

REPUBLIC OF KOREA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Korea (South Korea) is a constitutional democracy governed by a president and a unicameral legislature. Observers considered the presidential election in 2017 and legislative elections in 2016 free and fair. Moon Jae-in was elected president in an early election following the impeachment of former president Park Geun-hye. The government held free and fair local elections in June 2018.

The Korean National Police Agency (KNPA), under the supervision of the Ministry of the Interior and Safety, is responsible for internal security. The National Intelligence Service (NIS) investigates suspected criminal activity related to national security. Civilian authorities maintained effective control over security forces, and the government utilized effective mechanisms to investigate and punish abuse of power.

Significant human rights issues included: the existence of criminal libel laws; laws criminalizing consensual same-sex sexual conduct between adults in the military; and corruption.

In December the National Assembly passed legislation outlining alternative service options for conscientious objectors. The government ceased detaining, charging, or imprisoning conscientious objectors, but prosecutors continued to appeal “not guilty” verdicts of some Jehovah’s Witnesses, and the disposition of trials of 935 conscientious objectors was undetermined as of December 30.

The government took steps to prosecute officials who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, but there were a few reports that government officials employed them; the Military Human Rights Center (MHRC), a local nongovernmental organization (NGO), reported some instances of violence and cruel treatment in the military.

The Ministry of National Defense (MND) reported no instances of bullying in the military, although local NGOs believed hazing played a role in suicides in the military. Credible examples from NGOs and media indicated mistreatment of soldiers persisted. For example, in July a soldier committed suicide after his unit came under public criticism for failing to detect a North Korean (DPRK, Democratic People's Republic of Korea) fishing boat in South Korean waters. Media reports speculated that disciplinary measures taken after the incident drove the soldier to suicide. The MHRC reported that colleagues and superiors routinely bullied the soldier even before the incident, sometimes screaming and throwing chairs at him. The MHRC concluded that the cause of death was more complicated than the boat incident alone, but the event possibly triggered his decision to end his life. The MND disputed the report, stating that there was no link between the incident and the soldier's suicide because he was on leave at the time of the incident. Other forms of alleged mistreatment included soldiers forcing another soldier to lick toilets and drink his own urine and superiors outing lesbian, gay, bisexual, transgender, and intersex (LGBTI) soldiers to their colleagues and family members. The MHRC reported increases in 2018 compared with 2017 in the number of complaints in the military alleging battery (23.6 percent), verbal harassment (12.5 percent), sex crimes (67 percent), and abuse of power (9 percent). The MHRC stated that the military did not always investigate or prosecute these cases fully, sometimes targeting victims by relocating them rather than punishing the perpetrators.

With support from the National Human Rights Commission of Korea (NHRCK), the MND has trained military human rights instructors yearly since 2015. It stated it increased the number of human rights instructors receiving training to approximately 800 during the year, up from 600 in previous years. The ministry also worked with the Defense Media Agency to produce and distribute human rights education television programs to military personnel.

In August a human rights center in Daegu filed a complaint with the NHRCK alleging that a Daegu prison intentionally leaked the sexual preference of an LGBTI prisoner to other prisoners and placed him in solitary confinement with closed-circuit television monitoring without proper justification. The prison released a statement that it placed the inmate in solitary confinement in accordance with applicable law and policy, which call for the separation of LGBTI inmates from the general population. The Ministry of Justice (MOJ), however, stated the law forbids discrimination against prisoners on the grounds of sexual orientation.

Prison and Detention Center Conditions

There were no significant reports regarding prison and detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns about physical conditions or inmate abuse in prisons and detention centers.

An Airlines Operators Committee, consisting of 60 member airlines, funded and staffed a “departure waiting area” inside Incheon International Airport for travelers, including migrants and asylum seekers, denied entry into the country. The MOJ is the government authority responsible for managing the area.

Persons in the Incheon International Airport waiting area may contact a lawyer and appeal their denial of entry. According to the MOJ, on average 106 persons used the area daily in 2018, with 98 percent departing within four days. The departure waiting area had the capacity to accommodate approximately 60 persons overnight.

The MOJ stated the area was equipped with male and female waiting rooms, bedrooms, restrooms with shower stalls, televisions, free Wi-Fi, sofas, public telephones, water purifiers, and blankets. In contrast international NGOs described the living conditions in the waiting room as substandard--lacking privacy, bedding, and medical care--especially for those confined to the room for several months.

Occupants of the waiting area depended on their respective airlines for food. Some received fast-food meals three times a day, while others received nothing and relied on other travelers or their lawyers for sustenance.

Administration: According to the MOJ, inmates have several relief procedures available to them for any perceived violations of their rights. Detainees may petition the minister directly, file a complaint with the Human Rights Violation

Hotline Center in the Ministry or with the NHRCK, or appeal to the Anticorruption and Civil Rights Commission, to the Board of Audit and Inspection of Korea, or to the Administrative Judgment Commission.

Between January and July, inmates filed 33 abuse of authority petitions to the minister of justice. Of these, investigators completed 30 of the cases and did not find credible abuse of authority.

Independent Monitoring: There were no reports of problems in accessing prison facilities. The NHRCK and NGOs have access to correctional facilities to investigate reported cases of human rights violations.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

The National Security Law (NSL) grants authorities the power to detain, arrest, and imprison persons believed to have committed acts intended to endanger the “security of the state.” Domestic and international NGOs continued to call for reform or repeal of the law, contending that its provisions do not clearly define prohibited activity and that it is used to intimidate and imprison individuals exercising their right to freedom of expression. By law the NIS investigates activities that may threaten national security. Civil society groups argued that NIS’ powers and a lack of oversight enabled NIS to define its mandate overly broadly.

Arrest Procedures and Treatment of Detainees

The law requires warrants in cases of arrest, detention, seizure, or search unless authorities apprehend a person when committing a criminal act, a judge is not available, or if authorities believe a suspect may destroy evidence or flee if not arrested quickly. In such cases, a public prosecutor or police officer must prepare an affidavit of emergency arrest immediately upon apprehension of the suspect. Authorities may not interrogate for more than six hours a person who voluntarily submits to questioning at a police station. Authorities must either indict or release an arrested suspect within 20 days. The law allows 10 additional days of detention in exceptional circumstances. In August the Supreme Prosecutor’s Office started issuing warrants in 15 foreign languages, including English, Chinese, Vietnamese, Tagalog, Thai, Khmer, Urdu, and Burmese.

There is a bail system. Human rights lawyers stated authorities generally did not grant bail for detainees charged with committing serious offenses, deemed a flight risk or a danger to the public, or with no fixed address.

The law provides for the right to representation by an attorney, including during police interrogation. There were no reports of denial of access to counsel. There are no restrictions on access to a lawyer, but authorities may limit a lawyer's participation in an interrogation if the lawyer obstructs the interrogation or impedes an investigation. During the trial stage, and under certain circumstances during the pretrial stage, an indigent detainee may request that the government provide a lawyer.

Access to family members during detention varied according to the severity of the crime.

Arbitrary Arrest: The MOJ reported that from January to July there were two arrests under the NSL. Police announced in July that they arrested a North Korean agent. Prosecutors indicted the agent on a charge of violating the National Security Act.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. By law defendants in criminal trials are presumed innocent, enjoy protection against self-incrimination, and have the right to be informed promptly and in detail of charges, with free interpretation as necessary; communicate with an attorney (at public expense if necessary); have a fair and speedy trial; attend the trial; and appeal. Defendants receive adequate time and resources to prepare a defense. They are protected against retroactive laws and double jeopardy, although prosecutors appealed not-guilty verdicts. By law initial trials must begin within six months of arrest.

