

REPUBLIC OF KOREA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Korea is a constitutional democracy governed by a president and a unicameral legislature. Observers considered the presidential election in 2017 and the 2020 legislative elections free and fair.

The Korean National Police Agency, under the supervision of the Ministry of the Interior and Safety, is responsible for internal security over land, and the Korea Coast Guard has jurisdiction over the sea. The National Intelligence Service investigates suspected criminal activity related to national security. Civilian authorities maintained effective control over security forces, and the government utilized effective mechanisms to investigate and punish abuse of power.

Significant human rights issues included credible reports of restrictions on freedom of expression, including the existence of criminal libel laws; government corruption; lack of investigation of and accountability for violence against women; and laws criminalizing consensual same-sex sexual conduct between adults in the military.

The government took steps to identify, investigate, prosecute, and punish officials for corruption and human rights abuses.

Section 1. Respect for the Integrity of the Person

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

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

unlawful killings.

b. Disappearance

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

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

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

The Ministry of National Defense reported no instances of bullying in the military, although local NGOs believed bullying, hazing, and violence played a role in some suicides in the military. NGOs expressed concern over suicides in the military, particularly among lower-ranked officers and noncommissioned officers. In 2020 the military reported 42 suicides by military personnel, an all-time low. In the first half of the year, there were 41 suicides. The Ministry of National Defense stated it added approximately 50 training instructors dedicated to suicide prevention in 2020. The Center for Military Human Rights also reported a slight increase in reported instances of physical violence in the military in 2020.

NGOs and media reported hazing and mistreatment of subordinates by more senior military personnel, as well as credible allegations of sexual harassment and assault. A service member in the 18th Fighter Wing reported repeated hazing, physical and verbal abuse, and torture over a four-month period from April to July. This included lighting the victim's clothing on fire and locking him in a storage unit. In May a noncommissioned officer in the air force committed suicide after a peer allegedly sexually harassed her. The air force initially reported her death to the defense ministry without reporting the harassment allegations. The perpetrator pled guilty to harassment on August 13. In August a navy sergeant who reported sexual harassment by a superior was found dead in her quarters. She told a superior about the alleged incident in May, but the navy only opened an investigation in August after the victim informed a separate commanding officer.

In neither case did superiors take immediate actions to protect the safety of the officers, such as separating them from the alleged perpetrators. The air force incident led to the resignation of the air force chief of staff, and the president ordered an investigation of both cases.

As in previous years, the Center for Military Human Rights' hotline counselors responded to complaints of physical abuse, verbal abuse, and sex crimes. The Ministry of National Defense trains human rights instructors with support from the National Human Rights Commission of Korea (NHRCK). From January to August, it trained 382 instructors. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison and detention center conditions were generally adequate, and detainees had access to relief measures. There were allegations of excessive use of force against an inmate at Hwaseong Immigration Detention Center.

Physical Conditions: Physical conditions in detention centers were generally adequate and there were few concerns regarding inmate abuse. In September the Duroo Association for Public Interest Law alleged that its client, a Moroccan man detained at Hwaseong Immigration Detention Center, had been subject to inhuman treatment. Media reports included a photo of the man on the floor of his cell with his hands and legs bound behind his back and protective gear taped on his head. A coalition of civic groups held a press conference in front of the NHRCK calling for the detainee's release. The man had reportedly protested conditions at the facility and requested medical treatment. After physical conflicts with correctional officers, he was placed in solitary confinement. The Ministry of Justice investigated the incident and, in October, acknowledged a human rights violation had occurred. The ministry said it would revise its procedures and follow NHRCK recommendations to prevent a recurrence.

Administration: Authorities investigated all reports of mistreatment and reported that inmates have several relief procedures available to them for any perceived violations of their rights. There were 54 reports of alleged abuse filed with the Ministry of Justice from August 2020 to July 2021. Authorities completed full

investigations of 51 cases and did not find any correctional officers at fault; three cases were pending at the end of July.

Following COVID-19 cases at several prisons and detention centers, including an outbreak that infected more than 1,000 inmates and staff at Seoul Dongbu Detention Center in late 2020, the ministry restricted inmates' access to visitors at all facilities nationwide as a health and safety measure. Media reported that although officials restored limited visits for inmates in prisons in May, those in detention centers did not receive similar access until June – and only after filing a complaint with the NHRCK.

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

d. Arbitrary Arrest or Detention

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

The National Security Law (NSL) grants authorities the power to detain, arrest, and imprison persons believed to have committed acts intended to endanger the “security of the state.” Domestic and international NGOs continued to call for repeal of the law, contending its provisions do not clearly define prohibited activity and that it is used to intimidate and imprison individuals exercising their right to freedom of expression. By law the National Intelligence Service investigates activities that may threaten national security; according to a law passed in late December 2020, responsibility for investigating certain “anticommunist” NSL violations is scheduled to be transferred to police by 2024. Civil society groups argued that the agency’s powers and lack of oversight enabled it to define its mandate over broadly.

Arrest Procedures and Treatment of Detainees

The law requires warrants in cases of arrest, detention, seizure, or search unless authorities apprehend a person when committing a criminal act, a judge is not

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

There is a bail system. By law bail is authorized except for repeat offenders; those deemed a flight risk, danger to the public, or likely to attempt to destroy evidence; those charged with committing serious offenses; and those who have no fixed address. Even if one of the above justifications applies, a court may still grant bail if there is a “substantial reason” to do so.

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. Under certain circumstances during the pretrial stage, an indigent detainee may request that the court provide a lawyer.

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

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. By law defendants in criminal trials are presumed innocent, enjoy protection against self-incrimination, and have the right to be informed promptly and in detail of charges, with free interpretation as necessary; communicate with an attorney (at public expense if necessary); have a fair and speedy trial; attend the trial; and appeal. Defendants receive adequate time

and resources to prepare a defense. They are protected against retroactive laws and double jeopardy, although prosecutors appealed not-guilty verdicts. By law initial trials must begin within six months of arrest.

