



Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
23 January–3 February 2023

Republic of Korea

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. It was recommended that the Republic of Korea ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,² the International Convention on the Protection of All Persons from Enforced Disappearance,³ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,⁴ the Optional Protocol to the Convention on the Rights of Persons with Disabilities,⁵ the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,⁶ the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO),⁷ the Convention on the Reduction of Statelessness⁸ and the Domestic Workers Convention, 2011 (No. 189),⁹ Forced Labour Convention, 1930 (No. 29),¹⁰ and the Abolition of Forced Labour Convention, 1957 (No. 105),¹¹ of the International Labour Organization (ILO).

3. The Committee on the Elimination of Discrimination against Women considered that the reservation to article 16 (1) (g) of the Convention on the Elimination of All Forms of Discrimination against Women was incompatible with the object and purpose of the Convention and that it should be withdrawn.¹²

4. In 2022, the Government submitted its midterm report regarding the implementation of the recommendations emanating from the third universal periodic review cycle.¹³

5. The Republic of Korea made annual financial contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹⁴



III. National human rights framework

Institutional infrastructure and policy measures

6. The Committee on the Rights of Persons with Disabilities recommended implementing the recommendations made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, in 2021, to establish a single independent selection committee, ensure its financial autonomy and strengthen the human resources allocated thereto, to ensure that the National Human Rights Commission functioned effectively.¹⁵

7. The Committee on Economic, Social and Cultural Rights urged the State to amend the act on the National Human Rights Commission, with a view to making the implementation of economic, social and cultural rights subject to investigation and assessment of complaints by the Commission.¹⁶ The Committee on the Elimination of Discrimination against Women recommended reinforcing the gender and women's rights mandate of the Commission.¹⁷

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

8. The Committee on Economic, Social and Cultural Rights was concerned at the delay in the adoption of comprehensive anti-discrimination legislation, especially in view of the fact that the Constitution prohibited discrimination only on the grounds of sex, religion and social status.¹⁸ The Committee on the Rights of the Child urged the State to expeditiously adopt anti-discrimination legislation.¹⁹

9. The Committee on the Elimination of Racial Discrimination recommended amending the Criminal Code to consider racist motivations as aggravating circumstances with respect to criminal offences.²⁰

10. The same Committee was concerned about the climate of hate and mistrust towards migrants and refugees, the rise of hate speech and incitement to racial hatred and racist stereotypes expressed in the media, including on the Internet and in social media.²¹ It recommended combating hate speech and adopting a strategy to address prejudices, misunderstandings and misinformation about migrants and refugees.²²

11. The same Committee was concerned that the legal definition of "multicultural families" only referred to families composed of at least one Korean citizen and excluded a marriage wherein both partners were foreigners or among ethnic Koreans from another country. It was also concerned that such an exclusion prevented migrant families from support and a range of benefits that were specifically reserved for multicultural families.²³

12. In 2018, the Human Rights Committee noted that the Government was under an obligation to review its legislation to ensure that mandatory and other coercive forms of HIV/AIDS and drug testing, including for E-2 visa applicants, was abolished.²⁴

2. Right to life, liberty and security of person, and freedom from torture

13. The Human Rights Committee inquired whether the State planned to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, to abolish the death penalty de jure, and to commute all death sentences to terms of imprisonment.²⁵

14. The same Committee took note of reports of torture and ill-treatment at the protection centre for "defectors" from the neighbouring country.²⁶

15. The Committee on the Rights of the Child was concerned about the higher detention rates among children than among adults.²⁷ The Committee urged the authorities to establish clear grounds for detention in the Juvenile Act, use detention as a measure of last resort and for the shortest period of time and ensure that detention was reviewed on a regular basis with a view to its withdrawal.²⁸ The Committee urged the State to revise its legislation and take all effective measures to eliminate any possibility that a child would be detained with adults.²⁹

16. Concerned about inappropriate conditions of detention for minors, the same Committee urged the State to ensure that detention conditions complied with international standards, that children deprived of their liberty were held in facilities close to their place of residence and that detention facilities, including child welfare institutions, underwent continuous monitoring.³⁰

3. Administration of justice, including impunity, and the rule of law

17. The Committee on the Rights of the Child urged the State to maintain the minimum age of criminal responsibility at 14 years of age and ensure that children below that age were not treated as offenders and were never placed in detention.³¹

18. The same Committee was concerned about reports of violations of children's fair trial rights, including the non-involvement of guardians from the investigation stage onwards, the use of forced confessions, the lack of access to evidence and appeal, breaches of the presumption of innocence and the right to defend oneself, publicity of the trial and making conditional the right to legal assistance.³² It urged the State to ensure that fair trial guarantees were respected, that the public was excluded from hearings for cases involving children and that children's legal guardians participated in the proceedings from the very beginning.³³

