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The Republic of Korea (Korea or ROK) is a constitutional democracy governed by a president and a unicameral legislature. The country has a population of approximately 48 million. Multiple candidates ran in presidential elections held in December that were free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. Women, persons with disabilities, and minorities continued to face societal discrimination. Rape, domestic violence, child abuse, and trafficking in persons remained serious problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

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

According to unconfirmed news reports, approximately 100 conscripts have committed suicide each year due to military hazing. Official sources indicated that not all of the suicides were caused by such hazing, alleging that mental illnesses and personal issues also were factors.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits mistreatment of suspects, and officials generally observed this prohibition in practice.

The government continued to investigate incidents of possible abuse under the country's former military regimes. Since the Commission for the Restoration of Honor and Compensation to Activists of the Democratization Movement's creation in 2000, it had reviewed 11,041 of the 12,657 cases reported and determined that compensation was due for 3,112 of cases, as of November.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, rules regarding arrest and detention under the National Security Law (NSL) are vague. For example, the NSL defines espionage in broad terms and permits the authorities to detain and arrest persons who commit acts viewed as supporting North Korea (DPRK) and therefore deemed dangerous to the country. The NSL permits the imprisonment for up to seven years of anyone who "with the knowledge that he might endanger the existence or security of the state or the basic order of free democracy, praised, encouraged, propagandized for, or sided with the activities of an antistate organization." The legal

standard for what constitutes "endangering the security of the state" is vague. Thus, persons could be arrested for the peaceful expression of views that the government considered pro-DPRK or antistate. The UN Human Rights Committee termed the NSL "a major obstacle to the full realization of the rights enshrined in the International Covenant on Civil and Political Rights."

Between January and September, authorities arrested 16 persons for alleged NSL violations. For example, two teachers who were members of the Unification Committee of the Korea Teachers Labor Union were indicted on charges of violating the NSL for collecting unification-related materials to be used in class and for discussing such materials over the Internet with other teachers. They were released on bail and were on trial without physical detention. In another case a photographer faced charges of revealing national security and military secrets for publishing a book that included photographs of local United States Forces Korea facilities. At year's end he was on trial without physical detention.

A university professor found guilty of violating the NSL was sentenced to two years in prison with a stay of execution of three years, and he appealed the case in 2006. At an appeal hearing, his sentence was upheld, and at year's end he was pursuing his final appeal.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the Korean National Police Agency (KNPA), and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest and Detention

The law requires warrants in cases of arrest, detention, seizure, or search, except if a person is apprehended while committing a criminal act or if a judge is not available and the authorities believe that a suspect may destroy evidence or escape capture if not quickly arrested. In such cases judges must issue arrest warrants within 48 hours after the suspect is apprehended, or within 72 hours if a court is not located in the same county. Police may detain suspects who appear voluntarily for questioning for up to six hours but must notify the suspects' families. The police generally respected these requirements. Authorities generally must release an arrested suspect within 20 days unless an indictment is issued. An additional 10 days of detention is allowed in exceptional circumstances.

There is a bail system, but human rights lawyers stated bail generally was not granted for detainees who were charged with committing serious offenses, might attempt to flee or harm a previous victim, or had no fixed address.

The law provides for the right to representation by an attorney, including during police interrogation. During the first 24 hours of up to a 10-day temporary detention, however, the government can deny detainees access to a lawyer. For the remainder of the 10-day period, the government can prohibit a detainee's attorney from being present during questioning. After an arrest there are no restrictions on access to a lawyer. These rights are codified in the law and were generally observed. During both detention and arrest periods, an indigent detainee may request that the government provide a lawyer.

Access to family members during detention varies according to the level of crime being investigated. During the year Minbyun, a legal aid nongovernmental organization (NGO), reported that there were no reports of access to legal counsel being denied.

