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### **Draft report of the Working Group on the Universal Periodic Review\***

#### **Republic of Korea**

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\* The final document will be issued under the symbol A/HRC/22/10. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fourteenth session from 22 October to 5 November 2012. The review of the Republic of Korea was held at the 8th meeting on 25 October 2012. The delegation of the Republic of Korea was headed by H.E. Mr. GHIL Tae-Ki, Vice Minister, Ministry of Justice. At its 13th meeting held on 31 October 2012, the Working Group adopted the report on the Republic of Korea.
2. On 3 May 2012, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Republic of Korea: Djibouti, Hungary, Indonesia.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of the Republic of Korea:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/14/KOR/1);
  - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/14/KOR/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/14/KOR/3 and A/HRC/WG.6/14/KOR/3/Corr.1 (English only)).
4. A list of questions prepared in advance by Czech Republic, Germany, Ireland, Mexico, Netherlands, Norway, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Republic of Korea through the troika. These questions are available on the extranet of the UPR.

## I. Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The Republic of Korea achieved both development and democratization within a fifty year period and has continued its efforts to promote and protect the full scope of human rights. It has also given attention to promoting better the human rights of minorities and vulnerable members of society so as to ensure that every member of society equally enjoyed universal human rights.
6. The delegation referred to the process of preparing the national report including consultations with the National Human Rights Commission and relevant NGOs.
7. The results of the first UPR review were reported to the National Human Rights Policy Council (NHRPC) in 2008. Since 2010, annual examinations were carried out of the implementation of the recommendations from the first review, primarily through the Ministry of Justice, which were reported to the NHRPC. The Government plans to further develop this system of follow-up after the second cycle of the UPR.
8. The NHRPC has responsibility for drafting the National Action Plan for Human Rights (NAP). The second NAP was launched in March 2012 and includes 209 projects of the 24 ministries and agencies related to the protection and promotion of human rights. During the drafting of the plan, the Government reviewed the National Human Rights

Commission's (NHRCK) recommendations as well as those of international human rights mechanisms and opinions of civil society organizations.

9. Regarding efforts to implement its human rights obligations, the Government ratified the CRPD and withdrew its reservation to article 9, paragraph 3 of the Convention on the Rights of the Child and to article 7 of the *Convention relating to the Status of Refugees*.

10. Republic of Korea has submitted its reports in accordance with the seven core human rights treaties ratified and earnestly responded to individual communications.

11. The 2012 *Refugee Act* will enter into force in July 2013. The Act is expected to put in place a fair and effective process of refugee recognition and improved refugee protection measures. The Centre for refugee support is currently under construction and support for asylum seekers and refugees will be further strengthened.

12. Concerning anti-discrimination measures, there were approximately ninety individual pieces of legislation. Aside from these laws and in response to national and international requests, the Government has continued to examine and review the need for the enactment of a comprehensive Anti-Discrimination Act.

13. Regarding the right to security of the person, the *Habeas Corpus Act* has been enforced since June 2008.

14. The delegation referred to notable changes in the family structure. The Government is making efforts to establish policies for ensuring that marriage immigrants adjust well to the Republic of Korean society and that the children of these families receive all due protection and respect. In 2011 the revised *Multicultural Family Support Act* reinforced efforts concerning medical and health care as well as education support for marriage immigrants who suffered from domestic violence.

15. The delegation referred to increased demands and challenges regarding the protection of individual privacy. Through the enactment of the *Personal Information Protection Act* and the establishment of the Personal Information Protection Commission, rules have been set for the protection of personal information in both public and private spheres and standards have been set on personal information handling. Moreover, the Government reinforced corrective measures for damages caused by privacy rights violation. To prevent abuse of the resident registration system, the collection and usage of such numbers has been limited and provision of alternative measures for personal verification made mandatory. Efforts are being made to have public documents record the date of birth instead of resident registration numbers.

16. Freedom of expression has been expanded, by the amendment of the *Public Election Act* election campaigns via telecommunication networks were allowed.

17. In the midst of increasing labor market flexibility, the Republic of Korea initiated and provided comprehensive measures to protect non-regular workers from discrimination.

18. For low-wage workers the Government has subsidized both individual employment insurance and the national pension premium. The scope of applicability for employment insurance was expanded to include the self-employed.

19. The right to form a trade union was better protected by introducing multiple trade unions in a workplace.

20. The supply of rental housing for those in the lower-income bracket has been reinforced. Improvements to the residential environment development programme have been promoted to guarantee the right to adequate housing.

21. There has been a gradual expansion of the protection of social security with the reasonable revision of the National Basic Livelihood Security System to accommodate the minimum cost of living and the lowering of eligibility conditions for benefits to allow more people in vulnerable groups to receive benefits.

22. The coverage of Universal national medical health insurance has steadily expanded its coverage from birth to the elderly. For some patients, such as those with rare and incurable diseases, the co-pay rate has been reduced. The Republic of Korea was making continuous efforts to provide medical services to as many people as possible by reducing burdens on patients for medical cost of rare and incurable diseases and giving medical support for foreigners and their families.

23. With a rapidly aging population, the Government introduced long-term care insurance systems in 2008 in order to relieve the burdens on families caring for the elderly and has also taken measures for patients with dementia.

24. The Government established and promoted the Framework Policy for Migrants, which will be evaluated every five years to promote more comprehensive migrant policies. The second plan to be initiated in 2013 is aimed at expanding comprehensive services for immigrants to assist with their adjustment in society as well as to support the education for migrant children.

25. Foreign workers that entered the country through the Employment Permit System were equally protected as citizens under various labor-related laws. Many services were provided to migrant workers such as interpretation, counseling and medical services. Female migrant workers were guaranteed equal access to the maternity protection system in accordance with labour standards. In cases where women migrants were involved in the process of legal proceedings for human rights violations, even if the person were an illegal resident, deportation would be delayed and special stay was permitted.

26. The Republic of Korea was proud that it had become a model case as it moved from being an aid beneficiary to a donor and committed to increase its official development aid (ODA) volumes. In 2010, *the Framework Act on International Development Cooperation* was enacted and the Government intended to strongly consider human rights principles in the planning and carrying out of development projects.

## **B. Interactive dialogue and responses by the State under review**

27. During the interactive dialogue, 65 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

28. Botswana commended the Republic of Korea for developments since their first review and referred to the withdrawal of reservations under article 9 of the Convention on the Rights of the Child and the development of policies in favour of persons with disabilities. Botswana noted concerns raised by the Committee on the Rights of the Child over multiple forms of discrimination against children. Botswana made recommendations.

29. Brazil noted the accession by the Republic of Korea to CRPD and the enactment of legislation and policies to support persons with disabilities. Brazil raised concerns over reports of social stigma and hardship faced by single mothers, which may lead mothers to relinquish their children. It hoped that the enactment of the 2011 Special Adoption Act will improve this situation. Brazil made recommendations.

