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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Republic of Korea*

The present report is a summary of 18 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

A. Background and framework

1. National Human Rights Commission – Republic of Korea (NHRCK) stated that accession to OP-CAT is vital and an effective national mechanism to prevent torture or degrading treatment should be established.²
2. The Government should accede to CPED, reform the law and embrace CPED's definition of "enforced disappearance".³
3. A legislative amendment to reform article 732 of the Commercial Law was not passed. The article reportedly imposed restrictions on the ability of persons with disabilities to get life insurance. The Government should amend the relevant clause accordingly, withdraw its reservation to article 25, paragraph (e) of CRPD and ratify OP-CRPD.⁴
4. Changes to the family registration system in 2008 helped raise the status of women. However, according to article 781 of the Civil Law, a child's surname generally follows that of the father. Based on this provision, the Government had not withdrawn its reservation to article 16 paragraph 1(g) of CEDAW.⁵
5. The reservation to article 22 of ICCPR remained due to domestic law provisions that prohibited collective action by civil servants and restricted the range of public officials which were capable of joining a labour union. These provisions need to be reviewed.⁶
6. The quality of human rights education courses needs to be enhanced. Enactment of an Act on Human Rights Education and establishment of a Human Rights Education Center are necessary.⁷

B. Cooperation with human rights mechanisms

7. NHRCK recommended that the Government establish a channel for the NHRCK and civil society organizations to participate in the work of the National Human Rights Policy Council on the implementation of recommendations from the UPR and treaty bodies.⁸

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

8. According to the NHRCK, more efforts should be made to resolve issues of female workers, for the many in low-paid and non-regular positions. Employment protection for women during pregnancy and after childbirth is required.⁹
9. Specific action plans to realize gender mainstreaming need to be developed and education and publicity activities should continue to improve public awareness.¹⁰ In the light of article 1 of CEDAW, NHRCK recommended a law prohibiting indirect as well as direct discrimination.¹¹
10. Support for Multicultural Families Act 2008 was not sufficient to protect the rights of, inter alia, single and divorced migrant women. Government should formulate policies on the prevention of discrimination against migrant women workers, violence against

migrant women, the promotion of maternity protection, and guarantee the right to education and health of the child.¹²

11. The Government should reinforce the initial immigration procedure and provide more inspections of workplaces where migrant women are in danger of sexual exploitation.¹³

12. The Government should provide migrants with administrative services such as interpretation and counselling and include their voices when formulating a migrant worker policy. Prevention of industrial accidents should be developed and migrant workers' access to remedies ensured. The Government should follow the Human Rights Guidelines for Migrants, suggested by the NHRCK in February 2012.¹⁴

13. The Constitutional Court, in March 2011, upheld article 92 of the Military Penal Code, which penalizes same-sex sexual activity for the military. The Government should modify relevant regulations to combat discrimination against sexual minorities and promote education and public awareness to ensure the protection of the rights of sexual minorities.¹⁵

14. Although, the death penalty has not been carried out in the last ten years, a change in the Government's attitude and genuine effort are required to abolish capital punishment.¹⁶

15. The Government should formulate specific measures to prevent the occurrence of torture by police officers.¹⁷

16. Solutions for child mistreatment, including neglect or psychological abuse are needed. Measures should be taken to improve the reporting rate of child abuse.¹⁸

17. Domestic violence or sexual assaults tend to be considered personal affairs and are not openly discussed. There is a need to increase the reporting rate and hire more female investigators. Cases of spousal rape were recognized by inferior courts, but there was an emerging demand to clarify the criminal nature of spousal rape through legislation. NHRCK indicated that the Government should consider repealing the categorization of offences subject to complaint by victims, such as rape without injury and harassment.¹⁹

18. Regarding the problem of invasion of privacy, the Government should abolish or improve the resident registration number system, per NHRCK's recommendations.²⁰

The Government should adopt an alternative service system to replace obligatory military service in order to settle the issue of conscientious objectors.²¹

19. Although the Constitutional Court ruled against the Government's prohibition of night time outdoor assemblies, relevant legislation had not yet been amended. This requires prompt legislative reform. NHRCK also recommended, inter alia, that the Government relax restrictions on possible venues and the registration system for demonstrations.²²

20. Prosecution of political offences under the *National Security Act* (NSA) continued, and a debate over restrictions on freedom of expression and academic freedom was still underway. Considering the possibility of human rights violations due to the NSA, the Government should prepare measures including legislative amendments with the aim of preventing abusive application of the law and infringement of human rights.²³ The Government should change its control-oriented policy practices on freedom of expression online towards the promotion of freedom.²⁴

21. The Government did not accept the NHRCK's recommendation to amend or abolish the *Security Observation Act*. NHRCK highlighted the possibility of wrongful application of the Act: as the 'risk of second conviction', which is a statutory ground for an observation order under the Act, did not have a clear standard and the assessment of such risk was undertaken by a commission in the Executive Branch.²⁵

22. Emerging issues identified related to, inter alia, rights to social security, organize, collective bargaining and action. The Government should expand protection and support for low-income groups to solve weakening social integration due to intensifying income polarization. Reform of laws and practices is needed to ensure appropriate and stable housing for evicted residents. The gap in quality of education according to economic and geographical status needs to be decreased.²⁶