19. In 2022, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence observed that Korean society had been exposed to violations of human rights and humanitarian law at the hands of different actors and political entities during political events that had battered the country in the twentieth century. In many instances, the violations had gone unaddressed for decades.³⁴ The Special Rapporteur urged the authorities to redouble their efforts to deliver on promises for truth, justice and reparations to the thousands of victims whose grievances had spanned decades of violence and political turmoil in the country.³⁵ While acknowledging measures adopted by the authorities for truth-seeking and memorialization, he urged the Government to deepen its efforts, through comprehensive processes that ensured that all violations and the suffering of all victims were adequately investigated, acknowledged and commemorated. He urged the Government to adopt a comprehensive process to ensure full reparation, including restitution, compensation, satisfaction and rehabilitation, to all categories of victims.³⁶

4. Fundamental freedoms and the right to participate in public and political life

20. Two special procedure mandate holders welcomed the 2018 decision by the Supreme Court to decriminalize conscientious objection.³⁷ In 2019, they expressed concern that several elements of the alternative service bill created a conflict between the bill and the freedom of thought, conscience and religion; there could be circumstances where an individual was a conscientious objector but would be denied the right to perform alternative service. They were concerned about the exclusive emphasis on places of detention for alternative service. Under the proposed bill, alternative service should be for 36 months, which was longer than military service, with no objective justification for the distinction.³⁸

21. The Human Rights Committee reiterated its recommendation³⁹ that the State release all imprisoned conscientious objectors, expunge the conscientious objectors' criminal records and provide them with adequate compensation.⁴⁰

22. UNESCO recommended decriminalizing defamation and placing it within a civil code.⁴¹

23. The Committee of Experts on the Application of Conventions and Recommendations of ILO urged the Government to ensure that schoolteachers enjoyed protection against discrimination based on political opinion, regarding activities that were carried out outside

the classroom and the school and unrelated to teaching and that teachers were not subject to disciplinary measures for such reasons.⁴²

24. The ILO Committee of Experts asked the Government to consider limiting the prohibition of political activities to certain positions and the possibility of adopting, in the near future, a list of jobs in the public service for which political opinion would be considered an inherent requirement.⁴³

25. The Human Rights Committee reiterated its recommendation⁴⁴ that the State ensure that all persons enjoyed the right to peaceful assembly and ensure that limitations on that right and regulations on the use of force were in compliance with the Covenant.⁴⁵

26. In 2017, the Committee on Economic, Social and Cultural Rights recommended making the legislative amendments necessary to guarantee the right of all persons to form and join trade unions freely and to prevent arbitrary interference in the functioning of trade unions. In the context of follow-up to that recommendation, the Committee noted that the State had confirmed that there were workers and public officials, including dismissed workers and the unemployed, who were limited in the ability to exercise their rights of association.⁴⁶

27. The same Committee recommended that the State ease the conditions for conducting legal strikes and restrict the scope of the definition of essential services so as to ensure the effective exercise of the right to strike.⁴⁷

28. The Committee on the Rights of Persons with Disabilities recommended that the authorities repeal all discriminatory provisions denying the rights of persons with disabilities, ensure their full participation in the electoral process and in political and public life and guarantee that electoral and voting procedures, facilities and online or printed election materials were accessible in plain language and Easy Read.⁴⁸

5. Right to privacy

29. The Special Rapporteur on the right to privacy noted that it was essential that the State introduce the right safeguards, especially in the oversight of surveillance capabilities and intelligence, to ensure that legitimate security concerns were addressed while ensuring the protection of the people's right to privacy. An essential element of oversight already existed in the work carried out by the Intelligence Committee of the National Assembly, but that was insufficient, given that the Intelligence Committee possessed neither the legal ability nor the resources to fully audit the conduct of a specific case and did not have full access to the contents of case files.⁴⁹

6. Prohibition of all forms of slavery, including trafficking in persons

30. The Committee on the Elimination of Racial Discrimination was concerned about reports of the forced sexual exploitation of migrant women who entered the country with an E-6 visa or who were in irregular situations and remained reluctant to report, out of fear of being expelled, and about the low percentage of those held accountable for trafficking in persons. The Committee recommended adopting a comprehensive law on trafficking in persons and providing protection to victims.⁵⁰ The Committee on the Elimination of Discrimination against Women recommended adopting an approach centred on victims and human rights in efforts to combat trafficking and the exploitation of prostitution with regard to women and girls.⁵¹

31. The Committee on the Rights of the Child recommended improving the identification and referral of children who were victims, especially among vulnerable populations, and ensuring that children who had been sold or trafficked were not treated as offenders or subjected to criminal sanctions and deportation and that they were never held in closed institutions.⁵²

