

# REPUBLIC OF KOREA 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

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

Civilian authorities maintained effective control over security forces.

Human rights issues included detention of conscientious objectors to military service, including those with religious objections; the use of the National Security Law and other security legislation, abuse of criminal libel law, blocking of internet sites; and corruption.

The government took steps to prosecute officials who committed abuses.

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

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

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

#### **b. Disappearance**

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

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

The law prohibits such practices and there were no allegations of torture; however, the Military Human Rights Center, a local nongovernmental organization (NGO), reported some instances of violence and cruel treatment in the military.

The Ministry of National Defense (MND) reported no instances of bullying in the military, although local NGOs believed hazing played a role in suicides in the military. Credible evidence indicated mistreatment of soldiers persisted.

With support from the National Human Rights Commission of Korea (NHRCK), the MND has trained approximately 600 military human rights instructors each year since 2015. The ministry also worked with the Defense Media Agency to produce and distribute human rights education television programs to military personnel.

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

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

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

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

Persons in the area may contact a lawyer and appeal their denial of entry. According to the Justice Ministry, on average 132 persons used the area daily between January and June, with 49 percent departing on the same day and 97 percent departing within four days. The departure waiting area had the capacity to accommodate approximately 60 persons overnight.

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

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

Administration: According to the Ministry of Justice, inmates have several relief procedures available to them for any perceived violations of their rights. Detainees may petition the minister directly, file a complaint with the Human Rights Violation Hotline Center in the Ministry or with the NHRCK, or appeal to the Anticorruption and Civil Rights Commission, to the Board of Audit and Inspection of Korea, or to the Administrative Judgment Commission.

As of June, inmates filed 32 abuse of authority-related petitions to the minister of justice. Of these, investigations were completed in 28 cases using a combination of in-person and report-based investigations, and four cases were under investigation as of September. None of the investigations indicated abuse of authority.

Independent Monitoring: There were no reports of problems in accessing prison facilities. The country's independent NHRCK has access to correctional facilities to investigate reported cases of human rights violations.

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

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

The National Security Law (NSL) grants authorities the power to detain, arrest, and imprison persons believed to have committed acts intended to endanger the "security of the state." Domestic and international NGOs continued to call for reform or repeal of the law, contending that its provisions do not clearly define prohibited activity and that it was used to intimidate and imprison individuals exercising their right to freedom of expression.

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

The Korean National Police Agency, under the supervision of the Ministry of the Interior and Safety, is responsible for internal security. The Korean Immigration Service, under the supervision of the Ministry of Justice, is responsible for migration and border enforcement. Civilian authorities maintained effective control over security forces, and the government had effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

The National Intelligence Service (NIS) has the authority to investigate crimes or criminal activity related to national security and subversion. Civil society organizations continued to claim that extensive NIS powers and secrecy, combined with little oversight, enabled the NIS to overly broadly define and investigate activities it deemed a threat to national security.

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

The law requires warrants in cases of arrest, detention, seizure, or search unless authorities apprehend a person when committing a criminal act, a judge is not available, or if authorities believe a suspect may destroy evidence or flee if not arrested quickly. In such cases, a public prosecutor or police officer must prepare an affidavit of emergency arrest immediately upon apprehension of the suspect. Authorities may not interrogate for more than six hours a person who voluntarily submits to questioning at a police station. Authorities must either indict or release an arrested suspect within 20 days. The law allows 10 additional days of detention in exceptional circumstances.

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

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

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

Arbitrary Arrest: The Ministry of Justice reported that from May 2017 to April 2018 there were 28 arrests under the NSL, nine of which led to indictments.

In April the Seoul High Court affirmed the decision of a lower court that found Lee Jin-young not guilty of violating the National Security Act. Lee was arrested in January 2017 and charged with violating the National Security Act by collecting

socialist movement-related books in electronic form and distributing them via the internet. These books included novels written in North Korea and books related to North Korea's Juche ideology.

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

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

### **Trial Procedures**

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

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

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

### **Political Prisoners and Detainees**

The Ministry of Justice stated there were no persons incarcerated because of their political beliefs. Some NGOs, however, argued that individuals arrested for violations of the NSL, for conscientious objection to military service, or for strike activities qualified as political prisoners. The Military Human Rights Center reported an estimated 120 individuals were imprisoned during the year for failing to report for compulsory military service. Jehovah's Witnesses reported that, as of October, 117 of their members were serving 18-month prison terms for

conscientious objection to military service. Visitors were allowed access to these, as to other, prisoners.

