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Written submission to the Human Rights Committee (CCPR) on the implementation of the ICCPR in the Republic of Korea, 5th periodic report (CCPR 139th session, 9 October - 3 November 2023)

The International Trade Union Confederation (ITUC) together with Korean Confederation of Trade Unions (KCTU) and Federation of Korean Trade Unions (FKTU) welcome the opportunity to make a written contribution on the human rights situation in the Republic of Korea, in advance of the 139th session of the CCPR taking place between 9 October - 3 November 2023.

This submission sets out some of ITUC's key concerns and recommendations related to the implementation of the International Covenant on Civil and Political Rights (ICCPR) by the Government of Korea. This submission highlights concerns with regard to freedom of assembly (Article 21 ICCPR) and freedom of association (Article 22 ICCPR) with the hope of supporting the Committee's consideration of the 5th periodic report by Korea.

Yours sincerely,



Luc Triangle
Acting General Secretary

Submitting organizations

The International Trade Union Confederation (ITUC) represents 200 million workers in 163 countries and territories and has 332 national affiliates. The ITUC's primary mission is the promotion and defense of workers' rights and interests through international cooperation between trade unions, global campaigning and advocacy within the major global institutions. The ITUC is governed by four-yearly world congresses, General Council, and Executive Bureau. The ITUC has close relations with the Global Union Federations and the Trade Union Advisory Committee to the OECD (TUAC). It works closely with the International Labour Organization and other UN Specialized Agencies.

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The Korean Confederation of Trade Unions (KCTU, Minju Nochong) is a national trade union organization founded in 1995, representing 1.2 million members in all sectors including metal, public service, transport, construction, retails, etc, as of today. The KCTU is the representative organisation of workers and the trade union movement in Korea and a leading force for democratisation. The KCTU joined the International Trade Union Confederation (ITUC) in 1996 and its affiliated unions are active members of various Global Union Federations.

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The Federation of Korean Trade Unions (FKTU) is a national trade union organization established in 1946. The FKTU promotes workers' rights and interests through organising, campaigns, advocacies and international cooperation and campaigning. The union represents 1.4 million members as of December 2021. The FKTU joined as a founding member of the ICFTU in 1949 and has stayed as a member of the International Trade Union Confederation (ITUC) since 2006, after the ICFTU's merger. FKTU's affiliated unions are active members of various Global Union Federations

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UPDATE FROM THE LAST REVIEW

In its Concluding Observations issued after the 4th review of Korea in 2015,¹ the CCPR expressed concern about unreasonable restrictions placed on public officials' freedom of association and about cases in which trade unions have been refused registration on the ground that their membership includes employees who have been dismissed (para 54). The Committee also expressed concern about the severe restrictions placed on the right to peaceful assembly, including the operation of a de facto system of authorization of peaceful assemblies by the police, and cases of use of excessive force (para 52). The Committee concluded that the Government of Korea should withdraw its reservation to Article 22 of the Covenant and enable all sectors of the labour force, including public officials and employees who have been dismissed, to join trade unions. Further, the Committee concluded that the Government of Korea should ensure that all persons enjoy the right to peaceful assembly, and that limitations on that right are in strict compliance with Article 21 of the ICCPR. The authorities should review regulations on the use of force and ensure that they are in compliance with the ICCPR, and train its police officials accordingly.

However, the Government of Korea has done little to make the national legal framework and practice compliant with the relevant international labour standards contained in Articles 21 and 22 ICCPR as well as in the ILO Conventions Nos. 87 and 98.

Freedom of assembly continues to be severely restricted by oppressive laws that provide for a de facto system of authorization of peaceful assemblies by the police. Peaceful demonstrations organized by trade unions or other organizations arbitrarily not recognized by the authorities are also criminalized by law. Trade unions and labour activists remain subject to criminalisation and excessive civil sanctions for exercising the legitimate right to freedom of peaceful assembly, freedom of association and industrial action. The Government's reluctance to bring the legal framework governing the right to join and form trade unions into conformity with the international standards is keeping a growing number of non-regular workers, teachers and public officials, dismissed and unemployed workers outside the scope of legal protection. These restrictions have been subject to detailed comments by the ILO Committee on

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<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhshdNp32UdW56DA%2FSBtN4MHy9iuSmtUiNSvrbV9%2BJuD7JMLvy0Ju%2FXKLNHICvzsdHK1rJtIsosm9tfQBiOI2kvBgjNYQMFxBkIPP6Cl8vcuw0>

Freedom of Association but the Government of Korea has done little to make the national legislation compliant with the international standards.