Trials are generally open to the public, but judges may restrict attendance if they believe spectators might disrupt the proceedings. There is a jury trial system, but

jury verdicts are not legally binding. In serious cases such as murder and rape, the judge may consent to a legally binding jury verdict, provided it is reached in consultation with the judge. The defendant must request a jury trial beforehand.

Judges have considerable scope to cross-examine witnesses for both the prosecution and defense. Defendants may not be compelled to testify or confess guilt.

Political Prisoners and Detainees

The MOJ stated there were no persons incarcerated because of their political beliefs. Some NGOs, however, argued that individuals arrested for violations of the NSL, for conscientious objection to military service, or for strike activities qualified as political prisoners.

In April the MND proposed a bill that would allow for alternative service for conscientious objectors. Previously, the opposition Liberty Korea Party introduced a bill that would have required objectors to perform 44 months of alternative service, approximately double the usual length of mandatory military service. The bills were responses to a June 2018 Constitutional Court ruling invalidating Article 5 of the Military Service Act because it violated conscientious objectors' freedom of conscience. The court ordered the legislature to amend the law by December 31, 2019 to provide means for alternative service. Even if not amended, the court ruled the article would become invalid in 2020.

In December the National Assembly amended the law to allow conscientious objectors to fulfill the military service obligation by working for 36 months at a correctional facility. Prior to passage of the amendment, those who refused service faced up to three years' imprisonment. After passage of the conscientious objector law, President Moon pardoned 1,879 conscientious objectors who had been barred from government service due to past convictions for refusal to serve in the military. The government ceased detaining, charging, or imprisoning conscientious objectors to military service immediately after the 2018 Constitutional Court decision, but prosecutors continued to appeal "not guilty" verdicts, arguing that some Jehovah's Witnesses who had been acquitted were insincere because they played violent video games or did not routinely attend church. Trials for 935 conscientious objectors that began before June 2018 were still underway as of December 30, including for 63 persons who declined reserve forces participation as opposed to the initial mandatory military service.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and there were no problems enforcing domestic court orders. Citizens had court access to file lawsuits seeking damages for, or cessation of, a human rights violation.

Individuals and organizations may appeal adverse decisions to domestic human rights bodies, and then to the UN Human Rights Committee. Administrative and judicial remedies are available for alleged wrongs.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such interference, and the government generally respected these prohibitions. The law establishes conditions under which the government may monitor telephone calls, mail, and other forms of communication for up to two months in criminal investigations and four months in national security cases. The Security Surveillance Act requires some persons sentenced to prison for breaching the NSL to report their whereabouts, travel plans, family relations, occupation, and financial status to a local police office within seven days of leaving prison and every third month thereafter.

While it does not outright prohibit access to North Korean media content, the NSL forbids citizens from listening to DPRK radio programs, viewing DPRK satellite telecasts, or reading books published in the DPRK if the government determines such an action endangers national security or the basic order of democracy. For example, citizens were prohibited from reading the *Rodong Sinmun* (the official newspaper of the Central Committee of the Korean Workers' Party in the DPRK) or listening to broadcasts by the DPRK's Korean Central News Agency. Enforcement of these prohibitions was rare, however.

Lawmakers and NGOs claimed that the 2016 Counterterrorism Act significantly expanded NIS power to wiretap telephones and collect personal information. According to the MOJ, courts approved 37 wiretap requests between January and July, a 50-percent decrease from the same period in 2018.

As of September the trial in the illegal surveillance case against General So Gangwon was still pending. In September 2018 authorities arrested So, then serving in the Defense Security Command, on charges of carrying out illegal surveillance of civilians affected by the 2014 sinking of the *Sewol* ferry. The Military Special Investigation Department accused the general of tasking 60 agents to monitor

communications of the victims' families. The team allegedly did so to feed information to the administration of then president Park Geun-hye to improve the president's public image. In September 2018, the military disbanded the Defense Security Command (DSC), in part due to the surveillance scandal, and subsequently reconstituted portions of the DSC as the Military Security Support Command, under significantly increased civilian oversight and a limited scope of authority.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of expression, including for the press. Nonetheless, the government's interpretation and implementation of the NSL and other laws and provisions of the constitution limited freedom of speech and expression, and restricted access to the internet as described below.

Freedom of Expression: Although the law provides for freedom of speech, under the NSL and other laws the government may limit the expression of ideas that promote or incite the activities of "antistate" individuals or groups. During the year, prosecutions under the NSL for speech that allegedly supported or praised the DPRK government continued. Two persons were charged under the NSL for praising or supporting the DPRK from January to July. There were nine such cases in 2017 and one in 2018.

Human Rights Watch contended the government maintained "unreasonable restrictions on freedom of expression," citing the use of defamation laws, the NSL, and other laws.

In August a district court upheld a professor's six-month prison sentence for defamation after he told his class that some women "probably knew exactly what they were signing up for" when they "volunteered" to be comfort women (women subjected to sexual servitude for the Japanese military during World War II). The court also upheld Sunchon National University's decision to fire him. The professor said he did not intend to defame the women but was trying to provoke an academic discussion of the historical issue in his class.

Under the election law, the government may limit the expression of ideas that the National Election Commission deems to be false.

Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views, within the constraints cited above.

In March the spokesperson of the ruling Democratic Party criticized a *Bloomberg* journalist for her September 2018 article that called President Moon the “top spokesman” of North Korea. The spokesperson also called out a *New York Times* journalist the following day for expressing a similar opinion. The spokesperson later apologized and had the journalists’ names removed from transcripts of his statements.

The NGO Reporters without Borders expressed concerns about criminal libel and national security laws that invoke severe penalties for the dissemination of sensitive information, especially when it involves North Korea. Conservative politicians complained that the Moon administration placed political pressure on media outlets.

Libel/Slander Laws: The government and individual public figures used libel and slander laws, which broadly define and criminalize defamation, to restrict public discussion and harass, intimidate, or censor private and media expression. The law allows punishment of up to three years in prison for statements found to be “slander” or “libel,” even if factual, and up to seven years for statements found to be false. The law punishes defamation of deceased persons as well; the maximum punishment if convicted is two years’ imprisonment. NGOs and human rights attorneys noted several cases of politicians, government officials, and celebrities using the libel laws to deter victims of workplace sexual harassment from coming forward or to retaliate against such victims. In January a film director asked prosecutors to investigate journalists under the nation’s defamation laws for reporting allegations that he sexually and physically abused actresses working under his direction. Prosecutors ultimately rejected the director’s request. Subsequently, the director filed a civil libel suit seeking one billion won (\$830,000) in damages from a news agency and one of the actresses. As of September, that case had not been resolved.

National Security: The NSL criminalizes actions interpreted to be in support of North Korea or otherwise against the state. The government used this law to arrest and imprison civilians and to deport foreigners. The Supreme Court ruled the NSL constitutional in 2015.