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

32. The Committee on Economic, Social and Cultural Rights remained concerned at the prevalence of non-standard forms of employment, including long-term temporary employment, and that large companies resorted to practices involving subcontracting,

dispatched labour and the recruitment of individual contractors that deprived workers of the protection of labour rights.⁵³

33. The same Committee was concerned that sectors such as agriculture, fisheries and domestic work, where workers were exposed to unfair and unfavourable conditions of work, were excluded from the Labour Standards Act and other legislation protecting the right to just and favourable conditions of work and the right to social security.⁵⁴ The Committee on the Elimination of Racial Discrimination was concerned that migrants did not benefit from the same minimum wages as Korean nationals in the fisheries industry and that profits were reportedly shared exclusively among Korean workers.⁵⁵

34. The Committee on Economic, Social and Cultural Rights recommended taking effective measures to curb abuse of the forms of employment that did not fully protect workers' rights, by ensuring that the labour legislation covered all categories of worker, and expanding coverage of the legislation on labour standards to all sectors of the economy.⁵⁶

35. The Committee on the Elimination of Racial Discrimination recommended combating discrimination between national and foreign workers, making the necessary amendments to the legislation applicable to migrant workers to eliminate discrimination against non-citizens in relation to working conditions and work requirements.⁵⁷

36. Noting the persistence of occupational segregation and lower remuneration received for work of equal value, the ILO Committee of Experts considered that it was necessary to adopt a comprehensive approach to tackling the obstacles and barriers faced by persons in employment and occupation because of their race, colour or national extraction.⁵⁸

37. The Committee on Economic, Social and Cultural Rights reiterated its recommendation that the State ensure that the minimum wage was at a level which would enable workers and their families to enjoy an adequate standard of living, and it recommended that the minimum wage be made applicable in all sectors.⁵⁹

38. The Committee on the Elimination of Discrimination against Women was concerned about the persistence of the gender pay gap.⁶⁰ The ILO Committee of Experts noted that women were more concentrated in lower paying occupations than men and that women accounted for only around 15 per cent of all managerial jobs in 2018.⁶¹ The Committee of Experts asked the Government to address effectively the existing gender pay gap and to achieve gender equality in employment and occupation.⁶²

39. The Committee on Economic, Social and Cultural Rights recommended addressing the root causes of women's career interruptions and their overrepresentation in part-time employment, due to care responsibilities.⁶³ The Committee on the Rights of the Child recommended facilitating access to and use of paternal leave.⁶⁴

8. Right to social security

40. The Committee on Economic, Social and Cultural Rights recommended ensuring that the amounts of benefits, especially under the national basic livelihood scheme, were adequate.⁶⁵

41. The Committee on the Elimination of Racial Discrimination recommended ensuring that all persons living on its territory, irrespective of their national origin, received basic social support.⁶⁶ The Committee on the Rights of the Child recommended ensuring that all children, irrespective of nationality, had access to child benefits.⁶⁷

9. Right to an adequate standard of living

42. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, took note of the Government's efforts to progressively realize the right to housing. Access to water and sanitation and overcrowding had been addressed for many people. The Government had implemented a publicly funded housing programme. However, she was concerned that, despite that progress, some aspects of housing quality, security and affordability, in particular for low-income households and disadvantaged groups, remained pressing issues.⁶⁸

43. The Special Rapporteur on housing noted that the lack of affordable housing was a substantial barrier to adequate housing, in particular for those in the lowest income groups.⁶⁹ The housing benefit was reportedly insufficient to cover actual housing costs.⁷⁰ The number of households occupying informal settlements or substandard housing not intended for residency had increased. The housing conditions in those informal housing units were grossly inadequate.⁷¹ Residents living in the informal accommodation lacked security of tenure and were therefore at risk of being forcibly evicted.⁷² Older persons constituted one of the largest groups living in informal settlements.⁷³ She was concerned by the fact that the Government had yet to develop a plan to upgrade such informal accommodation.⁷⁴

44. The Special Rapporteur on housing noted that women who were divorced, separated or widowed, in particular those with children, faced increased discrimination in access to housing.⁷⁵ Migrant workers were excluded from having access to public rental housing and public housing benefits.⁷⁶

45. The Special Rapporteur on housing recommended raising the housing benefits to a level that was commensurate with average rents and indexed to inflation and ensuring that social security and housing benefits were available to all who qualified in terms of level of income. The Government must ensure protection against discrimination in housing. Publicly funded rental housing and social security programmes must be non-discriminatory and accessible to those in need. The Government should consider enacting regulations to ensure that a certain percentage of housing units newly built by private construction companies and developers was reserved for low-income residents through a rental or homeownership scheme.⁷⁷