Freedom of peaceful assembly (Article 21 of ICCPR, ILO Convention No.87)

Freedom of peaceful assembly, although recognized in the Constitution of Korea, continues to be severely restricted by oppressive laws that provide for a de facto system of authorization of peaceful assemblies by the police. Peaceful demonstrations organized by trade unions or other organizations arbitrarily not recognized by the authorities are also criminalized by law.

Articles 5 (1), 8, 10, 11 and 12 of the Assemblies and Demonstrations Act (ADA) contain a list of detailed requirements which have to be complied with by the organizers. In practice the use of those provisions affords broad discretion to the authorities to allow or restrict the holding of assemblies and, in effect, amounts to an “authorization” of assemblies. The authorities can ban the assemblies or find them “unlawful” for a variety of vague reasons such as obstruction of traffic, disturbance of the daily lives of citizens, high noise. In addition, Article 16(4) in conjunction with article 22(3) of the Assembly and Demonstration Act provide for penal sanctions of imprisonment for up to 1 year or a fine of up to 1 million won for “breaching the bounds of the reported objectives, date and time, place, method, etc”. Accordingly, Article 185 of the Criminal Act penalizes “general obstruction of traffic”. A person who damages, destroys or blocks a road, water-way, or bridge, or “obstructs traffic by other means” shall be punished by imprisonment of up to 10 years or by a fine of up to 15 mln won.

Further, the ADA bans night-time assemblies and demonstrations, i.e. those scheduled “either before sunrise or after sunset” unless permitted by the competent police authority (Article 10). Although the Constitutional Court of the Republic of Korea has already declared the ban on night-time assemblies unconstitutional – in 2009 and 2014 – and suggested that supplementary legislation be implemented – the authorities continue to use Article 10 of the ADA to deny authorization for the peaceful assemblies. Since 2022, under the administration of President YOON, Suk-Yeol, the ADA has been applied in even more restrictive way, including against the trade unions. For example, out of 44 protests for which the KCTU sought authorisation in July 2023, the police denied authorisation for 10 and for 33 issued partial prohibitions or restrictions, invoking Articles 5, 8 and 12 of the ADA. Moreover, on 26 July 2023 the Government recommended a policy reform to tighten even more the assembly regulations and proposed a legislative amendment to ban all night-time assemblies.

During the COVID 19 pandemic, additional restrictions were introduced with the adoption of the Infectious Disease Control and Prevention Act which conferred powers to the administrative authorities to put a broad ban on public assemblies and impose disproportionate criminal sanctions for violations without a check-and-balance mechanism. The Act has been actively pursued by the Korean police and the prosecution authorities to lay criminal charges and disproportionate penalties against trade unionists and labour activists in a bid to obstruct large scale trade union mobilisations and intimidate public participation in contrary to the state obligations to

observe the principles of legality, necessity and proportionality, as well as public consultation (CEACR report on Application of International Standards in times of crisis, Nov 2020).

Illustrative cases:

On 21st June 2019, president of **KCTU** and **3 staff members** were arrested and held in pre-trial detention with multiple criminal charges of obstruction of public duties, public traffic, trespassing, and destruction of public goods, following the union mobilisations on 27 March and 2 April to oppose the amendments on the Labour Standards Act and Minimum Wage Act that would further flexibilise working hours and undermine trade union positions on time sovereignty. The arrests seemed to aim at intimidating and obstructing KCTU's national demonstration against precarious work in the public sector which was planned on 3 July. Kim was sentenced to 2 years' jail term with 4 years' suspension by the Seoul Southern District Court on 23rd January 2020. The Supreme Court finally upheld the conviction and sentence on August 12, 2021.

