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Public Statement

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South Korea: Crackdown against Migrants' Trade Union

Amnesty International would like to express serious concern at the arrest of three senior officials of the Migrant Workers' Trade Union (MTU) on the morning of 27 November 2007 (Tuesday). Amnesty International is concerned that they may be arbitrarily returned to their countries of origin.

Following their arrest, MTU President Kajiman Khapung, Vice President Raju Kumar Gurung (Raj) and General Secretary Abul Basher M. Moniruzzaman (Masum) were taken to a detention centre in Cheongju, Northern Chunchong Province, south of Seoul.

President Kajiman and General Secretary Masum were arrested in front of their houses as they were leaving to participate in a protest in front of the Seoul Immigration Office. Vice President Raj was arrested in front of the factory where he works.

They were detained for being in an irregular or undocumented situation and are at risk of being returned without due process.

Amnesty International believes that the arrests of Kajiman, Raj and Masum are an attempt by the Government to deprive them of their basic labour rights protected in the South Korean constitution, including the right to freedom of association. They also appear to be repressive measures by the Government authorities to stop the MTU from conducting its rightful union activities. They appear to be a continuation of crackdowns that have been conducted against irregular migrant workers in South Korea since August 2007.

Amnesty International considers Kajiman Khapung, Raju Kumar Gurung and Abul Basher M Moniruzzaman to be prisoners of conscience and urges the South Korean Government to release the three men immediately and unconditionally. Amnesty International is concerned that their arrest represents a violation of the right to freedom of association and represents an assault on the human rights of migrant workers. The organisation calls on the South Korean Government not to return the men to their countries of origin without a full and individual assessment of their circumstances, including due process safeguards and the right to appeal the decision to an independent authority.

Background:

The Seoul High Court issued a judgement on 1 February 2007 calling for the cancellation of the rejection by the authorities of the Migrant Workers' Trade Union's Notice of Union Founding. This ruling, in effect, recognizes and thereby legalizes the MTU as a union representing the rights of all migrant workers, regardless of their status. The Ministry of Labour has reportedly appealed against this decision to the Supreme Court.

Previously, the South Korea Government had rejected calls for the formation of a migrant workers' trade union arguing that irregular migrant workers did not qualify as workers under existing legislation.

Irregular migrant workers can now be part of a legally recognized trade union. There are some 230,000 irregular migrant workers in South Korea. However, they remain at constant risk of arrest, detention and return.

The arrests of the three senior MTU officials come at a time when the MTU were reportedly planning campaigns against revisions to the Immigration Law proposed by the Ministry of Justice. These revisions could remove the requirement on authorities, in the process of conducting checks on migrant workers, to present identification documentation, to obtain other relevant documentation such as warrants prior to entering buildings, and the necessity of obtaining detention orders before arresting migrant workers. In the crackdowns against irregular migrant workers since August 2007, about 20 MTU members and officials have been arrested.