

Gender Issues in Formal and informal Recruitment Processes and Working Condition in Korea

Rev. Han, Kukyom

Representative of Migrant Women's Human Rights Center

1. A Story of a women migrant worker

Gunchon, a Nepalese woman has spent six years in Korea. Gunchon worked in a company as a trainee worker for the first 9 months. She was paid approximately 600,000 won. Although she sent all her remaining money home it was impossible to pay back the money she borrowed to come to Korea. To make matters worse, the company where she was employed was poorly managed so she did not receive her monthly pay on time. For these reasons, she secretly left the company and arrived in Seoul which made her an illegal resident. She started to work in a sewing factory as an apprentice and the initial money she made there was more than twice what she had been paid as a trainee. She now makes approximately one million won a month because of her experience. She lives with her friend and pays approximately 200,000won a month rent, including electricity and water. All remaining money is sent to her family and to repay the money she had borrowed for training.

Now Gunchon's conditions in Korea are too hard to bear, because the Korean government sends people who have stayed over 4 years in Korea back to their countries by force under the 'Employment Permission System: EPS'. As an illegal resident that has not acquired an E-9 (work) visa, Gunchon makes a bare living doing various part-time jobs, as she cannot legally obtain occupational employment. Her employer also wants to hire Gunchon because she can speak Korean well and is skilled in her job, however, she can not offer legal employment because of the government policy that punishes employers if they hire illegal residents.

Gunchon wants to go back to home to be reunited with her child. It is not a simple problem, however. Her family and her husband's family have spent all of the money she has sent so she can not find a way to maintain her life even if returns to her homeland. Her sick husband told her impudently that it was up to her when she asked him whether or not she should return. To add to her stress she has recently received the news that her son is sick so her mind is constantly at home with her family. She hopes to make even a small amount of money over the next month or two but until now it has been hard to find a proper job. To Gunchon, these days are more

painful because of this situation at home. It is even more difficult than some difficulties she has experienced in Korea caused by language problems and racism.

The features of the lives of women migrant workers in Korea are vividly shown in Gunchon's case. There is a process that they all go through, where they have to be responsible for their family's livelihood and they go to another country to make money due to the feminization of poverty. Other problems concerning human rights also involve living with a low-income, over-time work, bad living conditions and especially the difficulties caused by the limitations of illegal residency. Finally, the problem of not being able to choose whether or not to return home is a final violation of their rights to freedom.

2. Immigration policy of the Korean government

1) Increase of women migrants

The number of foreign migrants in South Korea including short-term stayers as of December 31, 2007, finally exceeded one million. It marked 1,006,273 exactly and among them, migrant workers took 47.1%, marriage migrants 10.4%, and foreign students 5.7%. Among the migrants 35% are women.

Why is the demand for the migrant women on the rise? It is clear that the 'feminization of poverty', which is born out of the economic polarization of the global economy, resulting in an oligopoly of wealth in the first world and the poverty of the developing countries, is one major reason. However, there are three additional reasons that will be discussed in this report. First, employer countries need female labor to work in the service sector carrying out simple administrative tasks, housework, or to work in entertainment businesses. Second, marriage migration (international marriage) is often used as a means of alleviating poverty in both the employer-countries and native-countries. Emigrants usually agree to an international marriage because if they do, there will be no need to pay a brokerage commission. Furthermore, ideally international marriage provides a good opportunity for migrant women to assist themselves, and their natal households, financially. Similarly, employer-countries welcome women migrants because low-income residents, bachelors in rural areas who find it difficult to find a wife,.

2) Double standards in immigration policy of the Korean government

The increase in population of migrant workers, marriage migrants, and foreign nationals is caused by low birthrate, aging society, lack of labors due to avoidance of 3D types of jobs, increase of international marriages, and open-door policy for overseas Koreans.

The Korean government established diverse policies and social systems to cope with the problems caused by the rapid increase of migrants. The government abolished the industrial trainee system in January 2007 and adopted the employment permit system as the only legal gateway for migrant workers. The government also launched the visit employment system (H-2 visa) for overseas Koreans (mainly foreign nationals from China and former Soviet Union countries) on March 4, 2007. In May, the government promulgated the Basic Law Concerning Foreigners in Korea.