In June the Constitutional Court, overturning its previous rulings, found Article 5 of the Military Service Act unconstitutional because it violates conscientious objectors' freedom of conscience and does not offer alternative service options to conscientious objectors. The court ordered the legislature to amend the law by December 31, 2019, to provide means for alternative service. In November the Supreme Court ruled that conscientious objection was a valid reason to reject mandatory military service. The Ministry of Justice reviewed those who were eligible for parole and released 58 conscientious objectors on parole at the end of November.

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

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

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

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

Lawmakers and NGOs claimed that the 2016 Counterterrorism Act significantly expanded NIS power to wiretap telephones and collect personal information.

In September authorities arrested General Song Gang-won of the Defense Security Command on charges of carrying out illegal surveillance of civilians affected by the 2014 sinking of the ferry *Sewol*. The Military Special Investigation Department accused the general of tasking 60 agents to monitor communications of the victims' families. The team allegedly did so to feed information to the Park administration to improve the president's public image.

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

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press. Nonetheless, the government's interpretation of the following limited freedom of speech and expression and restricted access to the internet: the NSL; Article 21, Paragraph 4 of the constitution; the Act on Antiterrorism for the Protection of Citizens and Public Security; the Election Law; the Criminal Act; the Framework Act on Telecommunications (Framework Act); and the Act on Promotion of Information and Communication Network Utilization and Information Protection (Network Act).

Freedom of Expression: Although the law provides for freedom of speech, under laws such as the NSL, the government may limit the expression of ideas that promote or incite the activities of "antistate" individuals or groups. During the year, prosecutions under the NSL for speech that allegedly supported or praised the DPRK government continued.

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

During the year there were reports that government authorities contacted North Korean refugees and asked that they withhold their criticism of the North Korean government in advance of the Winter Olympics. In other instances North Korean refugees were reportedly contacted and asked not to participate in public-speaking engagements that might be perceived as critical of the Moon administration's engagement with North Korea.

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

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

In January a strike by Korean Broadcasting System (KBS) journalists ended when the network's president stepped down. More than 3,000 journalists from public broadcasters KBS and Munhwa Broadcasting Corporation (MBC) began strikes in September 2017 to protest perceived assaults on editorial independence and management interference in reporting. The MBC strike ended with resignation of the network's president in November 2017.

In mid-October the Unification Ministry refused to accredit *Chosun Ilbo* journalist Kim Myeong-sung, who had planned to cover north-south ministerial talks at Panmunjom. The ministry cited safety concerns and the potential effect of Kim's "active reporting" as "special circumstances" in the ministerial context.

Censorship or Content Restrictions: The Ministry of Gender Equality and Family monitors song lyrics and may ban content it considers offensive. The Korea Communications Standards Commission (KCSC) maintains ethical standards in broadcasting and internet communications.

Libel/Slander Laws: The government and individual public figures used libel and slander laws, which broadly define and criminalize defamation, to restrict public discussion and harass, intimidate, or censor private and media expression. The law allows punishment of up to three years in prison for statements found to be "slander" or "libel," even if factual, and up to seven years for statements found to be false. The law punishes defamation of deceased persons as well; the maximum punishment is two years' imprisonment. The Suwon District Prosecutor's Office was investigating the wife of Gyeonggi Provincial Governor Lee Jae-myong for allegedly posting defamatory comments on social media before the 2017 presidential election. Police claimed she wrote comments against President Moon Jae-in, then her husband's rival in the Democratic Party, in December 2016.

National Security: The NSL criminalizes actions interpreted to be in support of North Korea or otherwise against the state. The government used this law to arrest and imprison civilians, deport foreigners, and disband political parties. The Supreme Court ruled the NSL constitutional in 2015. As the government engaged in talks with the DPRK, NSL-related investigations into positive media coverage

of the DPRK appeared to decline. For example, in December a prominent KBS nighttime talk show, “Tonight, Kim Je-dong,” interviewed Kim Soo-geun, who headed a pro-Kim Jong-un group and praised the North Korean leader as a “capable and talented leader.” While many conservative members of the National Assembly criticized KBS for this segment, at year’s end none of the parties involved in the interview had been arrested or investigated. In a case originating in 2010, however, the Daegu District Court ruled on December 27 that a woman surnamed Jeong violated the NSL by praising North Korea’s regime online and saving pro-North Korean materials on her computer.

### **Internet Freedom**

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

The KCSC blocked 143,681 websites from January to September. The vast majority of blocked sites involved pornography or gambling; 8,063 sites, including many North Korean propaganda sites on YouTube channels and Twitter accounts, were blocked under the NSL. Although viewing websites praising the DPRK regime is lawful, disseminating information about those websites, including posting links to those sites, is unlawful under the NSL. Other blocked sites included ones about illegal trade of internal organs, food, or medical supplies; that violated intellectual property rights; or that encouraged suicide.

