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South Korean government must not deport migrants' trade union leader

Amnesty International calls on the South Korean authorities to immediately restore the visa status of Michel Catuira, a Filipino migrant worker and President of the Seoul-Gyeonggi-Incheon Migrants' Trade Union (MTU), and to refrain from forcibly deporting him.

The harassment of Michel Catuira began in July 2010, when the Ministry of Employment and Labour ordered him and his employer to appear for an interview under suspicion of a false employment relationship. The Ministry did not find any prosecutable violation of labour or immigration law.

Despite this, in November 2010, Michel Catuira was called to appear before the Korea Immigration Service on "suspicion of violation of the Immigration Control Act in the course of applying for a workplace transfer and with relation to actual performance of work duties at present." In a memorandum sent to Catuira's lawyers on 14 February 2011, Immigration Service authorities claimed that Catuira's workplace did not exist and he was not working there. The authorities concluded that Catuira had obtained his work visa in a deceitful manner, in breach of immigration laws, and cancelled his visa on 10 February 2011 with notice given to leave the country by 7 March 2011.

Amnesty International notes that this is the latest attempt by the South Korean government to crackdown on the legitimate activities of the MTU and to threaten migrant workers' rights, including the right to freedom of association and, in particular, to form trade unions. The right to form trade unions is protected in the South Korean Constitution and international law.

As President of the MTU, Catuira has been instrumental in advocating for the respect, protection and promotion of the rights of migrant workers in South Korea. He has spoken out against restrictions placed on migrant workers' freedom to change workplaces and against immigration raids, which have resulted in arbitrary arrests, collective expulsions and the excessive use of force.

Since the MTU was founded in 2005, the immigration authorities have arrested six of its senior officials, five of whom were forcibly deported. Two of those deported were MTU presidents. No MTU President has been able to serve a full term.

South Korea's Employment and Labour Ministry continues its refusal to recognize the MTU as a legitimate union on the basis that irregular migrant workers, who make up part of MTU's membership and were central to founding MTU, do not have the same legally protected rights guaranteed to other workers under South Korean law. This, despite the Seoul High Court's ruling on 1 February 2007 affirming the right of all workers, regardless of status, to freedom of association and recognizing MTU's legitimacy. The Ministry of Employment and Labour appealed against this decision to the Supreme Court where a ruling has been pending for four years.

In November 2009, both the International Labour Organization (ILO) and the UN Committee on Economic, Social and Cultural Rights issued statements recommending that the South Korean government recognize the right of all migrant workers, regardless of visa status, to freedom of association. Further, the two UN agencies recommended that the South Korean government immediately stop the use of immigration procedures, such as arrest and deportation, against MTU officials and recognise the MTU as a legal union.

Michel Catuira has been working as a documented migrant worker in South Korea since February 2006. He was elected President of the MTU in July 2009.

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