In July a district court overruled the 2018 conviction of a Syrian migrant for recruiting individuals to join ISIS. The man had been living in the country for

more than 10 years on a temporary humanitarian stay permit after the government denied his asylum application. According to a local NGO, when he traveled to the Middle East for the birth of his child, investigators assumed he was meeting with ISIS. Prosecutors accused him of having ISIS recruitment material on his phone; the man said the material automatically downloaded from his social media feed. The district court found that the prosecutors failed to prove that the defendant encouraged others to join ISIS or proposed a way to join the group. Nevertheless, the court rejected his request to determine the constitutionality of the law. Prosecutors appealed the decision to overturn the 2018 verdict and the case was pending as of November.

Internet Freedom

There were some government restrictions on internet access, and the government monitored email and internet chat rooms with wide legal authority.

The Korea Communications Standards Commission (KCSC), a government body, blocked 143,681 websites it deemed harmful from January to September. The vast majority of blocked sites involved gambling (23,045), illegal food or drugs (20,810), and pornography (13,623). The KCSC also blocked North Korean propaganda on YouTube and Twitter. Although viewing websites praising the DPRK regime is lawful, disseminating information about those websites, including posting links to those sites, is illegal under the NSL. Other blocked sites included those promoting illegal trade of internal organs, forgery of documents, violating intellectual property rights, or encouraging suicide.

The KCSC determines whether posts made on social networking sites, such as Twitter and Facebook, or in chat rooms, contain unlawful content, defined as harmful or illegal speech. If the government finds prohibited materials, it has the authority to warn the user. If the prohibited content is not removed, the user's account may be blocked.

Although persons may use a false name when making online postings to large websites, the election campaign law requires real names for internet postings about upcoming elections.

Freedom House assessed the country's media as generally free and competitive.

Academic Freedom and Cultural Events

Teachers are subject to the same law on political activities that applies to civil servants. The Ministry of Gender Equality and Family (MOGEF) monitors song lyrics and may ban content it considers obscene. The KCSC governs and maintains ethical standards in broadcasting and internet communications.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The law provides for freedom of assembly, and the government generally respected this right. The law may be used to prohibit or limit assemblies considered likely to undermine public order and requires advance notification for demonstrations of all types, including political rallies. Police must notify organizers if they consider an event impermissible under the law. Police banned some protests by groups that had not properly registered or that were responsible for violent protests in the past. KNPA decisions to ban protests were subject to both administrative and judicial appeal. In 2018 the KNPA received 68,315 assembly requests, a 51-percent increase from 2017.

In August organizers canceled the third annual Queer Culture Festival in Busan. They stated that they could not guarantee the safety of participants because the Haeundae District Office had denied the festival's request for a permit. Organizers accused Busan authorities of blocking the festival to appease anti-LGBTI groups. The Haeundae District deputy mayor claimed festival organizers had failed to file the proper permits with the local police, a claim festival organizers called false. The deputy mayor also stated that the event's proposed location--along Haeundae Beach's busy main tourist street--would create too many traffic problems. The previous two Busan Queer Culture Festivals occurred at the same location without incident despite 15,000 attendees. The street is also the site of the annual June Busan Magic Festival and the September Busan Comedy Festival that each attract up to 20,000 attendees.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel (except to North Korea), emigration, and repatriation; the government generally respected these rights.

Foreign Travel: Citizens traveling to North Korea must obtain prior authorization from the Ministry of Unification. The travelers must demonstrate their trip has no political purpose. Visiting North Korea without government authorization is punishable by up to 10 years' imprisonment under the NSL.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: Local NGOs reported cases of abuse against migrant workers, including physical abuse, confiscation of passports, inadequate housing, and sexual harassment. The government cooperated to a limited extent with the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In June the NHRCK and rights activists called for better treatment of asylum seekers at the airport. They noted for example that an Angolan couple and their four children had spent more than eight months in the departure area of Incheon Airport as of September. They arrived in December 2018 and requested refugee status, alleging torture and sexual abuse at the hands of Angolan police. In January the Incheon Airport Office of Immigration denied the family's preliminary petition, based on a "clear absence of grounds for applying for refugee status, including a possible attempt to gain refugee status for purely economic reasons," and disqualifying the family from formally applying for refugee status. Fearing for their lives if repatriated, the family filed a lawsuit to appeal the denial. They lost the appeal in April, but afterward filed additional appeals. A journalist who visited the family reported their condition was worsening and that they were surviving on food and daily essentials donated by departing passengers.

Access to Asylum: The law provides for granting asylum or refugee status.

The government considers refugees from North Korea under a separate legal framework and does not include them in refugee or asylum statistics. The

government continued its longstanding policy of accepting refugees or defectors from North Korea, who by law are entitled to citizenship. Some NGOs focused on assisting North Korean defectors said their budget decreased by up to 80 percent from previous years due to cuts in government funding. In June the Ministry of Unification stated that overall spending on North Korean defectors had increased each year of the Moon administration, but that spending included the cost of administering the Hanawon centers that house and process newly arrived defectors, the government stipend provided to them, and all other related expenditures.

Justice ministry staffing of its 10 immigration offices increased from 39 refugee officers in 2018 to 94 officers as of September. NGOs had previously pointed to understaffing as a major obstacle to accommodating the rising number of refugee and asylum applications. Among cases completed from January through July, the MOJ stated the average time to complete the initial review of a refugee application fell to 12.3 months and for the second review fell to 11.3 months. The government operated refugee application counters at airports and harbors to allow asylum seekers to file applications for refugee status upon entering the country. These immigration offices screen applications and determine if a case is eligible to proceed for refugee status review. The Justice Ministry operated an Immigration Reception Center in Incheon to receive refugees, asylum seekers awaiting adjudication, and temporary humanitarian stay permit holders. The center had a maximum capacity of 82 persons.

The law protects asylum seekers' right to an attorney. Asylum seekers may ask for interpretation and legal aid services from the government and for services to adjust to living in the country while their application is pending. Some NGOs and asylum seekers, however, stated applicants faced difficulty finding qualified interpreters or worried that interpreters were loyal to the very governments from which they sought protection. Applicants may receive a work permit six months after submitting an application that is valid for the duration of their lawful stay in the country.

Safe Country of Origin/Transit: The law provides grounds on which an asylum seeker at a port of entry may be denied referral for full asylum procedures. These include arrival "from a safe country of origin or a safe third country, in which little possibility of persecution exists."

Access to Basic Services: Cultural, linguistic, and social differences made adjustment difficult for refugees and asylum seekers. Many migrants from North Korea and other countries alleged societal discrimination and were not always

provided access to basic services. These cases were often underreported. In August a janitor found the bodies of a 42-year-old North Korean woman and her six-year-old son in Seoul. Police suspected they had died two months earlier. The family had lived in extreme poverty; there was no food in the refrigerator and the water had been shut off. A local social worker tasked with helping North Korean defectors said they had tried to contact the mother by telephone 10 months prior, but they did not follow up after the call went unanswered.

In July the government removed construction work from the list of approved jobs for asylum seekers whose cases are pending adjudication.

Most of the 552 Yemenis who sought asylum in Jeju in 2018 remained in the country. The government denied all except two asylum applications; however, it extended humanitarian stay permits to the majority of those refused. Approximately 400 of the Yemenis moved to the mainland after receiving their status. The Yemenis who remained in Jeju reported improving relationships with the island's population. Those who moved to the mainland, however, were more likely to clash with employers and believed they needed to keep to themselves. In meetings throughout the year, police, immigration officials, Yemenis, and NGOs blamed inaccurate media reports for the public's virulent opposition to the small number of Yemeni asylum seekers. In June an online newspaper suggested Yemeni refugees might be to blame for reddish tap water at an apartment complex, citing anonymous sources who said members of Houthi rebels might have poisoned the water.