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

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

Freedom House assessed the country’s media as generally free and competitive. According to the International Telecommunication Union, approximately 95 percent of the population used the internet in 2017.

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

Teachers are subject to the same law on political activities that applies to civil servants.

Media reported that the NIS was found to have compiled a blacklist of singers and actors who expressed criticism of the government in September 2017. The public prosecutor widened a probe of NIS officials and former presidents who were allegedly involved in attempts to politically isolate and gag dissident cultural figures from February 2008 to March 2017.

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

### **Freedom of Peaceful Assembly**

The law provides for freedom of assembly, and the government generally respected this right. The law may be used to prohibit or limit assemblies considered likely to undermine public order and requires advance notification for demonstrations of all types, including political rallies. Police must notify organizers if they consider an event impermissible under the law. Police banned some protests by groups that had not properly registered or that were responsible for violent protests in the past. The Korean National Police Agency (KNPA) reported that protesters in six demonstrations in the year to November exercised violence and caused damage to property. The KNPA confirmed that as of October, the police banned nine assemblies, an over 90 percent decrease from the 96 assemblies banned in 2016 and 74 banned in 2017.

In August the KNPA concluded that excessive police force resulted in the 2016 death of Baek Nam-gi, an elderly protester who was in a coma for several months after police shot him with a water cannon during a 2015 rally. Two police officers involved were fined and given suspended prison sentences in June. In response to this incident and other criticism, in June 2017 the KNPA announced it would henceforth limit the use of bus barricades, water cannons, or both at demonstrations to “maximally guarantee freedoms of assembly and demonstration.”

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right.

## **c. Freedom of Religion**

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

#### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel (except to North Korea), emigration, and repatriation; the government generally respected these rights. The government cooperated to a limited extent with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations to provide protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: Local NGOs reported cases of abuse against migrant workers, including physical abuse, confiscation of passports, inadequate housing, and sexual harassment. In January a migrant woman from Cambodia who was working in Gyeonggi Province filed a petition with the Labor Office, contending she had been sexually assaulted by her employer several times. According to a survey conducted by the Korea Migrant Women's Human Rights Center, 12.4 percent of female migrant workers in rural areas suffered from sexual violence in 2016.

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

#### **Protection of Refugees**

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

The government considers refugees from North Korea under a separate legal framework and does not include them in refugee or asylum statistics. The government continued its longstanding policy of accepting refugees or defectors from North Korea, who by law are entitled to citizenship. During the year to September, the country accepted 808 refugees from North Korea. Amnesty International reported the government resettled 1,127 North Koreans from February 2017 to February 2018, the lowest number since 2002.

According to the Ministry of Justice, the country continued efforts to expand the number of offices and personnel dedicated to processing refugee applications. The government operated refugee application counters at airports and harbors to allow asylum seekers to file applications for refugee status upon entering the country. These immigration offices review applications and determine if a case is eligible to be forwarded for refugee status review. The Justice Ministry operated an Immigration Reception Center in Incheon to receive refugees, asylum seekers awaiting adjudication, and humanitarian status holders. The center had a maximum capacity of 82 persons.

The law protects asylum seekers' right to an attorney. Asylum seekers may ask for interpretation and legal aid services from the government and for services to adjust to living in the country while their application is pending. They may also receive a work permit six months after submitting an application.

Requests for asylum continued to increase; since 1994 more than 40,000 individuals applied for asylum, but authorities processed only half of the cases; approximately 3 percent of applicants were granted status. Between January and November, 10,638 persons submitted refugee and asylum applications. In that period nearly 400 Yemenis applied for refugee status; 339 were granted one-year humanitarian stay permits, 34 were rejected for the stay permits, and another 85 were awaiting interviews. The Ministry of Justice contended many applicants were unable to provide necessary documentation and thus did not qualify for refugee status.

NGOs pointed to understaffing as a major obstacle to accommodating the rising number of refugee and asylum applications. As of July, there were only 39 refugee officers at the 10 immigration offices across the country.

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

Access to Basic Services: Cultural, linguistic, and social differences posed adjustment difficulties, and many migrants from North Korea and other countries alleged societal discrimination and were not always guaranteed access to basic services. These cases were often underreported; in the year to September, the NHRCK reported receiving five cases involving North Korean defectors, three of which were rejected or dismissed and two of which remained under investigation.

The Ministry of Justice reported that 982 Yemeni asylum seekers arrived on Jeju Island, a self-governing South Korean province, between 1994 and 2017 under a special provision that allowed for visa-free entry for up to 30 days with a subsequent right of travel to the mainland. Between January and May, however, 552 Yemeni asylum seekers arrived in Jeju, overburdening the immigration system and prompting public criticism. This led, effective June 1, to a ban on visa-free entry of Yemenis to Jeju and on onward travel to the mainland. Due to the lack of facilities to cope with the influx of Yemeni asylum seekers, the government permitted Yemeni asylum seekers to work for “humanitarian reasons” prior to the usual six-month waiting period for a work permit. As of September, an estimated 200 Yemeni asylum seekers had reportedly begun working for used-car dealerships on Jeju while others worked in fishing and farming.