23. Legislative reform is needed to establish a refugee support system in accordance with the purpose of the Refugee Law, which enters into force in July 2013. The Government needs to expand job training and language courses for refugees.²⁷

24. The Government should implement emerging international standards regarding business and human rights. The operation and management of the National Contact Point (NCP) established pursuant to the OECD Guidelines for Multinational Enterprises should be reformed.²⁸

II. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

25. Joint Submission 5 (JS5) recommended ratification of treaties to which the country is not a State party and withdrawal of all reservations.²⁹ Amnesty International (AI)³⁰ and/or International Commission of Jurists (ICJ)³¹ called for the ratification of ICCPR-OP2, CPED, OP-CRC-IC, OP-CAT, OP-ICESCR, ICRMW and OP-CRPD. Advocates for Public Interest Law (APIL) recommended ratification of ILO Conventions on Work in Fishing (2007) and Nos. 29 and 105.³²

26. JS3 recommended ratification of the Palermo Protocol³³ and Korean Family Preservation Network (KFPN) recommended setting a target date to ratify the Hague Convention on Intercountry Adoption.³⁴ UPR Child Rights Network (CRN-K) recommended that the Government hold a discussion with relevant stakeholders and civil society on the reservation to article 21 (a) of the CRC and withdraw it by the country's next UPR.³⁵

27. JS1 recommended that the Government withdraw its reservation to art. 25(e) of CRPD.³⁶

2. Constitutional and legislative framework

28. European Association of Jehovah's Christian Witnesses (EAJCW) reported on the lapsing of draft legislation regarding alternative service and conscientious objectors.³⁷

3. Institutional and human rights infrastructure and policy measures

29. JS5 reported that, in 2009, the Government downsized the NHRCK by 21% and appointed a chairperson lacking experience and expertise in the field of human rights. Since then, the Commission has allegedly deferred its decisions on several cases of serious human rights violations. This series of events has reportedly threatened the independence of the Commission and led to the simultaneous resignation of two standing commissioners, and seventy advisors and experts in 2010.³⁸

30. JS3 referred to the lack of independence of the Korean Monitoring Center for Children's Rights to monitor CRC's implementation.³⁹ CRN-K recommended that the Government define the legal status for an independent child rights monitoring body,⁴⁰ while

ICJ recommended the prompt establishment of a specialized and independent children's rights division within the NHRC.⁴¹

31. JS5 reported on the alleged exclusion of NGOs in the creation of the second National Action Plan (on human rights). Similar concerns were raised by AI.⁴²

32. Center for Military Human Rights Korea (CMHRK) and JS5 recommended effective human rights training for all military personnel.⁴³ KBA pointed out that no records could be found regarding whether law enforcement officials had been provided human rights training relevant to child abuse and domestic violence cases.⁴⁴

B. Cooperation with human rights mechanisms

33. ICJ recommended the presentation to the Human Rights Council of: a national plan of action for the implementation of accepted recommendations, pledges and commitments; and a mid-term progress report on the status of their implementation.⁴⁵

1. Cooperation with treaty bodies

34. JS5 observed that the Government failed to disseminate the observations made by treaty bodies actively.⁴⁶ ICJ recommended that the Government submit without delay its reports to the HR Committee and CAT.⁴⁷

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

35. JS5 stated that although the Ministry of Justice maintained that it has been working on enacting anti-discrimination legislation since 2007, there has been no visible progress. The Government must enact comprehensive legislation which addresses all prohibited grounds of discrimination in concrete terms, in consultation with civil society and key stakeholders.⁴⁸

36. JS5 reported that unwed mothers are often forced to relinquish their children due to social stigma and financial difficulties resulting from the prejudice.⁴⁹ Under the National Basic Livelihood security system, people may not receive government support unless they have no family or unless the whole family, including siblings, is in poverty. Laws to compel fathers to pay child support are still not enforced.⁵⁰ KFPN and JS5 recommended amendment of the Single-Parent Family Welfare Act and the National Basic Livelihood Security Act.⁵¹

37. KFPN observed that children faced discrimination when their mothers are unmarried⁵² and recommended that births should be registered done in a way that does not permanently stigmatize them.⁵³

38. JS1 identified children of undocumented migrant workers and children with disabilities as the most vulnerable groups of children due to discrimination.⁵⁴ Korean Bar Association (KBA)⁵⁵ and CRN-K⁵⁶ expressed concern about the rights of children of undocumented migrant workers, with JS5 estimating that the access of these 17,000 children to medical services was only partially protected.⁵⁷ CRN-K⁵⁸ and JS5 recommended enactment of the Migrant Children Rights Protection Act, as suggested in 2010.⁵⁹ JS1 recommended amendment of the Medical Care Assistance Act.⁶⁰

39. According to Congregation of Our Lady of Charity of the Good Shepherd (COLCGS) one in ten marriages was "international", and the majority of these were Korean

men marrying women from other less developed countries. Many were arranged through agencies. The women suffered discrimination within the marriage and within society.⁶¹ JS5 stated that the spouse reference system reinforced the inequality that existed between the Korean husband and migrant wife.⁶² APIL reported on the problem of statelessness faced by divorced women who were required to waive their nationality for marriage with a Korean man.⁶³ COLCGS reported on the problems faced by foreign spouses who suffered domestic abuse.⁶⁴ JS5 recommended that the Government abolish the spouse reference system.⁶⁵