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

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

Political Prisoners and Detainees

The Ministry of Justice stated there were no persons incarcerated or detained 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.

All male citizens must complete 18-21 months of mandatory military service; the penalty for refusing conscription is 18 months' imprisonment. In 2020 the Military Manpower Administration began implementing an alternative service option for conscientious objectors, who in the past would have been prosecuted.

Conscientious objectors approved for alternate service work for 36 months at correctional facilities. Jehovah's Witnesses and international human rights observers said they believed the longer alternative service period was punitive and noted that alternative service personnel had curfews and restricted access to electronic devices. Prosecutors appealed three alternative service decisions during the year, and Jehovah's Witnesses said those three individuals were serving 18-month prison sentences for objecting to military service.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and there were no problems enforcing domestic court orders related to human rights. Citizens had

court access to file lawsuits seeking damages for, or cessation of, a human rights violation. Individuals and organizations may appeal adverse decisions to domestic human rights bodies, and then to the UN Human Rights Committee.

Administrative remedies are also 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 violations of the NSL to report their whereabouts, travel plans, family relations, occupation, and financial status to a local police office within seven days of leaving prison and every third month thereafter.

While it does not outright prohibit access to media content from the Democratic People's Republic of Korea (DPRK), the NSL forbids citizens from listening to DPRK radio programs, viewing DPRK satellite telecasts, or reading books published in the DPRK if the government determines such an action endangers national security or the basic order of democracy. Enforcement of these prohibitions was rare. In May the Ministry of Unification launched an online portal through which citizens can search the titles of certain articles from official DPRK newspapers, but it did not provide access to the content of the articles.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. Nonetheless, the government's interpretation and implementation of the NSL and

other laws and provisions of the constitution limited freedom of speech and expression, and restricted access to the internet.

On March 30, revisions to the Development of Inter-Korean Relations Act took effect, criminalizing the dissemination or movement of leaflets and other materials across the inter-Korean border to the DPRK, including items such as cash and digital storage drives with South Korean news, documentaries, and television dramas, without obtaining prior approval. Violators face up to three years in prison or a substantial fine. The Ministry of Unification stated the purpose of the amendment was to protect the lives and ensure the safety of residents near the inter-Korean border. Human rights advocates and opposition political leaders criticized the amendment as an infringement of the freedom of expression. The government opened one investigation under the revised law since it took effect. After the civic group Fighters for a Free North Korea claimed it sent 500,000 leaflets and other materials across the DPRK border in April, police raided the home of its chairman, Park Sang-hak. As of September, the Ministry of Justice reported the case remained under investigation.

Freedom of Expression: The law provides for freedom of speech, although under defamation law and the NSL, the government may limit the expression of ideas (see section 2, Libel and Slander Laws). Under election law, the government may limit the expression of ideas that the National Election Commission deems to be false.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of views, within the constraints cited in this section. As of December, the ruling Democratic Party sought to pass controversial amendments to the Press Arbitration Act that would allow victims of reporting found to be false or fabricated to seek punitive damages from media organizations and online intermediaries. Media organizations among others opposed the bill, saying it would further restrict the press' ability to operate freely.

Libel/Slander Laws: The government and public figures used libel and slander laws, which broadly define and criminalize defamation, to restrict public discussion and harass, intimidate, or censor private and media expression. The law

allows punishment of up to three years in prison for statements found to be “slander” or “libel,” even if factual, and up to seven years for statements found to be false. The law punishes defamation of deceased persons as well; the maximum punishment if convicted is two years’ imprisonment. There is an exception for statements made for the “public benefit,” subject to the court’s interpretation. NGOs and human rights attorneys continued to note cases of politicians, government officials, and celebrities using the libel laws to deter victims of workplace sexual harassment from coming forward or to retaliate against such victims.

In April following two years of investigation, police recommended prosecutors indict Kim Jeong-sik for defamation against President Moon. In 2019 Kim distributed leaflets outside the National Assembly alleging that President Moon and other ruling party figures had family ties to members of the Japanese colonial-era government. In May, however, President Moon dropped the complaint.

In May prosecutors charged former health minister and political commentator Rhyu Si-min with making false comments about the former head of the prosecutorial service’s anticorruption department during a radio interview.

In July the family of former Seoul mayor Park Won-soon (who died by apparent suicide in 2020) sued the NHRCK, after the commission verified a victim’s allegations of sexual harassment by Park. The family also filed criminal defamation lawsuits against a former professor and a journalist who had commented on the sexual harassment allegations against Park.

National Security: The NSL criminalizes actions interpreted to be in support of the DPRK or otherwise against the state. The government used this law to arrest and imprison civilians and to deport foreigners. The Supreme Court has ruled the NSL constitutional on multiple occasions. As of September, the Catholic Human Rights Center was aware of two cases pending with the Constitutional Court that challenge the constitutionality of the NSL. Critics decried the law’s limitations on free expression and continued to call for repeal of the law.

According to the Ministry of Justice, prosecutions under the NSL have decreased significantly since 2015, when there were 42 cases. During the first half of the

year, authorities reported four arrests and one indictment under the NSL. According to media reports, in August four activists were arrested for allegedly carrying out influence operations in the Republic of Korea at the behest of the DPRK's Cultural Exchange Bureau.

In response to complaints from civic groups regarding the sale and distribution of *With the Century*, the memoirs of former DPRK leader Kim Il Sung, police referred the book's publisher for prosecution for alleged NSL violations in September. The Seoul High Court dismissed the case in October, as it had done previously in May.

Internet Freedom

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

The Korea Communications Standards Commission, a government body, blocked 31,085 websites it deemed harmful from January to August; in 2020 it blocked 211,949 sites. Most blocked sites reportedly involved gambling, illegal food or drugs, or pornography. The commission also blocked DPRK propaganda on YouTube and Twitter. Although viewing websites praising the DPRK regime is lawful, disseminating information about those websites, including posting links to those sites, is illegal under the NSL. Freedom House noted a decrease in systematic content manipulation and a decline in prosecutions and convictions related to pro-DPRK content in its 2021 *Freedom on the Net* report.