The immigration policy of South Korea is featured by double standards. The main stream in the government policy is the attraction of good human resources. It encouraged the South Korean government to establish a series of policies such as conferring citizenship or allowing dual citizenship in order to secure good human resources enough to lead a technology innovation with proper knowledge and information.

On the other hand, the government reinforced control of migration from developing countries. It tries to initiate more strict screening for entry to Korea in order to prevent illegal immigration caused by the wage gap and potential damage to national interests. The emphasis on order and safety is always accompanied by crackdown on undocumented migrant workers. The government believes that undocumented migration results in encroachment of domestic workers' job opportunities, infringement of migrant workers' human rights, and increase of foreigner crimes, which will increase social conflict and insecurity. Therefore, the government endeavors to eliminate the possibility of illegal stay by suspending the visa waiver agreement with countries marking frequent incidence of illegal stay. The number of undocumented migrant workers is up to 25% of migrants in South Korea as of 2007.

3) Employment permit system without freedom of workplace change

August 17, 2007 marked 4 years since the employment permit system was introduced. The adoption of the employment permit system, as a turning point in the history of immigration policy, enabled companies to legally hire migrant workers. It contributed to the enhancement of migrant workers' rights and interests, the reinforcement of publicity, and the transparency of the process of immigration. However, some of the original goals of the employment permit system such as simplification of employment procedures, elimination of brokers' involvement are yet to reach.

The serious problems of the employment permit system infringing human rights are the unilateral agreement by an employer, no freedom to choose workplace by migrant workers, limitation of workplace change up to maximum four times regardless of employers' faults, and limitation of contract terms up to 3 years (the government announced its plan in June 2008 to extend contract terms up to 5 years).

4) Infringements of migrant workers' human rights

Generally, infringements of migrant workers' human rights can be classified into various categories including infringement of labor rights and basic rights. Specific descriptions are as follows; unstable legal status, poor and discriminative labor environment (long working hours, low wage, industrial injuries, verbal abuse, assault, contempt, etc), difficulty in adjustment due to exclusionism, lack of social welfare service, inhumane crackdown and expulsion, etc.⁴⁾ Especially, undocumented migrant workers suffer from more severe infringement of human rights. In the fire accident at Yeosu Detention Center, 10 migrants were dead and 17 were injured. Crackdown on undocumented migrant workers was very similar to human hunting, even ignoring the Miranda principle. The government has so far maintained only oppressive policies featuring crackdown and expulsion. It causes many problems in terms of human rights.²⁾ During crackdown, assaults and inhumane measures such as sudden invasion into workplace and crackdown on construction labor market have appeared. The threat of expulsion accompanied by crackdown increases infringement of human rights of undocumented migrant workers. Pregnant women were deported and one undocumented worker fell from the building while avoiding crackdown.

3. Issue of migrant women's human rights.

The number of migrant women in South Korea as of the end of 2007 is about 250,000. They can be classified into the following three groups based on the immigration process and their work. 1) about 140,000 migrant women working in full-time or part-time jobs through the industrial trainee system or the employment permit system. 2) about 10,000 female marriage migrants. 3) about 10,000 migrant women working in the sex industry with E-6 visa (entertainment visa). They are living under triple discriminations at factories, sex businesses, and international families due to different race and skin color, their poor mother countries, and their gender.

1) Women migrant workers under additional discriminations

Female migrant workers suffer from additional discriminations such as lower wage than male workers, sexual harassment, and sexual assaults, which cause social issues. They have to engage in heavy labor even during pregnancy or after abortion not to be fired and as a result, they give a premature birth or deliver an immature infant. Likewise, there is no protection of maternity. Furthermore, a survey revealed that 12% of migrant women experienced sexual assaults.⁵⁾ 12.1% of migrant women answered they had experiences of sexual assaults at work places. In 2006, it was reported that migrant women working at farms and factories in Cheonan & Asan area were suffering from heavy work during daytime and sexual assaults by Korean employers

or colleagues at night time. Ms. Lan from Thailand worked in a factory at Seongwhan of Cheonan city about a year ago. The Korean employer raped her at the very beginning of her employment and kept asking for sexual relationships. Ms. Lan could not stand the pain and finally decided to commit a suicide.