40. COLCGS reported that domestic violence continued to be considered a private family matter.⁶⁶ The Government should initiate a public awareness campaign on the issue utilising various media.⁶⁷ JS5 observed that personal information of victims of sexual violence, domestic violence, and sex trafficking residing in shelters was collected and compiled online, possibly putting victims in danger by exposing their whereabouts.⁶⁸ The Government should amend the Social Service Act that requires the uploading of such personal information.⁶⁹

41. COLCGS alleged that so-called “international” marriages were frequently a cover for trafficking for the purposes of sexual exploitation.⁷⁰ AI⁷¹ with APIL⁷² KBA⁷³ and JS5⁷⁴ also reported on the risks faced particularly by women migrant workers, including recruitment into the sex industry. JS5 recommended that the role and structure of the E-6 visa should be subjected to scrutiny, and E-6 broker agencies should be monitored and regulated more rigorously.⁷⁵

2. Right to life, liberty and security of the person

42. AI reported that there is no official moratorium on executions and moves to abolish the death penalty via legislation have come to nothing. In February 2010, in a five to four ruling, the Constitutional Court stated that capital punishment did not violate the Constitution.⁷⁶ JS5 alleged that instead, the Government used the results of public opinion polls, usually conducted right after a serial killing or child sexual abuse cases had been aired in the media, for not abolishing the death penalty. The Government should conduct a national campaign against and abolish the death penalty.⁷⁷ Harm Reduction International (HRI) recommended that the Government abolish its drug laws which provide for capital punishment.⁷⁸

43. JS5 stated that domestic law was not in line with article 1 of CAT and instances of violence and cruel treatment perpetrated by the police or the prosecutor’s office continued to take place.⁷⁹

44. According to CMHRK, a number of soldiers suffered from beating and brutal treatments in the military and, despite an increase in cases, perpetrators were not properly punished.⁸⁰ EAJCW reported that in 2009 the Korean Presidential Commission on Suspicious Deaths in the Military released its decision acknowledging that the Government was responsible for the deaths of five young Jehovah’s Witnesses who were forcibly conscripted into the army.⁸¹ According to CMHRK, the Ministries of National Defense and Justice and the National Police Agency have opposed ratification of OP-CAT due to security matters.⁸²

45. CMHRK reported that from 2007 to 2010 over 43,066 soldiers had been sent to military prison by their commander and recommended that all arbitrary detentions cease immediately.⁸³ JS5 recommended that the Government revise the Military Personnel Management Act to require a judge to issue a warrant for detention.⁸⁴

46. Global Initiative to End All Corporal Punishment of Children (GIEACPC) stated that corporal punishment is lawful in the home⁸⁵ and alternative care settings.⁸⁶ JS1

recommended awareness-raising campaigns directed at teachers and parents to fully eradicate the practice of corporal punishments in schools and at home.⁸⁷

47. KBA reported that as of 2010, 65.8% of children and adolescents had been victims of child abuse including mental abuse by their parents, and 16.7% of households had been affected by domestic violence between wife and husband. In 59.3% of the cases in which a victim reported the domestic violence to the police, the police failed to take action.⁸⁸ COLCGS recommended that the police are given powers to prosecute a perpetrator of domestic violence independent of the victim.⁸⁹

48. Regarding the criminalization of child abuse, CRN-K reported that in cases where the perpetrators are family members, the crime falls under the Child Welfare Law, not under the Criminal Code under which punishment is more severe.⁹⁰

49. JS5 reported that, in 2010, marital rape accounted for 10.4% of sexual abuse cases. The Government should amend the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence in order to better protect marital rape victims and punish the offenders.⁹¹

50. According to JS1, the prostitution of minors was not diminishing.⁹² JS3 stated that several laws addressed child prostitution and recommended that their provisions be reviewed and harmonized so that consistent sentences can be applied to child sex offenders.⁹³ JS5 recommended enactment of a comprehensive definition of human trafficking in line with the Palermo Protocol.⁹⁴

51. According to CMHRK, it is difficult for victims to bring sexual crimes allegedly committed inside the military to the court.⁹⁵ From 2009 to 2010, 173 out of 336 sexual crime cases in the military were not indicted, and 60% of non-prosecution was that they were out of right to arraignment.⁹⁶ The Government should provide institutional aid to victims of such crimes in the military, take concrete action to protect victims' rights, abolish article 25(4) of the Decree of Military Service⁹⁷ and revise or abolish article 92(8) of the Military Criminal Law as well as article 296 of the Criminal Law.⁹⁸

52. KBA observed that controversy persisted over whether the 1965 agreement resolved the issue of the damage suffered, inter alia, by the Korean women drafted for military sexual slavery by a neighbouring country - and groups having been denied compensation. The Korean Constitutional Court ruled in 2011 that the non-action of the State was unconstitutional.⁹⁹ JS5 recommended that the Government, inter alia, request proper legal compensation to sexual slavery victims and promptly make a settlement on the dispute resolution procedure.¹⁰⁰

