



## Amnesty International Report 2014/15 - Korea (Republic of)

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### Republic of Korea

Head of state: **Park Geun-hye**

Head of government: **Chung Hong-won**

**The rights of workers were violated through the denial of freedom of association, the curtailment of legitimate collective action and, for migrant workers, exploitation under the Employment Permit System. The government increasingly restricted freedom of expression by using the National Security Law to intimidate and imprison people. Police blocked peaceful protests. At least 635 conscientious objectors remained in prison.**

### Background

The second year of Park Geun-hye's term as president showed a regressive trend in the realization of human rights. Numerous concerns surfaced including barriers to freedoms of assembly and expression. Following the deaths of more than 300 people, many of them students, in the accidental sinking of the Sewol ferry in April, further concerns were raised on issues such as disaster response effectiveness and impartiality of investigations. Further concerns about government abuse of power were raised in two espionage cases when the National Intelligence Service was criticized for allegedly fabricating evidence.

### Migrant workers' rights

Migrant agricultural workers under the Employment Permit System (EPS) endured excessive working hours, underpayment, denial of their weekly paid rest day and annual leave, illegal subcontracting and poor living conditions. Many were also discriminated against at work due to their nationality. The exclusion of agricultural workers from the Labour Standards Act provisions on working hours, daily breaks and weekly paid rest days was discriminatory in effect as it disproportionately affected migrant workers. Many were unable to escape exploitative working conditions due to severe government restrictions on migrants' ability to change jobs as well as the exclusion by the Labour Standards Act of agricultural workers from legal protection.

Many migrants interviewed by Amnesty International had been coerced by their employers into working under harsh conditions amounting to forced labour, most commonly through threats and violence. Many had been recruited using deception for the purpose of exploitation, a situation that amounted to trafficking.

Migrant workers lodging complaints often had to continue working for their employers during investigations, thereby putting them at risk of further abuse. Those who left their workplace risked being reported to immigration authorities as "runaways" by their employers, and subjected to arrest and deportation.

The EPS discouraged migrant workers from making complaints and changing jobs for fear of losing the ability to extend their contract, and some officials actively dissuaded migrants from making formal complaints. Consequently, employers abusing migrant workers rarely faced legal sanctions.<sup>[1]</sup>

### **Freedom of association – trade unions**

Trade unions faced increasing restrictions. Several trade union leaders were criminally charged or even imprisoned for engaging in collective action and other legitimate trade union activities.

Kim Jung-woo, a former leader of the Ssangyong Motor branch of the Korean Metal Workers' Union, had been sentenced in 2013 to 10 months in prison for preventing municipal government officials from dismantling a protest site in the capital Seoul. He was released on bail in April 2014 after completing his original sentence, but faced an appeal by the prosecution seeking a heavier sentence.

The Ministry of Labour and Employment sought to deregister the Korean Teachers' and Education Workers' Union (KTU) in 2013, and this was affirmed through a ruling by the Seoul Administrative Court in June 2014. However, the Seoul High Court suspended execution of this ruling in September, pending an appeal.

### **Freedom of expression**

The government continued its use of the National Security Law (NSL) to curtail freedom of expression. At least 32 people were charged for violations of the NSL in the first eight months of the year. This was less than in 2013, when 129 people were investigated or charged under the NSL, the highest number in a decade, but remained a matter of great concern.

Lee Seok-ki, a National Assembly member from the Unified Progressive Party (UPP), was imprisoned along with six other party members for "conspiracy to revolt", "inciting an insurrection", and activities deemed to violate the NSL. On appeal in August, the Seoul High Court dismissed the charges of "conspiracy to revolt", but upheld the other charges, and reduced the prison sentences to terms ranging from two to nine years.

The government also sought to disband the UPP before the Constitutional Court, which ruled in December that the party had violated the basic democratic order and disbanded the party. This was the first such request from the government since democratization in 1987 and the first time a party was disbanded since 1958.

### **Freedom of assembly**

Since the ferry accident in April, more than 300 people were arrested in attempts by police to quell peaceful demonstrations expressing discontent over the government's response to the ferry sinking. Police blockades of street rallies continued for months following the accident.

In June, the police cracked down on a peaceful protest in the city of Miryang, injuring 14 protesters. Some 300 protesters, many of whom were elderly, were protesting against the construction of high-voltage electricity transmission towers, and demanding genuine consultation.

### Conscientious objectors

At least 635 conscientious objectors remained in prison at the end of the year.

Members of the public voiced concerns about the system of compulsory military service following the deaths of two male conscripts, which revealed evidence of ongoing ill-treatment in the military.

Amnesty International, along with several other NGOs, submitted arguments in August in a case before the Constitutional Court addressing the right to conscientious objection to military service as derived from the right to freedom of thought, conscience and religion.<sup>[2]</sup>

### Arms trade

South Korea exported substantial amounts of tear gas shells to countries where tear gas was used indiscriminately in riot control.<sup>[3]</sup> Following pressure from Amnesty International and other human rights groups, the government announced a halt to shipments of tear gas to Bahrain in January.<sup>[4]</sup>

South Korea signed the Arms Trade Treaty in 2013, but had yet to ratify the treaty and incorporate it into domestic legislation by the end of 2014.

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1. Bitter Harvest: Exploitation and forced labour of migrant agricultural workers in South Korea (ASA 25/004/2014) [www.amnesty.org/en/library/info/ASA25/004/2014/en](http://www.amnesty.org/en/library/info/ASA25/004/2014/en)

2. Korea: The right to conscientious objection to military service: amicus curiae opinion (POL 31/001/2014) [www.amnesty.org/en/library/info/POL31/001/2014/en](http://www.amnesty.org/en/library/info/POL31/001/2014/en)

3. South Korea: Open letter to the President on first anniversary of inauguration (ASA 25/001/2014) [www.amnesty.org/en/library/info/ASA25/001/2014/en](http://www.amnesty.org/en/library/info/ASA25/001/2014/en)

4. South Korea suspends tear gas supplies to Bahrain (NWS 11/003/2014) [www.amnesty.org/en/news/south-korea-suspends-tear-gas-suppliesbahrain-2014-01-07](http://www.amnesty.org/en/news/south-korea-suspends-tear-gas-suppliesbahrain-2014-01-07)

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