once. Cho protested it, pushing the clerk and causing a disturbance. During the process of trying to stop the disturbance, he fell down, his face striking the desk, and received minor injury on his lips. The injury was not visible on that day, but there was a little swelling on the following day. He never requested any treatment. As the injury was not serious enough to require any treatment, the prosecutor did not suggest any treatment. This incident did not occur during the process of obtaining an involuntary confession.¹⁸⁸

Pusan Pretrial Detention Center

Because of the overcrowded facilities in Ulsan, some Hyundai workers awaiting trial were held at the Pusan Pretrial Detention Center. At the beginning of June 1990, some 44 prisoners there staged a hunger strike to protest the treatment of Hyundai workers being tried in Masan. (At that trial, the workers had been led into the courtroom handcuffed and roped to one another, in contrast to the normal procedure of using only one method of restraint.) The hunger strikers were beaten and put into punishment cells. On June 7, the prisoners' relatives and their supporters demonstrated in front of the prison. According to one of the family members, they were demanding an end to the violence in prison, no tying together of prisoners when they go to court, and outside medical examinations for prisoners who are beaten.¹⁸⁹ The authorities showed that they were sensitive to publicity about the mistreatment of imprisoned Hyundai workers because the vice warden reportedly apologized to the demonstrators and ordered the prisoners transferred to their regular cells.

Kim Nam-suk, a Hyundai union executive, participated in the hunger strike. He was reportedly beaten so severely, including having his back trampled on by the guards, that he could not move at his waist. His attorney, a member of the Pusan branch of Lawyers for a Democratic Society (Minbyun),¹⁹⁰ requested that Kim be hospitalized.

¹⁸⁸ August 1990 letter addressed to Edward J. Baker, Asia Watch board member and member of the delegation to South Korea.

¹⁸⁹ Interview in Ulsan, June 1990.

¹⁹⁰ Minbyun is an association of lawyers working on human rights cases.

The Justice Ministry's Director of the Security Division told Asia Watch that Kim was not in any way mistreated.¹⁹¹ He said that Kim was moved from Ulsan to Pusan in handcuffs and his wrist may have been somewhat chafed as a result, but he denied that Kim was beaten. Hunger strikers, he said, are never beaten. Chang Yun-suk, director of the Prosecution Division, said that Kim's family and attorney were lying and what they told Asia Watch was a complete fabrication. He said that Kim admitted that there had been no problem, apologized to the police and resumed eating.

The Justice Ministry confirmed that more than 40 prisoners at Pusan Pretrial Detention Center had conducted a protest on June 1, 1990.¹⁹² The Ministry stated that "there was some physical struggle between the prisoners and the guards" as the protest was "suppressed with force." However, "no prisoner was beaten or injured." Kim Nam-suk "refused to cooperate while being transferred" from Ulsan to Pusan. He "received a little scratch on the wrist as he was being handcuffed but neither he nor his lawyer ever requested treatment, and Kim therefore received none," according to the Justice Ministry.¹⁹³

¹⁹¹ Interview in Kwacheon, June 1990.

¹⁹² August 1990 letter from Lee to Baker.

¹⁹³ *Ibid.*

VI. CHUNKYOJO

Repression of the South Korean labor movement is not just directed at industrial workers. Public school teachers, who are part of the civil service, and private school teachers, who are treated as if they were civil servants, have been arrested and dismissed for activities in support of an independent union called Chunkyojo. This is an acronym for the Korean Teachers and Educational Workers Union. Chunkyojo members have been accused of being communists; all applicants for teaching positions are interviewed about their political beliefs and activities, past and present, and whether they intend to join the new union. An affirmative response to the latter can lead to disqualification.

Background

Chunkyojo was launched on May 28, 1989 despite a legal ban on collective action by public sector employees and the arrest and dismissal of 100 union organizers less than two weeks earlier. It was the first independent teachers' union in almost 30 years. Such a union had been formed once before in 1960, but despite a membership of 20,000, then one-fifth of the teaching profession, it lasted less than a year. In 1961, it was declared illegal by Park Chung-hee and harshly suppressed.

In the intervening two decades before Chunkyojo was established, the only organization representing the interests of teachers was the government-sponsored Korean Federation of Education Associations (KFEA), which included administrators as well as primary and secondary school teachers and which was more a professional association than a trade union. Teachers, as civil servants, were barred from collective action by the South Korean Constitution, the National Civil Service Act and the Private School Law.

