

# REPUBLIC OF KOREA 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Republic of Korea (South Korea or ROK) is a constitutional democracy governed by a president and a unicameral legislature. The December 2012 presidential and the April 2012 parliamentary elections were viewed as free and fair. Security forces reported to civilian authorities. Authorities maintained effective control over security forces, which did not commit human rights abuses.

The primary human rights problems reported were the government's interpretation of the National Security Law (NSL) and other laws to limit freedom of expression and restrict access to the internet, and the jailing of conscientious objectors to military service.

During the year there were allegations that the National Intelligence Service (NIS) and other state agencies attempted to manipulate voter opinion in the 2012 parliamentary and presidential elections in favor of the incumbent conservative party, which was victorious in both elections.

Other human rights problems included the absence of a comprehensive antidiscrimination law, some official corruption, sexual and domestic violence, children engaged in prostitution, trafficking in persons, and societal discrimination against the following: defectors from the Democratic People's Republic of Korea (North Korea or DPRK); ethnic/racial minorities; lesbian, gay, bisexual, and transgender (LGBT) persons; persons with HIV/AIDS; and foreigners. The government also restricted workers' rights and interfered with the right to strike.

The government took steps to prosecute officials who committed abuses, and impunity was not evident.

### **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. The government had effective mechanisms to investigate and punish abuse.

During the first half of the year, there were 45 suicides among military personnel, generally attributed to mistreatment, hazing, or an inability to adjust to military life. As in previous years, the Ministry of National Defense conducted independent investigations of these incidents but made no arrests. The ministry maintained a suicide prevention program.

### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no credible reports that government officials employed them during the year.

Rules enacted in March subject any sex offender who commits an act of sexual violence to chemical castration as a potential punishment. According to the Yonhap News Agency, the Supreme Public Prosecutors' Office filed 17 chemical castration requests during the first half of the year, more than double the seven requests for all of 2012. Previously chemical castration could only be administered as a punishment for sex offenders whose victims were children. The first such castration occurred in July 2012.

### **Prison and Detention Center Conditions**

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

Physical Conditions: According to the Ministry of Justice, the total number of prisoners as of July 31 was 47,969, of whom 2,712 were women and 552 were under age 19. According to the nongovernmental organization (NGO) International Center for Prison Studies, correctional facilities had a capacity of 45,960 persons as of June. Authorities confined male and female prisoners in separate but similar quarters specifically designed to meet particular population needs and generally confined foreign prisoners in separate but otherwise equal facilities with the same rules. Children and juveniles (ages under 19) were kept in separate facilities from adults (ages 19 and over). Pretrial detainees were held in detention centers. Persons sentenced to confinement were committed to prisons.

From January 1 through October 31, there were 20 deaths in prison: 16 from disease and four from suicide.

The Ministry of Justice reported that, as of the end of July, of 48 prisoner allegations that prison guards used violence and abusive language, investigations resulted in 27 cases rejected, 15 cases investigated and then dismissed, four cases referred for relief, and two cases in which prisoners were transferred to a different facility. Women's prisons contained special examination areas for women's health concerns and annual checkups. Prisoners had access to potable water.

Administration: Authorities managed prison records according to law, maintained them for various periods at relevant institutions, and systematically transferred them to the national records center after 30 years. No legal steps require alternative sentences for nonviolent offenders, but penalty fees, community service, and suspended sentences were determined on a case-by-case basis and used regularly. Prisoners and detainees had reasonable access to visitors as well as freedom of religious observance.

Independent Monitoring: There were no prison ombudsmen, but prisoners and detainees could request investigations and submit complaints without censorship to the Ministry of Justice and National Human Rights Commission (NHRC), or via the national Human Rights Violation Hotline Center. Authorities investigated credible allegations of inhuman conditions and documented the results of such investigations in a publicly accessible manner. Authorities investigated all 108 petitions submitted to the Ministry of Justice during the year with no findings of unfair treatment of prisoners by prison officers. Also during the year, 48 petitions were filed with the hotline center.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. The 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. The Ministry of Justice maintained that the courts had established legal precedents for strict interpretation of the law that preclude arbitrary application.

#### **Role of the Police and Security Apparatus**

The Korean National Police Agency is responsible for internal security under the supervision of the Ministry of Public Administration and Security. Civilian authorities maintained effective control over police, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving security forces during the year.

There were credible reports of increased National Intelligence Service monitoring and tracking of nongovernmental political and social organizations.

### **Arrest Procedures and Treatment of Detainees**

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 authorities believe a suspect may destroy evidence or escape capture 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 at a police station for more than six hours a person who voluntarily submits to questioning. Authorities must either indict or release an arrested suspect within 20 days. The law allows 10 additional days of detention in exceptional circumstances.

There is a bail system. Human rights lawyers stated that authorities generally did not grant bail for detainees who were charged with committing serious offenses, might attempt to flee or harm a victim, or had no fixed address.

The law provides for the right to representation by an attorney, including during police interrogation. There are no restrictions on access to a lawyer, but authorities can limit a lawyer's participation in an interrogation if the lawyer obstructs the interrogation or discloses information that impedes an investigation. The courts respected a defendant's right to a lawyer. 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. There were no reports of denial of access to legal counsel.

Arbitrary Arrest: Authorities indicted 102 people under the NSL, which media reports said was the highest number in 10 years: 62 were convicted, four were acquitted, and the rest awaited verdicts. In February four teachers were indicted

under the NSL for allegedly teaching their students to embrace a pro-North Korean ideology and organizing events to teach students about the allegedly positive effects of North Korea's *juche* self-reliance ideology. The NSL is used against those criticizing government policies and can be used to label organizations as "antigovernment organizations," a concept which is broad and vaguely defined in the act.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government respected judicial independence. In past years international human rights NGOs criticized actions by senior judges that allegedly interfered with the independence of junior judges and alleged political interference with the judiciary.

### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law provides defendants with rights in criminal trials, including the presumption of innocence; protection against self-incrimination; the right to be informed promptly and in detail of charges, with free interpretation as necessary; the right to a speedy and fair trial; the right of appeal; and freedom from retroactive laws and double jeopardy. When authorities detain a person, the initial trial must be completed within six months of the arrest.

Trials are open to the public, but judges may restrict attendance if they believe spectators might disrupt the proceedings. There is a jury system, but jury verdicts are not legally binding. In serious cases a jury may reach a verdict for certain felonies, such as murder and rape, but only with the consultation and consent of the judge. The defendant also must request a jury trial beforehand.

The government (at its expense) provides court-appointed lawyers in cases where defendants cannot afford legal counsel. Judges have considerable scope to examine witnesses for both the prosecution and defense. Defendants have the right to be present and consult with an attorney. They may confront or question witnesses against them and present witnesses and evidence on their behalf. They may not be compelled to testify or confess guilt and they have the right to appeal. Defendants also may have access to relevant government-held evidence.

### **Political Prisoners and Detainees**

The Ministry of Justice stated that there were no persons incarcerated solely because of their political beliefs. Some NGOs, however, argued that individuals arrested for violations of the NSL or for strike activities qualified as political prisoners.

During the year there was evidence of increasing NIS efforts to use the NSL to accuse private citizens and political party members of being antistate. Evidence of this included raids on homes and offices of people accused under the NSL, including a November raid on a performing arts company that the NIS claimed was conducting activities that were in violation of the security law.

The law requires military service by all male citizens and does not distinguish conscientious objectors from others who do not report for it; the penalty for refusing to report is up to three years in prison. There is no provision for alternative service by conscientious objectors, although approximately 50,000 exemptions were granted to individual males annually. Amnesty International reported that there were 733 Jehovah's Witnesses in prison for conscientious objection. During the year an increasing number of individuals prosecuted for failure to meet their mandatory military service requirements claimed conscientious objector status on political or moral, not religious, grounds.

### **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 bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative and judicial remedies are available for alleged wrongs.

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

The law prohibits such actions, 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. According to the Ministry of Justice, as of July courts approved 91 wiretaps, of which 62 were on behalf of the NIS. In February the NHRC found that the Public Service Ethics Bureau of the Prime Minister's Office undertook illegal surveillance of media workers, politicians, citizens, and others. The finding was nonbinding, however, and the government had not punished the persons responsible nor

amended the law to prevent further violations, according to a report from the NGO People's Solidarity for Participatory Democracy.

The NSL forbids citizens from listening to DPRK radio programs in their homes or reading books published in the DPRK if the government determines that such an action endangers national security or the basic order of democracy in the country. Enforcement of these prohibitions continued to be rare, however, and viewing DPRK satellite telecasts in private homes is legal.

By law public officials may not perform a “collective act for any labor campaign.” There is an exception for those who have a union-related job.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights.

Freedom of Speech: Although the law provides for freedom of speech, under Article 7 of the NSL the government may limit the expression of ideas that praise or incite the activities of “antistate” individuals or groups. During the year a significant proportion of prosecutions under the NSL were for speech that allegedly supported or praised the DPRK government. In addition those whom authorities deem to have criticized the country's political leaders may be punished.

Press Freedoms: The independent media were active and expressed a wide variety of views, generally without restriction. Many ministries, however, required journalists to join a club to get full access to information, including that in regular briefings by ministry officials. Critics alleged that the clubs develop rules that can discriminate against other journalists and could lead journalists to practice self-censorship in exchange for access.

In November the Korea Communications Standards Commission (KCSC) voted to hold a meeting to discuss disciplinary action against private broadcaster JTBC for a news program that allegedly violated fairness in reporting standards. A KCSC board member, who was appointed by the ruling party, criticized the program as unfair because all members of a panel criticized the government's attempt to disband a political party.

Censorship or Content Restrictions: The Ministry of Gender Equality and Family monitors song lyrics and may ban releases it considers offensive.

Libel Laws/National Security: The law broadly defines and criminalizes defamation, which could have a chilling effect on news coverage. The law calls for a punishment of up to seven years in prison. In 2012, according to a media report, more than 13,000 defamation complaints were filed and 3,223 persons were convicted. While the vast majority of those found guilty were fined, 24 individuals were sentenced to prison.

The law punishes defamation of deceased persons as well; the maximum punishment is two year's imprisonment. For example, in February former National Police Agency chief Cho Hyun-oh received a 10-month prison sentence for stating that, on the night before former president Roh Moo-hyun's 2010 suicide, police had found large amounts of money belonging to Roh in a bank under an assumed name.

### **Internet Freedom**

There were some government restrictions on internet access, and the government monitored e-mail and internet chat rooms without appropriate legal authority. Internet access was available and used widely.

In May the nation's top court upheld a one-and-a-half year prison term for the head of an online news site for exchanging e-mails with an alleged North Korean spy and for posting pro-Pyongyang reports on his website. In 2011, according to Amnesty International, government officials deleted approximately 67,300 web posts deemed to have harmed national security by "praising North Korea and denouncing the United States and the government."

The government Office of Internet Communications Review 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 power to warn the user. If the prohibited materials are not removed, the user's account may be blocked.

The government also blocked violent, sexually explicit, gambling-oriented, and other websites found to violate law and order, including, but not limited to: the illegal trade of internal organs, food, or medical supplies; violation of intellectual property rights; and the encouragement or planning of suicide. The government

also continued to block DPRK websites and direct access to the DPRK's YouTube channel and Twitter account. Although viewing websites praising the DPRK regime is lawful, disseminating information about those websites, including posting links to the sites, is unlawful under the NSL.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

The law provides for freedom of assembly, and the government generally respected this right; however, police on occasion denied permits to organizers of rallies protesting government agency interference in elections. The organizers were generally able to win relief from the courts. The law prohibits assemblies considered likely to undermine public order and requires notification of police in advance of demonstrations of all types, including political rallies. Police must notify organizers if they consider an event impermissible under this law. Police banned some protests by groups that had not properly registered or that were responsible for violent protests in the past. In June UN Special Rapporteur for Human Rights Defenders Margaret Sekaggya criticized laws that require citizens to report to authorities in advance when they want to have a large gathering, saying those laws are effectively a licensing system that could be used to prevent peaceful demonstrations.

#### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. Associations operated freely, except those seeking to overthrow the government through force or violence.

The Ministry of Employment and Labor (MOEL) on October 24 ordered the disbandment of the Korean Teachers and Education Workers Union (KTU) for keeping as members teachers who had lost their jobs. The International Labor Organization criticized the action as a violation of freedom of association, and critics alleged that the MOEL intended to destroy the KTU because it advanced education policies contrary to the government's position. The government also refused to register the Korean Government Employees Union because the union

had not agreed to preclude from membership those who had lost their jobs. The union filed a complaint asking the Seoul Administrative Court to reverse MOEL's decision.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign Travel: All travelers from South Korea to North Korea are required to obtain permission from the Ministry of Unification before departure. The travelers must demonstrate that their trip has no political purpose and is not intended to praise North Korea or criticize the South Korean government. Visiting North Korea without government approval is punishable by up to 10 years in prison under the NSL.

Citizens convicted of a crime for which the potential sentence is two years' imprisonment or longer may have their passport privileges revoked by the Ministry of Foreign Affairs.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status. The government considers refugees from North Korea under a separate legal framework and does not include refugees from North Korea in refugee or asylum statistics. The government has an established system for providing protection to refugees, but the government does not routinely grant refugee status or asylum in most non-North Korean cases. A new independent law, the Refugees Act, took effect July 1. It establishes refugee application counters at airports and harbors, so asylum seekers can file applications and get a preliminary review when they enter

the country. It protects asylum seekers' right to an attorney and bans forced repatriation. Asylum seekers can ask for interpretation and legal aid services from the government and receive a work permit six months after the submission of their applications; previously the wait was one year. NGOs that work with refugees said the government did not budget enough money to pay for the law's requirements, noting that 1.98 billion won (\$1.86 million) of the 2.07 billion won (\$1.95 million) 2013 refugee budget for the Ministry of Justice went to building the 400-person capacity Refugee Support Center on Yeongjong Island in Incheon.

Requests for asylum continued to increase markedly. Through July, 621 applications for refugee status and asylum were submitted: 16 were approved and 398 were denied. Five applicants were permitted to stay for humanitarian reasons. The remaining 202 applications remained under consideration. It takes on average one year and four months from application to review.

Refoulement: In July authorities granted Jin Jingzhe, a self-proclaimed Chinese practitioner of Falun Gong, temporary refugee status, based on his appeal of a previous court decision and released him from custody. Jin, who arrived in South Korea in 2008, was arrested in 2011 and detained at Hwasung Foreigner's Protection Center under threat of deportation.

In 2011 Seoul Immigration Office officials deported a 17-year-old Mongolian student after police found he was not in the country legally. His parents were not deported because officials could not locate them.

Employment: The government gave resident status to anyone granted refugee status and authorized such persons to seek employment.

Access to Basic Services: The government provided refugees with basic living expenses and medical expenses if their income fell below the poverty line.

The government continued its longstanding policy of accepting refugees, or defectors, from North Korea, who by law are entitled to citizenship in South Korea. The government resettled 970 such refugees during the first half of the year, raising the total to slightly more than 25,400 since 2002. Many refugees from North Korea alleged societal discrimination by South Koreans and cultural differences that resulted in adjustment difficulties. The government provided adjustment assistance services to recently settled refugees, including rental aid, exemption from education fees for middle- and high-school students, medical assistance, business loans, and employment assistance. The government also

operated Hana Centers, or Centers to Adjust to Regions, which educated refugees about adapting to specific geographic areas, provided counseling services, and aided social adjustment.

Temporary Protection: Government guidelines provide for offering both temporary refugee status in the case of a mass influx of asylum seekers and an alternate form of protection – a renewable, short-term permit – to those who meet a broader definition of “refugee.” From January to October, the government provided temporary humanitarian protection to 18 persons who may not qualify as refugees.

### **Stateless Persons**

The Justice Ministry reported that, as of December 31, there were 210 stateless persons in the country. By law a person born in South Korea to parents who are stateless or whose nationality is unclear obtains Korean citizenship.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right through periodic elections based on universal suffrage for all citizens age 19 or older.

### **Elections and Political Participation**

Recent Elections: National Assembly and presidential elections in 2012 were viewed as free and fair; however, during the year there was increasing evidence of broad efforts by government agencies to use social networking services to interfere in the elections in favor of candidates from the incumbent conservative party. Prosecutors indicted former NIS chief Won Sei-hoon for violating the NIS law and the Public Official Election Act, charging that the NIS agents tried to sway voter opinion through more than 22 million postings on the internet, on Twitter, and on other social media sites. The indictment stated the NIS began online activities to influence politics in 2009, and interfered in the 2010 local elections and the 2011 Seoul mayoral election. These activities were, however, outside the six-month statute of limitations for the election law. Authorities indicted at least five other NIS officials on similar charges. Prosecutors indicted former Seoul Metropolitan Police Chief Kim Yong-pan on charges of violating the Police Officers Act and the Public Official Election Act for abusing his authority in hampering a police

investigation into the NIS, which led to a police announcement three days before the presidential election that claimed NIS was clear of wrongdoing.

In October Prosecutor General Chae Dong-wook, who was investigating alleged NIS electoral interference, was forced to resign after allegations emerged that he fathered a child during an extramarital affair. In November prosecutors questioned an NIS agent for illegally accessing the personal records of the child's mother and obtaining personal information. Prosecutors said they believed the NIS leaked this information to a conservative newspaper in order to pressure Chae to resign.

