

Republic Of Korea 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation in the Republic of Korea during the year.

Significant human rights issues included credible reports of: restrictions on freedom of expression, including the use of criminal libel laws; government corruption; 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 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, including extrajudicial killings, during the year.

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, and Other Related Abuses

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

In the first six months of the year, there were 22 suicide cases in the military. Local NGOs believed bullying, hazing, and violence played a role in some of these. NGOs and media reported such mistreatment of subordinates by more senior military personnel, as well as credible allegations of sexual harassment and assault.

Prison and Detention Center Conditions

Prison and detention center conditions were generally adequate, and detainees had access to relief measures.

Administration: Authorities investigated all reports of mistreatment and reported inmates had several relief procedures available to them for any perceived abuses of their rights. There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Independent Monitoring: There were no reports of problems in accessing prison facilities. The National Human Rights Commission of Korea (NHRCK) and NGOs had access to correctional facilities to investigate reported cases of human rights abuses.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

The National Security Law (NSL) granted authorities the power to detain, arrest, and imprison persons believed to have committed acts intended to endanger the “security of the state.” Civil society groups argued that the National Intelligence Service’s powers and a lack of oversight enabled it to define its mandate too broadly.

Arrest Procedures and Treatment of Detainees

The law required warrants in cases of arrest, detention, seizure, or search unless authorities apprehended a person when committing a criminal act, a judge was not available, or if authorities believed a suspect could destroy evidence or flee if not arrested quickly. In such cases, a public prosecutor or police officer had to prepare an affidavit of emergency arrest immediately upon apprehension of the suspect. Authorities could not interrogate for

more than six hours a person who voluntarily submitted to questioning at a police station. Authorities were required either to indict or release an arrested suspect within 20 days. The law allowed 10 additional days of detention in exceptional circumstances.

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

The law provided for the right to representation by an attorney, including during police interrogation. There were no reports of denial of access to counsel. There were no restrictions on access to a lawyer, but authorities could limit a lawyer’s participation in an interrogation if the lawyer obstructed the interrogation or impeded an investigation. Under certain circumstances during the pretrial stage, an indigent detainee could request 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 provided for an independent judiciary, and the government

generally respected judicial independence and impartiality.

Trial Procedures

The constitution provided for the right to a fair, timely, and public trial, and an independent judiciary generally enforced this right.

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 were required to complete 18 to 21 months of mandatory military service; the penalty for refusing conscription was 18 months' imprisonment, but conscientious objectors could do alternative service 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 alternative service personnel had curfews and restricted access to electronic devices.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibited such actions, and there were no reports that the government failed to respect these prohibitions.

While it did not explicitly prohibit access to media content from the Democratic People's Republic of Korea (DPRK), the NSL forbade citizens from listening to DPRK radio programs, viewing DPRK satellite telecasts, or reading books published in the DPRK if the government determined such an action endangered national security or the basic order of democracy. Such determinations were rare.

Section 2. Respect for Civil Liberties

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

The law provided 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 media members. 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.

Until being ruled unconstitutional by the Constitutional Court in September, the law criminalized the dissemination of leaflets and other materials (such as cash and digital storage drives with South Korean news, documentaries, or television dramas) via balloon across the inter-Korean border to the DPRK without obtaining prior approval. In a related verdict, the Supreme Court ruled in May that the Moon administration's decision to revoke the legal status of an NGO engaged in sending leaflets over the inter-Korean border by balloon was an improper restriction of free speech.

Libel/Slander Laws: The government and public figures were accused of using libel and slander laws, which were broadly defined and criminalized defamation, to restrict public discussion and harass, intimidate, or censor private and media expression. The law allowed 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 punished defamation of deceased persons as well; the maximum punishment if convicted was two years' imprisonment. There was 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 survivors of workplace sexual harassment from coming forward or to retaliate against such survivors.

In January the Supreme Court upheld the two-year prison sentence for defamation won by prosecutors in 2016 against Jee Man-won, a conservative commentator who alleged the citizens who took part in the 1980 Gwangju prodemocracy uprising were DPRK agents.