53. JS5 reported that, while people still fall victim to landmines every year, no official statistics have been gathered or investigation made. Legislation, covering victims' living expenses, medical care costs and compensation, should be enacted.¹⁰¹

3. Administration of justice and the rule of law

54. According to JS5, military personnel and civilian workers in the military are not guaranteed the right to fair trial. The Government should abolish the military court during peacetime and require that lawsuits involving military personnel and civilian workers in the military take place in regular civilian courts.¹⁰²

4. Right to privacy, marriage and family life

55. According to KFPN, a high rate of adoption distinguishes the Republic of Korea.¹⁰³ KFPN alleged that about 85% to 90% of reported domestic and international adoptees and all those "secretly" adopted domestically had been children of unwed mothers.¹⁰⁴ JS5 indicated that non-recording of adoption left open the possibility of child-selling.¹⁰⁵ KFPN

referred to reports that there were about 20,000 children living in 280 institutions in Korea, 80% of whose parents were divorced. The adoption of those children was allegedly facilitated by a law passed in December 2011, and effective in 2013, which allowed for the automatic termination of parental rights of those who had not parented their children for three years.¹⁰⁶

56. According to KFPN, failures to regulate abuses in adoption processes and to protect social and economic rights were key push-factors in the high rates of adoption.¹⁰⁷ Financial incentives for institutionalization should be removed.¹⁰⁸ JS5 recommended that the Government work in partnership with civil society, especially in deciding how the Korea Central Adoption Resources Agency should be organized and operated.¹⁰⁹

57. JS5 recommended that the Government reconsider the resident registration system¹¹⁰ and that the use of collected DNA be strictly limited.¹¹¹

5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

58. EAJCW stated that more than 700 young Jehovah's Witness men were presently serving prison sentences as conscientious objectors, by far the largest number of conscientious objectors serving prison terms in any country in the world.¹¹² 80 Jehovah's Witness faced multiple prosecutions for violating the Homeland Reserve Forces Act.¹¹³ JS4 drew attention to repeated punishment of those who on grounds of conscience refused the call-up to reserve service; continued civil disadvantages suffered by those who had not performed military service, compounded in the case of conscientious objectors who had been imprisoned by bearing a criminal record throughout life.¹¹⁴

59. AI stated that plans to introduce alternative service for conscientious objectors have been on hold since December 2008.¹¹⁵ EAJCW reported that the Constitutional Court refused to recognize the right to conscientious objection by its decision of August 30, 2011.¹¹⁶ EAJCW requested that the Republic of Korea: recognize the right to conscientious objection to military service; implement alternative service for conscientious objectors in line with international standards; and grant amnesty for conscientious objectors who file a petition for clearance of criminal records and rehabilitation of civil rights.¹¹⁷

60. KBA stated that the National Security Act (NSA) had not been abolished or revised, nor had the Security Surveillance Act been revised, earning criticisms of constituting double jeopardy. KBA reported that the number of those detained for violating the NSA had increased almost fourfold in the last four years.¹¹⁸ JS5 stated that the rate of prosecution was much lower than that of being charged for violating the Act, which indicated that the NSA was being abused.¹¹⁹ AI alleged that the authorities increasingly used the National Security Law to target individuals and organizations perceived to oppose the Government's policy on the Democratic People's Republic of Korea,¹²⁰ with JS2 and AI specifically referring to the charges against Mr. Jeong-gun Park.¹²¹ JS2 was seriously concerned that the number of blocked websites under the NSA increased from 2 in 2008 to 139 in July 2011.¹²² AI recommended that the Government abolish the National Security Law or bring it into line with international human rights standards.¹²³

61. JS2 remained concerned about the Korea Communications Standards Commission's (KCSC) vaguely defined standards and wide discretionary power to determine what information should be deleted on the internet.¹²⁴

62. JS2 observed that between 2008 and 2012 restrictions had been placed on freedom of peaceful assembly through application of the Assembly and Demonstration Act as well as the Criminal Code.¹²⁵ According to KBA, about 4,000 people were charged each year with violating the Assembly and Demonstration Act.¹²⁶ JS2 expressed serious concern

about the restrictions on the freedom of peaceful protest regarding the construction of a naval base in Gangjeong village in Jeju Island¹²⁷ with AI indicating that the Public Prosecutors' Office, in August 2011, labelled those protests a "challenge to state power".¹²⁸ JS5 reported that members of the police who used violence against demonstrators were not being properly punished.¹²⁹ Recommendations made by JS5, JS2 and AI, included ensuring that the conduct of police forces is in accordance with international human rights standards.¹³⁰

63. JS2 referred to allegations of foreign civil society members having been prevented from carrying out advocacy activities in the Republic of Korea and made to leave the country.¹³¹ AI reported that the authorities clamped down on dissenting voices, including those of NGO activists, journalists, bloggers and peaceful protesters¹³² and called for the ending of the persecution of individuals, including journalists and trade unionists, who call for guarantees of media independence.¹³³