In what many viewed as interference in domestic politics, allegations surfaced during the year that the NIS improperly released classified information to the incumbent conservative party during the 2012 presidential election. Critics alleged that the NIS leaked a transcript of a 2007 summit meeting between then president Roh Moo-hyun and then North Korean leader Kim Jong-il, in which Roh reportedly stated that he was willing to adjust a maritime control line – the so-called Northern Limit Line – between South and North Korea. In the 2012 election, the incumbent party used this information to criticize opposition candidate Moon Jae-in, who previously served as Roh's chief of staff. In June the NIS released the transcript from its own records.

The National Assembly held a hearing from July 2 to August 23 on the NIS scandal, but it did not issue an official report because witness testimonies were considered off-the-record and the two major political parties were unable to agree on the wording of a report.

During the October National Assembly audit of the national government, opposition politicians presented evidence that the Ministry of National Defense (MND) Cyber Warfare Command and the Ministry of Veterans and Patriots Affairs also conducted operations to interfere in election campaigns. An internal MND investigation cleared the Cyber Warfare Command leadership of wrongdoing while asking prosecutors to charge 11 officials of the psychological-warfare unit for breach of political neutrality. In response the main opposition political party called for an independent special prosecutor to investigate the entirety of government attempts to influence politics and elections.

Although the requirement that people use their real names when making online postings to large websites was ruled unconstitutional in 2012, the election campaign law still requires real names for internet postings about upcoming elections.

In April Seoul prosecutors announced the indictment without detention of a realtor for allegedly violating the election campaign law by slandering then-candidate Park Geun-hye before the 2012 presidential election. The man allegedly posted “malignant” comments online about Park and her family between September and November.

In June the Seoul Central District Prosecutor’s Office cleared artist Hong Seung-dam of violating the Public Official Election Act. In December 2012 the Central Election Committee ordered the Supreme Prosecutor’s Office to investigate Hong’s satirical painting of then presidential candidate Park Geun-hye for defamation.

Participation of Women and Minorities: By law, in general elections half of each party’s candidates for the 54 seats decided by proportional ballot must be women, and the law recommends that at least 30 percent of each party’s candidates for the 245 single-member constituencies be women. The current president was a woman, and there were 47 women in the 300-seat National Assembly. Women chaired two of the 16 National Assembly standing committees, and one of the 14 Supreme Court justices was a woman. Two of the 16 cabinet ministers were women.

The National Assembly included one ethnic minority group member: Jasmine Lee, an ethnic Filipina and the first naturalized Korean to serve as a legislator.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption, and the government implemented the law effectively. There were reports of officials receiving bribes and violating election laws.

Corruption: Several government agencies are responsible for combating government corruption, including the Board of Audit and Inspection (BAI), which monitors government expenditures, and the Public Service Ethics Committee, which monitors civil-servant financial disclosures and activities. Yang Kun, the chairman of the BAI, resigned in August, claiming that outside forces hampered his ability to lead the agency independently. The Anticorruption and Civil Rights Commission manages public complaints and administrative appeals regarding corrupt government practices. Cases related to corrupt activities by high-ranking incumbent officials are currently undergoing investigation, and are thereby subject to privacy closure under Article 18 of the Personal Information Protection Act.

These agencies operated effectively and independently with sufficient resources and actively collaborated with civil society.

Whistleblower Protection: The law provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality. The law was implemented effectively to protect whistleblowers from retaliation.

Financial Disclosure: By law public servants above a specified rank, including elected officials, must register their income and assets, including how they accumulated them, and make their holdings public.

Public Access to Information: The country has a freedom of information law, and the government granted public access to citizens and noncitizens alike. During the year President Park Geun-hye launched an initiative, *Government 3.0*, to increase public transparency in line with the national action plan under the global Open Government Partnership.

## **Section 5. 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 cooperative and responsive to their views.

UN and Other International Bodies: Margaret Sekaggya, the UN special rapporteur for human rights defenders, visited the country for several weeks in May and June. At a June 7 press conference, she said the NHRC must become “more independent and more professional,” adding that “The Human Rights Commission has lost the trust of human rights advocates and a variety of other parties concerned and is failing to play an important role in protecting and promoting human rights.”

Government Human Rights Bodies: The NHRC, established as an independent government body to protect and promote the human rights enumerated in the constitution, has no enforcement power, and its recommendations and decisions are nonbinding. It investigates complaints, issues policy recommendations, trains local officials, and conducts education campaigns. In May President Park formally requested that NHRC chair Hyun Byung-chul resign, but he declined to do so,

despite opposition to him from NGOs and legislators from both major political parties. NGOs publicly asserted that the NHRC was not independent of the Office of the President, was underresourced, and was overly focused on North Korean problems. During the year nearly all complaints received were dismissed or administratively rejected, and no cases involving the National Security Law or conscientious objectors were filed.

Ombudsman activities are the responsibility of the independent Anticorruption and Civil Rights Commission, which had adequate resources. It issued annual reports and interacted with various government institutions, including the Office of the President, the National Assembly, and ministries. The commission continued to address complaints and concerns from both citizens and foreign residents, and observers stated that it generally enjoyed the public's trust (see also section 4).

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

There is no comprehensive antidiscrimination law. In October 2012, following the recommendation of the UN Human Rights Council Universal Periodic Review, the Ministry of Justice submitted comprehensive antidiscrimination legislation, but the legislation was withdrawn due to aggressive lobbying primarily from religious groups opposed to efforts to provide protection to gays and pregnant women.

There is a human rights law that forbids discrimination based on race, gender, disability, sexual orientation, and social status, but not discrimination based on language or gender identity. There is no mechanism for punishment under that law, however, and there is no protection for migrant workers against racial discrimination, pregnant women against employment discrimination, or pregnant school-aged girls being denied an education.

#### **Women**

Rape and Domestic Violence: The law criminalizes rape. Although no specific statute defines spousal rape as illegal, the courts have convicted spouses in such cases. The penalty for rape is at least three years in prison; if a weapon is used or two or more persons commit the rape, punishment ranges from a minimum of five years' imprisonment to life. If the perpetrator is a relative of the victim, the minimum prison sentence for rape or sexual assault without a weapon increases from three years to five. If a weapon was used or two or more persons committed the crime, the minimum penalty increases from five years to seven.