Durable Solutions: In July the Ministry of Justice extended for two years a two-year (2015-17) pilot program under which approximately 86 Burmese refugees were permanently resettled in the country. The ministry planned to accept up to 1,290 UNHCR-registered Burmese refugees from Malaysia from 2018 to 2020.

Temporary Protection: Government guidelines offer renewable one-year short-term humanitarian status to those who do not qualify as “refugees” but have reasonable grounds to believe their life or personal freedom may be violated by torture or otherwise egregiously endangered. The Ministry of Justice reported that the government does not provide temporary refugee status.

### **Stateless Persons**

As of 2017, 168 stateless persons were reportedly residing in the country.

Children born to North Korean defectors in China were often undocumented and stateless. While they may eventually obtain citizenship and have access to education, they are not eligible to receive the financial benefits that accompany official defector status. As a result, many defectors leave their stateless children in China, where they are particularly vulnerable to abuse and exploitation.

Undocumented foreign workers often do not register their children with either local authorities or home country embassies for fear of deportation. In 2017 a local NGO observer estimated there could be 2,000 to 3,000 such children in the country.

### **Section 3. Freedom to Participate in the Political Process**

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

In November a special committee launched in June 2017 by the new Moon Jae-in government to probe alleged political meddling, abuse of power, and human rights violations by the NIS announced that it completed its review of 15 cases, including the *Sewol* ferry sinking. At the end of 2017, the committee had recommended the public prosecutor investigate 54 persons, including former NIS director Nam Jae-joon. Charges were subsequently filed against Nam, and on November 16, the Seoul High Court sentenced him to three years and six months in prison for interfering with the prosecutor's investigations of the ferry sinking.

#### **Elections and Political Participation**

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

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

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

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

The law provides criminal penalties for official corruption, and the government, prodded by the media and civil society groups, generally implemented the law effectively; nonetheless, officials sometimes engaged in corrupt practices with

impunity, and there were numerous reports of government corruption during the year.

Corruption: In August the Seoul High Court affirmed the conviction of former president Park Geun-hye and increased her prison sentence to 25 years and the fine to 20 billion won (\$17.8 million). On April 6, a lower court had convicted her on corruption, bribery, extortion, abuse of power, and other criminal charges and sentenced her to 24 years in prison with a fine of 18 billion won (\$16.1 million). That court ruled that Park had colluded with her friend Choi Soon-sil to pressure conglomerates, such as Samsung and Lotte, to donate 77.4 billion won (\$69 million) to two foundations, Mi-R and K-Sports Foundations, run by Choi. The Seoul High Court convicted Park on an additional charge of bribery involving Samsung.

In April prosecutors formally charged and jailed former president Lee Myung-bak on a range of corruption charges. The Prosecutors' Office announced Lee was charged with taking 11 billion won (\$9.81 million) in bribes from the NIS and Samsung.

Shin Dong-bin, chief executive officer and president of Lotte Group, was sentenced in February to two years and six months in prison on bribery charges. He was charged with donating seven billion won (\$6.24 million) to K-Sport Foundation, an alleged front organization established to benefit former president Park Geun-hye and her associate Choi Soon-sil, in exchange for favorable treatment on a pending request to extend Lotte Group's license to operate duty-free stores. The case was pending appeal.

Financial Disclosure: By law public servants above a specified rank, including elected officials, must publicly declare their income and assets, including how they accumulated them. Failure to disclose assets fully is punishable by up to one year in prison and a 10 million won (\$8,920) fine. In March the Government Public Official Ethics Committee reported on the "regular property changes of 1,171 public officials." One official received disciplinary action, and 31 were fined for false reporting.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights

cases. Government officials were somewhat cooperative and responsive to their views.

As the government engaged in talks with the DPRK, defector organizations reported coming under direct and indirect pressure from the government to reduce their criticism of North Korea. This pressure allegedly included, for example, the termination of 20 years' funding support for the Association of North Korean defectors in December 2017, police blocking groups' efforts to send leaflets into North Korea by balloon, and police visits to organizations and requests for information on financial and other administrative matters.