64. AI and JS2 expressed concern about the denial of freedom of association to foreign migrant workers and discrimination regarding their right to form trade unions. They referred to the Ministry of Labour and Employment's denial of the Migrants Trade Union legal status despite a 2007 Seoul High Court ruling.¹³⁴ AI reported on human rights violations committed in a crackdown on undocumented migrant workers, including excessive use of force¹³⁵ and KBA referred to violations of law enforcement procedures during immigration crackdowns.¹³⁶

65. KBA stated that the Government did not recognize the right of low-level Government employees, police officers, and military officers to form and join labour unions.¹³⁷ According to ICJ, employees of important defence industries may be denied or restricted in their right to collective action.¹³⁸

66. CMHRK reported that the Ministry of National Defense made a list of seditious books based on article 16 (2) of the Decree of Military Service and that the Constitutional Court's ruled that the banning of seditious books in the military is constitutional.¹³⁹

67. CMHRK alleged that the Ministry of National Defense arbitrarily infringed the right of military personnel to participate in political life. The Government should allow all soldiers to participate in an open primary of any party and should amend relevant provisions of the Decree of Military Service.¹⁴⁰

68. JS5 alleged that under the present administration, the freedom of political expression of civil servants had been severely restricted. The Government should immediately amend legislation including the National Public Service Law, Political Fund Law, Political Party Law, and Teacher's Union Law that include articles which ban political activities of civil servants.¹⁴¹

69. JS5, while noting 2012 amendments to the Public Official Election Act, referred to the retention of article 110 of the Act and called for its abolition, since there was no clear definition between slandering and justifiable criticism. Article 93, clause 1 of the Public Official Election Act should also be abolished and regulations on offline election campaigns should be eased.¹⁴²

6. Right to work and to just and favourable conditions of work

70. JS5 stated that the employment rate of women in general was very low and the maternity leave system very under-used and recommended that the Labour Standards Act be revised to eliminate the measure which excludes a worker hired for domestic work from the definition of employee.¹⁴³

71. Reporting on the Industrial Accident Compensation Insurance Act, JS5 recommended that the Government revise relevant laws to require the insurer, not the employee, to establish the causal relationship between the work and the accident or damage.¹⁴⁴

72. AI recommended that the Government, inter alia, eliminate the restrictions on labour mobility of migrant workers, a major reason for their exploitation by their employers; immediately remove obstacles to migrant workers forming and participating in trade unions; and recognise the status of the Migrants Trade Union as a legal union.¹⁴⁵

7. Right to social security and to an adequate standard of living

73. JS5 noted the increase of non-regular workers and the working poor and the worsening of social and economic inequality. The Government should strengthen efforts to provide proper wages to all workers, regularize non-regular jobs¹⁴⁶ and increase the minimum wage.¹⁴⁷

74. JS5 reported that the number of National Basic Livelihood security system recipients has stayed at 3% of the total population in the last 10 years, while the number of the poor had increased. More than a million people who were in need of benefits were not entitled to receive public assistance due to strict qualification standards, which should be moderated.¹⁴⁸

75. JS5 reported on the lack of access to social insurance of non-regular workers, exposing the group to various risks associated with health problems, unemployment and aging. The Government should subsidize the social insurance fees for low-wage, non-regular employees.¹⁴⁹

76. According to JS5, about 45% of the aging population suffered from poverty, and the suicide rate among the aging population was one of the highest in the world. The qualification for the basic old-age pension was restrictive and the pension's amount was low.¹⁵⁰

77. JS5 observed that only 58.9% of all paid workers were insured against unemployment. Among those who lost their jobs, only 11% could get unemployment benefit. The Government should take measures to ease criteria to expand the range of recipients and to extend the period of benefits. The jobseekers' allowance should be guaranteed to unemployed young people and small shopkeepers who seek work and vocational training.¹⁵¹

8. Right to health

78. JS5 stated that the National Health Insurance coverage was only 62.2%. This Insurance should include all medical expenses, and there should be a limit on medical expenses that individuals pay. Public hospitals should be more than 30% of total hospitals.¹⁵²

79. JS1 recommended the adoption of all possible measures to reduce computer games addiction and its serious consequences on children's behaviour.¹⁵³

80. JS1 remained concerned about the high rate of teenage pregnancies, which had increased by 5% compared to 2009, the lack of adequate social assistance for pregnant girls and the practice of soliciting pregnant girls to drop out of school.¹⁵⁴

9. Right to education

81. According to CRN-K, the Government persisted in ignoring the freedom of expression and assembly of students. A Student Rights Ordinance addressed some of those

shortcomings. However, revisions of the Enforcement Decree of the Elementary and Secondary Education Act resulted in its invalidation.¹⁵⁵ The Government should revise the Act by 2013 to guarantee children's participation in decision-making processes.¹⁵⁶

82. JS5 stated that university tuition fees in the country were the second highest in the world. Even though tuition fees were unaffordable, the college entrance rate was the highest in the world (83%) because of the very high wage gap.¹⁵⁷ CRN-K was concerned about the consistent growth and widespread use of private tutoring and education.¹⁵⁸

83. JS1 reported that the suicide rate among youth in the country was one of the highest in the world. Causes allegedly included: excessive pressure for school performance and consequent depression when school report cards did not meet those expectations; social exclusion and bullying in schools.¹⁵⁹