Amnesty

In August the government granted a special amnesty to 434 prisoners and paroled another 5,888. The list included seven politicians and 223 others who had been convicted for election fraud.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides defendants with a number of rights in criminal trials, including the presumption of innocence, protection against self-incrimination, the right to a speedy trial, the right of appeal, and freedom from retroactive laws and double jeopardy. Although the law prohibits double jeopardy, the courts interpreted this provision to mean that a suspect cannot be indicted or punished more than once for the same crime, while the prosecution can appeal a not-guilty verdict or a sentence it considers excessively lenient. Therefore, a suspect may be tried more than once for the same crime. Trials are open to the public, but a judge may restrict attendance if he believes spectators might disrupt the proceedings. While a

new public jury system was introduced this year, the verdict of the jury is not legally binding. Court-appointed lawyers are provided by the government (at government expense) in cases where defendants cannot afford to provide their own legal counsel. When a person is detained, the initial trial must be completed within six months of arrest. Judges generally allowed considerable scope for examination of witnesses by both the prosecution and defense. Defendants have the right to be present and to consult with an attorney, can confront or question witnesses against them, and can present witnesses and evidence on their behalf. Defendants have access to government-held evidence relevant to their cases. The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends the above rights to all citizens.

Political Prisoners and Detainees

It was difficult to estimate the number of political prisoners because it was unclear whether persons were arrested for exercising the rights of free speech and association, or were detained for committing acts of violence or espionage. Mingahyup, an NGO, reported that as of September the government had prosecuted 82 persons for their political beliefs. As of August the government had convicted 803 conscientious objectors who failed to report for military service.

There were no reports of political detainees.

Civil Judicial Procedures and Remedies

There was an independent and impartial judiciary in civil matters, and there were no problems enforcing domestic court orders.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice. Some human rights groups raised concerns about possible government wiretapping abuse. The Anti-Wiretap Law establishes broad 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 Ministry of Information and Communication reported 1,033 instances of wiretapping in 2006. From January to June, there were 623 cases of wiretapping, an increase of 18 percent from the 528 cases during the same period in 2006.

The government continued to require some released prisoners to report regularly to a probation officer under the Social Surveillance Law. While the Ministry of Unification (MOU) designated precinct-level officers to handle issues brought forth by resettled DPRK refugees, the MOU claimed that there were no reporting requirements for the resettled citizens.

The NSL forbids citizens from listening to North Korean radio in their homes or reading books published in the DPRK if the government determines that the action endangers national security or the basic order of democracy in the country. However, this prohibition was rarely enforced, and the viewing of DPRK satellite telecasts in private homes is legal.

The government used its authority, and what protestors claimed was excessive force by security officials, to appropriate land for a foreign military base expansion in Pyongtaek. Some Daechuri villagers, who depended on the land for their livelihood, claimed that they were evicted without fair compensation. The villagers vacated the land by April, according to press reports.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. However, under the NSL the government may limit the expression of ideas that authorities consider Communist or pro-DPRK.

According to Reporters Without Borders, on March 10 police beat journalists who were covering a banned protest against free-trade trade talks. After the incident the police issued an apology, proposed solutions to guarantee the safety of journalists, and claimed that they had taken disciplinary measures against the officers in question after an investigation.

Internet Freedom

The government blocked violent and sexually explicit Web sites and required site operators to rate their site as harmful or not harmful to youth, based on the country's telecommunications laws that ban Internet service providers from offering harmful information for youth. The government also continued to block DPRK Web sites that it deemed inappropriate.

According to 2005 Organization for Economic Cooperation and Development data, 92.7 percent of households had access to the Internet. In addition to Internet access from home, public Internet rooms were widely available and inexpensive.

Academic Freedom and Cultural Events

There were generally no government restrictions on academic freedom or cultural events. However, during the year the government refused to issue the Dalai Lama a visa to enter the country.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. The Law on Assembly and Demonstrations prohibits assemblies that are considered likely to undermine public order. The law requires police to be notified in advance of demonstrations of all types, including political rallies. The police must notify organizers if they consider an event impermissible under this law; however, police routinely approved demonstrations. While numerous trade-related protests occurred throughout the year, the police reportedly banned some protests by groups that had not properly registered, or that had been responsible for violent protests in the past.

Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice. Associations operated freely, except those deemed by the government to be seeking to overthrow the government. For example, Jang Min-ho, a U.S. citizen and former *Joongang Daily* reporter in Los Angeles, was indicted in October 2006 with six ROK citizens on charges of meeting with DPRK spies.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

Societal Abuses and Discrimination

During the year a publisher agreed to withdraw a best-selling children's comic book from stores after meeting with a prominent anti-Semitism watchdog group that accused the author of spreading messages echoing Nazi propaganda. According to the Ministry of Culture and Tourism, the author and the publisher released a revised version of the book that eliminated the disputed portions by year's end.

The small Jewish population was comprised almost entirely of expatriates.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

Most citizens could move freely throughout the country; however, government officials restricted the movement of certain DPRK defectors by denying them passports. The Supreme Court reviewed the constitutionality of this matter during the year and by year's end had not issued a ruling. While foreign travel generally was unrestricted, the government must approve travel to the DPRK. Travelers going to places other than Kaesong or Mt. Kumgang must receive a briefing from the MOU prior to departure and demonstrate that their trip does not have a political purpose and is not undertaken to praise the DPRK or criticize the government.

The law does not include provisions for forced exile of its citizens, and the government did not employ it.

Protection of Refugees

The laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. However, the government did not routinely grant refugee status or asylum. In practice the government generally provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. Government guidelines provide for offering temporary refuge in the case of a mass influx of asylum seekers and an alternative form of protection, a renewable, short-term permit, to those who met a broader definition of "refugee." Between July 1994, when the government first accepted applications, and December 2007, the government received approximately 1,500 asylum applications (not including those from the DPRK); of those, the government recognized 64

applicants as refugees. During the year the government received 403 refugee applications (not including those from the DPRK). The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The government continued to work with the UNHCR to bring its refugee processing up to international standards; however, a complex procedure and long delays in refugee status decision making continued to be problems.

According to a 2007 Human Rights Watch paper, the government's commitment to refugee protection was weak. The few who were granted refugee status often were forced to "put their lives on hold" for years awaiting a final decision on their status. Those given permission to stay without refugee status were not allowed to work. While government financial assistance was almost nonexistent, civil society groups provided some forms of assistance.

Those few asylum seekers who were recognized as refugees were provided with basic documentation but frequently encountered problems in exercising their rights. In particular their protected status was not always recognized by all government departments, and refugees, like other foreigners, were frequently subjected to various forms of informal discrimination.

The government continued its longstanding policy of accepting refugees from the DPRK, who are entitled to ROK citizenship. The government resettled 1,990 North Koreans from January to October, resulting in a total of approximately 11,700 North Koreans resettled in the country.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for all citizens 20 years of age or older.

Elections and Political Participation

Presidential elections held in December were free and fair.

Both the majority and the various minority political parties operated without restriction or outside interference.

In general elections, 50 percent of each party's candidates on the proportional ballot and 30 percent of each party's geographical candidates must be women. There were 43 female lawmakers in the 299-seat National Assembly, with two of 19 National Assembly committees chaired by women. Two of 13 Supreme Court justices and one of 18 cabinet ministers were women.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. The Korea Independent Commission Against Corruption stated that the overall "cleanliness level" of the government for 2006 was 8.77 out of 10 points, an improvement from 8.68 in 2005 and 8.38 in 2004. They reported that the increase resulted from the government's continued focus on anticorruption measures, including the improvement of internal auditing in the various ministries. During the year the commissioner of the National Tax Service was arrested on allegations of accepting bribes. Two Blue House aides were arrested on charges of influence peddling.

According to the Public Service Officers Ethics Law, public servants above a certain rank must register their assets, including how they were accumulated, thereby making their holdings public. Among the anticorruption agencies are the Korea Independent Commission Against Corruption, the Board of Audit & Inspection, and the Public Servants Ethics Committee.