In August a district court sentenced National Assembly member Chung Jin-suk to six months in prison for defaming former President Roh Moo-hyun. Roh's family filed a complaint after Chung wrote, in a social media post regarding Roh's 2009 suicide, that Roh's wife and son accepted millions of dollars in bribes from a businessman close to the late president.

In September prosecutors launched an investigation into allegations that Shin Hak-lim, a journalist associated with the online newspaper *Newstapa*, took a bribe to print a fabricated interview intended to implicate then presidential candidate Yoon Suk Yeol in a scandal before the election. The Korea Communications Commission, the country's media regulatory agency, followed with a probe into fact-checking procedures by outlets that quoted the interview, and subsequently imposed fines on four broadcasters under provisions of a law that prohibit media from circulating defamatory content.

The Journalists Association of Korea criticized the actions of prosecutors and

the communications commission as a “systematic attempt to suppress critical media.” Ruling party lawmakers filed a defamation complaint against three news commentators after they quoted the story.

National Security: The NSL criminalized actions interpreted as supporting the DPRK or otherwise against the state. The government used the NSL to arrest and imprison civilians and to deport foreigners. Critics decried the law’s limitations on freedom of expression and continued to call for its repeal. In September the Constitutional Court upheld the constitutionality of Article 7 of the NSL, which stipulated that a person who knowingly praised, incited, or propagated the activities of an antigovernment organization or individual could be punished by up to seven years in prison.

From January to July, authorities reported 11 arrests under the NSL. In January police arrested four members of civic organizations in Changwon for allegedly violating the NSL by communicating with DPRK agents and incorporating North Korean policy objectives into their organizations’ agendas.

In February the National Intelligence Service and police arrested an agricultural official and the chairman of the local chapter of a progressive political party in Jeju for allegedly violating the NSL by communicating with DPRK officials, aiding DPRK efforts to spy on the country, and disseminating pro-DPRK views.

Internet Freedom

There were some government restrictions on internet access. The Korea Communications Standards Commission, a quasi-governmental media monitoring agency, blocked websites it deemed harmful. Most blocked sites reportedly involved gambling, illegal food or drugs, or pornography. The commission also blocked DPRK propaganda on YouTube and X (formerly Twitter). Although viewing websites praising the DPRK regime was lawful, disseminating information regarding those websites, including posting links to them, was illegal under the NSL.

The commission determined whether posts made on social networking sites such as X and Facebook, or in chat rooms, contained unlawful content, defined as harmful or illegal speech. If the commission found prohibited materials, it had the authority to warn the user. If the prohibited content was not subsequently removed, the user's account could be blocked.

b. Freedoms of Peaceful Assembly and Association

The law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

The law provided for the freedom of peaceful assembly, and the government generally respected this right. The law required advance

notification for demonstrations of all types, and some provisions could be used to prohibit or limit assemblies considered likely to undermine public order, including political rallies, and imposed some restrictions on where protests could take place.

In October a revised ordinance went into effect allowing police to prohibit rallies on 11 “main streets” near the presidential office. In 2022 the Constitutional Court ruled a previous ban on rallies within approximately 110 yards of the presidential residence was inconsistent with constitutional guarantees and gave the National Assembly a two-year grace period to find a legal remedy.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations to provide protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provided for granting asylum or refugee status, and the government had an established system for providing protection to refugees. The recognition rate for asylum applicants, however, was just 1.6 percent from January to July, raising concerns among NGOs and advocacy groups. While the government reported that it screened 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.

In March the Constitutional Court ruled that Immigration Act provisions that allowed indefinite detentions of asylum seekers did not conform with the constitution and gave the National Assembly two years to amend the law to mitigate the risk of indefinite detention.

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.