30. Bulgaria noted substantive developments in the normative and institutional framework and the launching of the second National Plan of Action for the Protection and Promotion of Human Rights. It noted the expansion of the scope of investigation of the

National Human Rights Commission (NHRCK) in March 2012 and underlined the importance of the OP-CAT. Bulgaria made recommendations.

31. Cambodia commended the Republic of Korea on its achievements and welcomed the launching of the second National Plan of Action for the Protection and Promotion of Human Rights 2012-2016. It recognised efforts to address all remaining human rights challenges including human trafficking, rights of migrant workers, especially women, and further consideration of the ratification of international instruments. It made a recommendation.

32. Canada requested an update on steps taken with regard to the emphasis on women and children in migrant worker rights' policy, and the provision of training to law enforcement personnel. Canada positively noted court rulings recognising marital rape and expressed concern over reports of police taking domestic violence cases lightly. It raised concerns about HIV and drug testing for E2 visa non-citizens. It made recommendations.

33. Chad noted that the Republic of Korea accepted the majority of the recommendations made in 2008 and that it is party to many international human rights instruments. It welcomed the measures adopted in 2009 for follow-up to the UPR. It made a recommendation.

34. Chile valued the efforts made by the Republic of Korea to implement the UPR recommendations from 2008. It commended the Republic of Korea for its high level standard of education. Chile asked about measures taken to address the highly competitive conditions prevalent in the education system, as raised by the Committee on the Rights of the Child. Chile made recommendations.

35. China welcomed the National Action Plan 2012-2016. It appreciated efforts to protect personal information and privacy, provide equal access to education as well as to guarantee rights of the elderly and persons with disabilities. It raised concerns about serious gender inequality, discrimination against women, widespread corporal punishment and abuse of children, rampant human trafficking, unprotected rights of non-regular workers, and access to health care for poor persons. China made recommendations.

36. Costa Rica appreciated the information on the implementation of the recommendations from its first review under the universal periodic mechanism. It expressed concern at the discrimination of children of single women, the lack of criminalization of marital rape, domestic violence and the unequal division of assets in divorce cases. Costa Rica made recommendations.

37. Cuba welcomed plans for an Anti-Discrimination Law and asked whether the delegation could provide more information in this regard. It encouraged the Republic of Korea to continue exploring avenues to overcome challenges identified for the ratification of international instruments and the withdrawal of reservations, as well as with regard to the National Security Law. Cuba made recommendations.

38. Cyprus commended the Republic of Korea for its commitment to human rights and noted that it is a party to the majority of core human rights instruments. It welcomed efforts taken towards the promotion of women's rights, such as the enactment of the 2011 *Gender Impact Assessment and Analysis Act*. Cyprus asked about measures foreseen to facilitate social insurance maternity leave for female non-regular workers.

39. Czech Republic expressed appreciation for the participation of the Republic of Korea in the UPR process. It asked the Republic of Korea to elaborate more on the reasons for the slow progress in adopting a national Anti-discrimination Act. It welcomed the interest of the Republic of Korea to accede to the OP-CAT. The Czech Republic made recommendations.

40. The Democratic People's Republic of Korea expressed grave concern over the National Security and Security Surveillance laws. It noted that that the National Security Law was the main source of systematic human rights violations. Many violations of rights, including freedom of expression and assembly have been committed in accordance with the Law, particular reference being made to its article 7. It made recommendations.
41. France welcomed the death penalty moratorium and commented on the establishment of an alternative to military service for conscientious objectors and efforts to promote freedom of expression, association and peaceful assembly. It asked what concrete measures have been taken to protect migrant workers. It made recommendations.
42. Germany commended the active role of the Republic of Korea in implementing recommendations from the first UPR. It regretted that the Republic of Korea has not yet abolished the death penalty and expressed concern over long sentences against conscientious objectors and over the situation of single mothers and their children. Germany made recommendations.
43. Honduras highlighted the launching of the second National Plan of Action for the Protection and Promotion of Human Rights for 2012-2016 and the incorporation in the Plan of the recommendations made by international human rights bodies and from the universal periodic review mechanism. It also referred to important progress made for the protection of the rights of children. Honduras made recommendations.
44. Hungary noted steps taken towards achieving gender equality and the protection of women. It requested information on measures to protect pregnant employees as well as to counter discrimination against single mothers. Hungary encouraged the Republic of Korea to continue efforts to protect children from violence and abuse, and to introduce alternative service for conscientious objectors before the next UPR cycle. Hungary made recommendations.
45. India welcomed withdrawal of the reservation to paragraph 3 of Article 9 of the CRC and the adoption of the Social Services and Gender Impact Assessment Acts. It hoped for adequate monitoring mechanisms to implement this legislation. India expressed concern over the delayed Anti-discrimination Bill. It made a recommendation.
46. Indonesia commended the expanded investigatory mandate of the NHRCK. It noted the formulation of the second Framework Policy on Immigration 2013-2017. It commended initiatives to eliminate discrimination against women. It welcomed the enactment of International Development Cooperation Framework Act, expanded development assistance and enactment of the mid-term policy emphasising MDGs. Indonesia made recommendations.
47. The Islamic Republic of Iran expressed concern about human rights violations, with particular regard to children's rights. It made recommendations.
48. Iraq appreciated measures taken to promote and protect human rights through the adoption of a national plan. It welcomed the Law for the prevention of suicide and the promotion of a culture of respect for life. Iraq made recommendations.
49. Ireland noted the absence of a universal birth registration system in the Republic of Korea, which may give rise to children being secretly adopted between their birth and registration. It noted the results of a 2010 survey, which estimated that there might be as many as 17,000 undocumented migrant children were unable to access to medical care and other services. Ireland made recommendations.
50. Italy acknowledged efforts to protect human rights. It commended the *de facto* death penalty moratorium. It raised concerns over reports of inadequate universal birth registration system, and of serious domestic violence problems. It noted measures to raise

awareness of the criminal nature of domestic violence and to prohibit corporal punishment in schools, and requested further information. It made recommendations.

51. Japan welcomed the amendment of the *Child Welfare Act*, the introduction of legal provisions to prohibit corporal punishment in schools and amendments to the *Act on the Protection of Children and Juveniles from Sexual Abuse*. Japan pointed out gaps in guaranteeing children's rights, including issues related to the trafficking in children and violence against and sexual exploitation of children. Japan made recommendations.

52. Responding to questions raised, the delegation stated that the need to establish regulations in the *Criminal Act* regarding the definition of torture as stipulated by the Convention Against Torture, other than these already provided for in established laws, will be carefully considered. The Government is currently reviewing national laws and systems for possible discrepancies between the OP-CAT and national laws. With the NHRCK already carrying out inspections of detention and protection facilities, the prevention effect that is intended in the Optional Protocol has already been achieved to a significant extent.

53. The second National Action Plan for Human Rights includes preparing for the enactment of a general anti-discrimination act. The Government will fully consider including in it grounds for discrimination such as sexual orientation, and indirect discrimination.