Temporary Protection: Government guidelines offer renewable one-year short-term humanitarian status to those who do not qualify as "refugees" but have reasonable grounds to believe their life or personal freedom may be violated by torture or otherwise egregiously endangered. Temporary humanitarian stay permit holders do not have the same access to basic services as refugees and therefore rely heavily on NGOs for housing and support. Due to the government's restrictions on the type of jobs humanitarian stay permit holders may hold, many of them faced difficulty in securing jobs. Those who did find jobs were largely limited to poorly paid "3-D" (dirty, difficult, and dangerous) jobs. The MOJ reported that the government does not provide temporary refugee status.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The presidential election in 2017 and local elections in June 2018 were considered free and fair. The 2017 presidential election was held early because of the impeachment of former president Park Geun-hye. Moon Jae-in of the Democratic Party won a plurality victory with 41.1 percent of the vote. In the June 2018 local elections, the ruling Democratic Party won a landslide victory, winning in 14 of 17 provinces nationwide.

Political Parties and Political Participation: Although persons may generally use an alias when making online postings to websites, the election campaign law requires real names for internet postings about forthcoming elections. Civil society groups called on the National Assembly to repeal that section of the election campaign law as well as a section that bans criticism of individual political candidates, asserting that such laws prohibit the electorate from freely expressing views, imparting information, and supporting campaigns.

Participation of Women and Minorities: No laws prevent women or members of minorities from voting, running for office, serving as electoral monitors, or otherwise participating in political life, and they did so.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government, prodded by media and civil society groups, generally implemented the law effectively. Nonetheless, officials sometimes engaged in corrupt practices with impunity, and there were numerous reports of government corruption. Ruling and opposition politicians alike alleged that the judicial system was used as a political weapon.

Corruption: According to the Anti-Corruption and Civil Rights Commission, the government was in year two of a five-year anticorruption plan, a road map aimed at fighting corruption in both the public and private sector. Commission members included the Ministry of Justice, the Board of Audit and Inspection, the Supreme Prosecutor's Office, and the KNPA, among others. The plan includes establishing

a system for avoiding conflicts of interest among public officials, preventing corruption within the military, and curbing corruption in public procurement. The government also operated an anticorruption policy council chaired by President Moon. Since its inception, the council has uncovered 124 cases of corruption involving 519 persons. Of the 124 cases, nine resulted in indictments, 38 were under investigation, and 506 individuals received disciplinary action.

On October 14, Cho Kuk, the Minister of Justice, resigned 35 days after his appointment amid allegations that he and his family used his positions unfairly and, in some cases, fraudulently to gain academic benefits for his daughter and inappropriate returns on investments. On October 24, prosecutors issued an arrest warrant for Cho's wife for allegedly destroying evidence and falsifying credentials for her daughter's medical school application. Prosecutors continued to investigate Cho as of November and barred him from leaving the country.

In February the Seoul Metropolitan Police Agency raided Burning Sun, a nightclub, after receiving reports of Gangnam police covering up sexual assaults at the club. The investigation into police corruption resulted in the arrest of a senior police officer for abuse of power for pulling strings for the club's owners, and the sentencing of another police officer to one year in prison for taking 20 million won (\$16,600) in bribes from the club. Critics argued that the focus of police on investigating recreational drug use, as opposed to abuse of power and private and public corruption, highlighted the systematic corruption in the country.

Financial Disclosure: By law public servants above a specified rank, including elected officials, must publicly declare their income and assets, including how they accumulated them. Failure to disclose assets fully is punishable by up to one year in prison and a 10 million won (\$8,300) fine.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

Some NGOs reported that government contacts were more receptive to calls to prevent trafficking in persons than in previous years. During the year, government officials and NGO leaders traveled overseas for training on best practices, policies,

and interagency cooperation when combatting labor trafficking. The training encouraged new, creative ways to fight trafficking in persons in the country. Trainees included prosecutors, police officers, labor inspectors, and NHRCK representatives, among others.

Government Human Rights Bodies: The NHRCK, established as an independent government body to protect and promote the human rights enumerated in the constitution, does not have enforcement power, and its recommendations and decisions are nonbinding. It investigates complaints, issues policy recommendations, trains local officials, and conducts public awareness campaigns. In 2017 when he assumed office, President Moon instructed each ministry to adopt more of the NHRCK's recommendations. Within the KNPA, a committee of nine members, six of whom are representatives of human rights organizations, investigates alleged police violations of human rights. According to the NHRCK, in previous years ministries typically adopted the NHRCK's recommendations, either directly or after further review. The NHRCK did not, however, report specific case or statistical information for the reporting year. Local media reported that the NHRCK chairperson instructed staff not to raise LGBTI rights until after the election, which observers suggested showed the commission was trying to keep human rights issues out of the spotlight for political purposes.

The Ombudsman's Office reports to the independent Anticorruption and Civil Rights Commission and had adequate resources to fulfill its duties. The Ombudsman's Office issued annual reports and interacted with various government institutions, including the Office of the President, the National Assembly, and ministries.

The government was slow to establish the North Korean Human Rights Foundation, mandated by legislation in 2016. The Unification Ministry stated that the National Assembly had delayed recommending members of the board of directors despite the government's request to expedite the process. The ministry further stated that the government was prepared to launch the foundation as soon as the National Assembly recommends the board members. Observers also noted that the position of ambassador-at-large on North Korean human rights had been vacant since 2017.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape; although no specific statute defines spousal rape as illegal, the Supreme Court acknowledged marital rape as illegal. The penalty for rape ranges from a minimum of three years to life imprisonment depending on the specific circumstances. Rape is defined in law as involving the use of violence. The law defines domestic violence as a serious crime and authorizes courts to order offenders to stay away from victims for up to six months. This restraining order may be extended up to two years. Offenders may be sentenced to a maximum of five years in prison and fined up to seven million won (\$5,810) for domestic violence offenses. Noncompliance with domestic violence restraining orders may result in a maximum sentence of two years in prison and a fine of up to 20 million won (\$16,600). Authorities may also place convicted offenders on probation or order them to see court-designated counselors.

When there is a danger of domestic violence recurring and an immediate need for protection, the law allows a provisional order to be issued ex officio or at the victim's request. This may restrict the subject of the order from living in the same home, approaching within 109 yards of the victim, or contacting the victim through telecommunication devices.

The law allows judges or an MOJ committee to sentence repeat sex offenders to "chemical castration," where sex offenders undergo drug treatment designed to diminish sexual urges. The law was enacted to protect children against an increasing number of reported sex crimes. The ministry reported that one such procedure was conducted between January and July.

Police generally responded promptly and appropriately to reported incidents, and the judicial system effectively enforced the law. Because a rape conviction requires proving that violence was used, and because the country's defamation laws allow countersuits by alleged perpetrators, rape offenses are underreported and under prosecuted.

In February the Seoul High Court overruled a lower court's August 2018 acquittal of Ahn Hee-jung, former governor of South Chunchong. The High Court convicted Ahn on multiple counts of "sexual intercourse by abuse of authority"--in lieu of a rape charge and other charges--and sentenced him to three-and-one-half years' imprisonment. Ahn's March 2018 arrest and subsequent trial for raping his former secretary drew nationwide attention to the country's contentious definition of rape that is based on "means of violence" rather than lack of consent.

