

REPUBLIC OF KOREA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Korea (South Korea) is a constitutional democracy governed by a president and a unicameral legislature. Parliamentary and presidential elections in 2012 were considered free and fair. Civilian authorities maintained effective control over security forces.

The primary human rights problems reported were government interpretation of the National Security Law, libel laws, and other laws to limit freedom of speech and expression and restrict access to the internet, and the continued jailing of conscientious objectors to military service.

Other human rights problems included some official corruption, the absence of a comprehensive anti-discrimination law, sexual and domestic violence, child prostitution, and trafficking in persons. Societal discrimination occurred against defectors from the Democratic People's Republic of Korea (North Korea or DPRK); ethnic/racial minorities; lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; persons with HIV/AIDS; and foreigners. Restrictions on workers' rights, including freedom of association and assembly and limitations on political engagement of public servants and teachers, were also problematic.

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

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

a. Arbitrary or Unlawful Deprivation of Life

The Seoul Western District Court in September indicted a Seoul Metropolitan Police officer on murder charges for shooting a recruit for eating while his supervisor was not present.

Although the Ministry of National Defense (MND) reported suicides among military personnel declined to 24 during the first half of the year, compared to 37 during the same period last year, the issue remained a public concern. These suicides were generally attributed to bullying, hazing, or inability to adjust to military life.

The MND established a Human Rights Evaluation System in 2014 to ensure any changes to the National Defense Act include human rights considerations. The MND conducted an evaluation in September of the severity of human rights abuses in the military. The results were not available at the end of the year.

In August a military appeals court sentenced an army sergeant to death for killing five and wounding seven soldiers before attempting suicide, allegedly in response to bullying and hazing. Following this and other cases, the government amended the Military Personnel Management Act and the Decree on Military Service to prohibit hazing explicitly. The MND trained 340 human rights instructors through August 2015. Ruling New Frontier Party representatives in the National Assembly submitted a bill to establish a military ombudsman, based on recommendations from the parliament's Special Committee on Military Human Rights.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, although there were credible reports that government officials employed them during the year.

In contrast to 2014, when the government reported 300 criminal cases associated with military mistreatment and hazing of soldiers and conscripts, the MND reported no instances of bullying in the military through June 30, despite the general belief that hazing played a role in suicides in the military (see above). In spite of this reduction and the apparent elimination of these practices in the military, credible evidence indicated bullying and mistreatment of soldiers persists.

The law allows judges or a Ministry of Justice committee to sentence sex offenders who have attacked victims under age 19 to chemical castration as a potential punishment.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards.

Physical Conditions: Deaths in prison were generally consistent with death rates/causes nationally.

Administration: Authorities investigated credible allegations of problematic conditions and documented the results of such investigations in a publicly accessible manner.

Independent Monitoring: There were no problems reported with access to prison facilities. The International Committee of the Red Cross did not request monitoring of detention conditions during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

The National Security Law (NSL), however, 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 its provisions do not clearly define prohibited activity. The Supreme Court ruled in May that the NSL is constitutional and necessary to guarantee public safety, security, and freedom by preventing activities that might lead to the violent overthrow of the state.

Role of the Police and Security Apparatus

The Korean National Police Agency (KNPA) is responsible for internal security under the supervision of the Ministry of the Interior (formerly the Ministry of Government Administration and Home Affairs). The Korean Immigration Service is responsible for migration and border enforcement under the supervision of the Ministry of Justice. Civilian authorities maintained effective control over police, and the government had effective mechanisms to investigate and punish abuse and corruption.

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 unreasonably and expansively define and investigate activities it deemed a threat to national security.

There were no reports of impunity involving security forces during the year.

The Seoul Central District Court found Won Sei-hoon, former head of the NIS, guilty of ordering agents to post politically sensitive comments on major internet bulletin boards and social media ahead of the 2012 presidential elections and sentenced him in February to three years in prison. The Supreme Court overturned the conviction in July and ordered a retrial, finding that some evidence used to convict the former director was inadmissible.

Arrest Procedures and Treatment of Detainees

The law requires warrants in cases of arrest, detention, seizure, or search, except if a person is apprehended while committing a criminal act, if a judge is not available, or authorities believe a suspect may destroy evidence or escape capture if not arrested quickly. In such cases, a public prosecutor or police officer must prepare an affidavit of emergency arrest immediately upon apprehension of the suspect. Authorities may not interrogate 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 who were charged with committing serious offenses, might attempt to flee or harm another, or had 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 can limit a lawyer's participation in an interrogation if the lawyer obstructs the interrogation or discloses information that 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 seven detentions in 2014 for violating the NSL. Local NGOs stated that, as of September, 32 persons were in detention for violating the NSL, including detainees from previous years.

In September, a local court found a 23-year-old college student charged with violating the NSL not guilty. He had been charged after posting perceived pro-DPRK statements on his Facebook account.

Amnesty: President Park granted a special pardon to 6,527 persons on August 13, to mark the 70th anniversary of Liberation Day. In contrast to previous general amnesties, the government did not pardon any Jehovah's Witnesses.

e. Denial of Fair Public Trial

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

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. By law defendants in criminal trials are presumed innocent and enjoy protection against self-incrimination and have the right to be informed promptly and in detail of charges, with free interpretation as necessary; to communicate with an attorney (at public expense if necessary); to have a speedy and fair trial; and to appeal. Defendants received adequate time and facilities to prepare a defense. They also are protected against retroactive laws and double jeopardy, although prosecutors can appeal not-guilty verdicts. 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 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 examine witnesses for both the prosecution and defense. Defendants may not be compelled to testify or confess guilt and may have access to relevant government-held evidence.