10. Persons with disabilities

84. JS1 remained deeply concerned about the situation of children with disabilities. More than half of the schools with children with disabilities often had overcrowded classes, a shortage of qualified teachers and lack of appropriate facilities and support.¹⁶⁰

11. Migrants, refugees and asylum-seekers

85. KBA explained that the Refugee Act, which will be effective starting in 2013, includes "abridged" or "accelerated" procedures provision for certain cases of refugee status application, which is very broad, making it likely to be subject to abuse.¹⁶¹ While the Act gives the Minister of Justice the discretionary powers to grant basic livelihood support or work permit to each refugee status applicant, it fails to provide that at least one of the two should necessarily be granted.¹⁶²

86. APIL¹⁶³ reported on the absence of a domestic mechanism to ensure *non-refoulement* and urged the Government to stop deporting asylum-seekers whose refugee recognition procedures are not yet completed to places of high risk of persecution.¹⁶⁴ JS5 recommended the establishment of alternatives to detention for asylum applicants and improved basic living conditions in transit zones.¹⁶⁵

12. Right to development and environmental issues

87. Korean House for International Solidarity (KHIS) recommended that the Government become a member of International Aid Transparency Initiative (IATI) in order to increase the credibility of the ODA process.¹⁶⁶

88. ICJ reported on the business sector's impact particularly on children's rights,¹⁶⁷ including the alleged importation of products made with forced child labour¹⁶⁸ and the effect on local populations of the acquisition of large portions of land in various countries to meet the Republic of Korea's food security concerns.¹⁶⁹ KHIS reported on alleged human rights violations by several Korean companies abroad¹⁷⁰ and referred to the need for urgent reform of the Korean extractive industry.¹⁷¹ Regarding other alleged human rights violations, APIL recommended that the Government, inter alia, investigate human rights violations as well as labour abuses occurring in Korean fishing vessels and take every measure to remedy the damages.¹⁷²

89. APIL alleged that the NHRC has been passive in dealing with issues related to Korean companies' human rights abuse overseas and KHIS reported on the severe performance problems of the National Contact Point.¹⁷³ ICJ recommended that the Republic of Korea provide a legislative framework that requires domiciled companies to adopt measures to prevent and mitigate adverse human rights impacts in their operations. Specific assessments on business' impacts on child rights should be required.¹⁷⁴

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status).

National human rights institution

NHRCK National Human Rights Commission – Republic of Korea* (Seoul, Republic of Korea);

Civil society

AI Amnesty International (London, United Kingdom);
 APIL Advocates for Public Interest Law (Seoul, Republic of Korea);
 CMHRK Center for Military Human Rights Korea (Seoul, Republic of Korea);
 COLCGS Congregation of Our Lady of Charity of the Good Shepherd (Geneva, Switzerland);
 CRN-K UPR Child Rights Network, joint submission by International Child Rights Centre (InCRC) (Seoul, Republic of Korea), Save the Children Korea (Seoul, Republic of Korea), Truth and Reconciliation for the Adoption Community of Korea (TRACK), (Seoul, Republic of Korea);
 EAJCW The European Association of Jehovah’s Christian Witnesses (Kraainem, Belgium);
 GIEACPC Global Initiative to End All Corporal Punishment of Children (United Kingdom);
 HRI Harm Reduction International (London, United Kingdom);
 ICJ International Commission of Jurists (Geneva, Switzerland);
 JS1 Joint Submission 1 – by: the Istituto Internazionale Maria Ausiliatrice (IIMA) or Salesian Sisters of Don Bosco; Good Neighbors International (GNI), VIDES International - International Volunteerism Organization for Women, Education, Development (Geneva, Switzerland);
 JS2 Joint Submission 2 – by: CIVICUS – World Alliance for Citizen Participation (JHB, South Africa) and PSPD - People’s Solidarity for Participatory Democracy (Seoul, Republic of Korea);
 JS3 Joint Submission 3 – by: ECPAT Korea (Republic of Korea) in collaboration with ECPAT International (Bangkok, Thailand);
 JS4 Joint Submission 4 – by: International Fellowship of Reconciliation (Alkmaar, The Netherlands); Conscience and Peace Tax International (Leuven, Belgium);
 JS5 Joint Submission 5 – by: The Korean NGO Coalition for the 2nd Cycle of the UPR on the Republic of Korea: Advocates for Public Interest Law, Alliance for Enactment of Anti-Discrimination Act, Association of Korea Doctors for Health Rights, Association of Physicians for Humanism, Catholic Human Rights Committee (CHRC), Chingusai - Korean Gay Men's Human Rights Group, Collective for Sexually Minor Cultures Pinks (PINKS), Cultural Action, Dandelions group of Korean parents who lost children to intercountry adoption, Disability and Human rights in Action (Footact), Human Asia, Human Rights Education Center DEUL (DEUL), International Child Rights Center (InCRC), Joint Committee with Migrants in Korea (JCMK), Korea Campaign to Ban Landmines (KCBL), Korea Center for United Nations Human Rights Policy (KOCUN), Korean Confederation of Trade Union (KCTU), Korean Dentists Association for Healthy Society, Korean Federation of Medical Groups for Health Rights (KFHR), Korean Government Employees’ Union (KGEU), Korean House for International Solidarity (KHIS), Korean Pharmacists for Democratic Society (KPDS), Korean Progressive Network Jinbonet (JINBONET), Korean Public Interest Lawyers’ Group (Gong-Gam), Korean Sexual-Minority Culture and Rights Center (KSCRC), Korea Sexual Violence Relief Center (KSVRC), Korea Solidarity for Conscientious Objection (KSCO), Korean Teachers and Education Workers