The country has a Freedom of Information Act; in practice the government granted access for citizens and noncitizens alike, including foreign media.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

The National Human Rights Commission (NHRC) is an independent government body established in 2001 by the National Human Rights Commission Act. The goal of the commission is to protect and promote human rights in Korea; however, it has no enforcement powers, and its decisions are not binding. The NHRC investigates complaints, issues policy

recommendations, and conducts education campaigns. The NHRC has largely enjoyed the government's cooperation, received adequate resources, and been considered effective.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination on the basis of gender, religion, disability, age, social status, regional origin, national origin, ethnic origin, physical condition or appearance, marital status, pregnancy and child delivery, family status, race, skin color, thought or political opinion, record of any crime for which punishment has been fulfilled, sexual orientation, or medical history, and the government generally respected these provisions. However, traditional attitudes limited opportunities for women, persons with disabilities, and ethnic minorities. While courts have jurisdiction to decide discrimination claims, many of these cases were instead handled by the NHRC. From January to August, 779 such cases were brought before the NHRC.

Women

Rape remained a serious problem. Although there is no specific statute that defines spousal rape as illegal, the courts have established a precedent by prosecuting spouses in such cases. Between January and August there were 4,374 reports of rape and 1,959 prosecutions. Many rapes were believed to have gone unreported because of the stigma associated with being raped. The activities of women's groups increased awareness of the importance of reporting and prosecuting rape, as well as of offenses such as sexual harassment in the workplace. According to women's rights groups, cases involving sexual harassment or rape frequently went unprosecuted, and perpetrators of sex crimes, if convicted, often received light sentences. The penalty for rape is three years' imprisonment; if a weapon is used or two or more persons commit the rape, punishment may be a maximum of life imprisonment.

Violence against women remained a problem. Between January and August the Ministry of Justice (MOJ) registered 6,733 cases of domestic violence and prosecuted 1,043 cases. According to the Ministry of Gender Equality and Family Affairs (MOGEF), nearly 50 percent of all women were victims of domestic violence. The Special Act on the Punishment of Domestic Violence defines domestic violence as a serious crime and enables authorities to order offenders to stay away from victims for up to six months. Offenders can also be sentenced up to five years' imprisonment or fined less than \$7,400 (seven million won). Offenders may also be placed on probation or ordered to see court-designated counselors. The law also requires police to respond immediately to reports of domestic violence, and the police generally were responsive. The government established some shelters for battered women and increased the number of childcare facilities. However, women's rights groups stated these measures fell far short of effectively dealing with the problem. During the year the NHRC determined that female victims are more likely to receive social criticism rather than protection. The NHRC also found that women often suffer from feelings of shame, disgust, mortification, and guilt rather than being provided with appropriate support because of law enforcement officials' chauvinism and inadequate sensitivity, which affects the investigation and trial process. During the year the government built five new shelters for victims of domestic violence for a total of 97 shelters but did not build any new shelters for child victims of sexual violence.

Prostitution is illegal but widespread. Media reports claimed that police officers, soldiers, government employees, and airport officials frequented massage parlors, where prostitution has become more prevalent in recent years. Antiprostitution and antitrafficking legislation provides protection for the victims of prostitution and enhanced punishment for those engaged in prostituting other persons. From January to June, the government indicted 2,944 citizens for violating the 2004 Act on the Punishment of Intermediation of Sex Trade, and of these 147 had been detained for pretrial purposes. In 2006 the government indicted 6,472 such persons and detained 323 for trial. The government allows for the prosecution of its citizens for acts of child sexual exploitation committed in other countries, although this law was seldom used. Some NGOs also expressed concern that sex tourism to China and Southeast Asia was becoming more prevalent.

In recent years the government has made some progress in addressing sexual harassment, but the issue continued to be a problem. The 2005 revision of "Framework Act on Women's Rights Promotion" stipulated that heads of organizations were obligated to take preventive measures against sexual harassment. Pursuant to the act, the government conducts an annual review of actions taken by public organizations concerning sexual discrimination, grants awards for improvements, and provides special retraining sessions for managers of suboptimal organizations. Private companies' obligations to take preventive measures against sexual harassment are stipulated in the Sexual Equality Employment Act. These efforts have had only limited success; the NHRC found that there continued to be a lack of understanding on what constitutes sexual harassment. The NHRC received 155 cases of sexual harassment during the year. According to the NHRC, remedies for sexual harassment cases included issuance of recommendation for redress, conciliation, mutual settlement, and resolution during investigation. More cases were resolved through conciliation or mutual settlement, which were quicker and more efficient than the commission's investigation process. The NHRC lacks the authority to impose punitive measures, which must be pursued through the court system. During the year court rulings that overturned sexual harassment convictions, often at the request of the complainant, pointed to an underlying tolerance in society at large for sexual harassment in the workplace rather than any failing of the systems of redress.