2) Women in Marriage Migration

The number of foreign nationalities involved in international marriage of Koreans is currently up to more than 100. They are counted 110,362 as of December 2007, 17.7% increase from 2006. Among them, female marriage migrants are 97,000, taking 88% and males are 13,000, holding 12%. The biggest problem in international marriage is commodification of female sexuality. The process of international marriage pertains sex and racial discrimination, which infringes dignity of migrant women and causes many human rights problems.

The most serious problem in international marriage is domestic violence. According to the investigation in March 2007 by the Ministry of Gender Equality and Family, 12% of marriage migrant women had experiences on domestic violence. A review on the counseling by Migrant Women's Human rights Center and Migrant Women's Hotline discloses that more than 35% of counseling was about domestic violence. Domestic violence is mostly caused by husbands' distrust and suspicion about wife, which roots in incompetence from age gap of 10 to 30 years as well as financial inability. The investigation of the Ministry of Health and Welfare in 2005 showed that 52.9% of intercultural families suffered from absolute poverty.

Abandonment of wife makes migrant women's life much more difficult. An agreement of divorce by both parties results in deportation of wife although divorce was requested by husband without any specific reason. Moreover, Korean law exclude sexual abuse, verbal abuse, and husband's alcoholic poisoning or mental disease from the range of domestic violence, which does not allow migrant women to stay in Korea after divorce as a result. Korean Immigration law requires migrant women to prove that the cause of divorce stays on husband's side as a condition to stay in Korea after divorce. However, it is quite difficult to prove it.

3) Migrant Women in sex industry

The main issue in migrant women's entry into sex industry is human trafficking during the process in most cases. According to the records of counseling in local migrant service centers, migrant women in sex industry were cheated in various types of frauds using recruitment factory employments, international marriage, and entertainment performance. Especially, migrant women who enter Korea with entertainment visa are mostly likely to be forced to work in sex industry.

The investigation reveals that Korean nationals working at bars in U.S military camp side towns in South Korea are rapidly replaced by migrant women with E-6 visa (entertainment visa). Their passports are confiscated by the employers in most cases. They are forced to dance in a strip show or do prostitution. They do not even get paid. They also suffer from violence such as physical threat, menace, assaults, and rapes. They give up asking for help to the police because they will be deported afterwards and exposed to the threat and menace of the gangsters.

4) A vicious cycle of migration and the breakdown of family ties

Although women are increasingly gaining respect within their homes as breadwinners, other family problems often occur such as the breakdown of family ties because of long-term separation often resulting in divorce.

Furthermore, women workers are confronted by the reality that they cannot find employment and cannot easily readjust to their native cultures after returning home. This often results in their having to leave once again to an alternative overseas workplace. It is apparent that as long as the economy of their home countries does not sufficiently develop in order to adequately accommodate its native work force, this vicious cycle of women's migration has little chance of breaking. Even if employer-countries start treating their workers better, problems will persist unless entire families migrate. This, alone, is an urgent reason to seek out a solution to this problem.

IV. Resolution for Human Rights of Migrants

So far, the situation on the migrants' human rights has been reviewed. In South Korea, various migrant organizations and civil NGOs advocating them make exertions to promote migrants' rights and interests. Their activities include language and culture education to protect at least the minimum of one's human rights, shelter for laborers suffering from industrial injuries, sexual violence against women trafficking and amendment of poisonous factors in the Employment Permit System such as limitation on change of workplace, improvement of policies focusing on only employers' concerns, promotion of health rights such as compensation for industrial injuries, legalization of undocumented migrant workers, campaign against crackdown on undocumented workers, and enhancement of education rights and rights to live of the children of undocumented migrant workers. Women migrant NGOs focus on not only protection of human rights but also empowerment of women migrants.

Ultimate solution for the problems regarding migrant women requires further discussion and social consensus upon the issues including social and family structure securing blind obedience

to the family, alienation and exclusion of female through commodification of female body, and female labor migration according to the movement of global capital. Moreover, sisterhood and solidarity of women are necessary to establish a minimum level of legal and institutional framework for self-help of migrant women from a feminist perspective so that migrant women can possibly stand by themselves in the society.