



JANUARY 2007

COUNTRY SUMMARY

## South Korea

The Republic of Korea (South Korea) has come under increased pressure to change its policy of passively keeping silent on North Korea's human rights record as its own former foreign minister, Ban Ki-moon, called for South Korea to take on a more proactive role in improving the latter's human rights condition. Ban will take office as the new United Nations secretary-general in January 2007.

Meanwhile, some of South Korea's important human rights concerns, including the National Security Law, imprisonment of conscientious objectors to military service, and the death penalty, remain unresolved, despite a series of recommendations by the National Human Rights Commission calling for relevant laws to be abolished or amended. Human rights activists have also complained about the widespread mistreatment of migrant workers, and about South Korea's reluctance to recognize non-Korean refugees and asylum seekers.

### Security Legislation

South Korea continues to arrest people accused of pro-North Korea activities under the National Security Law. Human rights activists remain particularly concerned about the provision that bans "praising or supporting" North Korea, a vaguely worded phrase that has been often used by past governments to arrest dissidents for peacefully expressing their views. In September 2004 the National Human Rights Commission recommended abolition of the law to the National Assembly chairman and the minister of justice, citing human rights violations caused by the law itself, and its arbitrary application. In September 2006 Hwang Kwang-min, a 26-year-old man, was sentenced to a suspended two-year prison term for charges including producing and distributing pro-North Korea materials.

### Conscientious Objectors

South Korea requires all healthy adult men to perform 26 months of military service.

Those who refuse to serve in the military on moral or religious grounds face up to three-years' imprisonment. According to a local rights organization, World Without War, about 900 people, most of them Jehovah's Witnesses, remained in prison for refusing to serve in the military as of August 2006. A coalition of South Korean human rights organizations has been urging the government to adopt alternative state service for conscientious objectors, a call echoed in a National Human Rights Commission recommendation to the National Assembly chairman and the minister of defense in December 2005.

## **Death Penalty**

South Korea declared an unofficial moratorium on executions in December 1997 when Kim Dae-Jung, a long-term democracy activist once sentenced to death himself, was elected president. Under the current government of President Roh Mu-hyun the moratorium remains in place. In April 2005 the National Human Rights Commission submitted a recommendation to the National Assembly chairman calling for the abolition of the death penalty, but there was no movement on this in 2006. It is believed that between 40 and 50 inmates are on death row.

## **Sex Workers**

Prostitution is illegal in South Korea, though numerous brothels operate in major cities and around US military bases. Sex workers often suffer from grave abuses, including arbitrary detention and verbal or physical abuse by their employers. For migrant sex workers, language and cultural barriers exacerbate their vulnerable legal status. Most of them are staying in the country illegally, which makes it difficult to report abuse or seek redress. In September 2004 South Korea enacted a law that included a provision stipulating a prison term of up to 10 years for people who force their employees to sell sex, and nullifying all debts the employees incurred in the course of such employment. The new law also paved the way for trafficking victims to pursue cases against brothel owners. However, the law does not protect those that either want to stay in the sex industry or cannot prove that they were coerced, while critics argue that police crackdowns pursuant to the law have driven many sex workers further underground, putting them in an even more vulnerable situation.

## **Migrant Workers' Rights**

In August 2003 South Korea passed the Act Concerning the Employment Permit for Migrant Workers, which allowed firms to legally employ undocumented workers who had stayed in the country for less than four years. Those who had stayed for more than four years, however, were asked to leave the country by a mid-November 2003 deadline, with a promise that they would be allowed to return after six months provided they first obtained legal work permits. Since then, many migrant workers have obtained legal status, while some voluntarily left and tens of thousands were deported.

According to an August 2006 report by Amnesty International, there are about 360,000 migrant workers in South Korea, and about two-thirds are believed to be undocumented. Migrant workers are not allowed to form trade unions, and suffer from serious human rights violations, including discrimination, physical and verbal abuse by their employers, and limited chances of redress when their rights are violated. Sexual harassment and violence against female migrant workers and physical abuse of those in detention facilities are alarmingly widespread, Amnesty International reported.

## **Refugees and Asylum Seekers**

South Korea recognizes North Korean refugees as South Korean citizens, under the Constitution that defines the entire Korean Peninsula as the territory of the Republic of Korea. South Korea has admitted about 9,000 North Koreans, most of whom came after North Korea's famine in the 1990s drove them to cross the border into China to find food.

For non-Korean refugees and asylum seekers, however, South Korea has been anything but generous. Since South Korea signed the UN Refugee Convention in 1992, it has granted refugee status to only 48 out of some 950 applicants. Unlike North Koreans, financial assistance for those with refugee status is almost non-existent.

## **Key International Actors**

The relationship with North Korea remains central to South Korea's international relations. Under its nine-year-old "sunshine" policy of engaging North Korea, South Korea has transformed itself from North Korea's Cold War foe to its major

humanitarian aid donor, investor, and trade partner. In line with this policy, South Korea has previously been absent or abstained from voting on resolutions condemning North Korea's human rights record at the United Nations while generally keeping silent on the issue, leading to criticism by domestic and international human rights organizations.

The government came under intense public pressure to change course after North Korea test fired ballistic missiles in July 2006 and then conducted its first nuclear weapons test in October. South Korea suspended its food aid to North Korea in response to the July launch, but objected to tough sanctions that the United States proposed after the nuclear test. Incoming UN Secretary-General Ban Ki-moon has said his top priority will be resolving the North Korean nuclear issue, but he also called on the South Korean government to assume a more proactive role in improving human rights conditions in North Korea, only days ahead of another expected vote on North Korea's human rights record at the UN General Assembly. At this writing, the vote has not taken place yet.