

Republic of Korea 2024 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.

The government took steps to identify and punish officials who committed human rights abuses.

Section 1. Life

a. Extrajudicial Killings

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

b. Coercion in Population Control

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

Section 2. Liberty

a. Freedom of the Press

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

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Media outlets and unions expressed concern about restrictions on freedom of the press and expression and questioned the impartiality of the Korea Communications Standards Commission, a quasigovernmental media watchdog whose nine commissioners were political appointees. In March the National Union of Media Workers alleged a commission subcommittee tasked with monitoring political bias in media coverage of a national election disproportionately penalized public broadcaster Munhwa Broadcasting Corporation (MBC) for content deemed in violation of the

Public Official Election Act. Examples included the board sanctioning MBC for running a graphic of a large blue number one during a news report on Seoul's daily pollution level, which the review board deemed could be seen as an endorsement of the main opposition party, whose official color was blue and whose candidates were assigned the first place on the ballot in an upcoming election.

b. Worker Rights

Freedom of Association and 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 what the law defined as 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. Strikes could also be deemed illegal midstrike based on subjective thresholds found in the Assemblies and Demonstrations Act, such as “obstruction of traffic,” “disturbance of the daily lives of citizens,” and “high noise.” Labor unions reported these definitions were applied unevenly to their activities.

In February doctors in training, including residents and interns, resigned en masse as part of a collective action against the government’s proposal to increase the number of admissions slots for medical schools to purportedly address an anticipated shortage of health-care services as the country’s population ages and shrinks. The collective action continued as of December. The protesting doctors in training expressed concerns regarding long working hours and low pay, which they predicted would worsen if the number of trainee doctors expanded. Others in the medical community raised concerns regarding a potential decline in the quality of medical education, due to the limited capacity to train more students.

Participating in an illegal strike could result in imprisonment or a fine for the organizers and participants, even if the strike was initially deemed legal. Employers could also sue labor unions or their members for damages due to 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.

In October, police arrested three individuals on suspicion of violating the National Security Law. According to local police, the suspects were leaders in labor unions and workers associations and were suspected of maintaining connections with overseas intelligence agencies.

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 analogous violations such as civil rights violations. 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.

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

Forced or Compulsory Labor

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

Acceptable Work Conditions

Wage and Hour Laws

The government enforced a minimum wage uniformly across all industries, with a legal exception for certain categories of seafarers. It 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), provided 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 per week. The law limited overtime of ordinary workers to 12 hours per week. In January, the Ministry of Employment and Labor modified its definition of overtime, stating any amount of overtime worked in a day was permissible if the weekly total of working hours stayed within the legally mandated 52 hours.

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 approximately 90 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.

Nongovernmental organizations (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. 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.

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 alleging criminal activity had 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 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. To address these problems, the ministry stated it translated brochures on workplace safety into 16 languages and distributed them to both migrant workers and their employers.

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.

Labor inspectors had the authority to identify unsafe conditions, conduct unannounced visits, and issue corrective orders. Penalties for wage, hours, and OSH violations included imprisonment and fines and were generally commensurate with those for similar crimes, such as fraud or negligence. Fines for wage and working hour violations were sometimes applied against violators. 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, 85 of the 812 individuals killed in industrial accidents in 2023 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 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 law required all employers of foreign workers under the employment permit system to receive training on labor laws and human rights.

Some NGOs reported migrant workers were particularly vulnerable to exploitation in the agricultural, livestock, and fisheries industries, which employed large numbers of migrant workers, because the law excluded these industries from regulations on working hours, holidays, and benefits. 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.

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.

In May the Ministry of Employment and Labor acknowledged freelancers and other workers on temporary contracts were not fully protected under the Labor Standards Act, and lacked comparable rights provided for full-time employees, such as the right to unionize or comparable protections on

working hours. The most recent estimate from the International Labor Organization's Department of Statistics, released in 2023, found 18.5 percent of the workforce was engaged in "vulnerable employment."

c. Disappearance and Abduction

Disappearance

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

Prolonged Detention without Charges

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 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 the National Intelligence Service's powers and a lack of oversight enabled it to define its mandate too broadly. The government historically used the National Security Law to criminalize actions interpreted as supporting the Democratic People's Republic of Korea (DPRK).

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Section 3. Security of the Person

a. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

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

In the first six months of the year, there were 20 suicide cases in the military, a decrease from the peak of 84 in 2021. The Center for Military Human Rights Korea believed bullying, hazing, and violence played a role in some of these deaths. NGOs and media reported such mistreatment of subordinates by more senior military personnel, as well as credible

allegations of sexual harassment and assault.

In May the Seoul Central District Court ordered the government to pay 10 million won (\$7,000) in compensation to a Moroccan detainee at an immigration detention center who suffered physical abuse in a 2021 incident. Video footage showed the detainee was restrained with both arms and legs behind his back. The court ruled repeated use of solitary confinement and the use of equipment such as cable ties for restraint was unlawful. An NGO said the ruling was the first in which an immigration detention center had been ordered to compensate a victim of human rights abuse.

b. Protection of Children

Child Labor

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 88 such certificates for full-time employment as of August. 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 crimes, such as kidnapping, which was penalized by up to 10 years' imprisonment, but prosecutors could apply other criminal statutes in such a case. 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.

Child Marriage

The minimum legal age to marry was 18. Authorities effectively enforced the law.

c. Protection to 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.

Provision of First 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 1.7 percent from January to July, raising concerns among NGOs and advocacy groups. The government reported applicant screening generally took 13.5 months and the refugee recognition review could take approximately four years depending on litigation and any need for appeal. According to the Ministry of Justice, applicants could legally remain in the country throughout this process. The top five countries of origin were Russia, China, Kazakhstan, India, and Pakistan, accounting for 6,383 cases, or 56.6 percent of total applications.

Media reported some asylum seekers criticized authorities adjudicating their claims for using poorly trained interpreters and failing to adequately provide access to interview recordings to applicants appealing a decision.

Resettlement

The government continued its longstanding policy of accepting refugees from the DPRK, who by law were entitled to citizenship if they were born on the peninsula. The Ministry of Unification reported admitting 105 DPRK citizens through June. The government did not have a clear pathway to naturalization for recognized refugees from other countries, and NGOs stated asset and income requirements were among the biggest barriers to naturalization.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community numbered approximately 1,000 individuals, almost all expatriates. There were no known reports of antisemitic incidents.