46. The Special Rapporteur on housing recommended developing a plan to prevent, reduce and eliminate homelessness and ensuring that persons living in homelessness had access to long-term housing options.⁷⁸

47. The Committee on Economic, Social and Cultural Rights was concerned at reports of contamination of the State's rivers and the negative impact on the availability of safe drinking water. The Committee recommended strengthening efforts to ensure the quality of water sources and the availability of safe potable drinking water for all.⁷⁹

10. Right to health

48. The Committee on Economic, Social and Cultural Rights urged the State to ensure the adequacy of the coverage of the national health insurance so that health care was affordable, especially for disadvantaged and marginalized groups, and to ensure universal coverage by removing eligibility obstacles under the national health insurance and the medical benefits scheme.⁸⁰

49. The same Committee urged the State to ensure that persons living with HIV/AIDS enjoyed their right to health, through access to and receipt of care without discrimination.⁸¹

50. The same Committee recommended expanding the availability and accessibility of mental health services, in particular by promoting community-based care and allocating a larger percentage of the health budget to mental health-care services.⁸²

51. In 2020, OHCHR reported on the decriminalization of abortion in the country.⁸³ Several special procedure mandate holders reported that the Constitutional Court had ruled, in 2019, that the provisions in the Criminal Code penalizing abortion were unconstitutional and that the National Assembly had until the end of 2020 to revise the Criminal Code.⁸⁴ They urged the Government to adopt measures to ensure access to legal and safe abortion services. Any discriminatory barriers to access for women to the safe and legal termination of pregnancy should be removed.⁸⁵

11. Right to education

52. UNESCO encouraged the State to consider making pre-primary education compulsory for at least one year.⁸⁶ The Committee on the Rights of the Child urged the State to review the Framework Act on Education to ensure compulsory education for all children, regardless of their origin, place of residence, socioeconomic or migration status, and intensify

and promote educational support to children in vulnerable and disadvantaged situations to facilitate and ensure their access to and integration in mainstream schools.⁸⁷

53. Noting educational disparities between rural and urban areas, the Committee on the Rights of the Child urged the State to reduce such disparities, including by strengthening the training of teaching personnel, improving school infrastructure and increasing dedicated budgets.⁸⁸

54. The same Committee was concerned about the dominance of special schools for children with disabilities.⁸⁹ It urged the State to ensure the provision of inclusive education and reasonable accommodation for children with disabilities.⁹⁰ The Committee on the Rights of Persons with Disabilities recommended providing appropriate training for teachers and non-teaching education personnel on inclusive education.⁹¹

55. The Committee on the Rights of the Child urged the State to provide age-appropriate sexual education, paying special attention to preventing adolescent pregnancy and HIV/AIDS and adequately covering sexual orientation and gender identity.⁹²

56. The same Committee remained deeply concerned about the excessive academic burden, accompanied by sleep deprivation and high levels of stress, which was a leading cause of suicide among children, and was seriously concerned about the highly competitive education conditions, which virtually deprived children of their childhood.⁹³

12. Development and business and human rights

57. The Committee on Economic, Social and Cultural Rights recommended accelerating the increase of the level of its official development assistance, with a view to achieving the international commitment of 0.7 per cent of its gross national income.⁹⁴

58. The same Committee was concerned at the documented cases of human rights violations resulting from the operations of Korean companies at home and abroad and that the public financial institutions did not link the provision of loans and grants to companies and projects to human rights requirements.⁹⁵

59. The same Committee recommended establishing a legal obligation for companies domiciled in the State, and those entities that they controlled, including those in their supply chain, to exercise due diligence, and linking public procurement and the provision of loans, grants and subsidies with the observance of economic, social and cultural rights domestically and abroad.⁹⁶ The Special Rapporteur on housing recommended that the National Pension Service and institutional and private investors exercise human rights due diligence.⁹⁷ The Committee on Economic, Social and Cultural Rights recommended that the State act upon allegations of violations of human rights resulting from activities of Korean companies, domestically and abroad, and ensure that victims could claim reparations.⁹⁸

B. Rights of specific persons or groups

1. Women

60. The Committee on the Elimination of Discrimination against Women recommended the use of temporary special measures to ensure the equal representation of women in high-level public posts.⁹⁹ The Committee recommended that the State consider increasing the number of seats in the National Assembly subject to proportional representation vis-à-vis the local constituency-based seats to increase the number of women parliamentarians and introduce mandatory and enforceable gender quotas, subject to fines, for political parties for the nomination of candidates for election to the National Assembly and provincial and local government councils.¹⁰⁰

61. The same Committee recommended strengthening efforts to combat gender-based violence against women and amending article 297 of the Criminal Code so as to place the lack of free consent of the victim at the centre of the definition and criminalizing marital rape.¹⁰¹