The same pattern of criminalization and intimidation against trade unions was observed during the Covid-19 pandemic. On 2nd September 2021, **KCTU's** president was arrested during the police raid on the KCTU office in Seoul for alleged violations of the Infectious Disease Control and Prevention Act, the Assembly and Demonstration Act, and the Criminal Code in trade union rallies in June and on the 3rd of July. Despite concerns raised about contravention of Yang's arrest with the UN Declaration on Human Rights Defenders were raised by the OHCHR,² Yang was later proceeded to trial and received a suspended sentence of one year-imprisonment and a fine of 3 million KRW. Following Yang's arrest, the Korean police continued to summon 21 KCTU trade unionists who took part in KCTU's labour rally on 3rd July, 15 trade union activists who had joined the rally on 30 September, 79 others associated with the general strike on 20th October and 48 participants in the rally of 13th November. As of 12th July 2022, 19 of the summoned unionists were indicted and brought to criminal trial whereas another 21 unionists are under summary order. Amongst the summoned unionists, the vice president of the KCTU, Youn Taeg-gun was incarcerated at Seoul Detention Center when he reported to the police on 4th May 2022 in association with his role as the acting president of KCTU in 4 public rallies and in the general strike called by the union on 20 October 2021 which was joined by 72,000 trade unionists, activists and young people peacefully to demand jobs and better working conditions adversely impacted by the Covid-19 pandemic. Youn was charged of breaching article 49 of the Infectious Disease Control and Prevention Act, article 16 of the Assembly and Demonstration Act, and article 185 (General Obstruction of Traffic) of the Criminal Code, and a bail was denied to him.

On 16-17, May, 2023, the Korean Construction Workers Union (**KCWU**) staged a one-night-two-days rally to commemorate the late YANG, Hoe-dong, a member of the union set himself on fire in a protest against the Government's anti-union policy and

² AL/KOR 6/2021:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26739>

unjustifiable accusations on himself and other colleagues. The authorities have declared the rally illegal referring to the unconstitutional Article 10 of the ADA. The KCWU has decided to proceed with the peaceful rally. The police took over the KCWU and sought an arrest warrant for the KCWU president and the head of the KCTU's organizing department. Although on 21 August 2023 the court has eventually denied the arrest warrants, the prosecutor's office has indicted both KCWU officials for violating the ADA.

In May 2023 workers in a **steel mill in Gwangyang** joined a sit-in protest organized by the the Federation of Korean Metalworkers' Trade Unions (**FKMTU**). The president of the FKMTU visited the protest on 31 May 2023 and was brutally attacked by the police. Six plain-clothes police officers pressed Kim on to the ground and kneeled on his neck before handcuffing him. On 1 June 2023 the secretary-general of the FKMTU joined the protesting workers on a makeshift scaffolding, 7 metres above ground. He was physically attacked by the police who threw him down the scaffolding with the use of a mobile crane. Kim Jun-yeong suffered severe injuries to his forehead and head, a fractured knee and bruises all over his body. He was later indicted for violating the ADA (special obstruction of police officers' public duty and violation of traffic).

Recommendations: The Government of Korea must review the legal provisions concerning authorization of peaceful assemblies, consult with trade unions and social partners, and stop judicial harassments against trade unionists for legitimately exercising their right to peaceful assembly and labour strike to articulate the demands of the union members.

Freedom of association (Article 22, ICCPR; ILO Conventions Nos.87 and 98)

The Government of Korea has not withdrawn reservation to Article 22 on freedom of association of the ICCPR and has recently engaged in an anti-union campaign in the construction sector. Some legislative changes followed ratification by the Republic of Korea of the ILO Conventions nos. 87 and 98 in 2021. Specifically, the Trade Union and Labour Relations Adjustment Act (TULRAA) has been amended to permit dismissed or unemployed workers to join trade unions, but only at the enterprise level. However, the law continues to exclude large segments of the working population from the right to form and join trade unions for the defence of their interests – such as non-standard workers. Other categories, such as teachers and public officials, are affected by a broad prohibition of political activities. Further, the law contains several restrictions on the right to strike, incompatible with Article 22 ICCPR as well as the relevant international labour standards contained in ILO Convention No. 87, ratified by Korea, such as criminalization, under heavy penalties, of “obstruction of business” provided for in Article 314 of Criminal Code. These restrictions inhibit, obstruct and penalize workers for exercising these rights.

Attacks, judicial harassment, and interference against the legitimate activities of trade unions in the construction sector