Political Prisoners and Detainees

The Ministry of Justice stated there were no persons incarcerated solely 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 law requires military service by all male citizens and does not distinguish conscientious objectors from others who do not report for duty; the penalty for failing or refusing to report is up to three years in prison. There is no provision for alternative service by conscientious objectors, although the MND may grant exemptions for health, disability, or other reasons. Amnesty International reported there were 635 persons in prison for conscientious objection as of September. The NGO Watchtower stated that, as of August, 555 Jehovah's Witnesses were imprisoned for failure to report for duty.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and there were no problems enforcing domestic court orders. Citizens had court access to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative and judicial remedies are available for alleged wrongs.

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

The law prohibits such actions, and the government generally respected these prohibitions. The law establishes conditions under which the government may monitor telephone calls, mail, and other forms of communication for up to two months in criminal investigations and four months in national security cases. The Security Surveillance Act requires some persons sentenced to prison for breaching the NSL to report their whereabouts, 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 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 continued to be rare, however, and viewing DPRK satellite telecasts in private homes is legal.

In July a data leak from Hacking Team, an information technology company that sold offensive intrusion and surveillance technology to the NIS, disclosed a list of internet protocol (IP) addresses allegedly penetrated by NIS, including IP addresses at Korea Telecom, Korean Broadcasting System, Seoul National

University, and KakaoTalk. In late July an intelligence officer who purportedly used this surveillance system was found dead in an apparent suicide. His suicide note claimed he deleted information related to the software to protect NIS covert operations and that the technology was not used to monitor citizens. NIS testified at the National Assembly that the target of this technology was North Korea and it was not used for surveillance of South Koreans.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press, but the government's interpretation of the NSL; Article 21, Paragraph 4, of the constitution; 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) limited freedom of speech and expression and restricted access to the internet.

Freedom of Speech and Expression: Although the law provides for freedom of speech, under the NSL the government may limit the expression of ideas that praise or incite the activities of "anti-state" individuals or groups. During the year, prosecutions under the NSL for speech that allegedly supported or praised the DPRK government continued. Those whom authorities deem to have criticized the country's political leaders may also be punished under laws that criminalize defamation, whether fact-based or false, if the comments are deemed not to be in the public interest.

Human Rights Watch claimed the government undermined the free exchange of opinions that are fundamental to democracy. Amnesty International's 2014/15 report stated that the government increasingly restricted freedom of expression by using the National Security Law to intimidate and imprison people.

In January, the Seoul Central District Court ordered foreign citizen Shin Eun-mi deported for making comments considered complimentary of North Korea and barred her from entering South Korea for five years. Authorities arrested and charged Hwang Sun, who organized Shin's visit to South Korea, with violating the NSL by making comments considered sympathetic to North Korea.

Press and Media Freedoms: Independent media were active and expressed a wide variety of views, but strict defamation laws limited freedom of the press. The UN

special rapporteur on the promotion and protection of the right to freedom of opinion and expression voiced concern that defamation suits, filed for statements that were true and in the public interest, penalized individuals who criticized the government.

On December 17, the South Korean court found Tatsuya Kato, the former Seoul bureau chief for the Japanese newspaper *Sankei Shimbun*, innocent of defaming President Park. The Seoul Central Prosecutor's Office filed the charges in October 2014 under the Network Act and imposed an exit ban. In April, the government lifted the travel ban on Kato, allowing him to return to Japan. Kato returned to Seoul periodically for court appearances.

Censorship or Content Restrictions: The Ministry of Gender Equality and Family monitors song lyrics and may ban releases it considers offensive. The Korea Communications Standards Commission (KCSC) maintains ethical standards in broadcasting and internet communications. In 2010, the UN special rapporteur on freedom of expression and opinion reported concerns about insufficient safeguards to ensure the KCSC does not operate as a de facto censorship body to delete content critical of the government or powerful corporations.

In October the Ministry of Education announced plans to require middle and high schools to use only Korean history books authored by the government-affiliated National Institute of Korean History starting in the 2017 school year. This would end the right of schools, since 2010, to choose from a range of textbooks approved by the ministry. The main opposition New Politics Alliance for Democracy filed an injunction in the Seoul Administrative Court to block the ministry's plan.

Libel /Slander Laws: The law, which broadly defines and criminalizes defamation, has been used by the government and private persons (in past years) to harass, intimidate, or censor private and media expression. The law allows punishment of up to seven years in prison. The law punishes defamation of deceased persons as well; the maximum punishment is two year's imprisonment.

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 in May that the NSL is constitutional.

Internet Freedom

There were some government restrictions on internet access, and the government monitored e-mail and internet chat rooms with wide authority under the law. Internet access was available and used widely.

The government's Office of Internet Communications Review determines whether posts made on social networking sites, such as Twitter and Facebook, or in chat rooms contain unlawful content, defined as harmful or illegal speech. If the government finds prohibited materials, it has the power to warn the user. If the prohibited materials are not removed, the user's account may be blocked. In addition, a team in the Seoul Central District Prosecutor's Office monitored the internet for false information and removed it as it was discovered.