62. The Committee on the Elimination of Racial Discrimination recommended protecting migrant women from gender-based violence and ensuring that victims were provided with adequate assistance, regardless of their immigration status.¹⁰²

63. The ILO Committee of Experts noted that a chapter on workplace harassment was included in the Labour Standards Act, in 2019. However, the Act did not apply to workplaces with fewer than five employees, and it was not possible to address harassment faced by certain non-regular workers or harassment perpetrated by persons other than the employers.¹⁰³

2. Children

64. The Committee on the Rights of the Child was concerned about the high prevalence of child abuse, including through online violence and violence in schools, and about the absence of a comprehensive policy and strategy to address all forms of violence and abuse against children.¹⁰⁴

65. The same Committee was concerned about the high incidence of repeated child abuse in the family without effective measures to prevent reoffending.¹⁰⁵ The Committee recommended formulating a comprehensive strategy and an action plan for preventing, combating and monitoring all forms of violence and abuse against children, including online violence.¹⁰⁶

66. The ILO Committee of Experts noted that the sexual exploitation of minors reportedly persisted and that minors, in particular those who had left their families, were at a high risk of being compelled into prostitution or pornography. A sizable number of pornographic works exploiting minors were produced and disseminated through mobile message applications and social media.¹⁰⁷

67. The Committee on the Rights of the Child remained concerned that children who were 13 years old and over were presumed to be able to consent, and were not protected from sexual exploitation and abuse, and that children who were considered to have entered prostitution voluntarily were treated as offenders, denied legal aid and support services and were subjected to detention-like “protective dispositions”, deterring them from reporting sexual exploitation.¹⁰⁸

68. The same Committee urged the State to take all measures necessary to prevent and respond to all manifestations of child sexual exploitation and abuse, including online prostitution and grooming, define and criminalize online grooming, increase the minimum age of consent for engaging in sexual activities and ensure that all children, who were engaged in prostitution and sexual abuse are not treated as offenders but as victims.¹⁰⁹

69. The same Committee recommended that the State support and facilitate family-based care for all children wherever possible, allocate adequate resources to expand and enhance the quality of foster care for children who could not stay with their families and phase out institutionalization through a concrete plan of action.¹¹⁰

70. The Committee on the Elimination of Discrimination against Women was concerned about the absence of a universal, compulsory birth registration system.¹¹¹ The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that children born in the country to parents with foreign nationality were not able to have their births registered in the country. Their parents were expected to register births with their respective embassies. That posed a considerable challenge for the children of refugees, asylum-seekers, stateless persons and undocumented migrants, whose parents were unable to approach their embassies.¹¹²

71. In 2019, The Committee on the Rights of the Child urged the State to ensure that birth registration was universal and available to all children regardless of their parents’ legal status or origin.¹¹³ Noting the ongoing development of a “birth notification system”, in 2020, the Committee on the Elimination of Racial Discrimination remained concerned about reports that the system severely hindered the birth registration of various groups of children.¹¹⁴

72. The Committee on the Elimination of Racial Discrimination recommended eliminating barriers to Korean citizenship for children born out of wedlock to a Korean father and a foreign mother.¹¹⁵

73. The Committee on the Rights of the Child recommended ensuring that all children within the territory of the State had access to childcare facilities, education, health care, welfare, leisure and State support.¹¹⁶

3. Older persons

74. The Special Rapporteur on housing noted that nearly half of older persons lived in relative poverty and in poor living conditions.¹¹⁷ The Committee on Economic, Social and Cultural Rights recommended ensuring that the eligibility requirements under the national pension system were adequate and that the amounts of benefits enabled older persons to enjoy an adequate standard of living.¹¹⁸

75. The Committee on Economic, Social and Cultural Rights was concerned at the reports of abuse of older persons, including in care facilities. The Committee recommended ensuring that older persons lived in dignity and in environments that were safe and recommended in particular identifying and addressing the root causes of abuse and preventing abuse.¹¹⁹

4. Persons with disabilities

76. The Committee on the Rights of Persons with Disabilities recommended adopting a concept of disability that covered all persons with disabilities, ensuring that their characteristics and needs were recognized, and reorienting its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability and establishing systems aimed at the assessment of legal and environmental barriers to persons with disabilities and the provision of the support and assistance necessary to promote the independent living of persons with disabilities and their full social inclusion.¹²⁰

77. The same Committee recommended mainstreaming the rights of women and girls with disabilities into all gender legislation and a gender perspective into disability policies and programmes.¹²¹

78. The same Committee recommended mainstreaming disability into its response and recovery plans with regard to the coronavirus disease (COVID-19) pandemic and adopting measures to deinstitutionalize persons with disabilities in times of emergency and to provide them with appropriate support to live in the community.¹²²