Durable Solutions: The government continued its longstanding policy of accepting refugees from the DPRK, who by law were entitled to citizenship. The Ministry of Unification reported admitting 99 DPRK citizens through June. The government did not have a clear pathway to naturalization for recognized refugees from other countries, and NGOs stated that asset and income requirements were one of the biggest barriers to naturalization.

Temporary Protection: The law offered renewable one-year short-term humanitarian status to those who did not qualify as “refugees” (who had well-founded fears of persecution on protected grounds) but nonetheless had reasonable grounds to believe their life or personal freedom were endangered. In 2022 the government offered temporary humanitarian-stay permits to 67 individuals. Temporary humanitarian-stay permit holders did not have the same access to basic services as refugees and therefore relied heavily on NGOs for housing and support. Due to the government’s restrictions on the type of jobs humanitarian stay permit holders could hold, many faced difficulty in securing jobs.

Section 3. Freedom to Participate in the Political Process

The law provided 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

Abuses or Irregularities in Recent Elections: The most recent national elections in March 2022 were widely reported to be fair and free of abuses and irregularities.

Political Parties and Political Participation: By law the government rigorously and extensively regulated political expression by public officials and teachers, even in their private lives and regardless of their job duties. Public officials were also prohibited from joining political parties.

The law required political parties to maintain a headquarters in Seoul and have at least five branch offices in other cities or provinces.

Participation of Women and Members of Marginalized or Vulnerable

Groups: The law required political parties to put forward a gender-balanced candidate list for the 47 proportional-representation seats in the 300-seat National Assembly and for local council elections. Civil society groups agreed informal political power networks were male-dominated and remained a barrier to women's political participation.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were, nevertheless, numerous reports of government corruption at all levels.

Corruption: In December 2022, President Yoon pardoned former President Lee Myung-bak, who was serving a 17-year prison sentence for bribery and embezzlement.

In August the Supreme Court upheld a seven-year prison sentence for National Assembly member Jung Chan-min for bribery, automatically stripping him of his parliamentary seat. The court found Jung accepted approximately 352 million won (\$265,000) while serving as mayor of Yongin in Gyeonggi Province in exchange for providing a real estate developer with favorable treatment and licensing.

In September the Seoul High Court sentenced National Assembly member Yoon Mee-hyang to 18 months in prison for embezzling approximately 100 million won (\$76,000) in funds donated to a support group for Korean women who were forced into sexual slavery by the Japanese military during World War II.

For additional information about corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and

the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

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

In April the Supreme Court overruled a lower court's decision to revoke the legal status of a defector-led civic group for sending antiregime leaflets to the DPRK by balloon. The Supreme Court rejected the lower court's finding that the group's activities injured the public interest by heightening tensions with the DPRK.

Government Human Rights Bodies: The NHRCK was an independent government body mandated to protect and promote the human rights enumerated in the constitution. It did not have law enforcement power, and its recommendations and decisions were nonbinding. It investigated complaints, issued policy recommendations, trained local officials, and conducted public-awareness campaigns.

The Korean National Police Agency's Human Rights Protection Division investigated allegations of human rights abuses by police.

The Ombudsman's Office investigated public grievances, mediated, and arbitrated disputes between the public and government agencies, and evaluated services provided by central and local governments and education offices.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalized rape, including spousal rape; rape not involving vaginal sexual intercourse was considered “imitative rape.” The penalty for rape ranged from a minimum of three years’ to life imprisonment, while “imitative rape” carried a minimum penalty of two years’ imprisonment. The legal definition of rape was based on whether the perpetrator used physical violence or intimidation. The law defined domestic violence as a serious crime and offenders could be sentenced to a maximum of five years in prison plus fines for domestic violence offenses.

Due to the narrow legal definitions, the existence and use of laws criminalizing defamation, and prevalent discrimination against women, rape and domestic violence were underreported and underprosecuted. Civic groups criticized the perceived lenience of the judicial system toward

offenders, many of whom received light or suspended sentences that could not have effectively deterred offenders. Within this context, however, police generally responded promptly to reported incidents, and the judicial system effectively enforced the law.