**Government Human Rights Bodies:** The NHRCK, established as an independent government body to protect and promote the human rights enumerated in the constitution, does not have enforcement power, and its recommendations and decisions are nonbinding. It investigates complaints, issues policy recommendations, trains local officials, and conducts public awareness campaigns. President Moon instructed each ministry to adopt more of the NHRCK's recommendations. The NHRCK confirmed that from May 10, 2017, to June 30, 2018, it made 32 recommendations to government ministries to strengthen protections of human rights; nine were adopted directly and 23 were adopted after further review. Within the KNPA, a committee of nine members, six of whom are representatives of human rights organizations, investigates alleged police violations of human rights.

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

The government was slow to establish the North Korean Human Rights Foundation, mandated by legislation in 2016; defector organizations cited in the media attributed the delay to government reluctance to criticize the DPRK. Observers also noted that the position of ambassador-at-large on North Korean human rights had been vacant for more than a year.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape; although no specific statute defines spousal rape as illegal, the Supreme Court acknowledged marital rape as illegal. The penalty for rape ranges from a minimum of three years to life imprisonment depending on the specific circumstances. Rape is defined in law as involving the use of violence. The law defines domestic violence as a serious crime and authorizes authorities to order offenders to stay away from victims for up to six months. This restraining order may be extended up to two years. Offenders may be sentenced to a maximum of five years in prison and fined up to seven million won (\$6,240) 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 (\$17,800). Authorities may also place offenders on probation or order them to see court-designated counselors.

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

The law allows judges or a Ministry of Justice committee to sentence repeat sex offenders to "chemical castration," where sex offenders undergo drug treatment designed to diminish sexual urges. The law was enacted to protect children against an increasing number of reported sex crimes. The Ministry of Justice reported that 20 such procedures were conducted between January and July.

Police generally responded promptly and appropriately to reported incidents, and the judicial system effectively enforced the law. The fact, however, that a rape conviction requires proving that violence was used, and because the country's defamation laws allow a countersuit by alleged perpetrators, rape laws often go unenforced.

The high profile case of former presidential hopeful and governor of South Chuncheong, Ahn Hee-jung, who was charged in March with raping his former secretary, drew nationwide attention to the country's contentious definition of rape, which is based on "means of violence" rather than lack of consent. In August the court concluded Ahn did not exercise physical violence or verbal abuse against his former secretary and acquitted him.

Domestic violence remained a significant and underreported problem. According to the Korea Sexual Violence Relief Center, sexual violence reporting had been

steadily rising over the past seven years, and 65 percent of sexual violence cases were by employers or superiors in the workplace. The Ministry of Gender Equality and Family (MOGEF) reported that “couples violence” occurred in 14.2 percent of all families in 2016.

In October a man brutally attacked and killed his girlfriend, her parents, and her 84-year-old grandmother in their residence in the southeastern port city of Busan. The attacker then committed suicide.

In response to the #MeToo movement, in March MOGEF created the Special Center for Reporting Sexual Harassment and Sexual Assault. As of November, 1,271 cases were reported to the Special Center. After a female prosecutor spoke out in February 2017 about being sexually assaulted by a male prosecutor and then launched the country’s “#MeToo” movement, the Korea Women’s Hot Line Center (the largest women’s counseling center in Seoul), reported a 23.5 percent increase in calls that year. During the year, the Hot Line Center provided counseling in 29,037 cases, including 869 cases of sexual violence, and 827 cases of domestic violence. MOGEF funded 38 integrated support centers and 104 smaller counseling centers nationwide for victims of sexual violence called “sunflower centers,” providing counseling, medical care and therapy, case workers, and legal assistance.

In August, MOGEF established the Japanese Military Comfort Women Research Institute to support research and projects related to World War II “comfort women” (women trafficked for sexual purposes). The 2015 comfort women agreement with Japan remained controversial throughout the year, with vocal opposition by civil society and survivor groups and a demonstration in September in front of the Ministry of Foreign Affairs. The Reconciliation and Healing Foundation, which was established to disburse the 1 billion yen (approximately \$9.1 million) Japan contributed under the 2015 agreement, became inactive during the year and public calls for its dissolution continued to mount. On November 21, MOGEF announced it would begin dissolving the Reconciliation and Healing Foundation. President Moon has stated he will not renegotiate nor return the approximately \$4.6 million in remaining foundation funds.

Sexual Harassment: The law obligates companies and organizations to take preventive measures against sexual harassment, but it is not a criminal offense. Violations of the law are punished administratively. The government generally enforced the law effectively. The KNPA classifies sexual harassment as “indecent acts by compulsion.”

Sexual harassment was a significant social problem, and there were numerous cases of sexual harassment reported in media throughout the year. The NHRCK created a gender discrimination prevention team in July.

In February a number of women accused renowned playwright Lee Youn-taek of sexual harassment and assault, including rape. In response Lee resigned from his positions and apologized publicly for his deeds. The statute of limitations for filing lawsuits against Lee, however, had elapsed.

