Excellency,

Education International – the global union federation of teachers representing over 30 million members in 171 countries which has the Korean Teachers and Education Workers Union, KTU or JeonGyoJo, as one of its affiliates – is very concerned about the lack of social dialogue with the teacher union KTU and the attempts by the Korean authorities to restrain freedom of association by imprisoning teacher union leaders.

Education International (EI) is very respectful of the independence of the judiciary and has confidence in the impartiality of the Korean Court. However, EI is alarmed by a recent decision of a Korean court to jail KTU leaders who had taken part in peaceful and lawful union actions between July and November 2006 to protest against a teacher evaluation system developed by the Ministry of Education without consultation, let alone input from the teacher representatives of KTU.

In total, 29 KTU leaders were punished with fines and imprisonment. Today EI and KTU want to draw your attention to the specific situation of 5 union leaders who will be dismissed from their school and will therefore lose their KTU membership if their prison sentence is confirmed. Ms. Jang Hye-ok and Mr. Cha Sang-chol, respectively President and Vice-President of KTU in 2006, and other three executive members –Mr. Ha Jong-su, Mr. Jang In-kwon, and Mr. Jeong Jae-wook– were sentenced to one year (Jang and Cha) and six months prison by the Seoul Central District Court on 15 July 2008. The five union leaders lodged an appeal and are awaiting the decision of the Seoul High Court which convened on 23 September 2008.

Prison sentences are very disproportionate. After all, the facts against them are the following: on 14 July and again on 20 October of 2006, KTU members tried to show picket signs inside a public hearing but were stopped by the police at the entrance. Second, on the nights of 19 and 26 July of 2006, police prevented KTU members from tying banners to the wall of the Ministry of Education and the union leaders were charged for organising illegal gatherings. On 27 October 2006, KTU leaders, in line with the provisions of the Laws of Assembly and Demonstration, organised a cultural event in the evening. Finally, on 22 November 2006, KTU organised a lawful rally protesting against the government plan to introduce a new system of teacher evaluation. Teachers rescheduled their class or took leave to attend the rally.

The right to organize union meetings is an essential aspect of trade union rights and measures taken by the authorities to ensure the observance of the law should not prevent unions from organizing meetings. Korea, as a member of the International Labour Organisation, is well aware that workers’ organisations (including teacher unions and associations) should operate in an environment conducive to freedom of association. In that context, imposing long imprisonment on representatives of workers for legitimate activities related to the defence of the interests of those they represent is in violation of universally recognised trade union rights.

The Republic of Korea ratified ILO Convention 135 on Workers’ Representatives which states "Workers’ representatives shall enjoy effective protection against any act prejudicial to them, including dismissal, based on their status or activities as a
workers’ representative or on union membership or participation in union activities, in so far as they act in conformity with existing laws or collective agreements or other jointly agreed arrangements."

EI also reminds your Excellency that in May 2007, the KTU and EI submitted a complaint to the ILO against the government of the Republic of Korea. EI and KTU will update this complaint should the union leaders mentioned above be sentenced to imprisonment.

EI invites the Government of Korea to authorise collective action by the teacher unions as well as to involve the teacher union KTU in the preparation and implementation of education policies.

Education International sincerely trusts that this message is one your Government can support.

Sincerely yours,

Fred van Leeuwen
General Secretary

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