In 2005 the National Assembly eliminated the household registration system that made women legally subordinate to the male family head. The reforms also allow remarried women to change their children's family name to their new husband's name and ended the six-month waiting period to remarry that was directed only at women. The family law permits women

to head a household, recognizes a wife's right to a portion of the couple's property, and allows a woman to maintain greater contact with her children after a divorce.

Women continued to experience economic discrimination in pay for substantially similar work. According to the Korea Institute of Finance, a survey of financial services companies revealed that almost 60 percent of newly created jobs in this sector were filled by women. Nevertheless, relative to other developed countries, few women worked in managerial positions or earned more than a median income, and gender discrimination in the workplace remained a problem. According to a 2006 Korea Women's Development Institute survey, the average working woman earned 64 percent of what a man made in a comparable job. The Equal Employment Act penalizes companies found to discriminate against women in hiring and promotions. A company found guilty of practicing sexual discrimination could be fined up to approximately \$5,300 (5 million won) and have its name published in the newspaper. The law also provides for a public fund to support victims in seeking legal redress. Some government agencies' preferential hiring of applicants with military service (nearly always men) reinforced barriers against women, despite a constitutional court ruling that such preferential hiring was unconstitutional. A poll showed that 79 percent of female respondents experienced some form of discrimination in the workplace, usually in the form of job duties and pay.

Children

The government demonstrated its commitment to children's rights and welfare through public education. The government provided high-quality elementary education to all children free of charge. Education is compulsory through the age of 15, and most children obtained a good secondary education. In 2006 enrollment rates for elementary school were at 91 percent. Boys and girls have equal access to education. High-quality health care was widely available to children.

From January through June, 5,573 child abuse cases were reported to the MOHW. During the year the MOGEF continued to maintain three centers that provided counseling, treatment, and legal assistance to child victims of sexual violence.

The Juvenile Sexual Protection Act establishes a maximum sentence of 25 years' imprisonment for the brokerage and sale of the sexual services of persons younger than 19 years of age. It also establishes prison terms for persons convicted of the purchase of sexual services of youth under age 19. Based on this law, the commission publicizes the names of those who commit sex offenses against minors. The Youth Protection Law provides for prison terms of up to three years or a fine of up to approximately \$21,200 (20 million won) for owners of entertainment establishments who hire persons under age 19. The Commission on Youth Protection's definition of "entertainment establishment" includes facilities such as restaurants and cafes where children are hired illegally as prostitutes.

Although the law bans fetal testing except in cases in which a woman's life is in danger, hereditary disease could be transmitted, or rape or incest, such testing and the subsequent abortion of female fetuses frequently occurred, reflecting the traditional preference for male children. The birthrate was 1.08 boys for every girl. The government continued an education campaign aimed at eradicating gender-preference abortions, which are prohibited by law.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and from the country. Women from Russia, other countries of the former Soviet Union, China, Mongolia, the Philippines, and other Southeast Asian countries were trafficked to the country for sexual exploitation and domestic servitude. They were recruited personally or answered advertisements and were flown to Korea, often with entertainer or tourist visas. In an effort to curb abuse, the government restricted issuance of certain types of entertainer visas. Once these visa recipients were in the country, employers in some instances held victims' passports. In addition, some foreign women, recruited for legal and brokered marriages with Korean men, ended up in involuntary servitude in Korea once married. As a country of origin, women were trafficked primarily for sexual exploitation to the United States, sometimes through Canada and Mexico, as well as to other Western countries and Japan. Relatively small numbers of economic migrants, seeking opportunities abroad, were believed to have become victims of trafficking as well. There were reports that human traffickers exploited ROK passports for the purposes of human trafficking. There was no credible evidence that officials were involved in trafficking.