The Ministry of Justice stated that there were 25,360 cases of rape or sexual or domestic violence through July. Of those cases authorities held 1,631 alleged offenders in custody and indicted 5,593. Through December 31, authorities convicted 4,218 persons for rape.

The Ministry of Gender Equality and Family stated it operated 32 combined support centers for victims of sexual violence at hospitals, providing counseling, medical aid, case investigations, and legal assistance. The government also established five new counseling centers exclusively for victims with disabilities this year, bringing the total of all counseling centers to 156. The 22 protection facilities nationwide included three facilities for victims with disabilities that opened this year, and two more facilities for juvenile victims that were scheduled to open in 2014.

The law defines domestic violence as a serious crime and authorizes authorities to order offenders to stay away from victims for up to six months. This 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 (\$6,590) 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 (\$18,800). Authorities may also place offenders on probation or order them to see court-designated counselors. The law requires police to respond immediately to reports of domestic violence, and they were for the most part responsive.

When there is a danger of domestic violence recurring and an immediate need for protection, the act allows a provisional order to be issued ex officio or at the request of the victim. This order may restrict the defendant from living in the same home, approaching within 109 yards of the victim, or contacting the victim through telecommunication devices. According to the National Police, as of July there were 7,662 cases of domestic violence reported.

Sexual Harassment: The law obligates companies and organizations to take preventive measures against sexual harassment, and the government enforced the law effectively. Business owners are subject to a penalty of up to 10 million won (\$9,400) for an incident of sexual harassment in the workplace, but there is no specific criminal punishment.

Civil remedies are generally available for sexual harassment claims, and education about sexual harassment was widely available nationwide. At public institutions, administrative remedies are also available.

Reproductive Rights: The law allows couples and individuals to decide freely the number, spacing, and timing of their children and to have the information and means to do so free from discrimination and coercion. Contraception and maternal health services, including skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care, were widely accessible and available.

Discrimination: Women enjoy the same legal rights under the constitution as men; however, there is no law that punishes discrimination against pregnant women. The law provides for equal pay for equal work. The law permits a woman to head a household, recognizes a wife's right to a portion of a couple's property, and allows a woman to maintain contact with her children after a divorce. Custody cases are decided on their merits with women often gaining custody. The law also allows a remarried woman to change the family name of her children to her new husband's name.

The law provides a fine of up to five million won (\$4,700) for companies found guilty of practicing sexual discrimination against women in hiring and promotions. Through June the NHRC received 10 cases of alleged sexual discrimination: one case involving the advertisement for recruitment, four cases concerning employment, three cases concerning placement in the business, and two miscellaneous cases.

Nationwide there were 100 "New Work for Women Centers" that provided employment support and vocational training for women. The Ministry of Employment and Labor also maintained an affirmative action program for public institutions with 50 or more employees and private institutions with 500 or more employees. The program requires these institutions to comply with a hiring plan devised by the ministry if they do not maintain a female workforce greater than or equal to 60 percent of the ratio of female workers compared to total workers in relevant occupations. When the Public Procurement Service evaluates submitted bids, it gives more weight to those businesses with effective affirmative action measures.

The Ministry of Employment and Labor reported that the number of women in entry-level civil service positions and new diplomatic positions continued to increase.

Women continued to experience a pay gap, since a higher percentage of working women compared with working men tended to fill lower-paying, low-skilled, contract jobs.

## **Children**

Birth Registration: Citizenship requires that one parent be a citizen of the country at the time of birth. Authorities also grant citizenship in circumstances where parentage is unclear or if the child would otherwise be stateless. Parents go to a district office to register their children's births.

Child Abuse: In 2012 there were 6,403 child-abuse cases reported to the Ministry for Health and Welfare, up 5.7 percent from the previous year. Of those, 914 were recurrent cases. The ministry operated facilities to treat and protect victims of child abuse and runs programs for families designed to prevent reoccurrence. Five group homes offered mental health services to abused children during the year.

Forced and Early Marriage: The minimum legal age for men and women to marry is 18.

Sexual Exploitation of Children: The age of consent is 13. It is illegal to deceive or pressure anyone under the age of 19 into having sexual intercourse; however, commercial sexual exploitation of teenagers remained a problem.

The penalty for rape of a minor under age 13 ranges from a minimum of 10 years in prison to a maximum of life imprisonment. The minimum penalty drops to five years in prison for rape of a minor ages 13 to 19. Other penalties include electronic monitoring of offenders and the public release of their personal information. A court may also order a person convicted of a sexual assault on any person to undergo reversible hormonal treatment (chemical castration) to curb the level of sexual impulse (see section 1.c).

The law prohibits child pornography. Offenders who produce or possess it for the purpose of selling, renting, or distributing it for profit are subject to a maximum of seven years' imprisonment. In addition, any possessor of child pornography may be fined up to 20 million won (\$18,800). During the year authorities forwarded 104 child-pornography cases to prosecutors at the Ministry of Justice; they indicted two individuals for possession.

The Ministry of Gender Equality and Family maintained centers that provided counseling, treatment, and legal assistance to child victims of sexual violence.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at <http://travel.state.gov/content/childabduction/english/country/south-korea.html>.

### **Anti-Semitism**

There is a small Jewish population consisting almost entirely of expatriates. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. The government effectively enforced the law, although many local government ordinances and regulations still directly discriminate against people with disabilities, according to a media report. The government also implemented laws and programs to facilitate access to buildings, information, and communications for persons with disabilities. The law establishes penalties for deliberate discrimination of up to three years in prison and a fine of 30 million won (\$28,200). The Ministry of Health and Welfare continued to implement a comprehensive set of policies that included encouraging public and private buildings and facilities to provide barrier-free access, providing part-time employment, and employing a task force to introduce a long-term care system. The government operated rehabilitation hospitals in six regions, plus a national rehabilitation research center to increase opportunities and access for persons with disabilities.