Foreign brides (often in rural areas) brought to the country by marriage brokers since the early 1990s experienced domestic violence at a higher rate than other women in the country. These women, primarily Vietnamese, Cambodian, and Filipina, were more vulnerable to domestic violence 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 survivors of sexual or domestic violence.

Other Forms of Gender-based Violence or Harassment: Sexual harassment was a significant social problem, and there were numerous allegations of sexual harassment reported in media. Offenders faced up to three years in prison and a significant fine, and up to five years in prison if they used a weapon. The government generally enforced the law effectively. The law distinguished between “indecent acts” committed by force or intimidation against another person, and sexual harassment, which covered both physical and verbal actions; sexual harassment legislation was focused mostly on workplace settings. The NHRCK reported survivors of workplace sexual harassment who relied on in-house grievance mechanisms faced

stigma and other difficulties, including, in some cases, dismissal. Survivors who took their cases to court, as well as those who testified on behalf of survivors at sexual harassment trials, were also subject to stigma. The law obligated companies and organizations to take preventive measures against sexual harassment.

In September the Seoul city government launched the One-stop Assistance for Victims of Stalking task force. It included a police hotline, shelters, a private guard service for high-risk victims, financial assistance for those who needed to move, counseling, and legal assistance.

Digital sex crimes were a significant concern. Several NGOs acknowledged the government had taken some positive steps to address digital sex crimes but emphasized the need to provide better support for survivors. The Seoul Digital Sex Crimes Support Center offered legal services, therapy, and investigative support to survivors in that city. Digital sex crimes could involve perpetrators capturing hidden camera footage without the survivor's consent, nonconsensual sharing of images that were captured with consent, or sharing images that were faked or manipulated to damage the survivor's reputation. Although digital sex crime cases that moved forward normally resulted in convictions, most defendants received only a suspended sentence or a fine.

The Digital Sex Crime Victim Support Center under the Ministry of Gender Equality and Family assisted survivors in requesting the deletion of images

and videos from websites and supported survivors in collecting evidence and filing police reports. It also referred them to free legal services and provided financial assistance for medical expenses.

The Ministry of Gender Equality and Family operated the Special Center for Reporting Sexual Harassment and Sexual Assault. Central and local governments supported 128 domestic violence counseling centers.

Additionally, the ministry supported 17 support centers for child trafficking victims as well as 33 protection facilities and nine counseling centers for migrant women and their children who were victims of domestic violence, sexual assault, or sex trafficking. There were also 39 “sunflower centers” that provided counseling, medical care and therapy, caseworkers, and legal assistance.

Discrimination: The law provided the same legal status and rights for women as for men, and those laws were generally respected, although sex discrimination remained a problem.

The law provided for equal pay for equal work. The government, however, inconsistently enforced the law, and sex discrimination in employment occurred. The Organization for Economic Cooperation and Development reported in December 2022 the country’s gender pay gap was 31.1 percent in 2021. A higher percentage of women filled lower-paying, low-skilled contract jobs, and women often faced difficulties returning to the workforce after childbirth. 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 Ministry of Gender Equality and Family reported the employment rate for women in 2022 was 52.9 percent; that of men was 71.5 percent. Workers' rights groups attributed these gaps to social factors, notably an expectation that women would focus on childcare, elder care, and household responsibilities.

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 and postexposure prophylaxis as clinical management of rape.

Systemic Racial or Ethnic Violence and Discrimination

Racial and ethnic minorities faced societal discrimination. The NHRCK and NGOs urged the National Assembly to pass a comprehensive antidiscrimination law, expressing concern regarding a reported rise in ethnic discrimination in the country.

Residents in Daegu delayed construction of a mosque with protests that included leaving pig heads and hosting pork barbecue parties in the immediate vicinity of the proposed site. In March the NHRCK declared this use of pork to denigrate Islamic culture to be a form of hate speech.

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 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 bullied because of their physical appearance.