The Communications Standards Commission 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.

In January the Constitutional Court struck down an election campaign law that had required individuals to use their real names when posting online about upcoming elections. One NGO noted the existence of a real name law in video gaming, previously used to shut down gaming for individuals younger than age 16 between midnight and 6:00 a.m. The government eased the shutdown law in September,

but certain gaming platforms still required a real name and national ID number.

Academic Freedom and Cultural Events

The constitution protects academic freedom and artistic expression. Teachers are subject to the same law on political activities that applies to civil servants. The NSL criminalizes statements supportive of the DPRK regime. In some cases the government censors and prosecutes those responsible for portrayals of certain sensitive historic issues, such as the sexual enslavement of Korean women by the Japanese military during World War II. For example in November 2020 prosecutors charged Yonsei University professor Lew Seok-Choon with three counts of defamation for remarks he made about this issue during a lecture in 2019; the case continued as of October. The Ministry of Gender Equality and Family monitors song lyrics and may ban content it considers obscene. The Communication Standards Commission governs and maintains ethical standards in broadcasting and internet communications.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful Assembly

The law provides for the freedom of peaceful 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 decisions to ban protests were subject to both administrative and judicial appeal. During the first half of the year, the police received 95,889 assembly requests, of which it refused 3,413. All but nine of the refusals were because of restrictions on public gatherings instituted as part of the government's COVID-19 response. The denials were due to the planned protests' potential to cause disruption in residential areas or to come within 109 yards of certain public buildings.

Freedom of Association

The law provides for the freedom of association, and the government generally respected this right. In August the Seoul Metropolitan government denied an

application from the Seoul Queer Culture Festival Organizing Committee to register as a nonprofit organization. The committee, which organizes the country's largest annual lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) festival, had initially applied for this registration in 2019. The city government cited "social conflict" concerns as grounds for the denial. The committee said it would pursue legal action in response (for LGBTQI+ rights, see section 6, Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity).

c. Freedom of Religion

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

d. Freedom of Movement

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

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

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated to a limited extent with the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. The

acceptance rate for refugees, however, was just 1.1 percent in 2020, and less than 1 percent from January to July, raising concerns from NGOs and advocacy groups. While the government reported that it screens applications in 12 months and appeals could take nine months, experts said the entire process from initial application to exhaustion of appeals could take three to five years.

The government continued its longstanding policy of accepting refugees from the DPRK, who by law are entitled to citizenship. The Ministry of Unification reported admitting 229 DPRK citizens in 2020, and 31 in the three-month period from January through March.

The government operated asylum application counters at airports and harbors to allow asylum seekers to file applications at immigration checkpoints. These immigration offices screen applications and determine if a case is eligible to proceed for refugee status review. The Ministry of Justice reported a 78 percent decrease in the number of asylum applications (1,175) from January to June compared with the same period in 2020, attributable in part to decreased international travel during the COVID-19 pandemic.

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

A 2020 NHRCK report revealed that certain asylum interview records had been falsified, mistranslated, or recorded inaccurately by immigration officials between September 2015 and June 2018. The report said the practice made certain applicants look like economic migrants rather than asylum seekers and may have negatively affected as many as 2,000 applicants from Arab countries. The Ministry of Justice allowed these individuals to reapply.

In August the Gwangju high court overturned a lower court ruling and granted refugee status to a Sierra Leonean woman who came to Korea in 2019 to avoid female circumcision. The immigration office had rejected her application for

asylum and the lower court had rejected her appeal.

In August the government stated its intention to grant long-term residency to 390 Afghan evacuees who provided special services while working for the Republic of Korea's embassy in Kabul, the Korean International Cooperation Agency, and Republic of Korea companies prior to the Taliban taking control of Afghanistan. Evacuees were designated as "persons of special merit" rather than as "refugees".

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." In 2020 authorities refused to screen a man in the Incheon Airport transit area for asylum because he had a ticket to a destination in a third country. The Incheon District Court ruled that the refusal to screen the individual was illegal, and the Ministry of Justice appealed the ruling.

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.

During the first half of the year, 20 persons denied entry to the country used the transit area waiting room at Incheon International Airport; four of these stayed in the room for more than four days. The waiting room is funded and staffed by airlines, and NGOs and advocates criticized conditions as substandard, lacking privacy, bedding, and medical care, especially for those confined to the area for several months. In July the National Assembly passed amendments to the immigration act that aim to improve conditions for migrants in the waiting area, including by having the state bear some of their costs. The changes take effect in August 2022. In April Incheon District Court ruled that an asylum seeker who had been living in the waiting room for 14 months could enter the country for medical treatment.

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

always provided access to basic services. These cases were often underreported.

Temporary Protection: The law offers renewable one-year short-term humanitarian status to those who do not qualify as “refugees” (who have well founded fears of persecution on protected grounds) but nonetheless have reasonable grounds to believe their life or personal freedom may be violated by torture or otherwise egregiously endangered. Temporary humanitarian-stay permit holders do not have the same access to basic services as refugees and therefore rely heavily on NGOs for housing and support. Due to the government’s restrictions on the type of jobs humanitarian stay permit holders may hold, many of them faced difficulty in securing jobs.

In March the Ministry of Justice extended temporary humanitarian-stay status to approximately 25,000 Burmese nationals. In August the ministry announced it would extend similar status to 434 Afghans living in the country. Under certain conditions, Afghans who were out of status at that time also received protection from deportation.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The presidential election in 2017 and legislative elections in 2020 were considered free and fair. The 2017 presidential election was held early because of the impeachment of former president Park Geun-hye.

Political Parties and Political Participation: In January the Constitutional Court struck down a provision in election law that required citizens to use real names for online posts about forthcoming elections. Civil society groups had opposed the provision, asserting that such laws prohibited the electorate from freely expressing views, imparting information, and supporting campaigns.

By law the government rigorously and extensively regulates political expression by public officials and teachers, even in their private lives and regardless of their job

duties. Public officials are also prohibited from joining political parties.