79. The same Committee recommended replacing substitute decision-making systems with supported decision-making systems that ensured the provision of individualized support and respect for the autonomy, will and preferences of persons with disabilities.¹²³

80. The same Committee recommended developing and implementing a plan of action to eliminate all forms of violence and abuse against children with disabilities, within and outside of institutions, and ensuring that services for women and girls with disabilities who are victims of gender-based violence were accessible.¹²⁴

81. The same Committee recommended eradicating the practice of forced sterilization of women and girls with disabilities and the non-consensual interruption of pregnancy.¹²⁵

82. The same Committee recommended strengthening the implementation of the strategy for the deinstitutionalization of persons with disabilities who were still in a residential setting and increasing the availability of community-based services aimed at enabling persons to live independently and participate in the community.¹²⁶ The Special Rapporteur on housing noted that the Government must provide adequate housing and social support to persons with disabilities to ensure that they could reside with their families or enjoy independent living in their communities.¹²⁷

83. The Committee on the Rights of Persons with Disabilities recommended repealing all discriminatory legislation that excluded or limited the participation of persons with disabilities in the open labour market, strengthening measures to ensure that persons with disabilities had access to work and employment in the open labour market and to inclusive work environments, implementing measures to enable persons with disabilities to transition from sheltered employment into open, inclusive and accessible employment and ensuring the

effective implementation of specific affirmative action measures designed to promote the employment of persons with disabilities.¹²⁸

84. The same Committee recommended strengthening the social protection and poverty reduction schemes for persons with disabilities and expanding the eligibility for the Disability Pension System, in particular by abolishing the obligatory provider requirements, to ensure that all persons with disabilities benefited from the disability pension.¹²⁹

5. Lesbian, gay, bisexual, transgender and intersex persons

85. The Committee on Economic, Social and Cultural Rights was concerned at reports of discriminatory attitudes and acts against lesbian, gay, bisexual, transgender and intersex persons in many fields of public life.¹³⁰ The Human Rights Committee regretted that no measures had been taken to implement its recommendations, made in 2015,¹³¹ to officially state that the Government did not tolerate any discrimination, hate speech or violence against lesbian, gay, bisexual, transgender and intersex persons or the propagation of “conversion therapies”, to strengthen the legal framework to protect lesbian, gay, bisexual, transgender and intersex persons and to conduct campaigns and provide training to promote tolerance and awareness of lesbian, gay, bisexual, transgender and intersex persons. The Committee reiterated those recommendations.¹³²

86. The Committee on the Elimination of Discrimination against Women recommended ensuring that transgender persons had the right to access to medical services, including national health insurance coverage, and that intersex persons were not subjected to involuntary medical interventions.¹³³

87. The Committee on Economic, Social and Cultural Rights was concerned at the criminalization of same-sex acts in the Military Criminal Act.¹³⁴ The Special Rapporteur on the right to privacy expressed concern that lesbian, gay, bisexual, transgender, queer and intersex individuals could not serve in the armed forces without fear of violence and harassment and that they were subjected by their superiors to degrading questioning about their private lives. He recommended that article 92-6 of the Military Criminal Act be promptly repealed and that members of the armed forces be trained in sexual diversity.¹³⁵

6. Migrants, refugees and asylum-seekers

88. The Committee on the Elimination of Racial Discrimination recommended amending legislation applicable to migrant workers to facilitate family reunification and remove restrictions that prevented migrant workers from changing their workplace.¹³⁶

89. The Committee on Economic, Social and Cultural Rights was concerned at reports of the exploitation of migrant workers in agriculture and fisheries that in many cases amounted to forced labour.¹³⁷

90. The Committee on the Elimination of Racial Discrimination was concerned that undocumented migrants continued to endure repression and that there were cases of violent crackdowns by immigration and police officers that frequently resulted in injury and, in some cases, death. It was also concerned about crackdowns conducted against the Migrants’ Trade Union, in some cases leading to the deportation of union leaders.¹³⁸

91. The same Committee was concerned that the National Basic Livelihood Security System was only available to foreigners who had married a Korean citizen (“marriage migrants”) if they were pregnant, raising a child or supporting a family member of their Korean spouse. The Committee was concerned that, in the event of divorce, marriage migrants were not allowed to stay in the country unless they performed typically gendered roles.¹³⁹ It recommended ensuring equivalent support and benefits to all marriage migrants and allowing them to change their residence status so that they could continue to live in the country after the marriage was terminated.¹⁴⁰

92. The same Committee remained concerned that the acceptance rate for individuals seeking refugee status remained low and that the country appeared to prioritize the resettlement of refugees from certain regions over others.¹⁴¹