The government also blocked violent, sexually explicit, gambling-oriented, and other websites found to violate law and order, including, but not limited to, the illegal trade of internal organs, food, or medical supplies; violation of intellectual property rights; and the encouragement or planning of suicide. The government also continued to block DPRK websites and direct access to the DPRK's YouTube channel and Twitter account. Although viewing websites praising the DPRK regime is lawful, disseminating information about those websites, including posting links to the sites, is unlawful under the NSL.

During the first half of the year, the KCSC blocked content promoting the DPRK regime and Juche ideology on Facebook and Twitter accounts believed to be operated by DPRK cyber agents. The MND found and deleted pro-North Korea online posts during the year.

The Open Government Partnership reported concerns over South Korea's commitment to open government and issued a letter of caution to the government for its failure to consult civil society when designing measures to provide citizens with access to information. Freedom House assesses South Korea's internet and press as "partly free."

Academic Freedom and Cultural Events

There were no government restrictions specifically targeting academic freedom or cultural events. However, a government plan to end middle and high schools' right to choose Korean history textbook raised concerns about academic freedom (see section 2.a., "Censorship or Content Restrictions").

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right. The Assembly and Demonstrations Act prohibits assemblies considered likely to undermine public order and requires notification of police in advance of demonstrations of all types, including political rallies. Police must notify organizers if they consider an event impermissible under this law. Police banned some protests by groups that had not properly registered or that were responsible for violent protests in the past. The KNPA reported that 94 of more than 10,000 assembly applications received through September were denied. Some NGOs contended that Article 314 of the Criminal Act on obstruction of business also restricts the right to peaceful assembly.

The KNPA used water cannons and tear gas to disperse people protesting government policies, including at a November demonstration by more than 68,000 protestors calling for an array of national reforms in what turned out to be the largest anti-government rally since 2008. Local authorities fired water cannons into crowds when protestors attempted to break through police barricades to get to the Blue House. Dozens of demonstrators were arrested, and least 30 demonstrators and 113 police officers were injured.

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/.

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

The law provides for freedom of internal movement, foreign travel (excepting to North Korea), emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing

protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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

Citizens indicted for a crime for which the potential sentence is two years' imprisonment or more and citizens convicted of a crime with suspended sentences that have yet to be fulfilled may have their passport privileges limited or revoked by the Ministry of Foreign Affairs.

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 refugees from North Korea 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 South Korean citizenship. The government resettled approximately 978 such persons through October, the lowest number since 2003.

The government has an established system for protecting refugees but does not routinely grant refugee status or asylum to non-North Koreans.

The government operated refugee application counters at airports and harbors to allow asylum seekers to file applications and receive a preliminary review when entering the country. It protects asylum seekers' right to an attorney and bans forced repatriation. Asylum seekers can ask for interpretation and legal aid services from the government and receive a work permit six months after the submission of their applications.

Requests for asylum continued to increase markedly.

Opposition politicians in the National Assembly said in a September hearing that 2,669 people had filed for asylum in the ROK since January, but that only 24 (0.9 percent) had been approved. The Ministry of Justice reported that of 13,310

refugee status applicants since 1994, South Korea granted refugee status to less than 4 percent (526), including two Syrians. The Ministry of Justice determined that 5,467 applicants did not qualify for refugee or humanitarian refugee status. The ministry explained that many of the applicants were unable to provide necessary documentation and thus did not qualify for refugee status. Applicants in 1,679 cases withdrew their applications before a final refugee status determination.

Refoulement: Groups working with asylum seekers alleged that in some cases the government might have violated non-refoulement principles outlined in the UN Convention on Refugees when immigration officers refused applications during “pre-assessment” at the point-of-entry to the country.

Access to Basic Services: Cultural and social differences posed adjustment difficulties, and many refugees from North Korea alleged societal discrimination. In a 2014 survey of 200 North Korean defectors, many complained that prejudice and discrimination against North Koreans made them feel like second-class citizens. The National Human Rights Commission reported five discrimination cases related to North Korean defectors through July, including job discrimination and failure to issue a passport.

Durable Solutions: The Ministry of Justice announced in September a pilot program for permanently resettling up to 30 Burmese Karen refugees in South Korea annually through 2017; the pilot program was the country’s first program to resettle foreign refugees. The first group of 23 Burmese refugees entered the country in December.

Temporary Protection: Government guidelines provide for offering both temporary refugee status in the case of a mass influx of asylum seekers and an alternate form of protection--a renewable, short-term permit under “humanitarian refugee status”--to those for whom the category of refugee does not apply but for whom there are reasonable grounds to believe their life or personal freedom may be egregiously violated by torture or other inhumane treatment or punishment. Of 13,310 refugee status applicants since 1994, 889 individuals received Humanitarian Refugee Status, including approximately 600 recent Syrian refugees. At year’s end, about 4,750 applications were under review. Regulations require a refugee status determination within six months of application, but the Justice Ministry’s Refugee Division said staffing shortfalls following a nearly 300-percent increase in applications after passage of the 2013 Refugee Law contributed to an average of 18 months to process an application. The government maintains an Immigration Reception Center at the Incheon International Airport, where 80

asylum seekers can stay for up to nine months while their applications or appeals are processed.

In recognition of the humanitarian crisis in Syria, the government decided in 2014 to permit Syrians to stay with humanitarian refugee status without having to go through the usual refugee determination process, which can take years. UNHCR reported approximately 650 Syrians sought asylum as of January, of whom more than 500 were granted humanitarian refugee status. Of the 730 humanitarian status holders in the country, the majority were Syrians. Others included Palestinians, Egyptians, Chinese, and some Burmese.