The law requires political parties to maintain a headquarters in Seoul and have at least five branch offices in other cities or provinces. A party's registration is automatically cancelled if it fails to win a National Assembly seat or 2 percent of the vote.

Participation of Women and Members of Minority Groups: No laws prevent the participation of women or members of minority groups in the political process, and they did participate. A quota system requires political parties to put forth a gender-balanced candidate list for proportional representation seats in the National Assembly and for local council elections. Women were elected to 19 percent of seats in the National Assembly in April 2020, the most ever. Civil society and government research institutes said informal political power networks were still male dominated.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. The government, prodded by media and civil society groups, generally implemented the law effectively. Nonetheless, officials sometimes engaged in corrupt practices with impunity, and there were numerous reports of government corruption at all levels.

Corruption: In January the Corruption Investigation Office for High-Ranking Officials began operations. The office investigates alleged crimes committed by current and former high-ranking government officials and their family members, such as bribery, embezzlement, and abuse of authority. In September it requested that the Seoul Central District Prosecutor's Office indict Superintendent of Education Cho Hee-yeon over alleged abuse of authority.

In January the Seoul High Court sentenced Samsung vice chairman Jay Y. Lee to 30 months in prison for bribery and embezzlement. Citing economic reasons and the national interest, the Justice Ministry decided to release Lee on parole in August. Lee was implicated in the corruption scandal that led to the impeachment of former president Park Geun-hye, having sent funds to two nonprofit

organizations run by a friend of Park's in exchange for political influence. A separate investigation into alleged fraud and stock manipulation continued.

In March civil society groups People's Solidarity for Participatory Democracy and Minbyun raised suspicions about speculative land purchases by government employees at the Korea Land and Housing Corporation, launching a police investigation. Dozens of current and former corporation employees allegedly used insider knowledge to purchase land slated for future government real estate development projects under President Moon's "2.4 Supply Plan," designed to curb a sharp rise in real estate prices. Two corporation officials committed suicide after the scandal came to light, prompting an apology from President Moon and the resignation of the minister of land, infrastructure, and transport, Byeon Chang-Heum. A special task force investigated high-ranking officials in the executive branch and more than 14,000 Korea Land and Housing Corporation and ministry employees. As of August, authorities arrested 34 persons and referred 529 persons for prosecution in connection with this case.

The Korea Land and Housing Corporation scandal provided momentum for the National Assembly's May approval of a conflict-of-interest law, which will require nearly two million government officials and employees at state-run institutions to report personal interests related to their work when it takes effect in May 2022.

In August the Seoul High Court upheld a district court ruling and sentenced Chung Kyung-sim, wife of former justice minister Cho Kuk, to four years in prison and a nominal fine for her role in committing academic fraud to secure her daughter's admission to college and graduate school programs. Following the announcement of Chung's sentence, Pusan National University voided the daughter's 2015 admission to its medical school. Cho Kuk has also been indicted on criminal fraud and bribery, and as of August prosecutors were trying the case at the Seoul Central District Court.

In September prosecutors launched an investigation into bribery allegations and massive profits associated with a 2015 housing development project in Daejang-dong, Seongnam, Gyeonggi Province. Evidence obtained by prosecutors alleges that an asset management firm with a 1 percent stake in the project, Hwacheon Daeyu, colluded with city officials and bribed politicians to secure an

advantageous position in the profit distribution mechanism for it and its affiliates. Hwacheon Daeyu and its affiliates reportedly made a profit of more than 1,000 times their initial investment. The prosecution indicted the acting president of the public Seongnam Development Corporation, Yoo Dong-gyu, on bribery charges and continued to investigate other key figures. Main opposition People Power Party congressman Kwak Sang-do resigned in October after media reported his son received a five-billion-won severance package from Hwacheon Daeyu – alleged to be a bribe for Kwak’s assistance.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

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

Some human rights organizations said the government restricted activities of certain NGOs focused on the DPRK. As of the end of August, the ministry reported no operation permit revocations for the year but noted judicial authorities were investigating one potential violation in April of the revised Development of Inter-Korean Relations Act. In 2020 the Ministry of Unification revoked the permits of two defector-led Republic of Korea-based NGOs that send leaflets across the border to the DPRK, citing national security concerns and several other grounds. Critics continued to view the revised law and related investigations as suppressing activists’ and defectors’ freedom of expression and disrupting civil society efforts to highlight human rights abuses in the DPRK and improve the lives of North Koreans.

Government Human Rights Bodies: The National Human Rights Commission of Korea, 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. The Korean National Police Agency's Human Rights Protection Division created a new team in July to investigate reported allegations of human rights abuses. If a report involves alleged police violations of human rights, a committee of nine members including six representatives of human rights organizations handles the investigation.

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.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape of women; rape not involving vaginal sexual intercourse is considered "imitative rape." The penalty for rape ranges from a minimum of three years' to life imprisonment, while "imitative rape" carries a minimum penalty of two years' imprisonment. Rape and "imitative rape" are defined in law as involving the use of violence. The legal definition of rape is based on whether the perpetrator used violence or intimidation and does not consider the victim's consent. The Supreme Court acknowledged marital rape as illegal. The law defines domestic violence as a serious crime and offenders may be sentenced to a maximum of five years in prison plus fines for domestic violence offenses. Due to the narrow legal definitions, the existence of laws criminalizing defamation, and prevalent discrimination toward women, rape and domestic violence continued to go underreported and underprosecuted. Civic groups criticized the perceived lenience of the judicial system toward offenders, with many receiving light or suspended sentences. Within this context, however, police generally responded promptly to reported incidents, and the judicial system effectively enforced the law.

Digital sex crimes were a significant concern; they constituted 23 percent of reported sexual violence in 2020. Digital sex crimes may involve perpetrators capturing hidden camera footage without the victim's consent, nonconsensual

sharing of images that had been captured with consent, or sharing images that have been faked or manipulated to damage the victim's reputation. According to a June Human Rights Watch report, victims in digital sex crime cases were mostly female, and perpetrators were overwhelmingly male. Although digital sex crime cases that moved forward normally resulted in convictions (in 2020, only 12 of 1,849 cases resulted in acquittal), most defendants received only a suspended sentence or a fine. In June the Ministry of Justice appointed prosecutor Seo Ji-hyun to lead a task force of 10 legal, media, and information technology experts in updating existing criminal justice and human rights frameworks to combat digital sex crimes.