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

Discrimination: Women enjoy the same legal rights under the constitution as men. The law provides for equal pay for equal work, but data from the Organization for Economic Cooperation and Development (OECD) showed the gender pay gap was 34.6 percent in 2017.

## **Children**

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

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

In 2017 the Ministry of Health and Welfare reported that confirmed cases of child abuse continued to increase; 34,185 cases of child abuse were reported, compared to 29,669 in 2016. The ministry attributed the rise in reports in part to increased public awareness campaigns and expanded child welfare reporting requirements.

In March the Ministry of Health and Welfare, the Ministry of Education, and the KNPA launched a supplementary program on child abuse prevention to increase public awareness. The health ministry oversees child protection agencies and shelters to treat and protect victims of child abuse, and it implements programs for families designed to prevent recurrence. The government also maintained a 24-hour online counseling center for victims of child abuse.

Media reported in August that a female teacher was convicted of child abuse and killing the child, and sentenced to 10 years in prison. Two other teachers at the school were charged with aiding and abetting. The prosecutors confirmed that the teacher abused eight children a total of 25 times, smothering them with blankets, which led to the death by suffocation of one of the eight.

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

Sexual Exploitation of Children: The age of consent is 13. It is illegal to deceive or pressure anyone younger than 19 into having sexual intercourse. The penalty for rape of a minor younger than age 13 ranges from 10 years to life in prison; the penalty for rape of a minor age 13 to under 19 is five years to life. Other penalties include electronic monitoring of offenders, public release of their personal information, and reversible hormone treatment. The law prohibits the commercialization of child pornography. Offenders who produce or possess child pornography materials for the purpose of selling, leasing, or distributing for profit are subject to a maximum of seven years' imprisonment. In addition, anyone who possesses child pornography may be fined up to 20 million won (\$17,800).

Children, especially runaway girls, however, were vulnerable to sex trafficking and commercial sexual exploitation through online recruitment.

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

## **Anti-Semitism**

The Jewish community numbers approximately 1,000 individuals, almost all 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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities and sets penalties for deliberate discrimination of up to three years in prison and a fine of 30 million won (\$26,800). The law covering rights and support for persons with developmental disabilities created a special task force of prosecutors and police trained to work with persons with disabilities and their families in police investigations.

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

Many local government ordinances and regulations directly discriminate against persons with disabilities, especially those with intellectual and mental disabilities, according to media reports and NGOs. The Research Institute filed a discrimination case in May against a local bank that refused to open a bank account for a person with disability. The NGO also filed a civil complaint in September against the International Olympic Committee for failing to provide a sign language interpreter to assist a hearing-impaired individual in the opening and closing ceremonies of the Paralympic Games in March.

The NHRCK reported 1,200 incidents of discrimination against persons with disabilities between January 1, 2017, and June 30, 2018.

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

The Research Institute reported that in July a teacher allegedly raped a number of girls with intellectual disabilities at a special education school in Gangwon Province. In March the Research Institute reported that a man with an intellectual disability working at a baseball stadium in Seoul as a sanitation worker had not been compensated for 17 years.

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

The Act on the Prohibition of Discrimination of Disabled Persons uses a grading system of one to six based on “medical disability” to determine eligibility for social welfare benefits. The Research Institute reported that various NGOs found the system unfair and inhumane, and sought its abolition.

The government continued to provide a pension system for registered adults and children with disabilities, an allowance for children with disabilities younger than age 18 in households with an income below or near the National Basic Livelihood Security Standard, and a disability allowance for low-income persons age 18 and older with mild disabilities.

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

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

As of July, more than 2.3 million foreigners (including an estimated 330,000 undocumented migrants) lived in the country, which otherwise had a racially homogeneous population of approximately 51.4 million. The country lacks a comprehensive antidiscrimination law.

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

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

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

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

No laws specify punishment for persons found to discriminate against lesbian, gay, bisexual, transgender, or intersex persons or provide remedies to victims of discrimination or violence based on sexual orientation. The law that established the NHRCK prohibits discrimination based on sexual orientation and authorizes the NHRCK to review cases of such discrimination, but the law does not specify discrimination based on gender identity. The Military Criminal Act's "disgraceful conduct" clause criminalizes consensual sodomy between men in the military with up to two years' imprisonment; in 2016 the Constitutional Court ruled the clause was constitutional.

According to the Military Human Rights Center, no new cases were brought under the Military Criminal Act's "disgraceful conduct" clause in the year to November. Of the 44 soldiers investigated by the army chief of staff in 2017 in a campaign to identify and oust gay and bisexual male soldiers, 22 were prosecuted, 17 cases were closed, and five were pending court martial.