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

Children

Birth Registration: Birth registration was provided and required by law for all with legal status in the country, leaving approximately 265 children born to undocumented foreigners per year without access to certain public

benefits and protections.

In June the National Assembly amended the Family Relations Registration Act to require medical institutions to notify local governments of all births. The amendment was scheduled to go into effect in July 2024. Previously, responsibility for birth registration fell to parents. The change was made amid rising public concern regarding the welfare of undocumented “ghost babies.” A probe conducted by the Ministry of Health and Welfare found 249 out of the 2,123 babies born between 2015 and 2022 but not registered with the government died, and police referred seven cases of dead “ghost babies” to prosecutors.

Child Abuse: The law criminalized serious injury and repeated abuse of children and provided for prison terms of between five years and life, and was enforced. The law provided for the protection, counseling, education, and psychological treatment of abused children, and for their immediate separation from abusers. Abused children could file directly to terminate the rights of abusive parents.

In May a couple was sentenced to 30 years in prison for child abuse following the 2022 death of their child, age two, due to severe malnutrition and a brain hemorrhage.

Child, Early, and Forced Marriage: The minimum legal age to marry was 18. The law was enforced. There were no reported cases of forced marriage.

Sexual Exploitation of Children: The age of consent was 16. The penalty for rape of a child younger than age 13 ranged from 10 years to life in prison; the penalty for rape of a child age 13 to 19 was five years' to life imprisonment. Other penalties included electronic monitoring of offenders, public release of their personal information, and reversible hormone treatment.

The law prohibited commercial sexual exploitation of children and the commercialization and possession of child pornography; the government enforced the law effectively. Offenders convicted of producing or possessing child sexual abuse materials for the purpose of selling, leasing, or distributing it were subject to a maximum of seven years' imprisonment. The minimum sentence for distribution of child pornography for profit was five years' imprisonment. The minimum sentence for distribution not for profit was three years' imprisonment, and possession or purchase of child pornography carried a minimum sentence of one year's imprisonment.

In June authorities announced the arrest of 10 persons involved in a ring that allegedly groomed and exploited 133 children to produce online child sexual exploitation material. A survivor support center provided counseling to survivors who had attempted suicide. Police confiscated 18,329 files and blocked 1,361 online accounts while investigating the case.

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

Antisemitism

The Jewish community numbered approximately 2,000 individuals, almost all expatriates. There were no known reports of antisemitic incidents.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No law criminalized consensual same-sex sexual conduct between civilian adults.

The “disgraceful conduct” clause in military law criminalized consensual sexual acts between individuals of the same sex in the military with up to two years’ imprisonment, regardless of where the act took place. In October the Constitutional Court ruled that the clause did not violate the constitution, disappointing expectations raised by an April 2022 Supreme Court ruling that overturned the 2019 conviction of two soldiers for participating in same-sex sexual acts. The Supreme Court at that time ruled that the “disgraceful conduct” clause did not apply to the soldiers because

the acts took place off base outside of duty hours. A rights group reported the military ceased prosecuting same-sex sexual acts that took place when personnel were off base and off duty.

Violence and Harassment: The government generally investigated and prosecuted those complicit in violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons. The NHRCK reported one case in which a correctional facility failed to provide separate accommodation requested by an LGBTQI+ individual.

LGBTQI+ youth in schools experienced isolation and mistreatment including bullying and harassment by teachers and fellow students, lack of confidential mental health support, and gender-identity discrimination against transgender youth. Schools based class divisions, restrooms, and uniform rules on biological sex.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation and sex characteristics. The law did not specifically prohibit discrimination based on gender identity. The government did not recognize same-sex marriage or grant LGBTQI+ couples and their families the same rights accorded to other persons. In February the Seoul High Court ruled that a same-sex couple could name one another as dependents on their health insurance. The court's ruling argued there was no basis to treat same-sex couples differently from heterosexual common-law couples.

LGBTQI+ persons reported often feeling unable to express themselves fully due to social pressure to conform to gender roles. Others noted that social awareness of LGBTQI+ matters increased greatly in recent years, especially among the younger generations, but the country remained very conservative on this.