Several NGOs said the government had taken some positive steps to address digital sex crimes but emphasized the need to provide better support for victims. A Digital Sex Crime Victim Support Center, created in 2018, assists victims in requesting the deletion of images and videos from websites and supports victims in collecting evidence and filing police reports. It also makes referrals for free legal services and provides financial assistance for medical expenses. (For more on sex crimes facilitated by the internet, see "Sexual Exploitation of Children" below.)

Domestic violence remained a significant and underreported problem. According to official statistics, 222,046 cases of domestic violence were reported in 2020, a 7 percent decrease from 2019. Foreign brides of Korean men (often in rural areas) brought to the country by brokers since the early 1990s experienced domestic violence at a higher rate than the rest of the female population. These women, in recent years primarily Vietnamese, Cambodian, and Filipina, were more vulnerable to human rights abuses due to language barriers and the lack of a support network in the country. The Ministry of Gender Equality and Family continued to operate support centers and shelters to provide protection for foreign brides who were victims of sexual or domestic violence.

The Gender Equality Ministry operated the Special Center for Reporting Sexual Harassment and Sexual Assault. In 2020 sexual violence counseling centers provided 258,410 counseling services to victims. There were 104 centers supported by central and local governments, 34 sexual violence victim protection facilities, and 39 "sunflower centers" that provided counseling, medical care and therapy, caseworkers, and legal assistance. The volume of services provided

represented a 6 percent decrease compared with 2019, which the centers attributed to a decrease in in-person services during the COVID-19 pandemic. According to NGOs, sunflower centers generally provided adequate support to victims of sexual assault.

Sexual Harassment: The law obligates companies and organizations to take preventive measures against sexual harassment. The government generally enforced the law effectively. The national police classify sexual harassment as “indecent acts by compulsion.” The NHRCK reported that victims of workplace sexual harassment who relied on in-house grievance mechanisms faced stigma and other difficulties, including, in some cases, losing their jobs. Victims who took their cases to court, as well as those who testified on behalf of victims at sexual harassment trials, were also subject to stigma.

Sexual harassment was a significant social problem, and there were numerous allegations of sexual harassment, including high-profile cases involving public officials, reported in media throughout the year. The National Assembly passed a law in March increasing penalties for stalking, which had previously been treated as a misdemeanor offense. Offenders now face up to three years in prison and a significant fine, and up to five years in prison if they use a weapon. While activists welcomed the increased penalties, they said the law does not address single-incident stalking – only stalking that occurs repeatedly.

In June a district court in Busan sentenced the city’s former mayor, Oh Geo-don, to three years in prison for sexually abusing two female subordinates during his tenure. Oh resigned in April 2020 after admitting to “unnecessary physical contact” with one of the two employees.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The government provided access to sexual and reproductive health services for sexual violence survivors, including emergency contraception as clinical management of rape.

Discrimination: Women enjoy the same legal rights under the constitution as men. Women, however, experienced societal abuses and employment

discrimination (see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

As of May, approximately two million foreigners (including an estimated 390,000 undocumented migrants) lived in the country, whose otherwise ethnically homogeneous population totaled approximately 51.8 million. Racial and ethnic minorities faced societal discrimination. The NHRCK and NGOs continued to urge the National Assembly to pass a comprehensive antidiscrimination law, calling it “an urgent task that can no longer be delayed or ignored.”

According to a 2019 NHRCK survey, migrants reported discrimination by court workers, workplace supervisors, and immigration office personnel. A large majority of immigrants and naturalized citizens were female spouses, and they were reportedly often victims of domestic violence. (See also section 6, Women).

In March the NHRCK ruled that mandatory COVID-19 testing orders specifically targeting foreign workers in several provinces and cities were discriminatory.

The Ministries of Gender Equality and Family and of Employment and Labor implemented programs to promote cultural diversity and assist foreign workers, spouses, and multicultural families to adjust to living in the country. There were also 228 multicultural centers nationwide that provided education to Koreans married to foreigners on human rights, gender equality, multicultural understanding, and various family life topics.

Some children of immigrants suffered from discrimination and lack of access to social resources, such as child-care support available to Korean children. Some children of non-Korean or multiple ethnicities were also bullied because of their physical appearance.

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, leaving approximately 20,000 children

born to undocumented foreigners without access to certain public benefits and protections.

Child Abuse: The law criminalizes serious injury and repeated abuse of children and provides prison terms of between five years and life. In March a provision of law interpreted as allowing parents to use corporal punishment in childrearing was repealed.

The Ministry of Health and Welfare reported 42,251 cases of child abuse in 2020. The ministry attributed increased reports in recent years to increased public awareness and expanded child welfare reporting requirements. The law provides for the protection, counseling, education, and psychological treatment of abused children.

In late December 2020 lawmakers passed measures to strengthen child abuse prevention and penalties for abusers, including immediate separation of the child from the abusers. This was in the wake of widespread outrage about the October 2020 death of a 16-month-old child who before dying had suffered months of physical abuse from her adopted parents. Media reported the cause of death as abdominal damage caused by external force, and police had not separated the child from her parents despite multiple reports of abuse from the child's daycare center and others.

In a July report that analyzed reported cases of child abuse from 2020, the National Human Rights Commission called on the Ministry of Health and Welfare to publish detailed reports of child abuse cases, not just the numbers. It also recommended investigating all childhood deaths to identify cases in which abuse may not have been apparent. This was needed to educate the public on spotting warning signs and to bolster child abuse prevention, the commission said.

Child, 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 16, and 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 19 is five years' to life

imprisonment. Other penalties include electronic monitoring of offenders, public release of their personal information, and reversible hormone treatment.