### **HIV and AIDS Social Stigma**

The law protects the right to confidentiality of persons with HIV/AIDS and prohibits discrimination against them. Local NGOs contended, however, that persons with HIV/AIDS continued to suffer from societal discrimination and social stigma. The government also requires Yemeni asylum seekers to undergo HIV exams. In July 2017 a requirement that foreign English teachers undergo HIV testing to obtain an E-2 work visa was abolished.

## **Section 7. Worker Rights**

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

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

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

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

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

The law permits workers to file complaints of unfair labor practices against employers who interfere with union organizing or who discriminate against union members. The NLRC may require employers to reinstate workers fired for union activities. The law prohibits retribution against workers who conduct a legal strike. Labor organizations asserted that the inability of full-time labor union officials to receive wages and the onerous registration requirements for individuals involved in collective bargaining effectively limited legal protections against unfair labor practices.

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

Many labor organizations generally operated without government interference; however, stakeholders noted the government used overly broad legal provisions, including "obstruction of business" provisions, to justify criminal prosecutions and other extreme measures against union leaders to suppress strikes.

In May a former president of the Korean Confederation of Trade Unions (KCTU), Han Sang-gyun, was released on parole after having served over two years on charges related to his role in organizing a November 2015 "People's Rally." Han was first sentenced to five years in prison and a 555,000 won (\$495) fine. The sentence was reduced on appeal to three years in prison and a fine of 500,000 won (\$446), which the Supreme Court confirmed. In June, Lee Young-joo, a former KCTU general secretary, was also released on a suspended sentence after having served six months in detention.

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

Undocumented foreign workers faced difficulties participating in union activities due to fear of exposing themselves to arrest and deportation; Euijeongbu Foreign Workers Support Center confirmed that, as of August, the Migrants' Trade Union had approximately 1,400 members, but only 400 members were actively involved in its activities.

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

The law prohibits and criminalizes all forms of forced or compulsory labor. The government generally enforced the law effectively; however, it did not prosecute

any cases of forced labor in 2017, the latest year for which data were available. The law prescribes penalties of up to 15 years' imprisonment for forced labor.

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

The Ministry of Employment and Labor (MOEL) reported passport confiscation was "rare" due to increased employer awareness that it is a violation of the Immigration Control Law. Civil society groups and foreign worker centers reported that, although illegal passport confiscation was increasingly uncommon, many foreign workers continued to unknowingly sign paperwork legally authorizing employers to hold passports and other forms of identification on their behalf; thus, many of the problems associated with passport confiscation remained unaddressed.

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

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

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

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

### **d. Discrimination with Respect to Employment and Occupation**

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

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

The law prohibits discrimination against informal or irregular workers (those who do not have full-time, permanent employment and who do not receive benefits at the same level as permanent workers) and requires the conversion of those employed longer than two years to permanent status.

There was no comprehensive mechanism to enforce these provisions. As of January the Ministry of Health and Welfare reported it was investigating 227 facilities for workplace discrimination against persons with disabilities. As of July, three cases of workplace harassment, hazing, or bullying against persons with disabilities were reported to the ministry.

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

Discrimination against women in the work place continued. On average, women earned only 63 percent of what men earned, and a higher percentage of women filled lower-paying, low-skilled, contract jobs. In a 2017 survey of more than 1,000 women conducted by Womenslink, a women's rights group, 93 percent responded that the country was not a gender-equal country. According to the OECD, the female labor force participation rate was 59 percent. Women often faced difficulties returning to the workforce after childbirth. According to the Ministry of Gender Equality and Family, as of July nearly seven of 10 of the country's top 500 companies had no women at the executive levels.

A poll conducted by the Korea Research Institute for Vocational Education on harassment in the workplace indicated that from 3.6 to 27.5 percent of women were affected, depending on the industry. According to the same institute, the cost of lost working hours due to harassment in the workplace reached 4.7 trillion won

(\$4.19 billion). In June, 38 officials from three South Korean banks were indicted on charges of “exerting inappropriate influence” on entry-level employees. The charges stemmed from an April investigation conducted by the Financial Supervisory Service that revealed that Shinhan Bank, KB Kookmin Bank, and KEB Hana Bank had intentionally favored male job applicants over females by manipulating recruitment data.

Many migrant workers faced discrimination and difficult working conditions. As of June, the MOEL reported 520,150 migrant workers in the Employment Permit System (EPS). The maximum length of stay permitted under the EPS is four years and 10 months, just under the five years needed to apply for permanent residency. NGOs and civil society groups asserted this explicitly excludes foreign workers from permanent residence or citizenship eligibility. Amnesty International’s 2015-16 report stated the terms of the EPS make it extremely difficult for migrant workers to seek alternative employment, even if they experience exploitation or abuse by their employer (see sections 7.b. and 7.e.). NGOs stated during the year that it remained difficult for such workers to change employers. NGOs reported that in 2016, 12.4 percent of female migrant workers in rural areas suffered sexual violence, but only 10 percent of those incidents were reported to the police. In November 2017, a female migrant worker was killed while resisting an attempted sexual assault by her employer in Gyeonggi Province.