Domestic violence remained a significant and underreported problem according to NGOs. According to KNPA statistics, in 2018 248,660 cases of domestic violence were reported, an 11-percent decrease from 2017. Reports of violence among unmarried couples, called “dating violence,” doubled from 2016 (9,364 cases) to 2018 (18,961 cases).

Data from the Supreme Prosecutor’s Office showed that nearly 40 percent of victims of sex crimes were between 21 and 30 years old. Approximately 21 percent of victims were between 16 and 20 years old.

The Commission for the Eradication of Sexual Violence and Digital Sex Crimes seeks to coordinate the provision of countermeasures and promote consultation across ministries. It is composed of 24 members, including the MOGEF minister, vice ministers of relevant ministries, and private sector experts. The government also established gender equality positions in eight ministries to place greater emphasis on these issues.

The Supreme Prosecutor’s Office revised its investigation manual on sexual violence to delay investigating “false accusation” charges until it first reaches a decision on whether a sexual assault has actually taken place.

In June police arrested a man after he beat his foreign-born wife for three hours in front of their two-year-old child. A video clip of the assault was widely viewed on the internet, sparking a national debate about foreign brides and rural municipal governments offering subsidies (intended to stem rural population decline) to bring them to the country. An NGO, however, argued that the subsidies amounted to “wife buying” and that the brides were vulnerable to human rights abuses, “often [taking on] the role of a housekeeper and a sexual object.” The fact that it was on average 3.9 days from when the couple first met to when they were legally married, and that the average age difference between bride and groom was 18.4 years were cited to support this view. According to a survey by the NHRCK, 42 percent of foreign-born brides have experienced domestic violence and 68 percent had experienced unwanted sexual advances. Domestic violence among native South Korean couples is high in general but probably somewhat lower than among mixed couples.

In August, in response to violence against migrant brides, the MOJ announced new regulatory measures to prevent abuses. These included a “one strike” policy that prevented a person convicted of domestic violence from petitioning for a visa for a foreign bride. The International Organization for Migration (IOM) was concerned

that the addition of a “right to request investigation” policy might make foreign spouses more vulnerable. The policy allows the South Korean spouse to petition immigration authorities directly to investigate the foreign spouse in the event of separation. The IOM feared this would exacerbate the already disproportionate power imbalance in these relationships.

In March 2018, in response to the #MeToo movement, MOGEF created the Special Center for Reporting Sexual Harassment and Sexual Assault. The ministry funded 170 counseling centers (called “sunflower centers”) nationwide for victims of sexual violence, providing counseling, medical care and therapy, caseworkers, and legal assistance. There were 241,343 reported cases of sexual violence in 2018 (an increase of 33.7 percent since 2017), according to Statistics Korea, a government agency. According to NGOs, sunflower centers generally provided adequate support to female victims of sexual assault, but male victims struggled to find help.

In July the government formally closed the Reconciliation and Healing foundation, established with a one billion yen (\$9.1 million) contribution from the Japanese government under a 2015 bilateral agreement to provide support to former comfort women; no decision was made on how to use unspent funds.

Sexual Harassment: The law obligates companies and organizations to take preventive measures against sexual harassment. Under antibullying laws introduced in July, in certain cases failure to take appropriate action may result in fines or jail time. The government generally enforced the law effectively. The KNPA classifies sexual harassment as “indecent acts by compulsion.”

Sexual harassment was a significant social problem, and there were numerous cases of sexual harassment reported in media throughout the year.

In February a female student at Seoul National University accused a professor of sexual harassment. She said that the professor gave her unwanted shoulder massages and played with her hair while she slept on a bus, lifted up her skirt and touched her leg when she would not show him a scar on her inner thigh, and forced her to drink significant amounts of alcohol. She submitted her complaints to the university’s Human Rights Center, along with complaints from 17 other students. The center suspended the professor for three months. The student called the decision “absurd” and urged the school to terminate him, but the school declined.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women enjoy the same legal rights under the constitution as men. In January, President Moon described the gender gap as a “shameful reality” and pledged to address it. Moon has generally kept his pledge from the beginning of his term that 30 percent of his cabinet nominations would be women. Women hold 17 percent of seats in the National Assembly. In line with the law, which states that women must hold 50 percent of parties’ proportionally allocated representative seats in the National Assembly, 24 of the 47 proportional representatives were women as of August. The law provides for equal pay for equal work, but the gender pay gap was 36.5 percent in 2018, an increase of 2 percent from the previous year.

Children

Birth Registration: Citizenship requires one parent be a citizen at the time of birth. Authorities also grant citizenship in circumstances where parentage is unclear or if the child would otherwise be stateless. The law requires that all children be registered in family registries and prohibits adoption of children for the first week after birth.

Child Abuse: The law criminalizes serious injury and repeated abuse of children, and provides prison terms of between five years and life.

The Ministry of Health and Welfare reported a 6.6-percent increase in reported child abuse cases from 2017 to 2018, attributed in part to increased public awareness and expanded child welfare reporting requirements.

The ministry required human rights training for the 1,095 childcare workers associated with their DreamStart program, a program that provides educational, health, and developmental services for disadvantaged children and their families.

In May a mother in Seoul reported child abuse to police after finding bruises on her two children after they returned from a daycare center. Police were unable to find evidence because the daycare center’s closed-circuit television (CCTV) storage device was not functioning. By law daycare centers are required to have working CCTV equipment and keep video recordings for at least 60 days. The president of the Korea Child Abuse Prevention Association said daycare directors often delete CCTV footage, opting to pay a fine in lieu of facing legal repercussions for child

abuse. Parents also faced difficulties obtaining CCTV footage because privacy law may expose the parents to legal reprisals. If a video recording contains threatening words towards the child, the parent may use it as evidence of abuse; however, if the recording contains a conversation between two teachers, for example, the parent could face charges for violating the Protection of Communications Secrets Act that protects private conversations.

Early and Forced Marriage: The minimum legal age for men and women to marry is 18. There were no reported cases of forced marriage.

Sexual Exploitation of Children: The age of consent is 13. It is illegal to deceive or pressure anyone younger than 19 into having sexual intercourse. In July a law went into effect penalizing adults who have sexual intercourse with teenagers between ages 13 and 16 by taking advantage of mental, physical, or financial difficulties, regardless of whether the minor consented. The penalty for rape of a minor younger than age 13 ranges from 10 years to life in prison; the penalty for rape of a minor age 13 to under 19 is five years' to life imprisonment. Other penalties include electronic monitoring of offenders, public release of their personal information, and reversible hormone treatment. The law prohibits the commercialization of child pornography. Offenders convicted of producing or possessing child pornography materials for the purpose of selling, leasing, or distributing for profit are subject to a maximum of seven years' imprisonment. In addition anyone who possesses child pornography may be fined up to 20 million won (\$16,600).

During the year, the criminal appeals court of the Seoul Central District Court came under fire for sentencing the operator of a dark-web child pornography website, Son Jong-woo, to only 18 months in prison. In October authorities from 38 countries arrested more than 330 users of the website, including 223 South Koreans. In March 2018 the trial court suspended the 18-month sentence, saying Son had "acknowledged his crime and reflected on his wrongdoing." The appeals court overruled the trial court suspension, calling it too light and reinstated the sentence of 18 months' imprisonment. These decisions highlighted the light sentences, a fine or suspended sentence, typically given to those convicted of viewing child pornography. For example, in January courts ordered a defendant to pay a fine of three million won (\$2,490) for downloading child pornography 968 times during a 10-month period. The court stated that it "took into consideration the fact that it was a first-time offense and that the defendant was sorry for what he had done."