Politically powerful conservative Christian groups that rejected equal rights for LGBTQI+ persons continued to vehemently oppose a comprehensive antidiscrimination law that would prohibit discrimination across 23 categories.

Ethics guidelines issued by a national association of gynecologists stipulated that doctors should offer artificial insemination procedures only to couples who were legally married, effectively denying that service to LGBTQI+ individuals. In August a baby was born in the country to LGBTQI+ parents by artificial insemination for the first time; the couple had the insemination performed in Belgium.

Availability of Legal Gender Recognition: Individuals older than 19 could update their legal gender on identification documents with a court decision, which required that applicants meet burdensome requirements including completion of gender-affirming surgery, sterilization, not being married, and having parental consent. Individuals with gender identities other than male or female were not able to choose a nonbinary option.

Involuntary or Coercive Medical or Psychological Practices: A rights group alleged that the guidelines used by courts to adjudicate a petition for gender recognition put pressure on transgender individuals to undergo irreversible medical procedures against their will.

So-called conversion therapy was legal; there were six known cases of conversion therapy through October. NGOs reported that conversion-therapy practices did occur, including counseling or psychotherapy (individual, group, and family, including at school or community counseling centers), medication therapy, in-patient therapy, electric-shock treatment, and religious and spiritual intervention (religious rituals, exorcism, church camp retreat). There were no reports of efforts by the government or local medical associations to limit conversion-therapy practices.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

In July the mayor and other municipal officials in Daegu attempted to physically obstruct the annual Daegu Queer Culture Festival, alleging traffic violations. Police dispersed the officials after a 30-minute standoff and allowed organizers to continue preparations for the festival. Earlier a court dismissed an injunction by merchant and church groups seeking to halt the event as injurious to business. The court ruled participants' right to freedom of expression was as important as the merchants' rights to trade, and the court raised doubts over the church groups' standing in the case.

In Seoul organizers of the Queer Culture Festival were unable to obtain a

permit to use the city's most prominent open-air venue for their event, although they had used that site the previous eight years (excepting 2020 and 2021 when no in-person event was held due to COVID-19 restrictions), because the municipal government approved a competing application from a Christian group to hold a youth concert.

Persons with Disabilities

Persons with disabilities had some access to education, employment, social programs, and government support, but not on an equal basis with others. The government generally enforced laws requiring such access.

Children with disabilities ages three to 17 had access to both regular public schools and to a separate special education school system, depending on the child's needs. All regular childcare and educational facilities had to provide accommodations for students with disabilities.

Government statistics showed persons with disabilities were employed at lower rates than those without disabilities and, when employed, were more likely to do irregular work.

Regulations for building accessibility applied only to new establishments larger than 540 square feet; the Research Institute for Differently Abled Person's Rights Korea stated this practice left persons with disabilities no access to some establishments used in everyday life. The lack of accessible public transport led to prolonged demonstrations calling, inter alia, for

increased government funding for the protection of the rights of persons with disabilities.

In May media reported that social workers at a home for persons with intellectual disabilities in Busan serially harassed residents for nearly two years, including making videos ridiculing the residents and uploading the videos to chat rooms. A child age six was reportedly among the victims.

Persons with disabilities continued to face societal discrimination, including in the workplace. NGOs reported that politicians also used discriminatory language to denounce their political rivals and their policies, which encouraged and perpetuated such discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

The law recognized most workers' right to strike. Labor and employers in businesses deemed to be "essential services" were required to agree on a plan to maintain a minimum level of services for the public interest during a

strike. Essential services included railroads, air transport, communications, water supply, and hospitals. The trade union law prohibited the use of replacement workers to conduct general business disrupted by legal strikes, but in essential services, employers could hire replacements for up to 50 percent of striking workers. By law, civil servants including public school teachers were not allowed to participate in collective labor actions.