In 2012 the organization National Solidarity for Enacting and Amending Ordinances for the Disabled looked at 96,224 regulations and found 1,727 with discriminatory content. The group formally requested that all the discriminatory

regulations be removed. As of late 2012, 491 (28 percent) had been changed, according to a *Hankyoreh* report. The most common type of local government ordinance restricting access for persons with disabilities limits access to libraries and museums by people with mental disabilities. In addition the city councils in Busan, Wonju, and Taebaek stated that people with mental illnesses were not allowed to attend council meetings.

Any business with 50 or more full-time employees is required to meet an employment quota for persons with disabilities (3 percent for government agencies, 2.3 percent to 3 percent for public organizations, and 2.3 percent for private companies). Foreign companies operating in the export-processing zones (EPZs) are exempt from this requirement. Any private company or public organization with 30 to 100 full-time workers (expanded from 100 or more full-time workers in 2012) that has not yet met its quota is subject to a monthly penalty amounting to 530,000 won (\$500) for each available qualified person with a disability whom it fails to hire. An additional penalty may be imposed if the employment rate of workers with disabilities does not reach 50 percent of the required quota. (In 2012, a total of 7,277 companies were assessed penalties amounting to 330 billion won (\$311 million).) During the year authorities charged establishments that failed to employ any persons with disabilities based on the minimum wage (940,000 won per month or \$885). A person with disabilities working for any company with 50 full-time employees can request a reasonable accommodation, such as adjusted working hours, and the denial of such a request could constitute discrimination.

Another part of enforcement involved disclosing in the media and the official gazette the names of businesses that failed to meet the employment quotas, which the Ministry of Employment and Labor did twice during the year.

The government provided a pension system for adults and children with disabilities, an allowance for children with disabilities under age 18 whose household income is below or near the National Basic Livelihood Security Standard, and a disability allowance for low-income persons age 18 and older with mild disabilities. The National Pension Service decides the degree of the disability, and local governments provide the pension directly to qualified persons.

The NHRC did not provide information on the number of complaints of disability-related discrimination.

Children with disabilities qualified as special education beneficiaries and attended special schools that were free for persons between ages 3 and 17. Children with severe disabilities may receive hospitalized education. All public and private schools, childcare centers, educational facilities, and training institutions must provide equipment and other resources to accommodate students with disabilities. As an example, a private kindergarten must now assign assistant teachers to ensure that children with disabilities can participate in outdoor activities.

### **National/Racial/Ethnic Minorities**

More than 1.45 million foreigners live in South Korea, which is essentially a racially homogeneous country of approximately 50 million persons. According to the Ministry of Justice, 181,535 foreigners were in the country illegally as of July 31.

Societal discrimination against ethnic and racial minorities was common but underreported. As an example, Hwang Min-u, an eight-year-old boy who became famous as “Little Psy” after dancing in the famous “Gangnam Style” video, received online racial abuse because his mother was from Vietnam. According to media reports, internet users wrote numerous racial slurs on the website of Tarzon Entertainment, which represented the boy. During the first half of the year, the NHRC received 25 cases of alleged ethnic and racial discrimination. The NHRC could not provide any information on convictions.

To meet the steady growth of ethnic minorities due to the increasing number of migrant workers and foreign brides, the Ministries of Gender Equality and Family and of Employment and Labor continued programs to increase public awareness of cultural diversity and to assist foreign workers, wives, and multicultural families to adjust to life in the country. The government also continued to operate multicultural and migrant worker help centers.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The Ministry of Justice reported that the constitution’s equality principles apply to LGBT persons. The law that established the NHRC prohibits discrimination based on sexual orientation and authorizes the NHRC to review cases of such discrimination, but the law does not specify discrimination based on gender identity. No specific information on LGBT discrimination in employment was available from the government.

No laws either specify punishment for persons found to discriminate against LGBT persons or provide remedy to victims of discrimination or violence. During the first half of the year, the NHRC reported four cases of such alleged discrimination.

While there were no known cases of violence against LGBT persons during the year, LGBT individuals and organizations continued to face societal discrimination. For example, the Mapo District Office in Central Seoul refused to allow the Map Rainbow Coalition to hang two banners designed to raise awareness about LGBT issues. The district office decided not to hang the banners after receiving numerous requests not to do so from parents and church groups, among others.

Consensual same-sex sexual activity between military personnel is prohibited (a prohibition that the Constitutional Court found to be constitutional in 2011). According to the Ministry of National Defense, 13 gay men were confined to a guardhouse for 10 to 15 days during the year.

LGBT groups kept a very low profile because same-sex relationships were not widely accepted. For example, few entertainers were openly gay, and one who was “outed” claimed that various entertainment organizations fired him as a result. In another case, in August a group of Christian lawmakers from both major parties held a news conference to demand an “immediate correction” to a high school textbook, which they said encouraged gay sex. The textbook, new for the 2013-14 school year, states that sexual minorities in South Korea frequently face discrimination and bullying. It teaches that discriminating against such persons violates basic human rights that all people possess and says that such persons should be respected as members of Korean society with normal emotions and abilities. The textbook does not take a position on same-sex marriages.

### **Other Societal Violence or Discrimination**

Observers claimed that persons with HIV/AIDS continued to suffer from societal discrimination and social stigma. The law protects the right to confidentiality of persons with HIV/AIDS and prohibits discrimination against them. The NHRC reported five cases of alleged discrimination against persons with HIV/AIDS during the first half of the year. Authorities dismissed three cases and suspended investigation into the other two.

Foreign teachers of English are required to take a test to prove they are not HIV-positive before they can qualify for a work visa. Ethnic Korean foreigners are exempt from that requirement.