Stateless Persons: The National Human Rights Commission estimated there were 20,000 stateless children among the approximately 200,000 undocumented migrants in the country. Undocumented worker parents often do not register their children with either local authorities or home country embassies for fear of 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 based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: Parliamentary by-elections in April and presidential and National Assembly elections in 2012 were generally viewed as free and fair.

Illegal interference in the electoral process, however, occurred (see Section 1.d. “Role of the Police and Security Apparatus”).

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

Political Parties and Political Participation: In December 2014, the Constitutional Court disbanded the Unified Progressive Party (UPP) because of its pro-North Korea stance in a case brought under the NSL. The decision was the first disbandment of a political party by judicial or administrative order since the

country adopted its first constitution in 1948. The government also brought NSL charges against individual members of the UPP. In January, the Supreme Court upheld UPP member Lee Seok-ki's conviction and nine-year sentence on charges of instigating a rebellion and violating the National Security Law. Lee's conviction also prevents him from voting or running for public office.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, and the government implemented the law effectively. There were some reports of officials receiving bribes and meddling in domestic politics.

Corruption: The Ministry of Justice reported the number of bribery cases in 2014 rose 26 percent from 2013. During the year, three lawmakers from the main opposition and ruling parties were convicted of receiving bribes and a fourth conviction was confirmed on appeal.

In April businessman Sung Wan-jong committed suicide while under investigation for improprieties associated with government-funded overseas natural resource development. His suicide note claimed he gave illegal campaign contributions to several politicians, including then-Prime Minister Lee Wan-koo. Lee resigned from his position in late April, and in July prosecutors indicted Lee and Hong Joon-pyo, governor of South Gyeongsang province, on charges of accepting illegal campaign funding.

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 with up to one year in prison and a 10 million won (\$8,477) fine.

Public Access to Information: The country has a freedom of information law, and the law was effectively implemented.

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

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

Government Human Rights Bodies: The National Human Rights Commission (NHRC), 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 non-binding. It investigates complaints, issues policy recommendations, trains local officials, and conducts education campaigns. NGOs asserted the NHRC was not independent of the Office of the President, was under-resourced, and was overly focused on North Korean problems. As of July 31, 5,041 allegations of human rights violations were filed with the NHRC, and it investigated 4,886 cases. No cases involving the NSL or conscientious objectors were reported.

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

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

The law forbids discrimination based on race, gender, disability, sexual orientation, and social status. There is no enforcement mechanism in the law, and it does not protect migrant workers against racial discrimination, foreign workers from HIV discrimination, or pregnant school-age girls from being denied an education.

Women

Rape and Domestic Violence: The law criminalizes rape and domestic violence. The police generally respond promptly and appropriately to reported incidents, and the judicial system effectively enforced the law.

Although no specific statute defines spousal rape as illegal, the Supreme Court acknowledged marital rape as illegal in 2013. The penalty for rape ranges from a minimum of three years' to life imprisonment depending on the specific circumstances. Authorities effectively investigated and prosecuted rape crimes, although in some cases, victims dropped charges against perpetrators after a financial settlement between the parties.

The law defines domestic violence as a serious crime and authorizes authorities to order offenders to stay away from victims for up to six months. This order may be extended up to two years. Offenders may be sentenced to a maximum of five years in prison and fined up to seven million won (\$6,700) for domestic violence offenses. Non-compliance 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 (\$19,000). 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 request of the victim. This order 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.

Approximately 151,000 registered families had a foreign spouse, 85 percent of whom were foreign wives. According to the Ministry of Gender Equality and Family's most recent survey, approximately 70 percent of foreign wives were victims of domestic violence. A government funded emergency call center for multicultural families received more than 112,000 calls, with 11 percent pertaining to domestic violence and 5 percent requesting assistance transferring to a shelter.

During the year the government revised the State Public Officials Act, the Public Education Officials Act, the Early Childhood Education Act, the Elementary and Secondary Education Act, the Military Personnel Management Act, and the Special Act on Punishment of Crimes of Domestic Violence to strengthen penalties for those convicted of crimes of sexual violence. The government established Domestic Violence Prevention Week in June. Anti-domestic violence programs were conducted in all K-12 schools and in local and national government offices.

The Ministry of Gender Equality and Family funded integrated support centers for victims of sexual violence at hospitals, providing counseling, medical aid, case investigations, and legal assistance. Government-subsidized and non-subsidized counseling centers also operated across the country. These provided victims with free medical services, legal services, support during investigations and trials, and therapy and rehabilitation programs. A number of the facilities offered specialized services for victims with disabilities. There were also protection facilities for victims of sexual violence, including for victims with disabilities and for child and juvenile victims. The government operated family protection facilities for domestic violence victims with children over 10 years old. The government also

operated protection facilities and established a new hotline for migrant women victims of domestic violence. The government supported group home facilities, which provided counseling, job referral, and vocational training for victims.

Sexual Harassment: The law obligates companies and organizations to take preventive measures against sexual harassment, and the government generally enforced the law effectively (see Section 7.d.). The KNPA classify sexual harassment as “indecent acts by compulsion” and reported 14,611 cases in 2014.