By law, parties involved in a “labor dispute” had to first participate in third-party mediation through the National Labor Relations Commission before registering to strike. Strikes initiated following this period were legal if they obtained majority support from union membership. The law narrowly defined “labor dispute,” which made strikes on many issues, such as downsizing and layoffs, illegal. Strikes not specifically pertaining to labor conditions, wages, benefits, or working hours were illegal. In September, a Ministry of Land, Infrastructure, and Transport official declared a strike by a rail workers union illegal, claiming it focused on government policy (expansion of rail services) and therefore was not a labor matter. The union nonetheless carried out the four-day strike as planned.

Participating in strikes falling outside of the legally prescribed definition could result in imprisonment or a fine for the organizers and participants. Employers could also sue labor unions or their members for damages. In June the Supreme Court raised the legal bar for seeking such compensation from union members, ruling that businesses had to weigh an individual’s

status in a union and level of involvement in the decision making and execution of an illegal strike.

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 education unions' ability to advocate for their positions.

The law permitted workers to file complaints of unfair labor practices against employers who interfered with union organizing or who discriminated against union members. The law prohibited retribution against workers who struck legally, and the National Labor Relations Council could 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. Penalties were regularly applied against violators. In addition, an employer could be penalized for noncompliance with a labor relations commission order to reinstate a worker. The law set penalties in the form of fines or imprisonment against employers who refused unions' lawful requests for bargaining.

Labor organizations generally operated without government interference. Labor organizations and unions alleged, however, that a police raid in June

was carried out to harass these groups for their sustained calls to improve worker rights. Police reported the purpose of the June 9 raid of the offices of the Korean Construction Workers Union was to investigate officials arrested for conducting an overnight rally held in May in violation of the Assembly and Demonstration Act.

Most undocumented foreign workers avoided participating in union activities due to the risk of exposing themselves to arrest and deportation.

In July the umbrella Korean Confederation of Trade Unions staged a general strike, protesting the government's labor policies and demanding a minimum wage increase. In September teachers engaged in large-scale rallies to protest perceived inadequate teachers' rights protections. The National Assembly on September 21 passed a series of legislative revisions aimed at improving teachers' rights.

b. Prohibition of Forced or Compulsory Labor

See the Department of State's annual *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 prohibited all of the worst forms of child labor. The law provided a minimum age for employment of 15 but had an exception for work by

younger children if they had an authorization certificate from the Ministry of Employment and Labor. The Ministry of Employment and Labor reported it issued 77 such certificates for full-time employment in 2022. Children ages 15 to 18 could work with the consent of at least one person with parental authority or a guardian, for limited hours, and not at night or in employment detrimental to their health or “morality.” Employers in harmful or hazardous industries faced 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 was penalized by up to 10 years’ imprisonment, but prosecutors could apply other criminal statutes in such a case. Penalties were regularly applied to violators. The government reported no violations of child labor laws during the year and generally enforced the law effectively.

There were some reports of commercial sexual exploitation of children. There were no other confirmed reports during the year of the worst forms of child labor.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: There was a minimum wage, but it did not cover agricultural, livestock, or fisheries workers. During the year, the minimum

wage increased by 5 percent and was above the official poverty line.

The law allowed a flexible system under which employees could 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 did not exceed 40 hours and workers had a mandatory day of rest each week. For employers who adopted a flexible system, hours exceeding 80 in a two-week period constituted overtime. Foreign companies operating in export-processing zones were exempt from labor regulations that mandated one day of rest a week. The law limited overtime of ordinary workers to 12 hours a week.

Standards for working and rest hours and paid leave did not apply to seafarers; overtime pay standards applied to fisheries workers on coastal fishing vessels but not to those on deep-sea fishing vessels. The Ministry of Oceans and Fisheries reported the minimum wage for migrant crewmembers was 85 percent of Korean crewmembers' minimum wage.

Regulations outlined legal protections for migrant and foreign workers. Wage and hour inspections covered businesses with foreign workers, particularly in the agriculture, livestock, fisheries, and construction sectors, which generally had poor working conditions.

