

**United Nations Human Rights Council
Universal Periodic Review of the Republic of Korea**

I. Background

1. **Jubilee Campaign**, in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Republic of Korea as a contribution to the Universal Periodic Review.

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

2. The Republic of Korea has ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography; and the Convention on the Rights of Persons with Disabilities.
3. The Republic of Korea has not ratified the Optional Protocol of the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Recommendation(s)

We urge the Republic of Korea to:

4. Ratify the Optional Protocol of the Convention against Torture; the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty; the Convention for the Protection of All Persons from Enforced Disappearance; the Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance; and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

III. Violations of international human rights obligations, considering applicable international humanitarian law

A. Freedom of thought, conscience, and religion

5. The Republic of Korea's Constitution states, "all citizens shall be equal before the law, and there shall be no discrimination in political, economic, societal or cultural life on account of sex, religion or social status." Article 20 adds to the protections on religious freedom, stating "all citizens shall enjoy freedom of religion. No state religion shall be recognized, and the church and state shall be separated."¹

(a) Religious Persecution/Discrimination

6. In late 2019, a group of Christians from the Mayflower Church fled China to escape religious persecution from the Chinese Communist Party (CCP). The church was being pressured by the CCP through "police raids, intrusive monitoring of church activities, interrogation of church leaders, and forced eviction."² They sought safety in South Korea, but as of January 2022, the Gwangju High Court rejected their final asylum appeal applications.³ If forced to return to China, the church members will likely face criminal charges and have their religious freedoms stripped away even more than before. The Republic of Korea has aided China in this persecution by refusing to offer asylum to the church members.
7. In September 2020, construction of a new mosque by Muslim students at Kyungpook National University was authorized by Buk District Office. Residents of the neighborhood filed complaints against the noise and dust of the construction and argued against the construction of the mosque. As a result, an administrative order halted the process in February 2021, and since then Kyungpook National University's Muslim community is forbidden a place of worship close to their school.⁴
8. As an alternative to the Republic of Korea's conscription for all men between the ages of 18 to 28, the court ruled for an Alternative Civilian Service (ACS) for conscientious objectors. Objectors are mostly Jehovah's Witnesses whose pacifist beliefs restrict them from participating in military service. Though the Republic of Korea created an alternative to the mandatory military duty, the ACS does not follow international human rights norms. "The ACS system is akin to the prison sentences conscientious objectors were once forced to serve, with participants required to work and live in correctional facilities for 36 months, twice the time conscripts spend in the military."⁵ Alternative services must be non-punitive, unlike the current system in place.

(b) Using Churches as a Scapegoat for COVID

¹ "[Republic of Korea's Constitution of 1948 with Amendments through 1987](#)," 29 October 1987.

² Christian Solidarity Worldwide, "[Case Update: Jan 2022: Shenzhen Holy Reformed Church](#)," 27 January 2022.

³ Doug Bandow, "[A Lame-Duck Moon Can Fix South Korea's Refugee Failings](#)," *Foreign Policy*, 13 March 2022.

⁴ Lee Hyo-Jin, "[Mosque Construction Triggers Standoff in Daegu](#)," *The Korea Times*, 3 May 2022.

⁵ James Griffiths, "[South Korea Still Punishing Conscientious Objectors Despite Promised Alternative to Military Service, Activists Say](#)," *The Globe and Mail*, 13 May 2022.