54. Given the military confrontation in the Korean Peninsula, the importance of national security has been emphasized. The revision or abolition of the *National Security Act* would require public consensus. The Government was strictly interpreting and applying the law to prevent the *National Security Act* from being abused or arbitrarily interpreted. Article 7 of the Act did not apply to those who simply praised or supported the claims of an anti-government organization. Therefore, the law cannot be seen to be violating the fundamentals of academic freedom or freedom of expression. The average number of persons detained for violating the *National Security Act* each year in the last five years steadily remained at around 20.

55. Regarding birth registration and adoption, the law was changed in 2008 so that an adopted child would enjoy the same rights and status as a biological child, and the problems in the past of registering a birth rather than an adoption were mostly corrected. Legal controls were also strengthened. Adoptions can only take place with a court permit.

56. The Government established the '*Comprehensive Countermeasures for the Protection of Women and Children*' in 2008 in order to counteract sexual violence crimes, as well as the '*Countermeasures for Prevention of Recurrence of Violence Against Children and Support for Victims*' in 2009, and the '*Comprehensive Countermeasures for Prevention of Domestic Violence*' in 2011. Punishment of sexual crimes against the disabled and children and juveniles was also strengthened and the statutory limitation suspended until a minor victim reached the legal age of majority. The government also continued to provide education and public campaigns with a view to raising awareness of the serious nature of damages caused by sexual and domestic violence.

57. The National Police Agency established a 'task force to counter child pornography,' and strengthened control over the making, dissemination or possession of child pornography.

58. As the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities provide for economic, social and cultural rights, and decision criteria for violations may vary according to available resources of individual states, ratification of their optional protocols requires more considered deliberation.



59. Ratification of ICRMW will be carefully examined taking into account the special characteristics of the country's labor market and the need for social consensus.
60. The Government has been making thorough preparation for accession to the Hague Convention on Intercountry Child Adoption. For instance, international adoption previously overseen by private adoption agencies will now be overseen by the Government. The Government will also monitor closely the recently launched 'court permit system', prior to ratifying the Hague Convention.
61. Under the *Single Parent Family Support Act*, support for childcare, education, and living subsidies are provided. For low-income single mothers under the age of 24 there are self-support and employment package programmes with counseling and training to enable the families to become financially independent and viable. Moreover, relevant laws and school regulations have been amended to help teenage parents stay in school.
62. Through the amendment to the *Enforcement Decree of the Elementary and Secondary Education Act* in 2011, the Government completely banned any forms of corporal punishment. The *Child Welfare Act* has been amended as of August 5<sup>th</sup> 2012 to strengthen the ban on corporal punishment in child welfare facilities and at homes.
63. To reduce the gap in educational levels between different regions, comprehensive support is being provided for students in disadvantaged areas. The Government was diversifying the forms of high schools. It was also expanding the Admission Officer System which evaluates a student's aptitudes and skills rather than simply comparing exam scores for college admission, with a goal to alleviate excessive competition. The Government had tightened regulations on the private education market.
64. Given the special security situation of the Republic of Korea, the introduction of an alternative system for conscientious objectors to military service could be considered when there are positive changes in inter-Korean relations as well as the security landscape, and when there is a national social consensus for accepting such an alternative system. The Constitutional Court ruled that the clause in the *Military Service Act* was constitutional. An amendment bill to the *Military Service Act* to introduce the alternative military services was proposed in the National Assembly but was discarded.
65. Kuwait appreciated the positive steps taken with regard to the second national human rights action. It commended the expansion of competences for the NHRI and other positive legislative and institutional developments since the first review. Kuwait made recommendations.
66. Kyrgyzstan welcomed the expanded scope of the NHRCK and the withdrawn reservations to human rights instruments. It appreciated the establishment of the crime victims' support fund and the enactment of the *Gender Impact Assessment and Analysis Act*. It particularly commended the provision of scholarships for the most disadvantaged students. It made a recommendation.
67. Lao People's Democratic Republic commended enactment of the *Framework Act on international development cooperation*, expanded development assistance to promote human rights, and achievement of MDGs. It noted the Republic of Korea's accession to human rights treaties, including CRPD and encouraged continued cooperation with the United Nations.
68. Malaysia welcomed measures taken to comply with international human rights instruments. Malaysia was encouraged by the launching of the second National Action Plan and the expanded investigatory scope of the NHRCK. Malaysia welcomed the Republic of Korea's promotion of humanitarianism in its official development assistance programmes. It made recommendations.

69. Mexico praised the Republic of Korea for its progress in the protection of human rights. It further recognized efforts for the ratification of the CPED, OP-CAT and the ICRMW, and hoped that the Republic of Korea will be able to remove the challenges that hinder the ratification of these instruments. Mexico made recommendations.

70. Morocco commended progress in implementing recommendations. It welcomed the good practices contained in the national report. It commended progress in the protection of health, social, education and employment rights. It welcomed the 2008 ratification of CRPD. It welcomed specific measures for social protection of persons with disabilities. It made recommendations.

71. Nepal commended the revision of the National Action Plan and the adoption of measures to monitor its implementation and the UPR follow-up actions at the National Human Rights Policy Council. Nepal noted the important enactment of the 2010 *Framework Act on international development cooperation*. It made recommendations.

72. The Netherlands commended the Republic of Korea's efforts to integrate a human rights perspective in its policies. It hoped that the Republic of Korea will soon abolish the death penalty. It noted concerns expressed by the CEDAW Committee about disadvantages faced by women in the employment sector and the concerns from the CESCR on sexual harassment in the workplace. It made recommendations.

73. Norway remained concerned that the Republic of Korea lacks sufficient measures to protect the rights of unwed mothers, of children and of persons affected by the National Security Law. Norway remained concerned about the increased use of the National Security Law. Norway was encouraged by the *de facto* moratorium on the death penalty. It made recommendations.

74. Oman noted that the Republic of Korea had taken up commitments to promote and protect human rights on both national and international levels. It made recommendations.

75. Palestine noted measures taken to guarantee the right to education for all children and encouraged the Republic of Korea to take additional efforts to review its educational policies with a view to alleviating the level of pressure to which children are subjected. It noted the continuation of efforts in putting forward an anti-discrimination law. Palestine made recommendations.

76. Paraguay recognized important efforts, in particular with regard to the launching of the second National Plan of Action for the Protection of Human Rights for 2012-2016. It also noted progress made with regard to the enactment of the Framework Act on International Development Cooperation. Paraguay made a recommendation.

77. The Philippines welcomed the Republic of Korea's enactment of legislation enhancing human rights' promotion, protection and fulfilment of its people, its ratification of CRPD, and that it had been a good host to thousands of Filipino and other migrant workers. The Philippines encouraged the Republic of Korea to enact further laws to protect the, as yet, unprotected rights of migrant workers. It made recommendations.

78. Poland welcomed the establishment of the National Action Plan and of the National Human Rights Policy Council. Poland noted that issues requiring attention in the Republic of Korea, included protection of women against discrimination and violence. The unresolved issue of the right to conscientious objection to military service also attracted Poland's attention. It made recommendations.