Legislation targeting prostitution and human trafficking implemented in 2004 led to a decline in the overall number of red-light districts and prostitutes. As prostitution continued to move overseas and to less visible and less static sex trade sites, however, accurate numbers were difficult to determine. As of August the MOGEF estimated that there were approximately 2,500 prostitutes and 1,000 red-light districts.

The KNPA and the MOJ were principally responsible for enforcing antitrafficking laws. While many credited the laws with increasing societal awareness of sexual exploitation and trafficking as a crime, some observers believed the new laws were not being enforced to their fullest potential. The government continued to support a public awareness campaign, a victim support hot line, and a reward system for information leading to the arrest of traffickers.

While civil and criminal penalties exist for trafficking in persons, prosecution for trafficking Koreans to other countries such

as Canada or Mexico was restricted to document fraud or forgery. The National Police and the Prosecutor's Office were responsible for combating trafficking and were generally effective. While the government worked with the international community on investigations related to trafficking, the actual number of cases pursued was not significant.

The government maintained a network of shelters and programs to assist trafficking victims. As of June 451 Korean women were housed in 41 shelters, and 23 foreign women were in three shelters. Victims were also eligible for medical, legal, vocational, and social support services. Many of these services were provided in conjunction with NGOs. The MOJ continued to educate male offenders about the antiprostitution and antitrafficking laws. During the year 15,124 men participated in the program.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, or the provision of other state services. The government, through the MOHW, enacted antidiscrimination laws, built rehabilitation support centers, and provided part-time employment to increase opportunities and access for persons with disabilities. However, during the year the NHRC received 155 cases of alleged discrimination in employment, property ownership, and access to educational facilities.

Firms with more than 300 employees are required by law either to hire persons with disabilities or pay a fine. Nevertheless, the hiring of persons with disabilities remained significantly below target levels.

There were no reports that the government restricted the right of persons with disabilities to vote or participate in civic affairs. NGOs confirmed that the handicapped were not hindered in efforts to participate in civic affairs.

National/Racial/Ethnic Minorities

The country is racially homogeneous, with no sizable populations of ethnic minorities. Citizenship is based on parentage, not place of birth, and persons must demonstrate their family genealogy as proof of citizenship. Naturalization is a difficult process requiring detailed applications, a long waiting period, and a series of investigations and examinations. Because of the difficulty of establishing Korean citizenship, those not ethnically Korean remained "foreign," thus disqualifying them legally from entering the civil service and, in practice, being hired by some major corporations. Some foreign workers continued to report difficult working conditions.

Other Societal Abuses and Discrimination

Despite cultural respect for the elderly, there were reports of age discrimination in the workplace. For example, the NHRC criticized airline companies' policy of not hiring women over the age of 25 as crew members.

Some observers claimed that persons with HIV/AIDS suffered from severe societal discrimination and social isolation. A 2006 UN Report on the Global AIDS Epidemic estimated that the country had approximately 13,000 persons with HIV or AIDS, although the government recorded only 4,229 official cases. The AIDS Prevention Act ensures the confidentiality of persons with HIV/AIDS and protects individuals from discrimination. The government supported rehabilitation programs and shelters run by private groups and subsidized medical expenses from the initial diagnosis. The government operated a Web site with HIV/AIDS information and a telephone counseling service.

A 2007 Human Rights Watch letter maintained that, although the law prohibits discrimination on the basis of sexual orientation, transgender people were at risk of discrimination in employment, education, housing, and healthcare.

Section 6 Worker Rights

a. The Right of Association

The law provides workers with the right to associate freely. The 2006 Act on the Establishment and Operation of Public Officials' Trade Unions allows public servants to organize unions; however, government unions protested the law because certain groups of government officials are barred from collective bargaining. In 2006 the Ministry of Labor (MOL) approved a request from the Federation of Government Employees to establish a legal union.

The implementation of the 1997 law that authorizes union pluralism was again postponed. Local and international labor union organizations criticized the government's continued ban on union pluralism to deny workers their collective bargaining rights.