In addition the Ministry of Justice instituted new rules in May that require a foreigner applying for a visa to marry an ROK citizen to take a Korean language test and have a minimum income level of 1.1 million won (\$1,040) per month. If the prospective spouse fails the test, he or she can apply again in six months. After a second failure, the prospective spouse would have to take a government-sponsored course on social cohesion to receive the visa.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, provides for the rights of workers to form and join independent unions in accordance with regulations, conduct legal strikes, and bargain collectively. The legal protections were usually respected, and government enforcement was effective. The law also places some restrictions on these rights: Although the law allows multiple unions to form at a single enterprise, it permits only a single negotiation channel with management, unless the employer agrees to more than one negotiation channel. The unions may select their negotiating channel. If they are unable to do so, the union with the largest number of members bargains on behalf of all members of the participating unions. The law prohibited temporary or “irregular” workers from joining unions. Legal migrant workers employed in the Employee Permit System can form or join a union.

In addition the law limits the right to strike in certain circumstances, such as for workers in “essential services.” The list of essential services, which is more broadly defined than international standards specify, includes those services that, if suspended, could “endanger the lives, health, physical safety, or daily life of the public,” such as railroads, air transport, communications, water supply and other utilities, and hospitals. Moreover, individuals designated by labor unions as essential may not strike. The law also prohibits strikes by national and local government officials, with some exceptions for specified public servants.

By law unions must submit a request for mediation to the National Labor Relations Commission before a strike; otherwise, the strike is illegal. In most cases the mediation must be completed within 10 days. Strikes initiated following this

period without majority support from union membership are illegal. Striking also is prohibited when a dispute has been referred to binding arbitration. If striking employees resort to violence, unlawfully occupy premises, or damage facilities, their actions are deemed illegal, and strikes not specifically pertaining to labor conditions, wages, benefits, or working hours are also illegal. The law sets penalties for the above illegal strike activities at imprisonment for up to five years or a fine of up to 50 million won (\$47,000), depending on the offense, and the government effectively enforced applicable law.

The law prohibits retribution against workers who conduct a legal strike. 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 National Labor Relations Commission may require employers found to have engaged in unfair practices to reinstate workers fired for union activities and did so during the year. According to the Trade Union and Labor Relations Adjustment Act, employers who violate a regulation on unfair labor practices may be sent to jail for a maximum of two years or fined up to 20 million won (\$18,800). In addition, an employer can be punished for disregarding a National Labor Relations Commission order to reinstate a worker.

Labor federations generally operated without government interference. The Ministry of Employment and Labor, however, in a decision criticized by international labor organizations, in October ordered the disbanding of the Korean Teachers and Education Workers Union (KTU) as the union refused to remove from its membership teachers who had lost their teaching positions. The government for the same reason has refused four times to approve the Korean Governmental Employees Union. A court granted a temporary stay of the order so that the KTU could remain a union as it appealed the decision to the judiciary. 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 government research institutes.

Laws banning education workers from engaging in certain political activities, such as joining a political party or openly endorsing a political party or candidate, constrained unions' abilities to advocate for their positions.

In October the Ministry of Employment and Labor announced it would investigate allegations that the Samsung Group directed Korean subsidiaries to dismantle and discourage trade unions. Earlier in the year, the government investigated one subsidiary, Samsung Electronics, for illegal dispatch of workers to other

companies. Critics argue that this practice may have been used as a strategy to prevent union formation, but the ministry had not found evidence to prove antiunion discrimination. Companies reportedly used management-dominated unions, or “paper unions,” to deter legitimate collective bargaining.

In December more than 8,700 members of the Korean Railway Workers Union (KRWU), the labor union of the state-run Korean Railway Corporation (KORAIL), went on strike to protest the government’s proposal for a new subsidiary bullet train, which union members argued would lead to privatization. The government deemed the 22-day strike, the longest in Korean railway history, as illegal for not specifically pertaining to labor conditions, wages, benefits, or working hours. The KRWU maintained that the privatization of KORAIL would dramatically impact working conditions and lead to layoffs. On December 22, more than 5,000 riot police raided the headquarters of the Korean Confederation of Trade Unions (KCTU), the country’s largest umbrella trade union, without a search warrant in a failed attempt to arrest strike leaders. Police deployed water cannons and tear gas during the raid. Police subsequently detained more than 130 union leaders, including the head of KCTU, on charges of obstructing official police business. Following the raid, Amnesty International expressed concern that the dispute might result in a repeat of the abuses of workers’ rights that occurred during a rail workers’ strike in 2009. Following a bipartisan agreement with the National Assembly, most KRWU members returned to work December 31, but police continued to seek the arrest of union leaders sheltering at KCTU headquarters and the historic Jogye Buddhist Temple. KORAIL planned to pursue disciplinary action against union members who went on strike, including through dismissals and lawsuits.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law prohibits all forms of trafficking and prescribes imprisonment of up to five years for labor standards violations. The penalties for trafficking in persons, including for forced labor, are commensurate with those for other serious crimes. The government generally enforced the law effectively; however, there were reports that some workers were subjected to forced labor.

Migrant workers who traveled to the country for employment sometimes incurred thousands of dollars in debts, contributing to their vulnerability to debt bondage. Some migrant workers, especially irregular workers and workers in the agriculture, livestock, and fisheries industries, faced conditions indicative of forced labor,

including deceptive recruiting practices, confiscation of passports, and nonpayment of wages. In 2011 the government began investigating allegations that Indonesian migrant workers were subjected to a range of forced labor practices on ROK-flagged fishing vessels operating in the New Zealand Exclusive Economic Zone. The crewmembers requested that charges not be filed, according to Ministry of Foreign Affairs and Trade officials, but the investigation continued throughout the year. In January the government reported that there would be further investigations of labor exploitation on 12 ROK-flagged fishing vessels.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law protects children from exploitation in the workplace and prohibits the employment of persons under 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). To obtain employment children under age 18 must obtain written approval from either parents or guardians. Employers must limit minors' overtime hours and are prohibited from employing minors at night without special permission from the ministry. The government effectively enforced the law through regular inspections, but there were some reports of commercial sexual exploitation of children (see section 6, Children).