The flowering of the labor movement that followed Roh's June 1987 declaration, however, affected the teaching profession as well. In September 1987, a voluntary organization called the National Teachers' Association began advocating reforms in the educational system and improved working conditions for teachers. The teachers wanted more democratic operation of the schools as well as flexibility in choosing their teaching materials. At a conference in February 1989, participants decided they needed a full-scale union and resolved to establish Chunkyojo.

While the preparations were underway for Chunkyojo's inauguration, the Education Ministry announced that it would deal severely with any teachers involved in organizing the union. On May 16, two days after a Chunkyojo convention, the government convened a high-level meeting of the vice ministers of Education, Culture and Information, Home Affairs, and Labor, the under-secretary of the Agency for the National Security Planning and the vice director of the Public Prosecutors' Office. They decided to dismiss and arrest the 100 leading organizers of the union.¹⁹⁴

Despite these threats and intimidation, Chunkyojo was launched on May 28, 1989 at a rally at Yonsei University. Riot police were mobilized to block the site of the rally, and 1,082 teachers and students of teachers' colleges were arrested.

The four general principles of Chunkyojo are as follows:

1. We firmly unite to establish the autonomy and specialty of education and to realize democracy in education.
2. We strive to improve the socio-economical status of teachers, to acquire the civil rights of teachers and to improve the educational environment.
3. We stand in the vanguard of realizing nationalistic, democratic and humane education for pupils to lead their own independent life as citizens of [a] democratic society.
4. We cooperate with every organization in our country and [every] world-wide teachers' organization which supports liberty, peace and democracy."¹⁹⁵

The union stated its determination to undertake activities to achieve these goals and to win the teachers' rights "to organize, negotiate and act collectively through revising the laws concerning education."¹⁹⁶

¹⁹⁴ Yonhap, May 16, 1989, in FBIS, May 17, 1989.

¹⁹⁵ "The General Principles of Chunkyojo," in Chunkyojo, *Movement for Genuine Education*, Appendix 1, p. 27.

¹⁹⁶ *Ibid.*

In November 1989, clearly in response to the challenge from Chunkyojo, the official KFEA became the Korean Federation of Teachers Association (KFTA). But the name change meant little. Dues for the KFTA continued to be deducted automatically from teachers' salaries; the leadership continued to be chosen from retired government bureaucrats, with the president approved by the Ministry of Education. And the KFTA had no more bargaining power than its predecessor.

Suppression of Chunkyojo

Since their union was founded, Chunkyojo members have lobbied unsuccessfully for its legalization. Members have conducted hunger strikes and sit-down strikes, started signature and petition campaigns, staged cultural performances, launched support committees, organized massive rallies and demonstrations and even threatened mass resignation in protest of government actions against them. As a result, thousands of Chunkyojo members from public and private schools have been arrested, detained or dismissed from their jobs because of their involvement in union activities. On a single day, July 9, 1989, more than 1,900 teachers were reportedly detained under the Law on Assembly and Demonstration for attempting to take part in a rally in Seoul. The rally site was blocked by some 12,000 riot police, and the demonstrators were stormed by 1,500 police.¹⁹⁷

More than 80 teachers have been jailed for violating the Civil Service Law. Among them was Yun Yong-kyu, president of Chunkyojo, a physical education teacher at Junnam Physical Education High School. He was arrested on June 9, 1989 and charged with violating the Civil Service Law; six months later, he was sentenced to a one-year jail term. He was released at the end of June 1990. A list of other teachers arrested appears in the Appendix 3.

Some 1,500 Chunkyojo members have been dismissed from their jobs. Many have filed appeals for reinstatement with arbitration committees but only a few have been successful. In December 1989, a district court in Kochang ordered the reinstatement of two private school teachers because the judge ruled that none of their activities "had harmed social order or education."¹⁹⁸ In June and July of 1990, Chunkyojo initiated a nationwide petition campaign for the reinstatement of the dismissed teachers. The government responded by

¹⁹⁷ Yonhap, July 10, 1989, in FBIS, July 11, 1989.

¹⁹⁸ Amnesty International, March 17, 1990, ASA 25/10/90.

threatening to dismiss or arrest the leaders of the campaign, despite guarantees of the right to petition the government contained in South Korea's Petition Law and the Constitution.¹⁹⁹ Not only have teachers been dismissed, but high school students have been expelled or even arrested for protesting the dismissal of their teachers. In September 1989, a Yangjong High School student was reportedly suspended from school for two weeks for writing "I support the teachers in Chunkyojo" in her test paper.