	Union (KTU), Korean Unwed Mothers and Families' Association (KUMFA), Korea Women's Association United (KWAU), Korean Women Workers Association (KWWA), Ewha Lesbian Rights Group, Lesbian Gay Bisexual Transgender Asexual Intersexual Questionary and You (LGBTAIQ), LGBT Human Rights Committee in HanYang University, KoRoot, Lesbian Counseling Center in South Korea, MINBYUN-Lawyers for a Democratic Society (MINBYUN), Minkahyup, My Sister's Place-Durebang Shelter (Durebang), NANCEN Center for Refugee's Rights (NANCEN), National Union of Mediaworkers, Peace Sharing Association (PSA), People's Solidarity for Participatory Democracy (PSPD), SARANGBANG Group for Human Rights (SARANGBANG), Rainbow Action Against Sexual-Minority Discrimination, Save the Children Korea, Solidarity for LGBT Human Rights of Korea (DoingInRyun), Solidarity for Workers' Health, The Center for Military Human Rights, Korea (CMHRK), The Korean Council for the Women Drafted for Military Sexual Slavery by Japan, Truth and Reconciliation for the Adoption Community of Korea (TRACK), Unninetwork, World Without War (Republic of Korea);
KBA	Korean Bar Association (Seoul, Republic of Korea);
KFPN	Korean Family Preservation Network, joint submission by Truth and Reconciliation for the Adoption Community of Korea (TRACK), (Seoul, Republic of Korea), KoRoot (Seoul, Republic of Korea), Korean Unwed Mothers and Families Association (KUMFA) (Seoul, Republic of Korea), Dandelions (Republic of Korea);
KHIS	Korean House for International Solidarity (Seoul, Republic of Korea);

- ² NHRCK, para. 17.
- ³ NHRCK, para. 18.
- ⁴ NHRCK, para. 14.
- ⁵ NHRCK, para. 12.
- ⁶ NHRCK, para. 18 and para. 23.
- ⁷ NHRCK, para. 6.
- ⁸ NHRCK, para. 2.
- ⁹ NHRCK, para. 24.
- ¹⁰ NHRCK, para. 11.
- ¹¹ NHRCK, para. 12.
- ¹² NHRCK, para. 4.
- ¹³ NHRCK, para. 21.
- ¹⁴ NHRCK, para. 3.
- ¹⁵ NHRCK, para. 22.
- ¹⁶ NHRCK, para. 20.
- ¹⁷ NHRCK, para. 25.
- ¹⁸ NHRCK, para. 10.
- ¹⁹ NHRCK, para. 9.
- ²⁰ NHRCK, para. 8.
- ²¹ NHRCK, para. 25. See also para. 19.
- ²² NHRCK, para. 5.
- ²³ NHRCK, para. 15. See also para. 25.
- ²⁴ NHRCK, para. 25.
- ²⁵ NHRCK, para. 16.
- ²⁶ NHRCK, para. 26.
- ²⁷ NHRCK, para. 13.
- ²⁸ NHRCK, para. 27.
- ²⁹ JS5, para. 2.
- ³⁰ AI, p. 4.
- ³¹ ICJ, para 17, recommendation xi).
- ³² APIL, para. 40.

- 33 JS3, para 1.1.1.
- 34 KFPN, para. 71.
- 35 CRN-K, para. 37.
- 36 JS1, para. 9 b.
- 37 EAJCW, para. 24.
- 38 JS5, para. 4. See also AI, p.2.
- 39 JS3, para. 2.1.1.
- 40 CRN-K, para. 23.
- 41 ICJ, para 17, recommendation vi).
- 42 JS5, para. 5 and AI, p.2. See also, JS5, para. 3.
- 43 JS5, para. 11 and CMHRK, para. 11.
- 44 KBA, para. 5.3.
- 45 ICJ, para 17, recommendations xiii) and xiv).
- 46 JS5, para. 3.
- 47 ICJ, para 17, recommendation xii).
- 48 JS5, para. 6.
- 49 JS5, para. 41.
- 50 CRN-K, para. 48.
- 51 KFPN, para. 104 and JS5, para. 41.
- 52 KFPN, para. 83.
- 53 KFPN, para. 18.
- 54 JS1, para. 7.
- 55 KBA, para. 3.1.
- 56 CRN-K, para. 42.
- 57 JS5, para. 36.
- 58 CRN-K, para. 44.
- 59 JS5, para. 36.
- 60 JS1, para. 27 a.
- 61 COLCGS, para. 12.
- 62 JS5, para. 34.
- 63 APIL, para. 34.
- 64 COLCGS, para. 16.
- 65 JS5, para. 34.
- 66 COLCGS, para. 6.
- 67 COLCGS, para. 7.
- 68 JS5, para. 18.
- 69 JS5, para. 18.
- 70 COLCGS, para. 14.
- 71 AI, p. 3.
- 72 APIL, para. 36.
- 73 KBA, para. 2.2.
- 74 JS5, para. 34.
- 75 JS5, para. 34.
- 76 AI, p. 3.
- 77 JS5, para. 7.
- 78 HRI, recommendation, p. 2.
- 79 JS5, para. 12.
- 80 CMHRK, para. 2.
- 81 EAJCW, para. 25.
- 82 CMHRK, para. 2.
- 83 CMHRK, para. 8.
- 84 JS5, para. 13.
- 85 GIEACPC, para. 2.1.
- 86 GIEACPC, para. 2.4.
- 87 JS1, para. 20 c.
- 88 KBA, para. 5.2.