The ratio of organized labor in the entire population of wage earners was approximately 10 percent, or 1.5 million unionists from a total of 14.7 million workers. The country has two national labor federations, the Korean Confederation of Trade

Unions (KCTU) and the Federation of Korean Trade Unions (FKTU), and an estimated 1,600 labor unions. The KCTU and the FKTU were affiliated with the International Trade Union Confederation. Most of the FKTU's constituent unions maintained affiliations with global union federations.

The government recognized a range of other labor federations, including independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and at government research institutes. Labor federations not formally recognized by the MOL generally operated without government interference, with the exception of the Korean Government Employees Union (KGEU), which was forced out of its offices in 2006 after failing to register as an official union before the specified deadline. During the year the International Labor Organization's Committee on Freedom of Association expressed concern about the government's interference in KGEU's activities and recommended that the government cease all acts of interference, including the ban on collective bargaining. After the KGEU registered as a union in October, the government recognized the union and reported that the KGEU office was reopened.

b. The Right to Organize and Bargain Collectively

The law provides for the workers' right to collective bargaining and collective action, and workers exercised these rights in practice. This law also empowers workers to file complaints of unfair labor practices against employers who interfere with union organizing or who discriminate against union members. Employers found guilty of unfair practices can be required to reinstate workers fired for union activities. However, forced reinstatement was used less frequently because employers took extra precautions when firing union members.

Under the Special Act on Public Servants' Unions, public servants are allowed to organize trade unions and bargain collectively, although the act restricts the public service unions from collective bargaining on topics such as policymaking issues and budgetary matters.

Under the Trade Union and Labor Relations Adjustment Act, unions must submit a request for mediation to the Labor Relations Commission before a strike. In most cases the mediation must be completed within 10 days; in the case of essential services, within 15 days. Once a dispute has been referred to binding arbitration, striking is prohibited. Management can initiate criminal proceedings against an illegal strike. Arrest warrants can be issued against union leaders, and striking workers can be removed by police from the premises and prosecuted, along with union leaders, and sentenced under the penal code for "obstruction to business." Labor laws prohibit retribution against workers who have conducted a legal strike and allow workers to file complaints of unfair labor practices against employers.

A total of 86 strikes occurred between January and September, with 92,147 participating workers. By law unions in enterprises determined to be of "essential public interest"--including railways, utilities, public health, the Bank of Korea, and telecommunications--can be ordered to submit to government-ordered arbitration. Strikes are prohibited for both central and local government officials and for those who produce mainly defense goods.

There is no independent system of labor courts. Semijudicial agencies such as the Central and Local Labor Relation Commissions mediate or arbitrate labor disputes based on the Trade Union and Labor Relation Adjustment Act. Each commission is composed of equal numbers of representatives of labor, management, and neutral experts who represent the "public interest." The Labor Relations Commission can decide on remedial measures in cases involving unfair labor practices and can mediate or arbitrate labor disputes in sectors deemed essential to public welfare.

The government originally designated enterprises in the two export processing zones (EPZs) as public interest enterprises. Workers in these enterprises were given the rights enjoyed by workers in other sectors, and labor organizations were permitted in the EPZs. However, foreign companies operating in the EPZs were exempt from some of these labor regulations. For example, foreign-invested enterprises located in free economic zones are exempt from mandating monthly leave, paid holidays, and menstruation leave for women; giving preferential treatment to patriots, veterans, and their families; obligating companies with more than 300 persons to recruit persons with disabilities for at least 2 percent of its workforce; encouraging companies to reserve 3 percent of their workforce for workers over 55 years of age; and restricting large companies from participating in certain business categories.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace and prohibits forced or compulsory labor, and the government effectively enforced these laws through regular inspections. Child labor was not considered a problem.

The labor standards law prohibits the employment of persons under age 15 without a special employment certificate from

the MOL. Because education is compulsory through middle school (approximately age 15), few special employment certificates were issued for full-time employment. To obtain employment, children under age 18 must obtain written approval from either parents or guardians. Employers can require minors to work only a limited number of overtime hours and are prohibited from employing them at night without special permission from the MOL.

e. Acceptable Conditions of Work

The minimum wage is reviewed annually. As of December the minimum wage was approximately \$3.70 (3,480 won) per hour. The FKTU and other labor organizations asserted that the existing minimum wage did not meet the basic requirements of urban workers.