93. The same Committee recommended guaranteeing that the refugee status determination procedure was conducted in a professional manner and ensuring that any decision related to asylum-seekers and refugees was fair and based solely on protection needs instead of race, colour or national or ethnic origin.¹⁴² UNHCR recommended that the State continue its work on strengthening asylum capacity, including through capacity-building efforts for refugee status determination officers, staffing retention and the expansion of resources, in order to ensure decision-making that was in line with international standards.¹⁴³

94. UNHCR reported on the systematic detention of certain groups of asylum-seekers.¹⁴⁴ The Committee on the Elimination of Racial Discrimination recommended that the detention of asylum-seekers be considered only as a measure of last resort and for the shortest possible period of time.¹⁴⁵

95. The Committee on the Rights of the Child urged the State to prohibit the immigration detention of children and to keep the best interests of the child as a primary consideration in asylum and family reunification matters.¹⁴⁶

96. The Committee on the Elimination of Racial Discrimination recommended establishing a time limit for the detention of migrants, prioritizing the use of alternative measures to detention and amending the Immigration Act to ensure that the lawfulness of the detention of immigrants who could not be immediately deported was regularly reviewed by an independent mechanism.¹⁴⁷

97. UNCHR recommended establishing a legal and policy framework for the reunification of family members of recognized refugees and humanitarian status holders.¹⁴⁸

98. UNHCR recommended ensuring that all asylum-seekers were given access to livelihoods, including to the labour market and social support, and to health care during the refugee status determination procedure and that all humanitarian status holders were given access to the labour market and the health care system.¹⁴⁹

7. Stateless persons

99. UNHCR noted that, without a statelessness determination procedure in place, many stateless persons were not given stable status and were undocumented, giving rise to considerable hardship in their enjoyment of basic rights.¹⁵⁰ UNHCR recommended incorporating the rights and standards recognized in the Convention relating to the Status of Stateless Persons into the national legal framework, establishing a statelessness determination procedure and providing for the facilitated and expedited naturalization of stateless persons in accordance with the Convention.¹⁵¹

Notes

- 1 [A/HRC/37/11](#), [A/HRC/37/11/Add.1](#) and [A/HRC/37/2](#).
- 2 [A/HRC/40/61/Add.1](#), para. 97; [CRC/C/KOR/CO/5-6](#), para. 51; [E/C.12/KOR/CO/4](#), para. 70; [CERD/C/KOR/CO/17-19](#), para. 35; and [CEDAW/C/KOR/CO/8](#), para. 51.
- 3 [CERD/C/KOR/CO/17-19](#), para. 35; and [CEDAW/C/KOR/CO/8](#), para. 51.
- 4 [A/HRC/40/61/Add.1](#), para. 97; and [E/C.12/KOR/CO/4](#), para. 69.
- 5 [CRPD/C/KOR/CO/2-3](#), para. 8.
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- 7 Submission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for the universal periodic review of the Republic of Korea, para. 19.
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- 9 [CERD/C/KOR/CO/17-19](#), para. 35.
- 10 [E/C.12/KOR/CO/4](#), para. 37.
- 11 *Ibid.*
- 12 [CEDAW/C/KOR/CO/8](#), para. 9.
- 13 See https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2F2022-04%2FMidterm_report-Republic_of_Korea_third_cycle.docx&wdOrigin=BROWSELINK.