79. The Republic of Moldova noted with satisfaction the enactment of the *Gender Impact Assessment and Analysis Act*, aimed at ensuring effective gender equality in Government policies. It also acknowledged the Government's commitment to prevent and prosecute domestic violence and ensure protection of victims of domestic violence. It noted

with satisfaction the strong commitment to fight against human trafficking. It made recommendations.

80. Romania commended progress in protecting refugees and asylum seekers, and extensive steps to ensure enjoyment of economic, social and cultural rights for all members of society. Steps undertaken so far and the Republic of Korea's commitments clearly show the political will to ensure protection of human rights. It made a recommendation.

81. Rwanda noted with satisfaction the impressive and significant efforts in implementing the recommendations of the previous review. It welcomed adoption of the *Framework Act on International Development Cooperation* recognising the human rights of women and children, fulfilling gender equality and promoting humanitarianism as fundamental principles of development assistance. It made recommendations.

82. Senegal noted that the National Report quoted several initiatives such as: publication of the second action plan on protecting and promoting human rights; broadening the scope of competence of the National Human Rights Commission; and legislative measures for protecting children against sexual abuse and strengthening access to education for disabled children and those from disadvantaged families. It made recommendations.

83. Slovakia welcomed the Republic of Korea's adoption of the second National Action Plan and enactment of the Framework Act on International Development Cooperation stipulating the promotion of human rights of women and children, fulfilling gender equality and promoting humanitarianism as fundamental principles of its official development assistance. It made recommendations.

84. Slovenia welcomed the fact that since the first cycle of the UPR, the Republic of Korea ratified the CRPD and withdrew one of the reservations to the CRC. However, several human rights instruments remained non-ratified and several reservations remained. Slovenia was concerned about reports of discrimination against women and asked whether any awareness raising campaign is planned in this connection. Slovenia made recommendations.

85. South Africa noted progress made, particularly in the promulgation of laws aimed at enhancing the practical enjoyment of economic, social and cultural rights. It asked about measures to ensure the early consideration and promulgation of the Anti-discrimination Act. It expressed concern about discrimination against women, and their inadequate representation in decision-making positions. It made recommendations.

86. Spain congratulated the Republic of Korea for the launching of its second National Plan of Action for the Protection of Human Rights, and celebrated the *de facto* moratorium in the execution of the death penalty since 1997. Spain made recommendations.

87. Sri Lanka commended progress in promoting and protecting children's rights and in achieving gender equality and equity. It also commended the efforts to address work-related grievances of migrant workers and implementation of regulations on their rights, through establishment of a counselling centre and support centres for workers' assistance and advice. It made a recommendation.

88. Sudan appreciated efforts to ensure the right to education and equal opportunities in the area of education, including for children with disabilities. It enquired about legislative and administrative measures to guarantee education for all, including migrants. Sudan highlighted challenges regarding the human rights of vulnerable groups, including women migrant workers, who suffered from violence and discrimination. It made recommendations.

89. Switzerland commended the *de facto* death penalty moratorium, which has been established for many years. It would seem that the Republic of Korea has subjected

legislative provisions on freedom of opinion and of the press to more restrictive interpretations since 2008. Switzerland noted deficiencies in the birth registration system. It made recommendations.

90. Thailand commended establishment, by the Ministry of Gender Equality and Family, of Emergency Support Centres for foreign women married to Korean men. Additional interpreters will hopefully be provided at these centres. Thailand noted the promotion and protection of migrant worker welfare, but was concerned with the withholding of travel documents and involuntary relocation, subjecting migrant workers to unfair treatment. It made recommendations.

91. Timor-Leste asked how the Republic of Korea viewed the risk of entrenching differentiation between women and men, instead of promoting employment equality, of the policy of creating jobs tailored to women. Noting that two anti-discrimination draft bills submitted to the 18<sup>th</sup> National Assembly expired at the end of its term, it asked if their processing has been rescheduled.

92. Tunisia noted measures to guarantee children's right to education, including those from less favoured backgrounds and disabled children. It also noted initiatives against domestic violence and to promote and protect the rights of children and migrants. It encouraged the Republic of Korea to adopt a general anti-discrimination law. It commended the adoption of Framework legislation on international cooperation for development. It made recommendations.

93. Turkey commended the launching of the second National Plan of Action for the Protection and Promotion of Human Rights in 2012. It encouraged the Republic of Korea's human rights efforts through the implementation of the Official Development Assistance programme. It drew attention to the endeavours of the Republic of Korea to expand the coverage of the national health insurance. Turkey made a recommendation.

94. The United Kingdom of Great Britain and Northern Ireland urged the Republic of Korea to ratify the Optional Protocol to CAT and asked if it would be willing to set a timeline for ratifying it. It was concerned that the use of the death penalty is still permitted. It urged the Republic of Korea to bring the National Security Act in line with international standards. It made recommendations.

95. The United States of America noted that the Republic of Korea has emphasized the necessity of the National Security Law, but remained concerned that it is vague and, in some cases, restricts freedom of expression including internet freedom. It was also concerned that the Republic of Korea does not provide alternatives to military service for conscientious objectors. It made recommendations.

96. Uruguay highlighted the launching of the second National Plan of Action for the Protection of Human Rights, the withdrawal of some reservations to international human rights instruments, the enactment of Habeas Corpus Act, the presentation of due reports to treaty monitoring bodies and the cooperation with the special procedures of the Human Rights Council. Uruguay made recommendations.

97. Viet Nam commended the Republic of Korea's progress in ensuring a better life for its citizens, the concrete steps taken in strengthening the domestic legal system and in improving social welfare. While referring to shared difficulties encountered in ensuring the rights of vulnerable groups, Viet Nam noted the considerable contribution of migrant workers to the country's economic and social dynamism. It made recommendations.

98. Algeria noted the second National Action Plan on Human Rights 2012-2016. It was concerned about migrant workers, for whom advisory support centres have been established. It welcomed ratification of CRPD. It noted with satisfaction the efforts in

promoting the rights of children and the elderly and realizing the rights to health, education and housing. It made recommendations.

99. Argentina congratulated the Republic of Korea for launching the second National Plan of Action for the Protection of Human Rights for 2012-2016 and the enactment of the Habeas Corpus Act and the Refugee Act. Argentina made recommendations.

100. Australia noted that the death penalty remains applicable and that no formal moratorium has been decided. It encouraged Republic of Korea to reach a social consensus for abolition. It noted that there remains a substantial difference between men's and women's salaries and that there is no broad anti-discrimination and harassment legislation protecting homosexual, bisexual and transgender social groups. It made recommendations.

101. Bahrain appreciated efforts to guarantee the right to education for all children, with special attention being paid to children of low income families and children with disabilities. It wished to receive more information on ways and means to meet the needs of persons with disabilities. It made a recommendation.

102. Bangladesh took positive note of amendment to various laws to promote and protect human rights. It welcomed further amendments to Immigration Control Act and hoped that these will encourage migrants to seek remedies to which they are entitled. It recognised noteworthy progress in addressing migrant exploitation. It made a recommendation.