The law prohibits the commercialization of child pornography. Offenders convicted of producing or possessing child sexual abuse materials for the purpose of selling, leasing, or distributing for profit are subject to a maximum of seven years' imprisonment. The minimum sentence for distribution of child pornography for profit is five years' imprisonment, distribution not for profit is three years' imprisonment, and possession or purchase of child pornography is one year's imprisonment.

In February a Seoul district court added five years to the prison sentence of Cho Ju-bin, the operator of the "Nth Room" chatrooms. Cho and other Nth Room administrators coerced women and minors into producing degrading and sometimes violent pornographic videos, and they sold access to the content via Telegram. In October the Supreme Court reduced Cho's sentence from 45 to 42 years. In April another key member of the group received a 34-year prison sentence.

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

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

Anti-Semitism

The Jewish community numbered approximately 1,000 individuals, almost all expatriates. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at

<https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities and sets penalties for deliberate discrimination of up to three years in prison and a substantial fine. The government generally enforced this law. Persons with disabilities had some access to education, employment, social programs, and government support. Children with disabilities aged three to 17 had access to a separate special education school system, and all childcare and educational facilities had to provide accommodations for students with disabilities. Government statistics show persons with disabilities were employed at lower rates than those without disabilities and, when employed, were more likely to do irregular work. The government provided a pension system for registered adults and children with disabilities, an allowance for children younger than age 18 with disabilities 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.

The government generally implemented programs to facilitate access to buildings, information, and communications for persons with disabilities. The enforcement regulations for building accessibility only apply to establishments larger than 300 square feet, and the Research Institute for Differently Abled Person's Rights Korea said this practice left persons with disabilities no access to some establishments used in everyday life. According to media reports, local agencies did not always provide accessible communications platforms for public health information during the COVID-19 pandemic or special accommodations for persons with disabilities during mandatory self-isolation periods. The closure of some care centers and schools during the pandemic also placed increased strain on family member caretakers of children with developmental disabilities.

The Research Institute for Differently Abled Person's Rights Korea reported that individuals with intellectual disabilities did not receive sufficient support to achieve self-reliance. In August the Ministry of Health and Welfare announced a pilot project to "de-institutionalize" persons with disabilities, provide them with the community support required to allow them to choose their own housing, and

support their economic independence. After a two-year pilot stage, the project aims to move 24,000 citizens with disabilities out of care facilities by 2041. An NGO noted the long timeline and lack of community support would make this challenging and said the roadmap did not consider persons with disabilities who were homeless or institutionalized at mental-care facilities.

Persons with disabilities continued to face societal discrimination. NGOs said politicians also used discriminatory language to denounce their political rivals and their policies, which encouraged and perpetuated such discrimination.

HIV and AIDS Social Stigma

The law protects the right to confidentiality of persons with HIV or AIDS and prohibits discrimination against them. According to local NGOs, however, persons with HIV or AIDS continued to suffer from societal discrimination and social stigma.

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

The law prohibits discrimination based on sexual orientation and authorizes the National Human Rights Commission to review cases of such discrimination, although its recommended relief measures are nonbinding. The law does not specifically prohibit discrimination based on gender identity. The Military Criminal Act's "disgraceful conduct" clause criminalizes consensual sexual acts between men in the military with up to two years' imprisonment, regardless of consent and whether the act took place on a military installation. At the end of June NGOs reported there were two indictments and one open investigation under this law. The two individuals whose cases went to trial received suspended sentences.

Despite the NHRCK's repeated calls for the National Assembly to adopt a comprehensive antidiscrimination law that would penalize with imprisonment or fines discriminatory practices based on gender, age, race, religion, or sexual orientation, among others, the National Assembly failed to pass it (see section 6, Systemic Racial or Ethnic Violence and Discrimination). Politically powerful

conservative Christian groups that reject LGBTQI+ rights vehemently opposed such a law.

In September Human Rights Watch released a report detailing the challenges faced by LGBTQI+ youth in schools. The report, based on 67 interviews with students and teachers, revealed widespread bullying, violence, and harassment against LGBTQI+ students. These students were isolated due to their inability to rely on teachers or mental health professionals for help and support because they risked being outed. Transgender students faced additional stresses when their gender identity was not recognized, as schools set rules for uniforms, restroom or changing facility use, and classrooms based on gender.

NGOs noted the legal prohibition of sexual activity between men in the military led to abuse of LGBTQI+ soldiers. Given that all young men complete mandatory military service, NGOs argued the existence of the law provided justification for violence against LGBTQI+ individuals within the military and in broader society. In March Byun Hui-su died by suicide. She was expelled from the army after having gender-affirming surgery in 2020. Byun wished to continue serving in the military as a woman, but the military classified her as having a “class three mental and physical disability.” The NHRCK determined that the army should reverse the decision, noting that being transgender was not a disability. In October the Daejeon District Court ordered a posthumous cancellation of Byun’s discharge from the military, saying the military’s decision was unfair. While the Ministry of National Defense requested the government appeal the Daejeon court decision, the Ministry of Justice declined to do so, citing “consideration of facts, legal principles, respect for human dignity, and public sentiment.”

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law recognizes most workers’ right to strike. Labor and employers in

businesses deemed to be “essential services” are required to agree on a plan to maintain a minimum level of services for the public interest during a strike. Essential services 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 legal strikes, but in essential services employers may hire replacements for up to 50 percent of striking workers.

By law parties involved in a “labor dispute” must first undergo third-party mediation through the National Labor Relations Commission (NLRB) 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. Participating in strikes falling outside of the legally prescribed definition may result in imprisonment or a fine for the organizers and participants.

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. An amended law took effect in July allowing dismissed workers to maintain their union membership. The previous administration had used this rule to decertify or prevent legal recognition of unions with dismissed workers among their ranks, namely the Korean Teachers and Education Workers Union and the Korean Government Employees Union. Both unions regained legal recognition under the current administration.

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 law prohibits retribution against workers who strike legally, and the NLRB may order employers to reinstate workers fired for lawful union activities.

