

Submission to the United Nations
Universal Periodic Review

Individual UPR submission

Republic of Korea

Fourteenth Session of the Working Group on the UPR
Human Rights Council

October 2012

Presented by:

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An NGO in special consultative status with ECOSOC, United Nations
March 2012

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1. EXECUTIVE SUMMARY

This submission relates to Domestic Violence and the Situation of Women in International Marriages with Korean Men.

2. A summary of our recommendations is as follows:

Regarding Domestic Violence

That the Korean government initiate a public awareness campaign on the issue of domestic violence utilising print, radio, television and social media so as to ensure a wide penetration of its message across all streams of society.

That Police be given comprehensive training on dealing with situations of domestic violence (including input from civil society services providers) during their initial training and again after 10 years of service.

That the police be given powers to prosecute a perpetrator of domestic violence independent of the victim, in cases where they believe the life or safety of the victim or associated mirrors to be at risk.

That Korean government extend the allowable medical expenses to cover all necessary medical care for women and children while they are in a domestic violence shelter.

Regarding the situation of Migrant Women in International Marriages

That the Korean government, train their officials to detect possible trafficking case taking place under the cover of international marriages.

That the Korean Government introduce legislation to oversee and regulate international marriage agencies which would include limiting fees, outlaw the holding of clients identity or travel documents and make the provision of Korean language and culture classes obligatory prior to the marriage.

That the Korean Government strengthen the protection of the rights of foreign spouses by separating their right to residence in cases of separation or divorce from proof that the breakdown of the marriage is the fault of the Korean spouse.

That the government provide information materials to all foreign women arriving in the country for the purpose of marriage, informing them of their rights in their own language as far as is practically possible and providing them with contact details of agencies who can assist them if they find themselves in difficulty.

3. BACKGROUND AND FRAMEWORK

Organisation:

Congregation of our Lady of Charity of the Good Shepherd is an international congregation of women religious who are present in 72 countries and have special consultative status with ECOSOC since 1996. We work with women and children, especially those who are trafficked, forced to migrate and oppressed by abject poverty. We also work for economic justice.

4. The Congregation of Our Lady of Charity of the Good Shepherd have been working in the Republic of Korea since 1966. It runs two shelters for Korean women who are victims of domestic violence; Fountain of Life (2003) and Holy Family Home (2003) and a separate shelter for foreign women, married to Koreans, who are victims of domestic violence called Friendship House (2001).

The shelters provide a counselling service for the women and their children with play therapy, art therapy etc. provision as required. Women are given assistance in accessing legal and medical services. Skills training which helps women access employment is provided where necessary. Friendship House also provides classes in the Korean language and culture. The congregation also runs a women's help-line, projects for teenagers who are out of home and projects for lone parents.

5. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Right to Life, Liberty and Security of the Person

Domestic Violence

6. We note with concern the extent of the problem of domestic violence in Korean society. Our shelters alone accommodate approx. 150 women and 80 children each year. Despite moves towards strengthening women's rights both in society and within the home a strongly patriarchal culture persists and domestic violence continues to be considered a private family matter.

7. Recommendation:

That the government initiate a public awareness campaign on the issue of domestic violence utilising print, radio, television and social media so as to ensure a wide penetration of its message across all streams of society.

8. Training of Officials

Most police officers are more responsive to cases of domestic violence than in the past. However, they are curtailed in their ability to take legal action as the law

requires that the victim press charges against her abuser and many women are afraid to take this action. When women choose to leave the marital home and go to a shelter for victims of domestic violence it is sometimes the case that the police alert the husband to the wife's location, and so put her at risk of further, and often more serious abuse. A woman in a violent relationship is most at risk of being murdered when she is in the process of exiting the relationship.

9. Recommendations:

That Police be given comprehensive training on dealing with situations of domestic violence (including input from civil society services providers) during their initial training and again after 10 years of service.

That the police be given powers to prosecute a perpetrator of domestic violence independent of the victim, in cases where they believe the life or safety of the victim or associated mirrors to be at risk.

10. Comprehensive Medical Care

Women who avail of the services of a domestic violence shelter may have had to leave their home in the middle of the night or at least with little opportunity to make preparations. They may only have the clothes they and their children are wearing when they arrive. They may be ill or fall ill while in the shelter but the government only allows for the shelter to use the subsidy given for the women for medical care required directly as a result of the violence suffered. Other medical care must be paid for by the woman herself, which in many cases is impossible.

11. Recommendation:

That Korean government extends the allowable medical expenses to cover all necessary medical care for women and children while they are in the shelter.

12. Migrants Rights

International Marriages

One in ten marriages in Korean are international and the majority of these are Korean men marrying women from other less developed countries. Many of the marriages are arranged through marriage agencies. The women generally do not speak the Korean language and suffer discrimination within the marriage and within society because of their inability to communicate and their perceived lower economic and educational background. Often Korean husbands and their families act as if they have bought the women by virtue of the fee that they paid to the marriage agency and treat them as a slave, requiring her to do all the domestic work, care for sick or elderly relatives, and possibly even support her husband through work outside the home as well, as many of the husbands are unemployed or mentally or physically disabled. The women are frequently subjected to physical, sexual and economic exploitation.

13. Case: A young Filipina girl married a Korean man who put her to work in prostitution and tried to make her recruit other young Filipina girls.

14. As in the above case, international marriages are a frequently a cover for trafficking for the purposes of sexual exploitation.

15. Recommendations:

That the Korean government, train their officials to detect possible trafficking case taking place under the cover of international marriages.

That the Korean Government introduce legislation to oversee and regulate international marriage agencies which would include limiting fees, outlaw the holding of clients identity or travel documents and make the provision of Korean language and culture classes obligatory prior to the marriage.

16. Naturalisation of Foreign Brides

According to Korean Law a foreign spouse must have habitual residence in Korea for two years to obtain citizenship. This condition makes many women who are suffering from domestic abuse believe that they have no alternative than to remain with their husbands regardless of what they must endure. A number of these cases have ended in the woman being murdered by the Korean husband or in her taking her own life.

17. A 2004 amendment to the law sought to remedy this situation and allowed that the foreign spouse be granted citizenship even in cases where they divorce prior to the 2 year limit if the court rules that the Korean husband is at fault. However this requires the wife to prove the husbands abuse to the court. This is very difficult to achieve. Even when the court does make a ruling in her favour the woman may still have difficulties with immigration. The difficulties many women have in negotiation the court and the immigration process is made all the more difficult for these women as they frequently do not speak fluent Korean nor are they fully aware of their rights.

18. Case: A Chinese woman who was subjected to beating by her husband took her case to court. The court gave the divorce and fined the husband 8000 dollars. With this court ruling proving cruelty the woman went to the immigration office to get an extension of her visa and to apply for naturalization but she was refused.

19. Recommendations:

That the Korean Government strengthen the protection of the rights of foreign spouses by separating their right to residence in cases of separation or divorce from proof that the breakdown of the marriage is the fault of the Korean spouse.

That the government provide information materials to all foreign women arriving in the country for the purpose of marriage informing them of their rights in their own language, as far as its practically possible and providing them with contact details of agencies who can assist them if they find themselves in difficulty.