103. Belarus noted the broad range of positive developments in the Republic of Korea. However it also noted systemic problems, including in regard to: violence against women, gender discrimination, legislative and social discrimination against migrants and refugees, corporal punishment of children, labour and sexual exploitation of women and human trafficking as well as excessive force against workers and restrictions on freedom of expression. It made recommendations.

104. Belgium welcomed the second National Action Plan on Protection and Promotion of Human Rights 2012-2016, and publication of national report on gender equality. It remained concerned about the fate of prisoners on death row. It pleaded for abolition of the death penalty. It made recommendations.

105. Uzbekistan noted the Republic of Korea's efforts to improve the protection of women's and children's rights and the renewal of its National Programme. Uzbekistan noted concerns involving racial discrimination, restriction of freedom of religion and human trafficking. It made recommendations.

106. The Republic of Korea is a *de facto* abolitionist state. The Government will continue to examine carefully the need to abolish the death penalty, taking into consideration such factors as public opinion and legal perception, social realities as well as the function of the death penalty in criminal policy. Currently, it is difficult to ratify the ICCPR-OP2, which provides for the abolition of the death penalty.

107. The Ministry of Justice holds the annual inter-agency meeting on countermeasures to prevent and eliminate human trafficking and is strengthening cooperation and information sharing among government agencies for the effective punishment and understanding of human trafficking trends. The Government has put forward the amendment to the *Criminal Act* which contains a comprehensive definition of human trafficking. The amendment is currently under consideration by the National Assembly and the ratification process of the Palermo Protocol will be carried out as soon as legislative procedures are completed.

108. The Government has strengthened the control and management of business sites which employ foreign workers. In cases of discrimination, exploitation or delay in payment, the foreign worker can leave the site of employment and go to a different employment

without any restriction. The Government established and operates thirty-four support centers and a counseling center for foreign workers.

109. The Government has been supporting and taking a special interest in children from multi-cultural families and migrant children in terms of policy-making. The Government revised the applicable laws and regulations in December 2010 to allow any child to receive free primary and secondary education up to middle school regardless of the parents' status of stay. Children of foreign workers who are not eligible for legal medical assurance services such as health insurance or medical benefits due to illegal stay are also granted medical support through the medical services support project for foreign workers and the marginalized class.

110. When the revised *Civil Act* takes effect in July 2013, the Government plans to withdraw the reservation to Article 21 (a) of the CRC.

111. Regarding acts of violence and acts to obstruct other persons' rights during assemblies and demonstrations, the police force was mobilized in compliance with international human rights standards. As for police officers who have used excessive force in law enforcement, the case is investigated thoroughly. The Government will continue to harmonize the rights to assembly and demonstration and public order.

112. To reduce disadvantages faced by women in employment, the Government is promoting childcare leave, providing childcare support and expanding the flexible work system to prevent career breaks caused by child-bearing and child-rearing. Equally, it is implementing affirmative actions to help women make their way up the corporate ladder. The Government designated the "Equal Employment Promotion Week" (1-7 April) to raise public awareness about the importance of gender equality in employment. It also awarded a prize to those who made outstanding contributions to equal employment.

113. According to Article 92-5 of the *Military Criminal Act*, sodomy and sexual molestation acts are punished. The Constitutional Court on two occasions decided that such a provision was constitutional considering that it was meant for military discipline and sustenance of combat capabilities and only valid in case of an act taking place between militants within a barrack. Therefore, it is inappropriate to repeal or revise such a provision at this point.

114. The scope of those with the duty to report child abuse has recently been expanded. The Government is working on enacting an *Act on Special cases of Punishment for Child Abuse Crimes*, according to which the perpetrator will be subject to stricter punishment and reformation rules than when targeting adults.

115. A Korean NGO has been consigned with the operation of the Monitoring Center for Children's rights. Ombudspersons and Ombudskids for Children's rights are appointed to monitor children's rights in eight areas and provide inputs on possible institutional improvements regarding current laws and policies that violate children's rights. The Government is working on stabilizing the operation of the Monitoring Center for Children's rights by law.

116. The Government has continuously reviewed the feasibility of the ratification of the core ILO conventions. The harmonization of regulations would be required for the ratification of the ILO Convention for domestic workers. The Government will continue to work on their ratification taking into consideration public opinion and circumstances.

117. Recognizing challenges to tackle gender discriminatory ideas and practices in society, the Government will continue to work to promote a deeper understanding about gender equality, and to improve gender discriminatory practices in daily lives through education, promotion and campaigns. The Government has enacted the *Gender Impact Assessment and Analysis Act* in September 2011, and starting from March 2012, the Gender

Impact Assessment is applied to the drafting and amendment of the laws and the development of mid-to long-term national policies, as a critical component of formulation of all policies formulated at the national level.

118. The *Act on Management of Marriage Brokerage Agency* was amended to reinforce control on inter country marriage brokerages and to strengthen the visa issuance process for these agencies to eliminate any potential elements of human trafficking.

119. To tackle the problem of school bullying, including of migrant children, relevant ministries joined together and came up with the "Comprehensive Plan to Eliminate School Bullying" in February 2012.

120. To relieve the tuition burden, the Government established national grants and scholarships as well as the Income Contingent Loan (ICL) system. Students in the bottom 70% of income bracket received financial support that amounts to 25% of their tuition.

121. Regarding recommendations to invite the Special Rapporteur on human trafficking, among others, delegates were reminded that a standing invitation has been extended to all Special Procedures of Human Rights Council.

122. With regard to discrimination against children with disabilities, starting August 2012, child care and rehabilitation services are being provided so that children with disabilities can be cared for in their homes and also education is provided free of charge to children with disabilities.

123. The delegation expressed appreciation to member states in preparing their evaluation of and recommendations to the Republic of Korea. The Government will conduct a thorough review of those recommendations. The delegation will also push for the recommendations from the dialogue to be reflected in the Second National Human Rights Action Plan.

## II. Conclusions and/or recommendations

124. **The following recommendations will be examined by the Republic of Korea which will provide responses in due time, but no later than the 22<sup>nd</sup> session of the Human Rights Council in March 2012. The response of the Republic of Korea to these recommendations will be included in the outcome report adopted by the Human Rights Council at its 22<sup>nd</sup> session in March 2012.**

124.1. **Put Study the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2) aiming at the abolition of the death penalty, the Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Argentina);**

124.2. **Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Spain); Consider signing and ratifying OP-ICESCR (Palestine);**

124.3. **Ratify OP-CAT (Spain); Sign and ratify OP-CAT as a matter of priority and found the national preventive mechanism accordingly (Czech Republic); Accede to OP-CAT and establish an effective national mechanism to prevent torture or degrading treatment (Bulgaria); Adhere to OP-CAT and consequently establish a national mechanism responsible to conduct visits to**

detention centres (Costa Rica); Consider ratifying OP-CAT (Slovenia); Rapidly complete the process of considering ratifying OP-CAT (Tunisia);

124.4. Consider an early ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communication procedure (OP-CRC-IC) (Slovakia);