Children, especially runaway girls, were vulnerable to sex trafficking, including through online recruitment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community numbered approximately 1,000 individuals, almost all expatriates. There were no reports of anti-Semitic acts. See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities and sets penalties for deliberate discrimination of up to three years in prison and a fine of 30 million won (\$24,900). The law covering rights and support for persons with developmental disabilities created a special task force of prosecutors and police trained to work with persons with disabilities and their families in police investigations.

The government applied law and implemented programs to facilitate access to buildings, information, and communications for persons with disabilities. Many establishments, however, continued to disregard the laws, opting to pay fines rather than incurring expenses to make structural adjustments. The Research Institute for Differently Abled Person's Rights Korea reported that individuals with intellectual disabilities did not receive proper education; employment rates of adults with disabilities were low; and public support for family care was inadequate.

Many local government ordinances and regulations directly discriminate against persons with disabilities, especially those with intellectual and mental disabilities,

according to media reports and NGOs. Seongnam City rejected a man's repeated requests from 2018 through June 2019 to use taxis designated for persons with disabilities because he did not use a wheelchair. The central government classified the man--who has Parkinson's disease--as having only a grade three disability. The city stated it only allowed those with grades one and two disabilities, mentally handicapped grade three disabilities, and those in wheelchairs to use the taxi service. The NHRCK recommended the city allow the man to use the accessible taxi service until other means of transportation could be prepared, but the city refused.

The central government subsequently amended the Act on the Prohibition of Discrimination against Disabled Persons, abolishing the previously used grading system that labeled persons with disabilities on a one-to-six scale based on "medical disability" to determine eligibility for social welfare benefits. The revised law sorts persons with disabilities into two classes: "severely disabled" and "not severely disabled." The amended law reclassified persons with disabilities formerly graded one through three into the severely disabled classification; grades four to six were reclassified as not severe. All persons with disabilities are able to receive "activity support services," a welfare service previously only available to grades one to three that helps persons who face difficulty in daily or social activities. Any person with "severe walking disabilities" may use wheelchair-accessible taxis regardless of whether the person uses a wheelchair. Nevertheless, Seongnam City continued to deny the man's request to use the wheelchair taxi because the city's ordinances lagged behind the revised law. The city government stated, "The man can call the taxi for the disabled in November when the city ordinance will change."

The Ministry of Health and Welfare continued to implement a comprehensive set of policies that included encouraging provision of greater access for persons with disabilities to public and private buildings and facilities; part-time employment opportunities for persons with disabilities; and introduction of a long-term care system.

In 2018, the government operated rehabilitation hospitals in six regions and a national rehabilitation research center to increase employment opportunities and access for persons with disabilities.

The government provided a pension system for registered adults and children with disabilities, an allowance for children with disabilities younger than age 18 in households with an income below or near the National Basic Livelihood Security

Standard, and a disability allowance for low-income persons age 18 and older with mild disabilities.

Children with disabilities had access to a separate system of public special education schools for children ages three to 17. All public and private schools, child-care centers, educational facilities, and training institutions were required to provide equipment and other resources to accommodate students with disabilities.

National/Racial/Ethnic Minorities

As of July 2018, more than 2.3 million foreigners (including an estimated 330,000 undocumented migrants) lived in the country, which otherwise had a racially homogeneous population of approximately 51.4 million. The country lacks a comprehensive antidiscrimination law. In October, President Moon met with religious leaders and called for them to support the comprehensive antidiscrimination law. The National Assembly has been reluctant to take up the issue due to the outspoken opposition from powerful conservative Christian groups who wish to block the bill because of the LGBTI rights it would afford.

Societal discrimination against ethnic and racial minorities was common but underreported. A large majority of immigrants and naturalized citizens were female spouses, and they were reportedly often the victim of domestic violence. The NHRCK stated most of the foreign worker cases involved enforced eviction or mistreatment in detention centers when detained on charges of violating immigration laws.

Some children of immigrants suffered from discrimination and lack of access to social resources. Some children of non-Korean ethnicity or multiple ethnicities also experienced bullying because of their physical appearance.

In response to the steady growth of ethnic minorities, due largely to the increasing number of migrant workers and foreign brides, the Ministries of Gender Equality and Family and of Employment and Labor implemented programs to promote cultural diversity and assist foreign workers, spouses, and multicultural families to adjust to living in the country.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law that established the NHRCK prohibits discrimination based on sexual orientation and authorizes the NHRCK to review cases of such discrimination, but the law does not specify discrimination based on gender identity. The Military Criminal Act's "disgraceful conduct" clause criminalizes consensual sodomy between men in the military with up to two years' imprisonment if convicted. In 2016 the Constitutional Court ruled the clause constitutional.

NGOs noted the Military Service Act prohibiting homosexual sex led to abuse of LGBTI (lesbian, gay, bisexual, transgender, and intersex) soldiers. According to the MHRC, as of August at least three new cases were prosecuted under the Military Criminal Act's "disgraceful conduct" clause. The MHRC stated the navy sought out LGBTI service members under the pretext of counseling and in at least one case interrogated one person within earshot of other service members. The MHRC added that investigators asked for detailed accounts of sexual interactions between soldiers and searched soldiers' cell phones for evidence of homosexual relationships. The navy stated it regretted the leaking of sensitive personal information but held that it has the authority to conduct investigations of disorderly conduct under the Military Criminal Act and Defense Ministry policy. According to Amnesty International, the criminalization of LGBTI relationships in the military has a significant impact on broader societal attitudes as half of the country's population goes through compulsory military service.

According to polling by the NHRCK, 92 percent of LGBTI were worried about becoming the target of hate crimes. After a number of protestors attacked the parade in 2018, 3,000 police officers were on hand to protect the LGBTI community at the 2019 Seoul Pride Festival. "The presence of embassy staff from around the world meant that the police had to ensure the safety of the event," according to the BBC.

HIV and AIDS Social Stigma

The law protects the right to confidentiality of persons with HIV/AIDS and prohibits discrimination against them. Local NGOs contended, however, that persons with HIV/AIDS continued to suffer from societal discrimination and social stigma. In January the NHRCK urged a hospital to take corrective action after it refused to conduct a comprehensive medical checkup to an HIV-positive person because the hospital wing that handles checkups lacked the proper protective equipment. After the patient filed a complaint, the hospital stated it had obtained all of the protective equipment and completed the necessary staff training.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of most workers to form and join independent unions, conduct strikes within strict limits, and bargain collectively, but certain limitations apply to public officials and teachers.

The law recognizes workers' right to strike; workers in essential services are required to provide "minimum service" during strikes to protect the public interest. Essential services are defined by law to include railroads, air transport, communications, water supply, and hospitals. The trade union law prohibits the use of replacement workers to conduct general business disrupted by strikes, but it permits essential service providers to hire replacement workers within the limit of up to 50 percent of the strike participants.