Since 2022 the Government of Korea is organizing a wide-spread anti-union repression, including anti-union rhetoric, attacks, judicial harassment, interference against and criminalization of the legitimate activities of trade unions in the

construction sector. The police launched a special investigation campaign targeting trade unions for alleged illegal activities. The false criminal charges stem from the anti-union policy and language of President Yoon Suk-yeol's government. Comparing construction unions with organized criminals, accusing them of "geonpok" (a neologism created by the government meaning "construction violence"), has become a part of the daily political discourse from the part of the authorities. As of September 1, 2023, the police have summoned and investigated more than 1,700 members of the Korean Construction Workers Union (KCWU) under various charges including coercion and extortion, detained 35(6 released) of them, and conducted 20 forced seizures of union offices. This anti-union campaign has already resulted in tragedy, On 2022 May Day Yang Hoe-Dong, a district leader of the Korean Construction Workers Union (KCWU), tragically set himself on fire ahead of his scheduled detention hearing, to protest harassment of trade unionists by government authorities. As a trade unionist, he was facing charges of obstructing business operations and coercion for forcing employers to hire union members. He died the following day. This anti-union repression in the construction sector must stop immediately. The Government of Korea must be called upon to meet their international obligations, fully respect the rights to freedom of association and collective bargaining and end their repression of the Korean trade union.movement.

Exclusion of workers in non-standard forms of employment (eg. self-employed workers) from the right to form and join trade unions (TULRAA, Article 2(1))

Article 2 (1) of the TULRAA defines a 'worker' as "any person who lives on wages, a salary, or any other income equivalent thereto, regardless of the person's occupation". The Supreme Court further elaborates on this definition, introducing a number of narrow criteria, including a focus on "economic dependence", and a case-by case testing.³ As a result, non-standard workers such as self-employed workers of various degrees of dependence, freelancers, or agricultural workers find it challenging to secure recognition as "workers" who have the right to associate. Instead, they are being categorised as one-person "businesses". Therefore, in case they organize to defend their interests, they risk being in violation of competition laws and serious sanctions. Specifically, the authorities use the Monopoly Regulation and Fair Trade Act (FTA) in order to restrict the right to form and join trade unions by non-standard workers. Their actions aiming at improving their working conditions are qualified as acts restricting competition, such as "unfair illegal cartel conduct (joint activities), prohibited by Article 40(1) of the FTA or "unfair trade practices" prohibited by Article 45(1) of the FTA. Accordingly, both non-standard workers and their organizations risk heavy penalties imposed by the Korea Fair Trade Commission (KFTC).

³ "Under the TULRAA, a worker is someone provides labour in employment dependant on another, earning wages or other income to subsist on. Specifically, determining if one qualifies as a worker under the TULRAA necessitates a comprehensive assessment of a variety of factors: the worker's income is primarily dependent on a specific business operator; a specific business operator unilaterally determines the contractual terms with a worker, including remuneration; a worker's gaining market access through the business of the specific business operator by providing labour essential to the conduct of the business of the specific business operator; the relationship between the worker and the business operator should be substantially continuous and exclusive; the existence of a degree of managerial/supervisory relationship between a business operator and a worker; and the wages, salaries, etc. received from the business operator should be for their work. The Supreme Court's criteria for determining a worker under the TULRAA emphasizes "economic dependence".

Another avenue of breaking strike actions by non-standard workers, especially in the transport sector, is the abuse of “work orders” issued by the authorities. Article 14 of the Trucking Transport Business Act (“commencement of work orders) gives the Minister of Land, Infrastructure and Transport the right to issue work orders to trucking companies or truck drivers if “reasonable grounds exist to believe that an unjust collective refusal of transport has caused or could cause a serious crisis in the national economy by greatly disrupting the transport of freight.” However, the authorities do not limit issuing work orders to situations capable of creating a serious crisis. Instead, work orders are issued in cases where transport workers attempt to take collective action in defence of their interests. Such abuse of work orders lead to serious infringement of their freedom of association since non-compliance with a commencement of work order is a criminal offense and carries a possible sentence of up to 3 years in prison or a fine of up to 30 mln KRW (~22 500 USD).

Due to these restrictive laws, a large part of the Korean workforce is unable to exercise their rights under Article 22 ICCPR as well as ILO Conventions Nos. 87 and 98.

Illustrative cases:

On 24 November 2022, the Cargo Truckers Solidarity Division (TruckSol) of the Korean Public Service and Transport Workers’ Union (KPTU) , staged a strike. TruckSol organises workers who own heavy goods vehicles and are involved in cargo transportation. Their demands included the repeal of the sunset clause in the Cargo Vehicle Transport Business Act and the expansion of the Safe Rates system – both related to the aspects of remuneration and occupational safety and health. The authorities refused to recognize the TruckSol as a trade union (despite its affiliation with the KPTU, a legally registered trade union). According to the authorities, TruckSol members (all performing work in their personal capacity) represented different categories of drivers. The fact that many of them owned their vehicles complicated their classification as “workers” who have trade union rights under the TULRAA. Accordingly, the strike announced by TruckSol was deemed invalid by the authorities, allowing for far-reaching repercussions against both the organization and their leaders, as well as against the drivers. On 24 November, the first day of the strike, the Government stationed police forces at strike sites around the country in approximately the same numbers as striking workers and began using army trucks and other vehicles to carry out replacement transport under the protection of the police. The authorities announced a number of measures aiming at harassing workers joining the strike such as suspension of fuel subsidies, granting exemption of highway toll fees only to those who did not join the strike, cancellation of licences or litigation against drivers for damages resulting from the interruption of transport services. On 29 November 2022 the authorities instructed the TruckSol members in the cement sector to return to work. Commencement of work orders were issued twice to around 13,000 truck drivers in the cement (2,500), steel (6,000) and petrochemical (4,500) sectors. The orders also applied to over 200 trucking companies. Those workers who have not followed the orders were threatened with criminal sanctions. Furthermore, on 2 December 2022, the Korea Fair Trade Commission (KFTC) demanded inspection of the office of TruckSol, invoking illegal cartel acts in breach of the FTA. TruckSol did not accept the inspection, in fear of the risk of serious infringements of freedom of association such as violation of protection of trade union premises against unjustified searches. As a result, in August 2023 the Seoul Central District Office Fair Trade Investigation Department (law enforcement authorities) opened criminal prosecution against TruckSol for “obstructing the KFTC’s inspection”. As a result of these extremely harsh and hostile measures TruckSol had no choice but to call of the strike in early December 2022.

This situation stands in contrast to the principle contained in Article 22 ICCPR that states that everyone shall have the right to form and join trade unions for the protection

of their interests. Accordingly, the the ILO has repeatedly recognized that under Article 2 of ILO Convention No. 87 workers in non-standard forms of employment, including self-employed, dependent contractors or long-term and short-term temporary workers, or agricultural workers, have the right to join and form trade unions and to be represented by unions for the purpose of defending their interests.

Recommendations: The Government of Korea must accord to non-standard workers classification as “workers” for the purpose of exercising their right to form and join trade unions for the purpose of defense of their interests. The Government must ensure that competition laws do not pose barriers to the exercise by non-standard workers their trade union rights.

Exclusion of public officials and teachers from political activities (Act on Establishment and Operation of Public Officials Trade Union, Act on Establishment and Operation of Teachers' Union, Political Parties Act, Public Official Election Act, State Public Official Act and Local Public Official Act)

Public officials, teachers in elementary and secondary schools and employees in public institutions and cooperatives are obliged to observe political neutrality. Article 4 of the Act on Establishment and Operation of Public Officials Trade Union (POTUA) specifies that "labour unions and their members shall not engage in political activities". Similarly, Article 3 of the Teachers' Union Act (TUA) stipulates that "teachers' unions shall not participate in political activities". Moreover, public officials and teachers are specifically banned from freely joining a political party or political organization, and to freely expressing political opinions with punitive sanctions under the Political Parties Act, Public Official Election Act, State Public Officials Act and Local Public Official Act. The Constitutional Court recently ruled that the portion of Article 19(1) of the Elementary and Secondary Education Act - which states that teachers may not “participate in an organization of, or join in, any political party or other political organization” - is unconstitutional (Constitutional Court Decision, 23rd April 2020,).⁴ However, other restrictions outlined in the State Public Officials Act remain in place. Accordingly, teachers’ and public officials rights to associate are restricted by their exclusion from political activities.

Recommendations: The Government of Korea should ensure that all workers, including teachers and public officials, have the right to associate for the purpose of defending their interests, including legitimate participation in political activities.

Right to strike

Workers in Korea are effectively prevented from exercising their right to associate for the protection of their interests by excessive restrictions put on the right to strike. The UN Special Rapporteur on the Right to Freedom of Peaceful Assembly and of Association has observed, after his visit to the country in 2016, that although the Trade Union and Labour Relations Adjustment Act (TULRAA) provides for collective action,

⁴ Constitutional Court Decision, 23rd April 2020, 2018HumMa551, full bench decision

including strikes, in practice the ability to exercise that right is severely constrained, in contravention to the applicable international labour standards (para 70).⁵

Participating in strikes deemed to be illegal may result in criminal and/or civil liability against organizers and participants. Regardless of the peaceful nature of a strike, employers can sue unions and their members for substantial damages arising from allegedly illegal strikes. Together with the provisional seizure of union assets and union members' salaries and wages, that effectively results in a chilling of trade union activity and a weakening of the unions. In addition, trade unions organizing a strike action or a demonstration risk severe criminal liability. "Obstruction of business" is an offence under Article 314 of Criminal Code, penalized with the severe penalty of the imprisonment of up to 5 years or by a fine of up to 15 mln won. Accordingly, a person who interferes with the business of another by the "threat of force" or by "circulating false facts" shall be punished.