- 89 COLCGS, para. 9.
- 90 CRN-K, para. 53.
- 91 JS5, para. 15.
- 92 JS1, para. 21.
- 93 JS3, para 1.1.2.1
- 94 JS5, para. 34. See also, KBA, para. 3.2., APIL, para. 39 and JS3, para. 1.1.2.3.
- 95 CMHRK, para. 3.
- 96 CMHRK, para. 10.
- 97 CMHRK, para. 3.
- 98 CMHRK, para. 10.
- 99 KBA, para. 9.
- 100 JS5, para. 10.
- 101 JS5, para. 9.
- 102 JS5, para. 13. See also, CMHRK, para. 9.
- 103 KFPN, para. 1.
- 104 KFPN, para. 6. See also KFPN, para. 11.
- 105 JS5, para. 40.
- 106 KFPN, para. 91.
- 107 KFPN, para. 1. See also KFPN, para. 90 and CRN-K, para. 50.
- 108 KFPN, para. 92.
- 109 JS5, para. 40.
- 110 JS5, para. 16. See also, KBA, para. 8.1.
- 111 JS5, para. 17.
- 112 EAJCW, para. 17.
- 113 EAJCW, para. 5.
- 114 JS4, executive summary, p. 1.
- 115 AI, p. 1 and p. 3.
- 116 EAJCW, para. 21.
- 117 EAJCW, para. 27.
- 118 KBA, para. 6.2.
- 119 JS5, para. 24.
- 120 AI, p. 1.
- 121 JS2, para. 3.3 and AI, p. 2.
- 122 JS2, para. 3.4.
- 123 AI, p. 4.
- 124 JS2, para. 3.4. See recommendaiton in para 6.3.
- 125 JS2, para 2.1.
- 126 KBA, para. 6.1.
- 127 JS2, para 2.3.
- 128 AI, p. 2. See also, recommendation, p. 5.
- 129 JS5, para. 20.
- 130 JS5, para. 20, JS2, para. 6.2 and AI, pp. 4-5.
- 131 JS2, para. 5.1. See also, paras 5.2-5.4 and recommendations, para. 6.5.
- 132 AI, p. 2.
- 133 AI, p.5.
- 134 JS2, para. 4.2 and AI, p. 3.
- 135 AI, p. 4.
- 136 KBA, para. 2.3.
- 137 KBA, para. 6.3.
- 138 ICJ, para. 11.
- 139 CMHRK, para. 5.
- 140 CMHRK, para. 7.
- 141 JS5, para. 21.
- 142 JS5, para. 22.
- 143 JS5, para. 42.
- 144 JS5, para. 26.

- ¹⁴⁵ AI, p. 5.
¹⁴⁶ JS5, para. 28.
¹⁴⁷ JS5, para. 29.
¹⁴⁸ JS5, para. 29.
¹⁴⁹ JS5, para. 25.
¹⁵⁰ JS5, para. 31.
¹⁵¹ JS5, para. 32.
¹⁵² JS5, para. 30.
¹⁵³ JS1, para. 27 b.
¹⁵⁴ JS1, para. 26. See recommendation in para 27 d.
¹⁵⁵ CRN-K, para. 10.
¹⁵⁶ CRN-K, para. 11.
¹⁵⁷ JS5, para. 33.
¹⁵⁸ CRN-K, para. 24.
¹⁵⁹ JS1, para. 25.
¹⁶⁰ JS1, para. 12.
¹⁶¹ KBA, para. 4.1.
¹⁶² KBA, para. 4.2.
¹⁶³ APIL, para. 16.
¹⁶⁴ APIL, para. 19.
¹⁶⁵ JS5, para. 38.
¹⁶⁶ KHIS, para. 10.
¹⁶⁷ ICJ, para. 2.
¹⁶⁸ ICJ, para. 7. See also APIL, para. 46.
¹⁶⁹ ICJ, para. 8.
¹⁷⁰ KHIS, paras. 19-21.
¹⁷¹ KHIS, para. 12.
¹⁷² APIL, para. 41. See also APIL, paras. 8 and 37.
¹⁷³ APIL, para. 45 and KHIS, para. 3.
¹⁷⁴ ICJ, para. 17, recommendations i) – ii). See also recommendations iii) – v).
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