By law parties involved in a "labor dispute" must first undergo third-party mediation through the National Labor Relations Commission (NLRC) or seek a labor-management settlement before registering to strike. Strikes initiated following this period are legal if they obtain majority support from union membership. The law narrowly defines "labor dispute," which makes strikes on many issues falling under managerial control, such as downsizing and layoffs, illegal. Strikes not specifically pertaining to labor conditions, wages, benefits, or working hours are illegal. Stakeholders noted strike procedures were overly burdensome. Participating in strikes deemed to be illegal may result in imprisonment or a fine for the organizers and participants, depending on the offense.

The law places some restrictions on unions' ability to organize their administration, including restricting the ability of union leaders to receive pay for time spent on union work. Laws banning education workers from engaging in certain political activities, such as joining a political party or openly endorsing a political party or candidate, also constrained unions' abilities to advocate for their positions. The law also prohibits dismissed workers from remaining in unions.

The law permits workers to file complaints of unfair labor practices against employers who interfere with union organizing or who discriminate against union members. The NLRC may require employers to reinstate workers fired for union activities. The law prohibits retribution against workers who conduct a legal strike. Labor organizations asserted that the inability of full-time labor union

officials to receive wages and the onerous registration requirements for individuals involved in collective bargaining effectively limited legal protections against unfair labor practices.

The government generally enforced legislation related to freedom of association, collective bargaining, and collective action, including legal strikes. Employers may be imprisoned or fined for unfair labor practices. In addition an employer may be penalized for noncompliance with a NLRC order to reinstate a worker. The law sets penalties in the form of fines or imprisonment against employers who refuse unions' legitimate requests for bargaining.

Labor organizations generally operated without government interference.

In June police arrested the president of the Korean Confederation of Trade Unions (KCTU), Kim Myeong-hwan, after three months of KCTU protestors clashing with riot police at the National Assembly, which was deliberating a law to change working hours. The government has arrested five KCTU leaders since the confederation was founded in 1995. In May 2018 former KCTU president Han Sang-gyun was released on parole after having served more than two years of a three-year sentence for participating in an illegal assembly. Three other senior KCTU leaders were released during the year after serving prison sentences for convictions related to their union activities.

The UN special rapporteur noted examples of antiunion practices by companies, including encouraging the formation of management-supported unions; undermining employee unions through various means including surveillance, threats, and undue pressure on members; disguised subcontracting to avoid certain employer responsibilities and dismissal of members; firing union leaders and workers following strike action; and assigning union leaders demeaning jobs to demoralize them. He noted employers allegedly used labor relations consultancy firms to obtain advice that facilitated the erosion of trade union rights.

Undocumented foreign workers faced difficulties participating in union activities due to fear of exposing themselves to arrest and deportation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government generally enforced the law effectively but did not consistently identify cases of forced labor; penalties were sufficient to deter violations.

NGOs reported some migrant workers were subject to forced labor, particularly those who had incurred thousands of dollars in debt for payment of recruitment fees, making them vulnerable to debt bondage. Some migrant workers in the agriculture, livestock, and fishing industries faced conditions indicative of forced labor, including deceptive recruiting practices, confiscation of passports, and nonpayment of wages.

International and domestic NGOs alleged that fishing vessels known for using forced labor often stopped in Busan and picked up foreign laborers. Photographs and interviews obtained by a foreign NGO showed that migrants faced dangerous working conditions and often went unpaid or underpaid for years of work on the ships. Although NGOs reported in the past that law enforcement authorities and prosecutors historically resisted investigating the ships because the laborers were not South Korean and the ships only stopped in South Korean waters temporarily, during the year maritime police began an intensive crackdown on human and labor rights abuses on both South Korean-flagged and international fishing vessels.

The Ministry of Oceans and Fisheries helped law enforcement authorities investigate the working conditions of foreign sailors from April to May, focusing on labor contracts, crimes committed against migrants on the ships, and delays in payment of wages. It also announced in April that it would routinely include deep-sea vessels in its investigations, as opposed to only nearshore vessels. The coast guard conducted a crackdown on suspected human rights abuses from June to July, arresting 90 persons. Investigators said the arrests were the result of reports made by victims who had heard that the maritime police were conducting intensive crackdowns on human rights abuses.

One of those arrested was a captain of a South Korean fishing boat who pushed a Vietnamese crewmember off his boat and forced him to drift at sea before allowing him to return on board, according to NGOs. He also threatened the Vietnamese crew with knives and both physically and verbally abused them. NGOs stated that when the crewmember thrown overboard tried to transfer to another job, the ship's owner demanded a payment of 5,000,000 won (\$4,150). In February a new employment law came into effect that allowed foreign workers to change jobs without the permission of the employer for reasons including sexual harassment, sexual violence, assault, and habitual verbal abuse by an employer, the employer's family members, or coworkers.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of minors younger than age 15 without an authorization certificate from the Ministry of Employment and Labor. Authorities issued few such certificates for full-time employment because education is compulsory through middle school (approximately age 15). Children ages 15 to 18 may work with the consent of at least one parent or guardian. Employers in industries considered harmful or hazardous to a minor's morals or health may not hire them and face fines or imprisonment for violations. Inspections and penalties were generally sufficient to ensure compliance. The government reported two violations of child labor laws in 2017, the latest year for which such data were available.

There were some reports of commercial sexual exploitation of children (see section 6, "Children").

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment or occupation. No law explicitly prohibits discrimination on the basis of language or HIV or other communicable disease status.

The law requires equal pay for equal work. The government's *Sixth Basic Plan* on Equal Employment and Work-Life Balance provides a roadmap for a policy on women's employment that consists of three pillars: creating nondiscriminatory working environments, preventing interruptions in women's careers, and providing re-employment for "career-interrupted" women. Labor laws generally provide foreign migrant workers the same legal protections as nationals but are not effectively enforced.

The law prohibits discrimination against informal or irregular workers (those who do not have full-time, permanent employment and who do not receive benefits at the same level as permanent workers) and requires the conversion of those employed longer than two years to permanent status. Employers, however, often laid off irregular workers shortly before their two-year anniversary. This practice was the cause of protests by more than 20,000 temporary employees in July, who contended the layoffs were timed to avoid having to hire them permanently. In

order to encourage businesses to hire temporary workers on a permanent basis, the government provides subsidies and tax breaks for companies that convert irregular employees to regular status, according to the labor ministry. Subcontracted workers (known as “dispatched workers”) and temporary workers comprised approximately one-third of waged workers in the labor force and faced discriminatory working conditions. NGOs and local media reported irregular workers were at greater risk for discrimination because of their employment status. The International Labor Organization (ILO) noted that the disadvantaged status of irregular workers contributed to discrimination against women given that women are overrepresented among these workers.

Discrimination occurred against persons with HIV/AIDS, women, persons with disabilities, and migrant workers.

Discrimination against women in the work place continued. On average, women earned only 63 percent of what men earned, and a higher percentage of women filled lower-paying, low-skilled, contract jobs. Women often faced difficulties returning to the workforce after childbirth.

In July workplace antibullying and “blind hiring” laws were introduced. The antibullying law requires employers to take action to fight harassment in the workplace. According to a July report by the National Human Rights Commission of Korea, 70 percent of those surveyed said they had faced harassment at work. By law employers convicted of failing to take action to protect bullied employees face a fine up to 30 million won (\$24,900) and up to three years in prison. The “blind hiring” law prohibits companies with more than 30 employees from asking job applicants about family members, place of origin, marital status, age, or property ownership. The law also prohibits companies from asking about weight and height when it is not relevant to the work.