In addition, strike actions are restricted by an arbitrarily defined obligatory operation of "minimum services", determined by the agreement of the parties or by the Labour Relations Committee. Actions that stop, discontinue or obstruct the proper maintenance and operation of "minimum services" are not considered legitimate (article 42-2 of the TULRAA) and therefore can be penalized with the full force of the law. The de facto discretion and power given to the authorities to declare a strike legal or illegal is problematic, as it typically belongs to a judicial authority to exercise such oversight.

Illustrative cases:

A major multinational shipbuilding and marine engineering company had been refusing to negotiate with the sub-contracted workers who demanded the withdrawal of the 30% pay cuts imposed on them, and reform of the exploitative and dangerous multi-tier subcontracting system at the shipyard. The subcontracted shipbuilding workers' strike that began on 2 June 2022 was prolonged to a 51-day strike. The company refused to negotiate. After the union went back to work, DSME imposed a 47 billion KRW (approximately USD 35.6 million or EUR 32.3 million) lawsuit on 5 union leaders relating to missed production targets during the strike, a clear retaliation aimed to chill subcontracted workers' exercise of union rights.

In 2010 temporary workers at Hyundai Motor Co's factory in Jeonju organized a strike action consisting of their refusal to work on free days (weekends). They were convicted of business obstruction by the company. The workers petitioned the Constitutional Court to rule whether the law criminalizing workers for holding peaceful strikes was constitutional. The ruling came 10 years after the lawsuit was filed.⁶ In May 2022 the Constitutional Court ruled in favour of criminalization, prolonging excessive restrictions on the exercise of the right to peaceful and non-violent strike in Korea.

Restrictions on the right to strike featured in the law of Korea are not compliant with the international labour standards. The ILO recognizes that prohibition of strikes can

⁵ <https://digitallibrary.un.org/record/855526?ln=en>

⁶ Constitutional Court Decision, 26 May 2022, 2012HunBa66

only apply to workers providing narrowly defined “essential services” (only those the interruption of which would endanger the life, personal safety or health of the whole or part of the population). Minimum services can be prescribed only in a restricted number of cases, in essential services in the strict sense of the term, in services where the extent and duration of the strike could result in an acute national crisis endangering the normal living conditions of the population or in public services of fundamental importance. It is also widely recognized that industrial action, particularly strike action, is by its nature designed to interrupt the normal operations of a business or employer in order to press for certain interests. Accordingly, Criminal and civil liability for loss of revenue or other damages arising from work stoppages negates the very core of the right to strike.

Conclusions

The Government of Korea has failed to take the necessary steps in order to bring its laws and practices into compliance with international human rights norms contained in the ICCPR. Therefore, we request that during the consideration of its 5th periodic report the Government of Korea is called upon to take the following actions:

- Withdraw reservations on the Article 22 ICCPR;
- Immediately stop the anti-union campaign in the construction sector; release all trade union members and leaders detained for the exercise of legitimate trade union activities and create conducive environment for exercising trade union rights;
- review the legal provisions concerning authorization of peaceful assemblies such as Articles 5 (1), 8, 10, 11 and 12, 16(4) and 22 of the Assemblies and Demonstrations Act;
- Ensure the right to freely associate and freely express political opinions of public officials who are not employed in state administration, as well as teachers, employees in public institutes and cooperatives by repealing domestic laws that restrict access to these rights, that is, the Political Parties Act, Public Official Election Act, State Public Officials Act and Local Public Official Act;
- Ensure the right to join and form trade unions for the purpose of defending their interests of non-standard workers, including self-employed workers by reviewing the TULRAA in conformity with the Article 22 ICCPR as well as ILO Conventions nos. 87 and 98 and eliminate barriers to freedom of association of non-standard workers created by competition laws;
- Review the legal provisions criminalizing organization of peaceful assemblies and strike actions such as Articles 185 (obstruction of traffic) and 314 of Criminal Code (obstruction of business) and ensure that peaceful strike actions are not criminalized.