### **d. Acceptable Conditions of Work**

The annual national minimum wage was 4,860 won (\$4.57) per hour. A person making the minimum wage for a 40-hour workweek would earn significantly less than the minimum monthly cost of living for a family of four, which was 1,495,550 won (\$1,410), according to the Ministry of Health and Welfare. The law requires equal pay for equal work when men and women do work of equal value in the same business. Nevertheless, wage inequality was a concern (see section 6, Women).

The law requires employers to allow 30 minutes' rest in a four-hour work period and one hour's rest in an eight-hour work period. Foreign companies operating in the EPZs are exempt from some labor regulations, however, including provisions that mandate paid leave, also referred to as "weekly rest."

Persons working in the financial/insurance industry, publicly invested companies, state corporations, and companies with more than 20 employees are required to receive premium pay for work in excess of 40 hours per week at a 50 percent higher rate. The law also allows a flexible work hours system under which employers may require laborers to work up to 48 hours during certain weeks without paying overtime, so long as average weekly work hours for any given two-week period do not exceed 40 hours. Management may ask employees to work up to 56 regular hours in a given week, during which workers may work more than 12 hours per day, if both the employer and the employee agree. In such cases employers should pay overtime, according to the Ministry of Employment and Labor.

The government sets occupational health and safety standards and is responsible for monitoring industry adherence to these standards. To heighten the effectiveness of standards, authorities during the year adopted stronger punishments to allow immediate judicial action against violators. Penalties for violations were increased to up to seven years in prison and fines to up to 100 million won (\$94,100). The government conducted labor inspections both proactively, according to regulations, and reactively, within a month after an accident occurred. As of November there were 332 national full-time industrial accident prevention inspectors and 1,058 working condition inspectors working in 47 local offices countrywide. The government also conducted educational programs to prevent accidents. As of November there were no punishments for violations.

There were approximately 600,000 low-skilled migrant workers from elsewhere in Asia in the country, many of whom were employed legally under the government's Employment Permit System (EPS). A set of regulations, including the EPS, outlines legal protections for migrant and foreign workers. Permit holders may work only in certain industries and have limited job mobility, but they generally enjoy the same rights and privileges as citizens.

Contract workers, irregular workers and part-time workers accounted for a substantial portion of the workforce, particularly in electronics, automotive, and services sectors. A study by the Ministry of Employment and Labor found that contract workers, who make up a workforce of approximately 8.6 million, earn only about two-thirds the wages of regular employees; this disparity increased in direct proportion to the size of the enterprise. During the year some efforts were made, for example, by major supermarket chains, to convert contract workers to permanent staff in response to labor union advocacy.

The government continued to use the EPS to increase protections for and controls on foreign workers, while addressing labor shortages in the manufacturing, construction, and agricultural sectors. To assist both employers and workers to understand better applicable laws and regulations, 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 supported 33 foreign worker support centers nationwide, a call center that provided foreign workers with counseling services in 14 languages, Korean language and cultural programs, shelter, and free healthcare services. The Ministry of Employment and Labor continued programs previously implemented for foreign workers, including free legal advice, counseling, translation services, health checkups in their native language, and the establishment of several “human rights protection centers for foreigners.”

Foreign workers who enter the country with a work visa as professionals, lecturers, or artists may by law change their jobs easily. Workers under the EPS faced multiple restrictions, however. Such workers lose their legal status if they lose their job and do not find a new employer within three months. If a migrant worker is not able to get a job within three months, authorities may cancel his/her work permit, forcing the worker to return home. This situation was particularly difficult for seasonal workers, such as those involved in agriculture or construction. Migrant laborers are required to return home after a maximum of four years and 10 months in the country but may apply to reenter after three months. This effectively prevented permanent emigration of migrant laborers, because by law a person must live in the country for at least five years to qualify for citizenship.

Regulations that took effect in 2012 deprived migrant workers of the right to peruse lists of companies that were hiring when they wanted to change jobs, which made it more difficult for these workers to change jobs freely. Employers effectively controlled the list of job-seeking workers and have the right to contact the person they choose.

The law prohibits discrimination against 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. Both labor and business groups complained that the two-year conversion provision forces many businesses to limit the contract terms of irregular workers to two years and incur the cost for entry of new workers every two years. NGOs and local media reported that irregular workers were at greater

risk for discrimination because of their status and that foreign laborers sometimes faced physical abuse and exploitation by employers in the form of longer working hours and lower wages than their citizen counterparts received.

Moreover, according to NGOs, contract changes, such as the deduction of accommodation or meal expenses from wages, also victimized migrant workers. Female migrant workers in South Korea reported that they were often sexually assaulted or harassed. According to a March survey of 205 women who entered South Korea on the EPS program, 10.7 percent said they had experienced sexual assault, unwanted physical contact, or demands for prostitution. In an estimated 80 percent of these cases, the culprits were bosses or managers. The findings were released in April by the migrant workers' online network MNTV and the Korea Support Center for Foreign Workers. NGOs stated that workers often did not report abuse, because they feared blacklisting by employers. The workers might then be unable to find a job and be forced to leave the country after their cases are closed.

In October the NHRC released a survey indicating poor labor and living conditions for migrant workers in the agriculture and livestock industries. According to the survey, 68.9 percent of such workers experienced difficulty receiving full wages, 90.7 percent had to work longer hours than agreed contractually, and 71.1 percent received less than the minimum wage. Surveyed workers also reported a lack of privacy in living quarters (56.5 percent) and a lack of suitable bathroom facilities (39.8 percent) in employer-provided housing. Workers included in the survey reported experiencing verbal abuse (75.8 percent) and ethnic discrimination (83.9 percent), which echoed findings of a similar 2011 survey.

The government reports descriptions of and statistics on work-related injuries and fatalities on a quarterly basis on its websites. As of August there were 86,039 industrial work-related accidents reported and 1,464 fatalities. The government did not provide information on sectors most affected, although the Korea Labor Foundation reported that in 2012 deaths from industrial accidents were highest in manufacturing (29.1 percent). The highest number reported for occupational diseases among industrial accident victims was in manufacturing. Death from occupational diseases was greatest in mining, which accounted for 41.9 percent of deaths from occupational diseases.