The Education Ministry decreed in August 1989 that all applicants for teaching positions in public schools must be interviewed about their views on political issues and Chunkyojo. In a break with the previous practice of automatically giving jobs to graduates of state-run teachers colleges, more than 250 prospective teachers underwent interviews conducted by the Seoul Board of Education. The interviews included questions about the applicants' past political activities and inquired as to whether they would join Chunkyojo upon becoming teachers. According to government officials, 18 persons were disqualified because of their past links with the student movement, and 46 applicants did not show up for the interviews.²⁰⁰

Support of Chunkyojo not only has disqualified applicants for teaching jobs but may affect applicants to teachers' colleges as well. In October the Education Ministry issued new guidelines for those applying to teachers' colleges. Unlike other college applicants, they were now required to submit recommendations from their high school headmasters and records of their school activities "in what appears to be a government preemptive measure to weed out dissident students that may be involved in the union movement after becoming teachers."²⁰¹

In August 1989 the Ministry of Education ordered university officials not to reappoint Chunkyojo-member professors unless they quit the union. According to Chunkyojo, more than 400 college professors had joined the union, but it was not known how many would be affected by the new order. According to the prevailing law, full and associate professors at state universities must have their contracts renewed every six years, and assistant professors every three years. The reemployment statute had come under wide criticism in the past because the government had used it to expel dissident professors from college campuses; now

¹⁹⁹ *Korea Herald*, July 4, 1990.

²⁰⁰ *Ibid.*, August 8, 1989.

²⁰¹ *Korea Times*, October 8, 1989.

the government is criticized for using it as a means to suppress the dissident union. The Education Ministry maintains that it is "natural" for college professors to be dismissed for their membership in Chunkyojo as their counterparts in elementary and secondary schools faced the same punishment.²⁰²

In addition to those arrested or dismissed, others have reportedly been transferred to less desirable, remote villages and islands in retaliation for their pro-union activities. A teacher in Seoul, for example, was reportedly sent to a distant mountain village; another was transferred from Kwangju in the south to a northeastern province near the demilitarized zone.

A Chunkyojo official told Asia Watch of alleged mistreatment of teachers detained after the attempted July 9, 1989 demonstration in Seoul. Although the level of mistreatment varied in local police stations around the city, he said that detained teachers, male and female, who refused to hand over their citizens' ID cards, were often stripped and subjected to body searches. Some male teachers were so severely abused they required hospitalization; they were then rearrested upon their release from the hospital. Mistreatment was said to be particularly harsh at a detention center in the northern section of Seoul. One person held there was beaten and sent to the hospital, then rearrested when he was discharged. He was convicted and given a suspended sentence. Four teachers were subsequently charged and physically detained; 47 were indicted without physical detention and six were tried in the summary courts.²⁰³

The Legal Issues

The Law on Assembly and Demonstration (LAD), described in chapter 2, has also been most frequently used against the teachers. Lee Bu-young, for example, was convicted of violating the Law on Assembly and Demonstration. Lee, 43, acting president of the Chunkyojo and a teacher in Seoul, was arrested on July 13, 1989 on charges of organizing illegal rallies. In October, he was sentenced to an 18-month jail term, suspended for two years. Teachers who participate in Chunkyojo-organized demonstrations, rallies, sit-in protests and even hunger strikes have been arrested under LAD. Most have been released after a short period of detention and a trial in summary court.

²⁰² *Korea Herald*, August 3, 1989.

²⁰³ *Movement for Genuine Education*, p. 32.

Teachers, however, have faced a particular problem because of the ban on public sector workers. The South Korean Constitution guarantees that "workers shall have the right to independent association, collective bargaining and collective action."²⁰⁴ However, the Constitution limits that right by stating that "only those public officials who are designated by law shall have the right of association, collective bargaining and collective action."²⁰⁵ This right has never been granted to teachers.

As noted by a legal scholar who compared South Korea's domestic laws with international labor standards, teachers are among a whole class of civil servants whose rights are abridged:

Employees of state-owned commercial enterprises are not prohibited from unionizing in South Korea, but the authorization contemplated in Article 31 of the Korean Constitution has never been granted for most civil servants, a class comprising not only government personnel but also school teachers at all levels....The effect of this restriction is to deny the right to unionize to large numbers of workers who could not be said to occupy administrative jobs in the government proper.²⁰⁶

In addition to the constitutional restriction, Article 66 of the National Civil Service Act bars civil servants, including public school teachers, from taking collective action, thus prohibiting their participation in trade union activity.²⁰⁷ In March 1989, amendments to the Trade Union Law which would have nullified the prohibition on union organizing by public sector employees were passed by the National Assembly. President Roh, however, vetoed them.²⁰⁸

²⁰⁴ Constitution of the Republic of Korea, Art. 33(1).