124.5. Further consider acceding to the relevant Conventions, especially the ICRMW in line with its domestic legislative process (Cambodia); Consider ratifying the ICRMW (Philippines); Consider ratifying ICRMW (Rwanda); Consider the possibility of adapting national legislation in order to allow for the ratification of ICRMW (Algeria); Consider acceding to the ICRMW (Morocco); Accede to ICRMW (Sudan); Ratify the ICRMW (Chile); Ratify the ICRMW, in order to better protect the rights of migrant workers, including undocumented migrant workers (Indonesia);

124.6. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Spain); Study the possibility of ratifying the CPED (Argentina); Sign and ratify the CPED (Iraq);

124.7. Continue to exert its utmost efforts to ratify ILO core Conventions, including the recent ILO C. No 189 on Decent work for domestic workers (Philippines); Ratify and implement the ILO Convention concerning Freedom of Association and Protection of the Right to Organise (Convention 87); ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (Convention 98); ILO Convention concerning Forced or Compulsory Labour (Convention 29); and ILO Convention concerning the Abolition of Forced Labour (Convention 105) (Uruguay);

124.8. Sign and ratify the UNESCO Convention on Discrimination in Education (Iraq);

124.9. Adhere to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (France); Ratify the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Honduras); Accede to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Ireland);

124.10. Consider withdrawing the remaining reservations to international human rights instruments to which it is a party (namely to the CRC, ICCPR, OP-CRC-SC, CEDAW) (Slovenia);

124.11. Withdraw its reservations on Article 21(a) of the Convention on the Rights of the Child (Germany); Lift its reservation to article 21 (a) of the CRC (Ireland);

124.12. Amend article 732 of the Commercial Law that restricts the possibility of persons with disabilities to obtain life insurance (Costa Rica);

124.13. Include in the Penal Code the crime of torture, in line with article 1 of CAT (Mexico); rapidly complete the process of harmonizing national legislation with CAT with respect to the definition of torture (Tunisia);

124.14. Strengthen the national human rights institution and strengthen its independence (Spain); Continue its efforts to provide the National Human Rights Commission with more independence and resources (Tunisia); Take steps to ensure that bodies entrusted with overseeing the protection of rights,



such as the National Human Rights Commission, are fully mandated and resourced (Australia);

124.15. Establish a channel for the National Human Rights Commission and civil society organizations to participate in the work of the National Human Rights Policy Council on the implementation of recommendations from the Universal Periodic Review and treaty bodies (Bulgaria); Incorporate the results of the UPR into its current National Action Plan on Human Rights, taking into account the proposals of the civil society and present a mid-term evaluation report to the Council on the implementation of the recommendations of this UPR (Hungary);

124.16. Extend an invitation to the Special Rapporteur on Torture (Belarus); Strengthen cooperation with the relevant UN human rights mechanisms in areas such as racial discrimination, the restriction on the freedom of religion and belief, human trafficking (Uzbekistan);

124.17. Take necessary actions to define the legal status for an independent child rights monitoring body and increase its efforts for human rights training relevant to child abuse and domestic violence cases (Iran (Islamic Republic of));

124.18. Consider establishing a child rights sub-commission within the Korean National Human Rights Commission (Palestine);

124.19. Continue giving priority and allocating adequate resources for the implementation of the national strategies for the protection and promotion of the rights of children (Malaysia); Take measures and establish appropriate mechanisms to enable the development of legislation and promotion of policies for the protection of children in all areas (Oman); Continue to further its efforts to guarantee the rights of the child (Japan); Take legal measures to provide appropriate facilities and support for children, particularly children with disabilities as the most vulnerable group of children (Iran (Islamic Republic of));

124.20. Take measures to ensure the full harmonization of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (South Africa);

124.21. Work towards passing legislation that provides ethnic minorities and vulnerable groups, including women and persons with disabilities, protection from discrimination and legal recourse for victims of discrimination (Canada);

124.22. Take continuous measures for the protection of the rights of women and other marginalized groups (Nepal); Intensify the efforts aimed at fighting all forms of discrimination, especially by strengthening the national legislative framework (Algeria);

124.23. Continue its ongoing efforts to arrive at a national consensus on a general act on anti-discrimination (Indonesia); Strengthen efforts and take measures towards adoption of the law to fight discrimination (Palestine); Accelerate efforts to adopt an Anti-Discrimination Law (Chile); Step up efforts to adopt a comprehensive Anti-Discrimination Bill in line with the relevant international human rights instruments (Slovenia); Adopt an anti-discrimination law to replace the law that was suspended in May 2008 (Chad); Ensure the passage of the Anti-Discrimination Act (India); Adopt a comprehensive and broad-based anti-discrimination law (Australia);

124.24. Adopt the Anti-discrimination Act as a matter of priority while encompassing also grounds for discrimination on the basis of sexual orientation (Czech Republic); Include in the Anti-discrimination Law a specific prohibition on discrimination on the basis of sexual orientation (Spain);

124.25. Continue the legislative review with a view to ensuring equality between women and men in law and practice in all areas of life (Palestine); Undertake a comprehensive review of legislation with a view to ensuring de jure and de facto equality between men and women (South Africa);

124.26. Formulate a national strategy to promote gender equality so as to advance the status of women, combat violence and eliminate discrimination against women (China); Further ensure effective gender equality into government policies (Republic of Moldova); Take additional measures aimed at eliminating all forms of discrimination against women and at strengthening their situation and participation in all State institutions (Oman); Increase governmental efforts to ensure that women, in particular single mothers, can have access, as men do, without any discrimination, to employment, equal pay and matrimonial rights, especially following an inheritance or a divorce (Belgium);

124.27. Consider undertaking educational and awareness-raising actions promoting co-responsibility in the domestic sphere and preventing domestic violence (Poland);

124.28. Combat discrimination against single mothers and their children (Brazil); Conduct national awareness campaigns to eradicate the discrimination against single mothers, in law and in practice (Mexico); Establish a governmental authority to support and advise single mothers and their children (Germany);

124.29. Improve the registration of children with a view to ensuring that the statelessness of children is prevented (South Africa); Revise the single parent family support law and introduce legislation to ensure that all children are automatically and legally registered immediately after birth, regardless of parents' legal status and origin (Norway); Facilitate the implementation of a birth registration system to allow immediate registration at birth, independently of the status or nationality of parents (France); Provide for a full system of universal birth registration including immediate registration upon birth regardless of the parent's nationality or status in the country (Ireland); Consider the possibility to introduce a system of automatic registration of children born in the country, regardless of the parents' nationality or status (Italy); Revise the national legislation with a view to guarantee that all persons are registered at birth, independently of their migrant condition or the nationality of their parents (Mexico); Enact measures regarding the civil registration of children at birth in order to fight the possible traffic in human beings (Romania); Carry out a legislative review so as to ensure an automatic and legal registration at birth, while guaranteeing the protection of personal data and especially the right to access such data (Switzerland); Review its birth registration system to safeguard the human rights of unwed mothers and children by (i) ensuring immediate birth registration is available to all children regardless of the parents legal status; (ii) ensuring that the birth registration accurately indicates the biological parent(s) of the child; and (iii) taking steps to prevent birth registration of children by third parties, such as adoptive parents, that could result in the occurrence of de facto adoptions in the absence of

proper judicial oversight, which could also put children at risk of being trafficked (Canada);