Subcontracted workers (known as “dispatched workers”) and temporary workers comprised approximately one-third of wage workers in the labor force and faced discriminatory working conditions. NGOs and local media reported irregular workers were at greater risk for discrimination because of their employment status. The government noted that as of August it had converted 68,000 public sector workers to regular contracts.

#### **e. Acceptable Conditions of Work**

During the year, the minimum wage increased from 7,350 won (\$6.56) to 8,350 won (\$7.45). In February an amendment to the Labor Standards Law reduced working hours from 68 to 52 hours per week.

The law allowed a flexible system under which employees may work more than eight hours during certain days or more than 40 hours per week during certain weeks, so long as average weekly work hours for any given two-week period do not exceed 40. For employers who adopt a flexible system, hours exceeding 40 constitute overtime. Foreign companies operating in export processing zones are

exempt from labor regulations that mandate one day of rest a week. The law limits overtime of ordinary workers to 12 hours a week to protect workers' health.

The government sets occupational health and safety standards and is responsible for monitoring industry adherence. Under the law, workers have the right to remove themselves from situations of danger without jeopardizing their employment. These standards apply to all sectors, including agriculture, fisheries, and mining.

The government enforced laws on wages and acceptable conditions of work for all sectors. It also conducted educational programs to prevent accidents in the workplace. The MOEL reported that it conducted more than 3,000 workplace inspections each year, particularly in the agriculture, livestock, fisheries, and construction sectors, which generally had poor working conditions. The International Labor Organization observed, however, that the number of labor inspectors was insufficient and that unannounced inspections were rare. Worker organizations also expressed concerns about the insufficient number of labor inspections to identify potential violations of labor laws. Penalties for violations of occupational safety and health standards and overtime regulations included imprisonment and fines.

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

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

To prevent violations and improve working conditions for migrant and foreign workers, the government provided pre-employment training to newly arrived foreign workers, workplace adaptation training to those who changed workplaces, and training to employers who hired foreign workers. The government funded 42 Foreign Workers Support Centers nationwide, a call center that provided foreign workers with counseling services in 15 languages, Korean language and cultural programs, shelter, and free health care services. Four ministries (Interior and Safety, Justice, Gender Equality and Family, and Employment and Labor) and several municipalities jointly built 10 Multicultural Family and Migrant Plus Centers to provide foreign workers, international marriage immigrants, and other multicultural families with a one-stop service center providing immigration, welfare, and education services.

The law requires severance payments to migrant workers who have worked in the country for at least one year. Many workers, however, reported difficulty in receiving severance pay prior to their departure and stated they did not receive payments even after returning to their country of origin due to banking regulations and delinquent employers. NGOs reported many departing migrants never received these payments.

NGOs reported that while the minimum wage increased, employers tried to curb rising minimum wages for migrant workers by reducing work hours, employing unregistered migrant workers, and charging migrant workers for their accommodations and board.

Some NGOs reported migrant workers were particularly vulnerable to exploitation because the law excludes regulations on working hours, holidays, and benefits for the agricultural, livestock, and fisheries industries, which had large numbers of migrant workers. Other NGOs reported foreign laborers sometimes faced physical abuse and exploitation by employers in the form of longer working hours and lower wages than their local counterparts. NGOs reported little change in conditions for migrant workers and expressed concern about the lack of improvement.

NGOs reported that although employers are prohibited from providing makeshift accommodations, such as vinyl greenhouses for migrant workers, some circumvented this prohibition and provided migrant workers with substandard accommodations made of plastic panels.

According to the Korea Occupational Safety and Health Agency and the MOEL, there were 89,848 industrial work-related accidents and 1,957 fatalities as of 2017, an increase of 10.1 percent over 2016. For example, four workers at Pohang Iron and Steel Co. died after being exposed to nitrogen gas in January 2017. In response Posco, owner of the mill, doubled its safety budget and invested 1.1 trillion won (\$981 million) to improve the company's safety measures over the course of three years. The Pohang District Office of the Ministry of Employment and Labor found that Posco did not measure the density of oxygen, verify the number of workers at the factory, or furnish emergency rescue equipment. The ministry's district office asked prosecutors to indict those involved, including the manager of Pohang Iron & Steel Co. In June the MOEL's regional office in Pohang sent the case to the Prosecutor's Office. Pohang Iron & Steel Co. was fined 10 million won (\$8,920).