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

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

Discrimination: Women enjoy the same legal rights under the constitution as men. The law provides for equal pay for equal work, but according to the Organization for Economic Cooperation and Development (OECD), the country’s gender-pay gap was 36.6 percent in 2014 (see section 7.d.). The law permits a woman to head a household, recognizes a wife’s right to a portion of a couple’s property, and allows a woman to maintain contact with her children after a divorce. Custody cases were decided on their merits with women often gaining custody. The law also allows a remarried woman to change the family name of her children to her new husband’s name. The Academy for Talented Women was launched in 2013 to build the capacity of mid-level female managers in the public, private, and nonprofit sectors, and has trained 14,145 women.

Children

Birth Registration: Citizenship requires that one parent be a citizen of the country at the time of birth. Authorities also grant citizenship in circumstances where parentage is unclear or if the child would otherwise be stateless. Parents go to a district office to register their children’s births. The law requires all children to 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, provides prison terms of between five years and life, and no longer allows for suspended sentences in cases resulting in death. In 2014, the Ministry for Health and Welfare reported a 47.5-percent increase in child abuses cases compared to 2013. The ministry operated 51 facilities to treat and protect victims of child abuse and ran programs for families designed to prevent reoccurrence. Of 36 shelters for victims of child abuse, seven group homes offered mental health services to abused children. The government established a 24-hour online counseling center for victims of child abuse.

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

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

The penalty for rape of a minor under age 13 ranges from 10 years to life imprisonment and is five years to life for rape of a minor age 13 to 19. Other penalties include electronic monitoring of offenders, public release of their personal information, and reversible hormonal treatment (chemical castration).

The law prohibits child pornography. Offenders who produce or possess it for the purpose of selling, renting, or distributing it for profit are subject to a maximum of seven years' imprisonment. In addition, any possessor of child pornography may be fined up to 20 million won (\$19,000).

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

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

Anti-Semitism

The country has a small Jewish population consisting almost entirely of expatriates. In July, Samsung subsidiary Samsung C&T's website posted what some perceived to be anti-Semitic remarks and cartoons targeting the leadership of Elliott Management, a foreign hedge fund. Elliott Management, a Samsung C&T minority stockholder, had opposed the merger of Samsung C&T with Samsung holding company Cheil Industries. Samsung C&T removed the material after international media and civil society groups began to protest the cartoons and issued a statement condemning anti-Semitism.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. Legislation enacted in 2014, with implementation scheduled to start in 2016, created a special task force of prosecutors and police trained to work with persons with disabilities and increased support for persons with disabilities and their families. The government also implemented laws and programs to facilitate access to buildings, information, and communications for persons with disabilities. Many local government ordinances and regulations still directly discriminate against persons with disabilities, especially those with intellectual and mental disabilities, according to media reports and NGOs.

The law establishes penalties for deliberate discrimination of up to three years in prison and a fine of 30 million won (\$28,500). The Ministry of Health and Welfare continued to implement a comprehensive set of policies that included encouraging public and private buildings and facilities to provide barrier-free access, providing part-time employment, and employing a task force to introduce a long-term care system. The government operated rehabilitation hospitals in six regions, plus a national rehabilitation research center to increase opportunities and access for persons with disabilities.

Under the Mental Health Act, a person with mental disabilities may be hospitalized against his/her will with the consent of two guardians and the advice of a neuropsychiatrist. The constitutionality of these measures was under review at the Constitutional Court.

The Ministry of Health and Welfare reported 1,097 discrimination cases against persons with disabilities in 2014, a significant increase over the previous year.

In March following media reports, the government investigated allegations of labor exploitation of men with disabilities on salt farms on west coast islands, including verbal and physical abuse, non-payment of wages, long work hours, and unsanitary working and living conditions. In September, the Gwangju High Court sentenced two salt farm owners to two and a half and two years' imprisonment, but with suspended sentences. One trafficker received a suspended sentence of 18 months' imprisonment (see section 7.d.). Government agencies and NGOs noted many improvements in the industry following intensive investigations during the year.

The government provided a pension system for registered adults and children with disabilities, an allowance for children with disabilities under age 18 whose household income was below or near the National Basic Livelihood Security Standard, and a disability allowance for low-income persons age 18 and older with mild disabilities. The National Pension Service determines the degree of the disability, and local governments provide the pension directly to qualified persons. Some NGOs noted the pension and allowance system for persons with disabilities put an undue burden on families and assumed more economically well-off families would support their relatives with disabilities.

Children with disabilities qualified as special education beneficiaries and there was a separate system of public special education schools for children from age three to 17. Children with severe disabilities may receive hospitalized education. All public and private schools, child-care centers, educational facilities, and training institutions must provide equipment and other resources to accommodate students with disabilities. For example, schools assigned teacher's aides to ensure children with disabilities could participate in outdoor activities.

National/Racial/Ethnic Minorities

As of September, more than 1.74 million foreigners (including an estimated 200,000 undocumented migrants) lived in the country, which otherwise had a racially homogeneous population of approximately 50 million.

Societal discrimination against ethnic and racial minorities was common but under-reported. As of July the NHRC had investigated 21 cases of alleged ethnic and racial discrimination.

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, wives, and multicultural families to adjust to life in the country. The government also continued to operate multicultural and migrant worker help centers.

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

The Ministry of Justice reported the constitution's equality principles apply to LGBTI persons. The law that established the NHRC prohibits discrimination based on sexual orientation and authorizes the NHRC to review cases of such discrimination, but the law does not specify discrimination based on gender identity.