- ¹⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), *United Nations Human Rights Report 2021*, pp. 114, 122–123, 127–129, 134, 493, 525, 528, 534, 541 and 544; OHCHR, *United Nations Human Rights Report 2020*, pp. 108, 133, 135, 139, 143, 168, 170, 176, 182, 185 and 192; OHCHR, *United Nations Human Rights Report 2019*, pp. 86, 90, 109, 118, 120, 125, 128, 150, 152, 157, 162, 165 and 171; OHCHR, *United Nations Human Rights Report 2018*, pp. 72, 77, 105, 110, 112, 136, 142, 147, 150 and 156; and OHCHR, *United Nations Human Rights Report 2017*, pp. 102, 104, 106, 115–117, 119–120 and 129.
- ¹⁵ [CRPD/C/KOR/CO/2-3](#), para. 68. See also [CRC/C/KOR/CO/5-6](#), para. 12; and https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/KR/Republic_of_KoreaHCLetter.pdf
- ¹⁶ [E/C.12/KOR/CO/4](#), para. 16.
- ¹⁷ [CEDAW/C/KOR/CO/8](#), para. 19.
- ¹⁸ [E/C.12/KOR/CO/4](#), para. 22. See also [CRC/C/KOR/CO/5-6](#), para. 16; [CEDAW/C/KOR/CO/8](#), para. 12; [CERD/C/KOR/CO/17-19](#), para. 5; submission of UNHCR, p. 4; and https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/KOR/INT_CESCR_FUL_KOR_40803_E.pdf, p. 1.
- ¹⁹ [CRC/C/KOR/CO/5-6](#), para. 17. See also [CEDAW/C/KOR/CO/8](#), para. 13; [CERD/C/KOR/CO/17-19](#), para. 6; [E/C.12/KOR/CO/4](#), para. 25; [CRPD/C/KOR/CO/2-3](#), para. 12; and submission of UNHCR, p. 4.
- ²⁰ [CERD/C/KOR/CO/17-19](#), para. 6.
- ²¹ *Ibid.*, para. 7. See also submission of UNHCR, p. 4.
- ²² [CERD/C/KOR/CO/17-19](#), para. 8. See also [CRC/C/KOR/CO/5-6](#), para. 43.
- ²³ [CERD/C/KOR/CO/17-19](#), para. 23.
- ²⁴ *Vandom v. Republic of Korea* ([CCPR/C/123/D/2273/2013](#)), para. 10.
- ²⁵ [CCPR/C/KOR/QPR/5](#), para. 10.
- ²⁶ *Ibid.*, para. 12.
- ²⁷ [CRC/C/KOR/CO/5-6](#), para. 46.
- ²⁸ *Ibid.*, para. 47.
- ²⁹ *Ibid.*
- ³⁰ *Ibid.*, paras. 46–47.
- ³¹ *Ibid.*, para. 47.
- ³² *Ibid.*, para. 46.
- ³³ *Ibid.*, para. 47.
- ³⁴ See <https://www.ohchr.org/en/press-releases/2022/06/republic-korea-un-expert-calls-comprehensive-transitional-justice-process-0>.
- ³⁵ *Ibid.*
- ³⁶ *Ibid.*
- ³⁷ See communication KOR 4/2018, p. 1. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>. See also OHCHR, *United Nations Human Rights Report 2019*, pp. 22 and 425.
- ³⁸ See KOR 4/2019, pp. 4–5.
- ³⁹ [CCPR/C/KOR/CO/4](#), para. 45.
- ⁴⁰ [CCPR/C/124/2](#), p. 13; KOR 4/2019, p. 8; and *Bae et al. v. Republic of Korea* ([CCPR/C/128/D/2846/2016](#)), paras. 7.3–7.5 and 9.
- ⁴¹ Submission of UNESCO, para. 20.
- ⁴² See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3958044,103123:NO.
- ⁴³ See *ibid.*; and https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4042077,103123:NO.
- ⁴⁴ [CCPR/C/KOR/CO/4](#), para. 53.
- ⁴⁵ [CCPR/C/124/2](#), p. 14.
- ⁴⁶ [E/C.12/KOR/CO/4](#), para. 41; and https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/KOR/INT_CESCR_FUL_KOR_40803_E.pdf, p. 2. See also [E/C.12/KOR/CO/4/Add.1](#), para. 12.
- ⁴⁷ [E/C.12/KOR/CO/4](#), para. 39.
- ⁴⁸ [CRPD/C/KOR/CO/2-3](#), para. 60.
- ⁴⁹ See <https://www.ohchr.org/en/press-releases/2019/07/south-korea-urgent-reforms-right-privacy-still-needed-despite-significant>.
- ⁵⁰ [CERD/C/KOR/CO/17-19](#), paras. 25–26. See also [CEDAW/C/KOR/CO/8](#), para. 25; and [CRC/C/KOR/CO/5-6](#), para. 45.
- ⁵¹ [CEDAW/C/KOR/CO/8](#), para. 25.

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- 53 E/C.12/KOR/CO/4, para. 28.
- 54 Ibid., para. 30.
- 55 CERD/C/KOR/CO/17-19, para. 11.
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- 57 CERD/C/KOR/CO/17-19, para. 12.
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- 61 See https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4042074,103123:NO.
- 62 See *ibid.* See also CEDAW/C/KOR/CO/8, para. 39; and E/C.12/KOR/CO/4, para. 35.
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- 65 E/C.12/KOR/CO/4, para. 43.
- 66 CERD/C/KOR/CO/17-19, para. 32. See also E/C.12/KOR/CO/4, paras. 26–27; and A/HRC/40/61/Add.1, paras. 29 and 95.
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- 69 *Ibid.*, para. 22. See also A/HRC/40/61/Add.3, paras. 5–7 and 16–17.
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- 71 A/HRC/40/61/Add.1, para. 41. See also E/C.12/KOR/CO/4, para. 52.
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- 113 CRC/C/KOR/CO/5-6, para. 22. See also submission of UNHCR, p. 3; CEDAW/C/KOR/CO/8, para. 35; E/C.12/KOR/CO/4, para. 27; CERD/C/KOR/CO/17-19, para. 28; and https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/KOR/INT_CERD_FUL_KOR_43_708_E.pdf, p. 2.
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