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South Korea: Government Must Protect the Rights of Migrant Workers

On May Day (International Workers Day), Amnesty International calls on the Government of South Korea to ensure that migrant worker rights are protected by ratifying and implementing the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention).

Moreover South Korea has yet to ratify and implement the core conventions of the International Labour Organization (ILO) on freedom of association, collective bargaining and forced labour.

Migrant workers face widespread discrimination and exploitation in South Korea. By ratifying and implementing these conventions, the South Korean authorities would go a long way in guaranteeing that migrant worker rights are protected and addressing the growing problems they face.

Government plans in 2008 to deport roughly half of all irregular migrant workers by 2012 resulted in regular crackdowns, some of them violent, and have created fear in migrant communities. On 12 November 2008, immigration officials and police officers raided factories in Maseok, Gyeonggi province and arrested 110 irregular migrant workers.

A Bangladeshi migrant broke his leg while trying to get away from immigration officials: "I cried out in pain and told them my legs hurt so much." He was carried to the awaiting van and told to stop exaggerating his pain. It was not until five hours later that he was taken to a hospital. At least five migrant workers had to be hospitalised with serious injuries as a result of similar incidents.

During the raid, one Filipino female migrant worker was denied permission to go to the toilet and was forced to urinate in public in full view of local residents, immigration officers and other migrant workers.

On 8 April 2009, two immigration officers used unnecessary force during and after the arrest of a female Chinese migrant worker at a cafe in Daejeon, South Chungcheon Province. A video clip taken by Joongdo Daily captured the scene where two male officers hauled the woman by the back of her jeans and shirt. In the van, one officer punched the woman in the neck. The prosecutor's office is currently investigating the two officers' conduct.

Migrant workers' right to freely form and join trade unions is also being challenged in South Korea. The authorities have arrested and deported senior officials of the Seoul-Gyeonggi-Incheon Migrants' Trade Union (MTU) in targeted crackdowns in November/December 2007 and May 2008.

In another potential setback, the Ministry of Labour has appealed against a 2007 Seoul High Court ruling granting legal status to the MTU.

On 25 March 2009, the Governing Body of the ILO adopted its Committee on Freedom of Association report supporting the rights of migrant workers in South Korea, regardless of status, to form and join labour unions and calling for an end to measures such as targeted arrests and deportations aimed at undermining union activities.

Today, Amnesty International members in solidarity with trade unions from around the world are sending appeals to Prime Minister Han Seung-soo and Justice Minister Kim Kyoung-han, calling on the Government of South Korea to:

- end targeted crackdowns on irregular migrant workers;
- ensure that the rights of migrant workers are fully protected by ratifying and implementing, in law, policy and practice, the Migrant Workers Convention;
- ratify and implement the remaining four core ILO conventions: no. 87 Freedom of Association and Protection of the Right to Organise Convention; no. 98 Right to Organise and Collective Bargaining Convention; no. 29 Forced Labour Convention, and no. 105 Abolition of Forced Labour Convention.

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