No laws either specify punishment for persons found to discriminate against LGBTI persons or provide for remedies to victims of discrimination or violence. During the first half of the year, the NHRC reported four cases of such alleged discrimination. In April the Ministry of Justice and the Seoul Metropolitan City Government denied an LGBTI human rights organization's application to register as an NGO. The Ministry of Justice found that the scope of the NGO's advocacy work affected only a social minority and thus did not qualify for approval as a registered NGO.

A Seoul court overturned the Seoul Metropolitan Police Agency's initial decision to ban a parade at the June 2015 Korea Queer Culture Festival, and the event was held under heavy security without any incident. Anti-LGBTI protestors staged a counter protest on the perimeter of the parade.

While there were no known cases of violence against LGBTI persons during the year, LGBTI individuals and organizations continued to face societal discrimination. The Military Criminal Act criminalizes consensual sodomy between men in the military with up to two years' imprisonment.

LGBTI groups kept a very low profile because same-sex relationships were not widely accepted. For example, few entertainers were openly gay, and one who was “outed” claimed various entertainment organizations fired him as a result.

HIV and AIDS Social Stigma

Observers claimed persons with HIV/AIDS continued to suffer from societal discrimination and social stigma. The law protects the right to confidentiality of persons with HIV/AIDS and prohibits discrimination against them.

The Ministry of Health and Welfare reported that under the Prevention of Acquired Immune Deficiency Syndrome Act, foreigners who wish to engage in teaching, entertainment, sports, or other show business and who stay in the country for more than 90 days must take a test to prove they are not HIV positive to qualify for an E (work) visa. Human Rights Watch reported claims that some foreign unskilled laborers were subject to HIV testing in spite of the government’s elimination of HIV testing for all but the E-visa class.

In May the Committee on the Elimination of Racial Discrimination (CERD), under the UN Office of the High Commissioner for Human Rights, found the Ulsan Metropolitan Office of Education violated a foreign teacher’s rights in 2009 by demanding she undergo HIV/AIDS and drug tests to renew her contract. CERD members noted that the office did not provide any reasons to justify the mandatory testing for foreign English teachers while exempting ethnic Korean teachers. They also noted that, during arbitration proceedings, the Ulsan Metropolitan Office of Education representatives said that HIV/AIDS tests were a means to check the values and morality of foreign English teachers. The committee found that the testing policy “does not appear to be justified on public health grounds or any other ground, and is a breach of the right to work without distinction to race, color, national or ethnic origin.” The committee called on the country to grant the foreign teacher adequate compensation for moral and material damages suffered. The committee also urged the authorities to review regulations and policies related to the employment of foreigners and to abolish, in law and practice, any legislation that creates or perpetuates racial discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively, but certain limitations apply to public officials, including teachers. By law, public officials may not perform a “collective act for any labor campaign.” There is an exception for those who have a union-related job. A June Supreme Court decision affirmed the right of all migrant workers, including undocumented workers, to form or join a union.

The International Labor Organization’s (ILO) Committee of Experts on the Application of Standards and Recommendations (CEACR) has observed that restrictions on the ability of union leaders to receive pay for time spent on union work was inconsistent with the country’s obligations under ILO Convention 135 (Workers Organizations).

The law limits the right to strike in a number of ways, such as for workers in “essential services.” Essential services are defined broadly, to include services that, if suspended, could “endanger the lives, health, physical safety, or daily life of the public,” such as railroads, air transport, communications, water supply and other utilities, and hospitals. By law unions in essential service industries may be required to maintain 50-percent service. Individuals designated by management, with input from labor unions, as essential may not strike. The law also prohibits strikes by national and local government officials, with some exceptions for specified public servants.

By law unions must submit a request for mediation to the National Labor Relations Commission before a strike; otherwise, the strike is illegal. In most cases, mediation must be completed within 10 days. Strikes initiated following this period are legal if they obtain majority support from union membership. The law prohibits strikes when a dispute has been referred to binding arbitration.

The law also adopts a narrow interpretation of “labor dispute,” which often makes strikes on issues falling under managerial rights illegal. Strikes not specifically pertaining to labor conditions, wages, benefits, or working hours are also illegal. The government generally protected the right to strike when strikes were conducted in accordance with the law.

The law permits workers to file complaints of unfair labor practices against employers who interfere with union organizing or who discriminate against union members. The National Labor Relations Commission may require employers found to have engaged in unfair practices to reinstate workers fired for union activities and did so during the year. The law prohibits retribution against workers

who conduct a legal strike. Labor organizations noted that the inability of full-time labor union officials to receive wages and onerous registration requirements for individuals involved in bargaining effectively limited legal protections against unfair labor practices.

The government generally enforced legislation related to freedom of association. According to the Trade Union and Labor Relations Adjustment Act, employers who violate a regulation on unfair labor practices may be imprisoned for a maximum of two years or fined up to 20 million won (\$19,000). In addition, an employer can be punished for disregarding a National Labor Relations Commission order to reinstate a worker. The law sets penalties against employers who refuse or neglect to accept unions' legitimate requests for bargaining (maximum of two years' imprisonment or a penalty of up to 20 million won [\$19,000]) or conduct lockouts (maximum of one year imprisonment or a penalty of up to 10 million won [\$9,500]). The law also penalizes illegal strike activities with imprisonment for up to five years or a fine of up to 50 million won (\$47,500), depending on the offense.

In September an appeals court upheld a ruling against union workers from Ssangyong Motor Company for holding unauthorized strikes from May to August 2009. The Seoul High Court ordered 139 workers to pay a total of 3.3 billion won (\$2.8 million).