Many migrant workers faced workplace discrimination. The maximum length of stay permitted under the Employee Permit System (EPS) is four years and 10 months, just under the five years needed to apply for permanent residency. NGOs and civil society groups asserted this explicitly excludes foreign workers from permanent residence or citizenship eligibility. NGOs stated it remained difficult for migrant workers to change employers (see sections 7.b. and 7.e).

The law allows for reduced wage payment to foreign workers on South Korean-flagged ship. For example, the minimum wage for foreign crewmembers is 1,640,000 won (\$1,360) per month, 76-percent less than the minimum wage paid

to a South Korean crewmember. Further, unlike citizen crewmembers, foreign crews are not entitled to profit sharing, resulting in foreign crew working longer hours for less pay.

The law prohibits recruiters, agents, employers, or managers from receiving money or other valuables or benefits from job seekers or employees in exchange for securing employment, “whatever the pretext may be” (see section 7.b.). Nevertheless, NGOs reported South Korean-flagged vessel owners routinely demanded security deposits of up to \$5,000 from foreign crewmembers to discourage them from transferring jobs.

e. Acceptable Conditions of Work

During the year, the minimum wage increased 2.9 percent and was above the official poverty line. The government generally enforced minimum wage law and penalties were sufficient to deter violations.

The law allowed a flexible system under which employees may work more than eight hours during certain days and more than 40 hours per week during certain weeks (up to a maximum of 52 hours in a single week), so long as average weekly work hours for any two-week period do not exceed 40 hours and workers have a mandatory day of rest each week. For employers who adopt a flexible system, hours exceeding 80 in a two-week period constitute overtime. Foreign companies operating in export processing zones are exempt from labor regulations that mandate one day of rest a week. The law limits overtime of ordinary workers to 12 hours a week.

The government generally effectively enforced laws on wages and acceptable conditions of work for all sectors. It also conducted educational programs to prevent accidents in the workplace. The labor ministry was responsible for enforcement of these laws and the number of labor inspectors was sufficient to deter violations. Inspections covered businesses with foreign workers, particularly in the agriculture, livestock, fisheries, and construction sectors, which generally had poor working conditions.

The government sets occupational health and safety standards and is responsible for monitoring industry adherence. Under the law, workers in every sector have the right to remove themselves from situations of danger without jeopardizing their employment. The Korea Occupational Safety and Health Agency is responsible for enforcement of these laws and had inspected approximately 49,500 workplaces

as of September. The ILO observed, however, that the number of labor inspectors was insufficient and that unannounced inspections were rare. Worker organizations also expressed concerns about the insufficient number of labor inspections to identify potential violations of labor laws. Penalties for violations of occupational safety and health standards and overtime regulations included imprisonment and fines and were generally sufficient to deter violations.

A set of regulations outlines legal protections for migrant (those under the EPS) and foreign workers. Permit holders may work only in certain industries and had limited job mobility, but most enjoyed the same protections under labor law as citizens. Contract workers, irregular workers, and part-time workers accounted for a substantial portion of the workforce, particularly in the electronics, automotive, and service sectors.

Workers under the EPS faced multiple restrictions on employment mobility. Such workers lose their legal status if they lose their job and do not find another employer within three months. If a migrant worker is not able to get another job within three months, authorities may cancel his or her work permit, forcing the worker either to return home or to remain in the country illegally. This situation was particularly difficult for seasonal workers, such as those involved in agriculture or construction. Migrant workers did not have access to lists of companies that were hiring when they wanted to change jobs, which made it more difficult for these workers to change jobs freely. Migrant laborers were required to return to their country of origin after a maximum of four years and 10 months in the country but could apply to re-enter after three months.

To prevent violations and improve working conditions for migrant and foreign workers, the government provided pre-employment training to newly arrived foreign workers, workplace adaptation training to those who changed workplaces, and training to employers who hired foreign workers. The government funded 44 Foreign Workers Support Centers nationwide, a call center that provided foreign workers with counseling services in 16 languages, Korean language and cultural programs, shelter, and free health care services. The government also funded Multicultural Family and Migrant Plus Centers to provide foreign workers, international marriage immigrants, and other multicultural families with a one-stop service center providing immigration, welfare, and education services.

The law requires severance payments to migrant workers who have worked in the country for at least one year. Many workers, however, reported difficulty in receiving severance pay prior to their departure and stated they did not receive

payments even after returning to their country of origin due to banking regulations and delinquent employers. NGOs reported many departing migrants never received these payments. An NGO supporting foreign workers reported 80 percent of their cases involved migrant workers seeking overdue wages or complaining of insufficient severance pay. It also reported 63.5 percent of migrant workers were unfamiliar with how to calculate severance pay, making them vulnerable to exploitation.

NGOs reported that while the minimum wage increased, employers tried to curb rising minimum wages for workers by reducing work hours, listing employees as “on-call” at home when they were in fact at work, employing undocumented foreign workers, and charging migrant workers for their accommodations and board.

Some NGOs reported migrant workers were particularly vulnerable to exploitation because the law excludes regulations on working hours, holidays, and benefits for the agricultural, livestock, and fisheries industries that had large numbers of migrant workers. An NGO stated migrant agricultural workers complained of receiving only one day off work per month, making it difficult for them to attend cultural education programs or language courses. Other NGOs reported foreign laborers sometimes faced physical abuse and exploitation by employers in the form of longer working hours and lower wages than their local counterparts. NGOs reported little change in conditions for migrant workers and expressed concern about the lack of improvement.

NGOs reported that although employers are prohibited from providing makeshift accommodations, such as vinyl greenhouses for migrant workers, some circumvented this prohibition and provided migrant workers with substandard accommodations made of plastic panels. For example, NGOs reported that some migrant crews were housed in shipping containers on barges. These “dormitories” were fire hazards and lacked proper heating and air conditioning. One vessel reportedly put a shipping container on a deserted island and dropped off a migrant worker on the island between shifts, according to NGOs. The case only became known after a different fishing boat visited the island, allowing the migrant to leave the island after three months of isolation. In July the government revised the law to require employers to provide information on accommodations to the employee before the signing of the employment contract. The labor ministry stated the law allows foreign workers to change their job when employer-provided accommodations fail to meet the legal standard. The ministry inspected

accommodations at 1,700 workplaces in the first six months of the year, issuing 10 corrective orders to workplaces that provided substandard lodgings.

In January the government passed broad reforms to the Occupational Safety and Health Act (OSHA) that were scheduled to go into effect in January 2020. Some of the revisions included higher fines for workplace fatalities and increased penalties for health and safety violations. The revised OSHA regulations also prohibited companies from subcontracting out specific types of dangerous work such as metalplating that involve harmful heavy metals such as mercury and lead.

In January the NHRCK launched an investigation into working conditions at coal-fired power plants after a 24-year-old mechanic, a temporary worker, died in a conveyer belt accident in December 2018. The mechanic was working an overnight shift alone, contrary to regulations. According to the KCTU, 97 percent of industrial accidents and 92 percent of deaths that took place at the five major power companies since 2008 involved temporary workers. Critics argued the OSHA restrictions did not go far enough to protect temporary workers.

According to the ministry, there were 102,305 work-related accidents (an increase of 13.8 percent) and 2,142 fatalities in 2018, an increase of 9.4 percent from 2017. In January the government enacted a law that provides compensation to the families of the deceased and contributes to funeral expenses when a foreign worker dies in the country.