124.30. Continue implementing measures to combat and prevent racism, racial discrimination and xenophobia, and to guarantee equality of opportunities (Cuba);

124.31. Continue implementing policies aimed at intensifying the combat against discrimination, especially with respect to female migrant workers (Morocco); Fight against all forms of discrimination and abuse of migrant workers, particularly women (Spain);

124.32. Continue to adopt appropriate policies and laws to counter discrimination of women migrant workers and ensure that their children can enjoy rights to education and health (Sudan); Take further legislative measures to formulate policies on the prevention of discrimination and violence against migrant women and child workers and also guarantee their right to education and health (Iran (Islamic Republic of));

124.33. Study the possibility of intensifying measures aiming at eliminating all discriminatory treatment on the basis of sexual orientation or gender identity (Argentina);

124.34. Review the possibility of repealing laws that criminalize on the basis of sexual orientation within the military (United States of America);

124.35. Consider ratifying ICCPR-OP2, aiming at the abolition of the death penalty (Rwanda); Ratify ICCPR-OP2, aiming at the abolition of the death penalty (Switzerland); Consider ratifying the ICCPR-OP2, aiming at the abolition of the death penalty (Slovenia); Modify the penal provisions that provide for the application of the death penalty with a view to a total prohibition and ratify ICCPR-OP2, aiming at the abolition of the death penalty (Uruguay); Consider the possible establishment of an official moratorium on the death penalty, since it is not applied since 1997 (Chile); Convert the present de facto moratorium on executions into a formal moratorium (Germany); Take concrete measures in order to transform the de facto moratorium on the death penalty into a de jure moratorium on execution and sentencing (Switzerland); Introduce a moratorium on all executions and introduce legislation to abolish the death penalty (United Kingdom); Maintain effectively the de facto moratorium on the death penalty (Belgium); Respect international minimum standards on the death penalty, if the Republic of Korea will maintain it (Belgium); Consider the abolition of the death penalty (Honduras); Consider the possibility of the abolition of the death penalty by the law (Uzbekistan); Take into consideration the possibility of abolishing the death penalty (Italy); Take steps towards the abolition of the death penalty (Norway); Take steps towards the abolition of the death penalty, while commuting the existing sentences to life imprisonment terms (Slovakia); Complete the legislative process in order to abolish capital punishment, which as a matter of fact, has been suspended for more than a decade (Turkey); Take all necessary measures in order to abolish de jure the death penalty (France); Abolish definitively the death penalty (Spain); Abolish the death penalty and ratify ICCPR-OP 2 (Australia);

124.36. Consider establishing mechanisms preventing security forces from using force in an excessive or unjustified manner, especially against peaceful protesters (Poland);

124.37. Further strengthen measures against torture and ill-treatment (Czech Republic); Investigate all allegations of torture by the police and prosecute the perpetrators (Belarus);

124.38. Consider establishing the total prohibition of corporal punishment (Palestine); Carry out public awareness campaigns on the negative consequences of the ill-treatment of children to promote positive and non-violent forms of discipline in schools and at home as alternative measures to these punishments (Uruguay); Expressly prohibit corporal punishment in all settings (Hungary);

124.39. Continue its efforts to prevent and combat domestic violence (Republic of Moldova); Enhance protection against domestic violence, hiring more female police inspectors, improving shelter and rehabilitation services for victims and strengthening data protection in this regard (Hungary); Ensure that domestic violence is properly punished and victims, including those of marital rape, are properly protected (Slovakia);

124.40. Take all procedures to prevent all forms of violence against children and women (Iraq); Continue strengthening its capacity and its efforts to combat violence against children (Kyrgyzstan); Strengthen measures to combat violence against children (Senegal);

124.41. Take appropriate measures to prevent sexual violence against children and make more efforts to effectively prosecute the sexual exploitation of children (Botswana); Tighten the criminal responsibility for the crimes related to the sexual exploitation of children. (Belarus);

124.42. Step up its efforts to address the issue of trafficking of women and children (Malaysia); Strengthen the cooperation both at national and international levels in fighting against human trafficking equally for the purposes of sexual exploitation and forced labour (Republic of Moldova);

124.43. Consider stepping up its efforts towards ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) (Philippines); Ratify the Palermo Protocol (Brazil); Ratify the Palermo Protocol (The Netherlands); Ratify the Palermo Protocol (United Kingdom of Great Britain and Northern Ireland); Take comprehensive measures in combatting trafficking in persons including by the accession to the Palermo Protocol and by extending an invitation to the Special Rapporteur on trafficking in persons, especially women and children (Belarus); Take more proactive measures to identify and look after victims of human sex trafficking, especially by ratifying the Palermo Protocol (Belgium);

124.44. Give consideration to the implementation of measures and programmes to provide assistance to landmine victims such as psycho-social, medical and financial support (Thailand);

124.45. Adopt child friendly procedural rules in the justice system (Hungary);

124.46. Continue its endeavours in fostering the rule of law and social cohesion (Viet Nam);

124.47. Continue the review of its international adoption system with a view to reform relevant legislation, and to bring it fully in line with the CRC; make the consent of teenage single mothers in the process mandatory; and adopt

measures for all adoptions to be subject to the approval of a central authority with a clear mandate and responsibilities for the judicial supervision and the regulation (Honduras); Establish a national adoption centre and an obligation to register right after birth (Germany);

124.48. Continue efforts to increase employment opportunities and improve the employment situation for women and to promote women's rights (Japan); Take effective measures against disadvantages faced by women in the labour market, including to overcome the persisting wage gap between men and women (Slovenia);

124.49. Implement legislation criminalizing sexual harassment in the workplace, and set up mechanisms to monitor the implementation of this legislation (The Netherlands);

124.50. Take further actions to ensure freedom of expression on the Internet, including opinions which are different from the positions of the Government (Japan); Ensure full implementation of international human rights obligations regarding freedom of expression (Poland); Ensure that laws on freedom of expression and freedom of the press are applied in conformity with international standards (Switzerland);

124.51. Adopt specific legislation to guarantee the exercise of the rights to freedom of opinion and expression (South Africa);

124.52. Transfer the functions of the Korean Communications Standards Commission to an independent commission (Switzerland);

124.53. With regard to conscientious objection, adapt existing national legislation so that alternative services to military service effectively have a civil nature and that they are placed under the monitoring of civil authorities (France); Abolish imprisonment and establish a non-military service for conscientious objectors (Germany); Ensure that the right to conscientious objection to military service is observed (Poland); Recognize the right to conscientious objection to military service and introduce alternative service in line with international standards (Slovakia); Recognize conscientious objection as a right, guaranteeing an alternative community service to the military service of a truly civilian character, and free all conscientious objectors currently imprisoned (Spain); Immediately introduce an alternative military service option for conscientious objectors, ensuring it has a non-combatant or civilian character and is not of a punitive nature (United States of America); Introduce alternative service for conscientious objectors (Australia);