The government generally enforced legislation related to freedom of association, collective bargaining, and collective action, including legal strikes, and the penalties were commensurate with those for other laws involving denials of civil rights. In addition, an employer may be penalized for noncompliance with a labor

relations commission order to reinstate a worker. The law sets penalties in the form of fines or imprisonment against employers who refuse unions' lawful requests for bargaining.

Labor organizations generally operated without government interference.

Some “dispatched workers” (those on temporary contracts) said they faced increased risk of nonrenewal of their work contract if they joined unions or engaged in industrial disputes. Some undocumented foreign workers avoided participating in union activities due to fear of exposing themselves to arrest and deportation.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government generally enforced the law effectively but did not consistently identify cases of forced labor; penalties were not commensurate with those for analogous serious crimes, such as kidnapping.

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

The Ministry of Ocean and Fisheries issued rules in January to better regulate the recruitment system, prevent excessive working hours, set a minimum salary, and ensure the provision of necessities such as clean drinking water for migrant seafarers who worked aboard Korean deep-sea fishing vessels. NGOs reported harsh conditions for migrant seafarers, including some who endured 18-hour workdays and physical and verbal abuse from Korean captains and other crew. NGOs also called for stricter enforcement and penalties for violators.

Stakeholders reported that enforcement activities were limited by jurisdictional disputes between the Ministry of Employment and Labor and the Ministry of

Oceans and Fisheries.

The government also investigated instances of abuse, including forced labor, against workers with intellectual disabilities.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law provides a minimum age for employment of 15 but has an exception for work by children younger than 15 if they have an authorization certificate from the Ministry of Employment and Labor. Authorities issued few such certificates for full-time employment because education is compulsory through the end of middle school. Children ages 15 to 18 may work with the consent of at least one person with parental authority or a guardian, for limited hours and are prohibited from night work. Workers younger than age 18 may not work in employment that is detrimental to their health or "morality." 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.

The maximum penalty for child labor, three years' imprisonment, was not commensurate with that for analogous serious crimes, such as kidnapping, which is penalized by up to 10 years' imprisonment, but prosecutors could apply other criminal statutes in such a case. Through September the government reported no violations of child labor laws. The government generally effectively enforced the law.

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 based on gender, nationality, social status, age, religion, or disability. No law explicitly prohibits discrimination based on race or ethnicity, sexual orientation, language or HIV or other communicable disease status. The penalties for employment discrimination

were commensurate with laws related to similar violations. The law prohibits companies with more than 30 employees from asking job applicants about family members, place of origin, marital status, age, or property ownership.

The law provides for equal pay for equal work. The government inconsistently enforced the law, and discrimination occurred with respect to gender. The gender pay gap was 35.9 percent in 2020. Workers' rights groups attributed the gap to women's childcare and household responsibilities. A higher percentage of women filled lower-paying, low-skilled, contract jobs, and women often faced difficulties returning to the workforce after childbirth. During the COVID-19 pandemic, tasks such as handling virtual schooling for children or taking care of sick family members often fell to women. Legal restrictions against women in employment included limits on working hours, occupations, and tasks. In particular, the law restricted women's participation in "hazardous" occupations such as mining.

The workplace antibullying law requires employers to take action to fight bullying in the workplace. According to the National Human Rights Commission of Korea, 70 percent of persons surveyed in 2018 said they had been bullied at work. By law employers convicted of failing to take action to protect bullied employees face a fine and up to three years in prison.

The law prohibits discrimination against subcontracted (also known as "dispatched") and temporary workers, who comprised approximately one-third of all wage workers and were found especially in the electronics, automotive, and service sectors. The International Labor Organization noted that the disadvantaged status of irregular workers contributed to discrimination against women given that women were overrepresented among these workers.

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

Many migrant workers faced workplace discrimination. The maximum length of stay permitted under the Employee Permit System is four years and 10 months, just under the five years needed to apply for permanent residency. NGOs and civil society groups asserted this policy is designed to exclude foreign workers from permanent residence or citizenship eligibility. NGOs stated it remained difficult

for migrant workers to change employers (see sections 7.b. and 7.e.).

The law prohibits recruiters, agents, employers, or managers from receiving money or other valuables or benefits from job seekers or employees in exchange for securing employment. Nevertheless, NGOs reported Republic of Korea-flagged vessel owners routinely demanded security deposits from foreign crewmembers to discourage them from transferring jobs. New regulations issued in January require employers to bear the costs of recruitment fees and set a minimum wage, but NGOs said the regulations were not clearly drafted to include any preboarding costs, such as security deposits.

e. Acceptable Conditions of Work

Wage and Hour Laws: During the year the minimum wage increased 1.5 percent and was above the official poverty line.

The law allows a flexible system under which employees may work more than eight hours during certain days and more than 40 hours per week during certain weeks (up to a maximum of 52 hours in a single week), so long as average weekly work hours for any two-week period do not exceed 40 hours and workers have a mandatory day of rest each week. For employers who adopt a flexible system, hours exceeding 80 in a two-week period constitute overtime. Foreign companies operating in export-processing zones are exempt from labor regulations that mandate one day of rest a week. The law limits overtime of ordinary workers to 12 hours a week. Standards for working and rest hours and paid leave do not apply to seafarers; overtime pay standards apply to fishermen on coastal fishing vessels, but not to those deep-sea fishing vessels. The annual ministerial notification set a minimum wage for Korean crewmembers but not migrant crewmembers, who, according to an NGO, earned just one-fifth of the Republic of Korea minimum wage.

Unions said that during the COVID-19 pandemic there were almost no reported violations of overtime laws. Official statistics showed 566,000 workers held second “side jobs” as of July, working as drivers, couriers, or in service jobs to cover or supplement living expenses. In June and October, delivery workers held nationwide strikes protesting long hours and strenuous work conditions that led to

the deaths of 16 delivery workers in 2020.

The government generally effectively enforced laws on wages and acceptable conditions of work in most sectors, but migrants faced discriminatory laws and practices. The Labor Ministry was responsible for enforcement of these laws and the number of labor inspectors was sufficient to deter violations in most sectors. Inspectors had the authority to identify unsafe conditions, conduct unannounced visits, and issue corrective orders. Penalties for violations included imprisonment and fines and were generally commensurate with those for similar crimes, such as fraud.