Labor federations generally operated without government interference. The government recognized a range of labor federations, including independent white-collar federations representing hospital workers, journalists, and office workers at construction firms and government research institutes.

The Korean Teachers and Education Workers Union filed an appeal with the Seoul High Court following a June 2014 local court ruling disbanding the union for keeping teachers who had lost their jobs on its rolls.

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. The ILO's CEACR cited this as inconsistent with the country's obligations under international standards. The State Public Officials Act prohibits public officials, including teachers in public schools, from expressing political opinions.

In June the Supreme Court ruled that undocumented migrant workers had the right to form and join unions, affirming the Seoul High Court's ruling after eight years of appeals. In August, the Korean Ministry of Employment and Labor (MOEL) registered the country's first migrant worker trade union.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government generally enforced the law effectively; however, there were reports some workers were subjected to forced labor. In March the government rescued 63 disabled workers from forced labor conditions in salt farms, and prosecuted a number of employers and job brokers (see Section 6).

The penalties for trafficking in persons, including for forced labor, are commensurate with those for other serious crimes. The criminal code prohibits all forms of trafficking and prescribes up to 15 years' imprisonment for trafficking crimes.

Migrant workers who traveled to the country for employment sometimes incurred thousands of dollars in debts, making them vulnerable to debt bondage. Some migrant workers in the agriculture, livestock, and fisheries industries faced conditions indicative of forced labor, including deceptive recruiting practices, confiscation of passports, and non-payment of wages. As of November the government found 641 violations (a 250-percent increase over 2014) of the Minimum Wage Act among 13,793 businesses, 636 (a 540-percent increase over 2014) of which involved non-payment of wages. The Ministry of Employment and Labor reported that passport confiscation has become "rare" due to increased awareness by employers that it is a violation of the Immigration Control Law.

Amnesty International's 2014/15 report highlighted poor conditions for migrant workers in agriculture (see section 7.d.), including conditions indicative of forced labor. According to the report, this was consistent with a larger survey conducted by the National Human Rights Commission of Korea and published in 2013, in which 58 percent of respondents reported being forced to work beyond legal working hours and 16 percent reported confiscation of identity documents.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace and prohibits the employment of persons under age 15 without an authorization certificate from the Ministry of Employment and Labor. Authorities issued few such certificates for full-time employment because education is compulsory through middle school (approximately age 15). To obtain employment, children under 18 must obtain written approval from either parents or guardians. Employers must limit minors' overtime hours and may not employ minors at night without special permission from the ministry. According to labor laws, employers in industries considered harmful or hazardous in ethical or health terms are prohibited from employing children under 18 and can face fines of up to 20 million won (\$19,000) or three years' imprisonment. The government carries out inspections of businesses employing large numbers of juveniles.

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

d. Discrimination with Respect to Employment or Occupation

The constitution and laws prohibit discrimination in employment based on race, gender, disability, sexual orientation, and social status, but there was no comprehensive mechanism to enforce these provisions if discrimination occurred. The law states there shall be no discrimination in economic, social, or cultural life based on sex, religion, or social status. Labor laws generally provide foreign and migrant workers the same legal protections as nationals. Discrimination nonetheless occurred. HIV discrimination continued for foreigners seeking certain kinds of work (see section 6). The law requires equal pay for equal work when men and women do work of equal value in the same business, but wage inequality was a concern.

Discrimination against women in both hiring and in employment continued, despite legal protections and improvement from past practices. The Labor Standards Act establishes penalties of up to 30 million won (\$25,400) and five years' imprisonment for company CEOs who fire women during pregnancy or immediately after giving birth, and up to 10 million won (\$8,500) and two years' imprisonment for failure to provide paid maternity leave. According to MOEL, 17,000 mothers lost their jobs or went on unpaid pregnancy leave in 2014.

The law provides a fine of up to five million won (\$4,760) for companies found guilty of practicing sexual discrimination against women in hiring and promotions.

Seeking to reduce discrimination, in November the Ministry of Employment and Labor released new guidelines prohibiting personal questions in job recruitment.

Nationwide there were 147 “New Work for Women Centers” that provided employment support and vocational training for women. MOEL also maintained an affirmative action program for public institutions with 50 or more employees and private institutions with 500 or more employees. The program requires these institutions to comply with a hiring plan devised by the ministry if they do not maintain a female workforce greater than or equal to 60 percent of the ratio of female workers compared with total workers in relevant occupations. When the Public Procurement Service evaluates submitted bids, it gives more weight to businesses with effective affirmative action measures.

MOEL reported the number of women in entry-level civil service positions and new diplomatic positions continued to increase. The ministry and the Korean Employers Federation reported the number of female managers in businesses with more than 1,000 workers increased slightly.

Business owners are subject to a penalty of up to 10 million won (\$9,500) for an incident of sexual harassment in the workplace, but harassment itself is not a criminal act. Approximately 16,000 administrative agencies, local governments, and public organizations are also obligated to submit annual plans and ratings to the Ministry of Gender Equality and Family on efforts to prevent sexual harassment in the workplace and raise awareness. The Ministry of Gender Equality and Family also conducts field inspections and requires additional training for offices that rate poorly on preventive policies.

Women continued to experience a pay gap, and a higher percentage of women filled lower-paying, low-skilled, contract jobs.