Employees of large conglomerates, publicly owned companies, banks, insurance companies with 1,000 or more registered workers, and companies with more than 50 employees work a five-day, 40-hour workweek per new labor regulations introduced in July. Labor laws mandate a 24-hour rest period each week and provide for a flexible hours system, under which employers can require laborers to work up to 48 hours during certain weeks without paying overtime (and 52 with approval from the relevant labor union), so long as average weekly hours for any given two-week period do not exceed 40 hours. If a union agrees to a further loosening of the rules, management may ask employees to work up to 56 regular hours in a given week. Workers may not be required to work more than 12 hours per working day. Unions claimed that the government did not adequately enforce the maximum workweek provisions at small companies. The labor standards law also provides for a 50 percent higher wage for overtime.

The Korea Occupational Safety and Health Agency is responsible for implementing industrial accident prevention activities. The government set health and safety standards, but the accident rate was high by international standards. Through August there were 1,221 fatalities related to industrial accidents. According to the Korea Occupational Safety and Health Act, an employer may not dismiss or otherwise disadvantage an employee who interrupts work and takes shelter because of an urgent hazard that could lead to an industrial accident. During the year the Korea Occupational Safety and Health Agency provided funds and technical support to improve safety and health facilities at manufacturing workplaces employing less than 50 employees, awareness of occupational health problems in the workplace, and safety education for migrant workers.

Contract and other "nonregular" workers accounted for a substantial portion of the workforce. According to the government, as of August 2006 there were approximately 5.5 million nonregular workers, approximately 35.5 percent of the workforce. In general nonregular workers performed work similar to regular workers but received approximately 60 percent of the wages and were ineligible for national health and unemployment insurance and other benefits. The government stated that the effect of the 2006 Non-regular Workers Act was still uncertain. The vast majority of the approximately 5.5 million contract and other nonregular workers are usually not foreign workers.

Beginning in July the law on nonregular workers allows companies with more than 300 workers expanded use of temporary contracts for workers for up to two years. However, labor groups alleged that employers used a loophole in the law to avoid their obligation to hire part-time workers as regular workers after the two-year time limit. In September international unions organized a campaign in support of strikes by shop workers against a retail company that dismissed more than 1,000 workers when it bought a retail chain earlier in the year. The unions alleged that the company tried to escape its obligations to grant permanent contracts to the workers, as required by the law. By the end of August, 10 local trade union representatives remained in police prisons, and the government ignored demands to release them.

The Ministry of Migrant Workers estimated that the total number of foreigners with legal working status, including those working through the Employment Permit System (EPS), was approximately 465,000. There were approximately 224,000 illegal immigrants as of July. The MOJ estimated that there were 186,000 illegal workers in the country. The government continued its crackdown on illegal foreign labor.

The government continued to use the EPS to increase protections and controls on foreign workers while easing the labor shortage in the manufacturing, construction, and agricultural sectors. Through the EPS, permit holders may work in certain industries only and have limited job mobility but generally enjoy the same rights and privileges, including the right to organize. Foreign workers were limited in their freedom to change jobs. Before changing jobs, the employee's place of work must close down or the worker must have proof of physical abuse at the hand of the employer. If the worker does not find a new employer within two months, the worker loses his legal status.

As of August there were approximately 176,000 foreigners employed through EPS, mostly from China, Bangladesh, Mongolia, the Philippines, Thailand, Nepal, Vietnam, Indonesia, Sri Lanka, and Pakistan. They often faced difficult working conditions. Amnesty International and local media reported that foreign laborers often faced physical abuse and exploitation from employers. The government did not provide special protections for foreign laborers.

Foreign workers working as language teachers continued to complain that the institutes for which they worked frequently violated employment contracts, but employers reported there were a large number of foreign teachers who did not fully honor their work contracts.