²⁰⁵ *Ibid.*, Art. 33(2).

²⁰⁶ James M. West, "South Korea's Entry into the International Labor Organization: Perspectives on corporatist labor law during a late industrial revolution," *Stanford Journal of International Law*, v. 23, no. 2, (1987), p. 509.

²⁰⁷ National Civil Service Act, Art. 66: "Prohibition of Collective Action: Civil servants may not take collective action for labor movement purposes or other purposes outside of public duty." The law was promulgated in 1963 and amended in 1986. 1989 *Popjun* (Code of Laws).

²⁰⁸ Trade Union Law, Art. 8: "Restriction on Formation and Membership of Trade Unions: Workers may organize or join a trade union at liberty. In case of public officials, however, the right shall be stipulated separately...." *Labor Laws of Korea*, Republic of Korea Ministry of Labor (1989), p. 4.

In April 1990, the South Korean Supreme Court considered the constitutionality of the government's ban on organizing by public school teachers in the case of Won Yong-man. Won, a former teacher at Haksong Middle School in Wonju, was arrested in June 1989 for attempting to organize a branch of Chunkyojo.²⁰⁹ The Supreme Court upheld the provision of the Civil Service Law in question. Justice An U-man said that Chunkyojo could not be considered as legitimate even though the union members are pursuing the democratization of education and "true education," or *Chamkyoyuk*.²¹⁰ (See page 70 for further details about *Chamkyoyuk*.)

The Supreme Court's decision apparently conflicts with international labor standards. As West observed, "The pertinent International Labor Organization (ILO) standards have been consistently interpreted as rejecting a public/private distinction as determinative of associative rights."²¹¹ Moreover, the international trend, reflected in the ILO norms, is shifting away from blanket restrictions on public sector organizational rights. The ILO Labor Relations (Public Service) Convention No. 151, for example, notes the special need for unionization in the public sector.²¹²

Private school teachers are also banned from organizing under Articles 55 and 58 of the Private School Law. The first article stipulates that private school teachers are to be treated as public school teachers.²¹³ The second article states: "(A teacher may be dismissed from office) when he joins political

²⁰⁹ *Korea Herald*, April 12, 1990. Won had been sentenced to two-year prison term, which was later reduced to a 1 million *won* [US\$1430] fine.

²¹⁰ *Ibid.*

²¹¹ West, p. 508.

²¹² ILO Convention No. 151, Part II "(Protection of the Right to Organize): "Public employees shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment...[in respect of acts calculated to] (a) make the employment of public employees subject to the condition that they shall not join or shall relinquish membership of a public employees' organization; (b) cause the dismissal of...a public employee by reason or membership...or because of participation in the normal activities of such an organization." International Labor Office, *International Labor Conventions and Recommendations, 1919-1981* (Geneva, 1982), p. 26.

²¹³ Private School Law, Art. 55: "The provisions concerning the duties of the teachers of national and public schools shall apply *mutatis mutandis* to the duties of the teachers of the private schools." (Promulgated in June 1963). *Laws of the Republic of Korea*, v. 1, p. III50).

movements or labor movements or...agitates the students to support or to oppose any political party."²¹⁴

In a case pending before the South Korean Constitutional Court in mid-1990, private school teachers were arguing that these provisions violate their constitutional right to freedom of association as well as to organize and bargain collectively. Although the courts have thus far upheld the government's position on the legal status of Chunkyojo, the Democratic Liberal Party introduced a Special Law Concerning the Status of Teachers during the June-July 1990 special session of the National Assembly. The bill designated the KFTA as the sole, officially recognized association representing teachers, thus emphasizing the illegal status of Chunkyojo. The bill also did not grant the KFTA collective bargaining rights. Wide criticism forced the government to shelve the bill, but it is expected to come up for debate in a future session of the National Assembly.

Chamkyoyuk (True Education)

Chunkyojo's chief aim is *Chamkyoyuk*, the establishment of democracy and autonomy in teaching. The elements of this aim include revision of textbooks and curricula, an improved educational environment and improved working conditions.