Any business with 50 or more full-time employees is required to meet an employment quota for persons with disabilities (3 percent for government agencies, 2.3 percent to 3 percent for public organizations, and 2.3 percent for private companies). Foreign companies operating in export processing zones are exempt from this requirement. Any private company or public organization with 30 to 100 full-time workers that does not meet its quota is subject to a monthly penalty ranging from 710,000 to 1.166 million won (\$595 to \$978) for each available qualified person with a disability whom it fails to hire. An additional penalty may be imposed if the employment rate of workers with disabilities does not reach 50 percent of the required quota.

The Minimum Wage Act excludes “those who clearly lack the capacity to work.” In October 2014, the UN Committee on the Rights of Persons with Disabilities stated its concern that many persons with disabilities who work, especially those with psychosocial disability, received compensation below the minimum wage. In 2014, 7,807 companies were assessed penalties amounting to 376 billion won (\$315 million). A person with disabilities working for any company with 50 full-time employees can request a reasonable accommodation, such as adjusted working hours, and the denial of such a request could constitute discrimination. According to the Korea Employment Agency for the Disabled’s latest report, about one-half of the approximately 1.39 million persons between ages 15 to 64 with disabilities were employed.

MOEL disclosed to the media and in the official gazette the names of businesses that failed to meet employment quotas.

The law prohibits discrimination against irregular workers (those who do not have full-time, permanent employment and who do not receive benefits at the same level as permanent workers) and requires the conversion of those employed longer than two years to permanent status. Nonetheless, 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. The Act on the Protection of Fixed-Term and Part-Time Workers, enacted in March, provides for overtime pay for these workers.

Both labor and business groups complained the two-year conversion provision prompted many businesses to limit the contract terms of irregular workers and incurred the cost for entry of new workers every two years. NGOs and the local media reported irregular workers were at greater risk for discrimination because of their status. In two separate decisions in September 2014, the Seoul Central District Court ruled that more than 1,200 subcontracted workers dispatched to Hyundai for over two years should be considered “regular” workers. The court ordered Hyundai to pay approximately 31.3 billion won (\$26.2 million) in back pay to 1,247 workers who were paid less than Hyundai’s regular employees.

e. Acceptable Conditions of Work

The annual national minimum wage was 5,580 won (\$4.68) per hour. A person making the minimum wage for a 40-hour workweek would earn significantly less

than the minimum monthly cost of living for a family of four, according to the Ministry of Health and Welfare.

The law requires employers to allow 30 minutes' rest in a four-hour work period and one hour's rest in an eight-hour work period. The law also allows 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, amounts exceeding 40 hours constitute overtime.

Foreign companies operating in the export-processing zones are exempt from labor regulations that mandate one day of rest a week, such as weekends, also referred to as "weekly rest."

Persons working in the financial/insurance industry, publicly invested companies, state corporations, and companies with more than five full-time employees are required to receive premium pay at a 50-percent higher rate for work in excess of 40 hours per week. The law limits overtime of ordinary workers to 12 hours a week to protect workers' health.

The government enforced its labor laws, but the ILO's CEACR has observed that the number of labor inspectors was insufficient, and that unannounced inspections were rare.

The government sets occupational health and safety standards and is responsible for monitoring industry adherence to these standards. 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, or mining. Penalties for violations are a maximum of seven years in prison and fines up to 100 million won (\$95,240). The government conducted labor inspections both proactively, according to regulations, and reactively, within a month after an accident occurred. The Korea Occupational Safety and Health Agency conducted more than 195,000 inspections as of August 31. The government also conducted educational programs to prevent accidents. During the year the government also conducted inspections of establishments employing foreign, temporary entertainment workers, a vulnerable migrant population.

MOEL reported in September that 516,054 foreign workers entered the country under the Employment Permit System (EPS). A set of regulations, including the

EPS, outlines legal protections for migrant (those under the EPS) and foreign (all others) workers. Permit holders may work only in certain industries and have 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 electronics, automotive, and services sectors.

Workers under the EPS faced multiple restrictions on employment mobility. Such workers lost their legal status if they lost their job and did not find a new employer within three months. If a migrant worker was not able to get a job within three months, authorities could cancel his/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. Employers effectively controlled the list of job-seeking workers and had the right to contact the person they choose. Migrant laborers were required to return home 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 39 foreign worker support centers nationwide, a call center that provided foreign workers with counseling services in 13 languages, Korean language and cultural programs, shelter, and free health-care services. MOEL continued programs previously implemented for foreign workers, including free legal advice, counseling, translation services, health checkups in their native language, and the establishment of several human rights protection centers for foreigners.

The Act on the Employment of Foreign Workers requires severance payments to migrant workers departing the country. NGOs reported, however, that many departing migrants had to leave the country to avoid overstaying their visa and never received these payments.

The 2014/15 Amnesty International report documented excessive working hours, underpayment, illegal subcontracting, and poor living conditions facing migrant workers in the agricultural sector. 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-industries with large populations 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 South Korean counterparts. Moreover, according to NGOs, workers also faced unexpected contract changes, such as the deduction of accommodation or meal expenses from wages. An OECD report stated that South Korean workers earn 1.55 times as much as foreign workers.

The government reported descriptions of and statistics on work-related injuries and fatalities on a quarterly basis on its websites. As of August the government inspected 196,237 workplaces for industrial health safety and health. There were 1,070 national industrial accident prevention inspectors and 320 working condition inspectors employed in 47 local offices countrywide. There were 90,909 industrial work-related accidents reported and 1,850 fatalities. In July, an explosion at the Hanhwa Chemical Company's factory at Ulsan led to the deaths of six workers. The government did not provide information on sectors most affected.