NGOs and local media reported discrimination against workers who did not

have full-time, permanent employment and who did not receive benefits at the same level as permanent workers. For example, while the law required 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 provided subsidies and tax breaks to encourage businesses to hire temporary workers on a permanent basis, according to the Labor Ministry.

Migrant workers faced some 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 more freedom to change employers. Under the Employee Permit System, migrant workers were authorized to change workplaces up to five times during their stay in the country, and the Ministry of Employment and Labor stated it granted 97.8 percent of employment relocation requests. If a foreign worker cited sexual assault as the reason for requesting a workplace change and an initial investigation found the victim's statement specific and consistent, even if the employer denied the charges, the ministry had to permit a workplace change within 72 hours.

The law required severance payments to migrant workers who worked in the country for at least one year. Many workers, however, reported difficulty 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.

Surveys showed nearly all migrant workers lived in housing provided by their employers. In the farming and fisheries sector, a majority continued to report living in makeshift structures made of assembled panels, containers, or structures covered with vinyl sheeting.

Occupational Safety and Health: The Korea Occupational Health and Safety Agency, under the supervision of the Ministry of Employment and Labor, established occupational safety and health (OSH) standards and worked to identify unsafe working conditions. Under the law, workers in every sector had the right to remove themselves from dangerous situations without jeopardizing their employment. The Serious Accident Punishment Act placed responsibility for accident prevention on CEOs. Per labor regulation, complaints or reports that alleged criminal activity were required to be investigated and forwarded to prosecutors within two months. Other cases were to be processed within 25 days of receipt. NGOs and labor groups cited poor working conditions and lack of legal protections as primary factors contributing to the higher rates of industrial accidents for foreign workers.

The leading cause of workplace deaths was falls. The ministry acknowledged that challenges remained in reducing the level of fatal accidents to approximately that of other advanced countries; protecting 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.

Wage, Hour, and OSH Enforcement: In general, the government effectively enforced laws on wages and acceptable conditions of work in most sectors, but migrants faced discriminatory laws. The Ministry of Employment and Labor was generally responsible for enforcement of labor laws and the number of labor inspectors was sufficient to deter violations in most sectors.

The Ministry of Employment and Labor and the Ministry of Oceans and Fisheries had overlapping enforcement responsibilities for foreign seafarers.

Labor 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. Fines for wage and working hour violations were sometimes applied against violators. Penalties for violations were commensurate with those for analogous crimes such as gross negligence. Fines for OSH violations were regularly applied against violators.

Migrants' rights advocates noted the government inspected only a small percentage of workplaces that hired migrant workers. The Ministry of

Employment and Labor reported a high rate of death in the construction industry, a sector with a high concentration of migrant workers. According to the ministry, 47 of the 402 individuals killed in construction site accidents in 2022 were foreigners. Advocates asserted that employers were not deterred from violating labor standards because most inspections were perfunctory and, if violations were found, typically resulted in a corrective order.

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. The law required all employers of foreign workers under the employment permit system to receive training on labor laws and human rights.

The government provided funding to 44 foreign workers support centers nationwide to provide counseling services in 16 languages, Korean-language instruction and cultural programs, shelter, and free health-care services. These centers also assisted workers with collecting owed wages. The government also ran a call center to help foreign workers resolve grievances.

Some NGOs reported migrant workers were particularly vulnerable to exploitation because the law excluded regulations on working hours, holidays, and benefits for the agricultural, livestock, and fisheries industries,

which employed large numbers of migrant workers. Foreign laborers sometimes faced physical abuse and exploitation by employers in the form of longer working hours 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.

The informal labor sector was relatively small. A 2022 estimate from the International Labor Organization's Department of Statistics found 18.5 percent of the workforce was engaged in "vulnerable employment"; however, this figure also included the self-employed and unpaid contributing family members. Freelancers were or were not recognized as workers under the Labor Standards Act (and therefore covered by the protections of the act) depending on the relationship between the contractor and the employer.