In September 1989, Chunkyojo teachers filed a case with the Constitutional Court challenging the constitutionality of Article 57 of the Education Act which gives the Education Ministry the exclusive authority to write or review textbooks used in primary and secondary schools. Teachers were concerned that these textbooks contained historical distortions and reflected the political bias of previous dictatorships.²¹⁵ While a decision has yet to be rendered in the case, the authorities reportedly agreed that revisions were needed to the curriculum and

²¹⁴ Private School Law, Art. 58.1(4).

²¹⁵ As recently as June 1990, in a seminar sponsored by the Presidential Advisory Commission on Education Policy, a Seoul National University professor noted, "Schools of all levels had been instilling rigid anti-communist ideas into the minds of the growing generation for the last four decades." *Korea Herald*, June 28, 1990. He added that there needed to be new guidelines on how subjects like reunification and North Korea should be treated, "Under these guidelines and subsequent limits, teachers and professors should be allowed to conduct their classes in their own way."

to some textbooks. The Education Ministry announced that until the textbook revision was completed sometime in 1990, teachers would be free to depart from those texts which did not reflect the government's recent improvement in relations with communist countries or ignored the abuses of the Chun Doo-hwan government.²¹⁶ In addition, the Education Minister reportedly told the National Assembly's Education-Information Committee, which met to discuss the Chunkyojo controversy, that the government would push for legislation to "enhance the status of school teachers and improve their working conditions," and the Ministry would "actively" accommodate the teachers' demand for "democratic and rational" school operations and revisions in the curriculum.²¹⁷

Improving the student-teacher relationship is a fundamental part of their aim to improve the educational environment. In September 1989 the Education Ministry reported that 126 secondary students nationwide committed suicide for academic reasons during the 1988 school year.²¹⁸ Chunkyojo believes that over 200 students kill themselves each year.

Chunkyojo also demands improved working conditions. Teachers' salaries in South Korea are below those of other clerical jobs and some blue-collar jobs such as cab drivers. As of mid-1990, an average teacher with five-year experience earns 437,000 *won* (US\$624) per month for teaching a minimum of five classes a day.²¹⁹ Classrooms are overcrowded. The Education Ministry exercises near complete control over the entire educational system. It recruits and promotes teachers, has the power to dismiss and transfer them, and selects all their teaching materials.

²¹⁶ Amnesty International, March 17, 1990, ASA 25/10/90.

²¹⁷ These demands for enhanced status and democratic operations of schools were to be met, he said, in the delayed Special Law Concerning the Status of Teachers. See "The Legal Issues" section, *supra*; *Korea Herald*, August 10, 1989.

²¹⁸ Twenty killed themselves after their parents severely scolded them for their poor academic performance; seven were afraid of fierce competition over college entrance.

²¹⁹ *Far Eastern Economic Review*, July 27, 1989.

VII. BROADCASTING AND PRESS UNIONS

Unions in the broadcasting and newspaper publishing industries have challenged the government's restrictions on collective action by striking over personnel decisions, issues of editorial independence and censorship. They have demanded a greater voice in the running of their industries.

A series of strikes, both legal and illegal, have taken place since June 1987, when Roh Tae-woo's promised reforms included a pledge to expand press freedom. The most dramatic confrontation between the unions, management and the government took place at the Korean Broadcasting System (KBS) in April 1990 when thousands of riot police broke up an "illegal" sit-in by employees at the headquarters of the giant TV and radio system.

Asia Watch takes no position on the specific grievances raised by the broadcasting and press unions. It maintains, however, that workers in the newsrooms and broadcasting studios have every right to freely express their views without fear of being arrested or forcibly silenced by riot police.

Background

Since the Republic of Korea was established in 1948, successive governments have maintained tight rein on the nation's press. Chun Doo-hwan's administration was accompanied by a particularly harsh suppression of the press. In 1980 alone -- as part of his "purification movement" against "undesirable and corrupt elements" of Korean society -- Chun fired and banned from writing 683 members of the press from some 40 newspapers and broadcasting stations, banned 172 periodicals on charges of obscenity and creating social confusion, closed 617 publishing firms, closed a Seoul-based daily newspaper, permitted only one newspaper per province, closed down two major news agencies and several smaller agencies and forced them to merge into the Yonhap News Agency.²²⁰ Two independent broadcasting stations were merged into the state-

²²⁰ Asia Watch, *Human Rights in Korea* (January 1986), p. 289. Yonhap News Agency is a cooperative company, structured much like the Associated Press, with member companies represented on the board of directors. Currently about half of Yonhap's stocks are owned by KBS and MBC.