Regulations outline legal protections for migrant and foreign workers. Inspections covered businesses with foreign workers, particularly in the agriculture, livestock, fisheries, and construction sectors, which generally had poor working conditions. Migrants' rights advocates noted the government inspected only a small percentage of workplaces that hire migrant workers and asserted that employers were not deterred from violating labor standards because most inspections were perfunctory and, even if violations were found, the typical result was a corrective order.

NGOs and local media reported discrimination against workers who do not have full-time, permanent employment and who do not receive benefits at the same level as permanent workers. For example, while the law requires the conversion to permanent status of those employed longer than two years, employers often laid off irregular workers shortly before the two-year mark. To address this the government provides subsidies and tax breaks to encourage businesses to hire temporary workers on a permanent basis, according to the labor ministry.

Migrant workers faced multiple restrictions on employment mobility, which left them vulnerable to exploitation. NGOs continued to push for changes to the employment permit system to allow migrant workers the freedom to change employers. Migrant workers generally must obtain the consent of their current employers to switch jobs or can request a change based on very limited circumstances beyond their control. The Ministry of Labor in April added unacceptable employer-provided housing (e.g., vinyl greenhouses) as another reason workers could request a change in workplace under this structure, which also includes overdue or nonpayment of wages, sexual assault, a workplace

accident, and others. Workers' rights NGOs noted the burden was on the worker to present evidence of the mistreatment to avail themselves of these provisions, making it very difficult to switch jobs without the employer's consent.

A December 2020 Reuters report found 522 Thai migrant workers had died in the Republic of Korea since 2015, based on documents obtained from the Thai Embassy in Seoul. Forty percent of the deaths were from unknown causes, and 60 percent were health-related, accidents, or suicides. The Thai Embassy estimated only a tenth of the 185,000 Thai migrants held legal status in the country. Media and NGOs claimed a flawed employment permit system places migrant workers in precarious situations.

To prevent violations and improve working conditions for migrant and foreign workers, the government provided preemployment training to newly arrived foreign workers, workplace adaptation training to those who changed workplaces, and training to employers who hired foreign workers. In April the law was amended to require all employers of foreign workers under the employment permit system to receive training on labor laws and human rights. The government funded 45 foreign workers support centers nationwide to provide foreign workers with counseling services in 16 languages, Korean language and cultural programs, shelter, and free health-care services. It also ran a call center to help foreign workers resolve grievances. The government also funded multicultural family and migrant plus centers to provide foreign workers, international marriage immigrants, and other multicultural families with a one-stop service center providing immigration, welfare, and education services.

The law requires severance payments to migrant workers who have worked in the country for at least one year. Many workers, however, reported difficulty in receiving severance pay prior to their departure and stated they did not receive payments even after returning to their country of origin, due to banking regulations and delinquent employers. NGOs confirmed many departing migrants never received these payments and that the COVID-19 pandemic magnified these difficulties.

Some NGOs reported migrant workers were particularly vulnerable to exploitation because the law excludes regulations on working hours, holidays, and benefits for

the agricultural, livestock, and fisheries industries that had large numbers of migrant workers. Foreign laborers sometimes faced physical abuse and exploitation by employers in the form of longer working hours, fewer days off, and lower wages than their local counterparts. According to NGOs, the government only occasionally investigated reports of poor or abusive working conditions for migrants, and court cases were often dismissed due to insufficient evidence.

Surveys show nearly all migrant workers lived in housing provided by their employers. In the farming and fisheries sector, 70 percent reported living in makeshift structures made of assembled panels, containers, or structures covered with vinyl sheeting. After a Cambodian worker was found dead in December 2020 in a vinyl greenhouse with a malfunctioning heating unit, the Labor Ministry announced in January it would no longer issue employment permits to employers in the agriculture and fisheries industries who house foreign workers in makeshift structures. This took effect in other industries in July, although NGOs claimed the government granted some employers a grace period until September.

Occupational Safety and Health: The Korea Occupational Health and Safety Agency, under the supervision of the Ministry of Employment and Labor, established occupational health and safety standards and worked to identify unsafe working conditions. Under the law workers in every sector have the right to remove themselves from situations of danger without jeopardizing their employment. In addition to broad reforms in 2020 to occupational health and safety law, including increased penalties for workplace fatalities and health and safety violations, in January the government announced even stricter penalties for certain industrial accidents. In January the National Assembly passed the Serious Accident Punishment Act, which, when it takes effect in January 2022, will require stricter compliance from business owners and place responsibility for accident prevention on CEOs.

The Ministry of Employment and Labor had 815 health and safety inspectors and conducted 12,097 workplace inspections from January to July, an increase compared with the same period last year.

The government enforced the law, and penalties for violations were commensurate with those for analogous crimes such as gross negligence. According to the

Ministry of Employment and Labor, there were 108,379 industrial accidents in 2020, similar to 2019, and 2,062 occupational deaths. The leading causes of workplace deaths were falls and accidents involving equipment in the construction and manufacturing sectors. The ministry acknowledged that challenges remained in further reducing the level of fatal accidents to that on par with other advanced countries; ensuring the safety of workers vulnerable to occupational accidents or health risks, including older workers, women, migrants, and those working in small workplaces; and reducing safety gaps between large enterprises and small- and medium-sized enterprises, as well as between parent companies and subcontractors. Workers' rights advocates said that contract or temporary workers were also vulnerable to workplace injury.

The country has a high industrial death rate. For example, steelmaker POSCO has reported 14 workplace fatalities in the past three years. In February a subcontractor was killed while replacing a conveyor roller at the POSCO steelworks in Pohang. One month later, a subcontractor for an affiliated company died in a similar incident at the same plant. The February incident prompted the Labor Ministry to conduct a two-month inspection of the Pohang plant. It fined POSCO \$395,000 for 225 safety-rule breaches.