124.54. Provide training to law enforcement officers on proper enforcement of the National Security Law to avoid investigations, detentions, and charges that restrict freedom of expression and result in a climate of self-censorship (United States of America);

124.55. Release all persons including pro-reunification patriots who were unjustly arrested and imprisoned according to the "National Security Law" (Democratic People's Republic of Korea);

124.56. Review regularly the application of the National Security Act, to ensure its consistency with human rights principles (Australia); Specify modalities for the implementation of the National Security Law so that this law cannot be used against freedoms of expression, association and peaceful assembly (France);

124.57. Define more clearly the regulations of the National Security Law (Germany); Consider amending the National Security Law to prevent arbitrary application and abusive interpretation of the law (Norway); Amend the National Security Law to guarantee that its application respects fully the freedom of expression (Spain); Amend the National Security Law to provide clarity and prevent abusive interpretations of the law (United States of America); Abolish the criminal laws as the “National Security Law” (Democratic People's Republic of Korea);

124.58. Abolish the “Security Surveillance Law”, which restricts freedoms of former political prisoners and prisoners of conscience (Democratic People's Republic of Korea);

124.59. Allocate sufficient funding to the poverty eradication strategy of the Republic of Korea (South Africa); Increase its efforts to expand protection and support for low-income groups to solve weakening social integration due to intensifying income polarization (Iran (Islamic Republic of)); Strengthen its social security system in order to effectively guarantee the poor population the right to health care and housing so that the results of economic development will benefit the entire population (China);

124.60. Continue programmes and actions to promote and protect economic, social and cultural rights, in particular in the area of health, education and food (Cuba); Continue efforts to strengthen access to quality education and health services, especially for the vulnerable segments of society (Bahrain);

124.61. Continue to implement the “Bogumjari Housing” project which ensures solid and affordable housing to low income families by 2018 (Kuwait);

124.62. Continue to expand the framework for national health insurance coverage so as to guarantee the right to health (Kuwait);

124.63. Take appropriate measures to reconcile growing tuition fees with the level of education (Iran (Islamic Republic of));

124.64. Promote the local integration of refugees, asylum seekers, and humanitarian status holders by extending multi-cultural programmes to them (Botswana);

124.65. Take all measures to eliminate restrictions to the mobility of migrant workers (France);

124.66. Take measures to ensure that the children of undocumented migrants are provided with access to medical services (Ireland);

124.67. Intensify its comprehensive policies and concrete plans to guarantee the full enjoyment of rights and welfare of migrant workers, especially women, including combating human trafficking and discrimination in all forms (Viet Nam); Continue its efforts for the protection of the rights of migrant workers (Nepal); Carry out actions to protect the rights of migrants and their families (Senegal); Continue to take measures to promote and protect the rights of migrant workers (Sri Lanka); Further strengthen measures to promote and protect the rights of all migrant workers by ensuring their appropriate welfare and standard of living (Thailand);

124.68. Strengthen measures aimed at social protection of refugees, migrant workers and members of their families (Belarus);

124.69. Deal with the issue of irregular migration sympathetically and consider further legislative protection of their fundamental human rights (Bangladesh);

124.70. Continue strengthening the mechanisms to promote international cooperation with a focus on the promotion and protection of human rights, as fundamental principles of the official development assistance (Paraguay).

125. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of the Republic of Korea was headed by H.E. Mr. GHIL Tae-Ki, Vice Minister, Ministry of Justice and composed of the following members:

- Alternate: H.E. Mr. CHOI, Seok-young, Ambassador, Permanent Representative, Permanent Mission of the Republic of Korea in Geneva;
- Mr. OH Seung-Keol, Director, Student Governance Division (Ministry of Education, Science and Technology);
- Ms. LEE Kyung-ah, First Secretary, Human Rights and Social Affairs Division (Ministry of Foreign Affairs and Trade);
- Mr. BONG Wook, Director-General, Human Rights Bureau (Ministry of Justice);
- Mr. BANG Kitae, Director, Human Rights Policy Division (Ministry of Justice);
- Mr. HONG Kwan-Pyo, Senior Deputy Director, Human Rights Policy Division (Ministry of Justice);
- Ms. OH Yoojin, Deputy Director, Human Rights Policy Division (Ministry of Justice);
- Mr. CHO In Hyoung, Deputy staff Judge advocate, Office of Staff Judge Advocate, Joint Chiefs of Staff (Ministry of National Defense);
- Mr. SEO tae woo, Judge advocate for international human rights, Human Rights Division (Ministry of National Defense);
- Mr. KIM Hak Bae, Deputy Director, Workforce Development Division (Ministry of Knowledge Economy);
- Mr. BANG Young Sik, Deputy Director, Division of Welfare Policy (Ministry of Health and Welfare);
- Ms. PARK Youn Seo, Deputy Director, Division of Child Welfare Policy (Ministry of Health and Welfare);
- Ms. SEO Jung Hyun, Deputy Director, Division of Child Rights (Ministry of Health and Welfare);
- Mr. MA Sung Kyun, Director, International Labor Affairs Division (Ministry of Employment and Labor);
- Ms. KIM Tae Eun, Deputy Director, International Labor Affairs Division (Ministry of Employment and Labor);
- Ms. LEE Jin Hee, Deputy Director, International Cooperation Division (Ministry of Gender Equality and Family);
- Mr. BAK Yeongsoo, Director, Legal Affairs Division (National Election Commission);
- Mr. CHO Dongjin, Deputy Director, Legal Affairs Division (National Election Commission);
- Mr. OH Jeong Taek, Deputy Director / Attorney at Law, Network Ethics Team (Korea Communications Commission);



- Ms. YUN Wung Hyun, Deputy Director, Regional Broadcasting Team (Korea Communications Commission);
  - Mr. LEE Jun Hyung, Inspector, Human Rights Center (National Police Agency);
  - H.E. Mr. KWON, Hae-ryong, Ambassador, Deputy Permanent Representative (Permanent Mission of the Republic of Korea in Geneva);
  - Mr. LEE Ju-myeong, Minister-Counsellor (Permanent Mission of the Republic of Korea in Geneva);
  - Mr. KIM Gang Lip, Minister-Counsellor (Permanent Mission of the Republic of Korea in Geneva);
  - Mr. KWON, Soonchul, Counsellor (Permanent Mission of the Republic of Korea in Geneva);
  - Mr. LEE, Jae-wan, Counsellor (Permanent Mission of the Republic of Korea in Geneva);
  - Mr. KIM, Jong Cheol, Counsellor (Permanent Mission of the Republic of Korea in Geneva);
  - Ms. LEE, Jinsoo, First Secretary (Permanent Mission of the Republic of Korea in Geneva);
  - Mr. CHO, Ki-joung, First Secretary (Permanent Mission of the Republic of Korea in Geneva);
  - Interpreters: Ms. KIM Soyeong, Ms. WOO Joohyun and Ms. JEONG Eunji.
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