9. During the height of the COVID-19 pandemic in 2020, the Shincheonji Church of Jesus in Daegu became the largest epicenter of the coronavirus outside of China due to an outbreak that supposedly started from a woman who attended several Shincheonji church events. As a result, the church has received much persecution for their practices. The Seoul city government banned all of the church's gatherings, and many members of the church suffered brutal deprogramming and forced conversions out of the Shincheonji religion. The church has cited this as a human rights violation, but the South Korean government has refused to recognize this problem.⁶
10. During the COVID-19 pandemic in 2020, the Sarang Jeil Church in Seoul was similarly targeted. Its membership was used as a scapegoat for large outbreaks. This church actively participates in some of the largest antigovernment protests; as a result, former President Moon Jae-in has accused the church of spreading the virus and putting the entire nation at risk. Despite that COVID-19 outbreaks in South Korea have been also traced to other locations and events (i.e., sports events, restaurants, cafes, shopping centers, transportation facilities, etc.), these locations and events have not faced the same restrictions as Sarang Jeil Church. Many conservative activists have accused President Moon of using the church as a scapegoat so the public can ignore his poor approval ratings. Suspicion has also been raised as to whether President Moon has manipulated the virus-tests of church members and other conservative activists to keep his vocal critics quarantined.⁷

Recommendation(s)

We urge the Republic of Korea to:

11. Create specific legislation in the Republic of Korea's Criminal Code that criminalizes discrimination against all faith groups.
12. Improve the alternative civilian service (ACS) system to meet international human rights standards.

B. Gender-Based Violence (GBV), Violence against Women (VAW), & Intimate Partner Violence (IPV)

13. The Republic of Korea's Constitution includes a provision in Article 34 stating "the State shall endeavor to promote the welfare and rights of women."⁸
14. The Republic of Korea's Criminal Code includes provisions on intimate partner violence. Chapter XXV covers crimes of inflicting bodily injury and violence that

⁶ David Volodzko, "[South Korea's COVID-19 Church Scapegoat is Fighting Back](#)", *Foreign Policy*, 19 August 2020.

⁷ Choe Sang-Hun, "[In South Korea's New COVID-19 Outbreak, Religious and Politics Collide](#)", *New York Times*, 20 August 2020.

⁸ "[Republic of Korea's Constitution of 1948 with Amendments through 1987](#)," 29 October 1987.

explicitly applies to spousal relationships:

- a. Article 257 states, “(1) A person who inflicts a bodily injury upon another shall be punished by imprisonment for not more than seven years or suspension of qualifications for not more than ten years or by a fine not exceeding ten million won.”
- b. Article 258 states, “(1) A person who inflicts bodily injury upon another, thereby endangering one’s life, shall be punished by imprisonment for not less than one year nor more than ten years. (2) The preceding paragraph shall apply to a person who, in consequence of injuring another, causes one to be crippled or incurably or hopelessly diseased.”
- c. Article 259 states, “(1) A person who inflicts bodily injury upon another, thereby causing his death, shall be punished by limited imprisonment for not less than three years.”
- d. Article 260 states, “(1) A person who uses violence against another shall be punished by imprisonment for not more than two years, a fine not exceeding five million won, detention, or a minor fine.”

15. The Republic of Korea’s Criminal Code includes additional provisions on intimate partner violence on Chapter XXVIII regarding crimes of abandonment and maltreatment:

- a. Article 271 states, “(1) A person who abandons another person in need of help by reason of old age, infancy, illness or other circumstances, whom one has a legal or contractual duty to protect, shall be punished by imprisonment for not more than three years, or a fine not exceeding five million won.”
- b. Article 273 states, “(1) A person who cruelly treats another who is under ones protection or supervision, shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won.”
- c. Article 275 states, “(1) Any person who commits the crimes as prescribed in Article 271 through 273 to injure another person, shall be punished by imprisonment for not more than seven years. If it results in the death, one shall be punished by imprisonment for definite term of three or more years.”

(a) Gender-based Violence Against North Korean Defectors

16. Sexual abuse is very high for North Korean women who defect to South Korea. According to a 2017 survey, the Gender Equality Ministry found “more than 72% of the 33,700 North Koreans resettled in the South are women and at least a quarter of them encountered sexual violence in the South but less than 10%

sought help.”⁹ Lee, a North Korean defector, was sexually abused for about 1.5 years. Upon her arrival to South Korea, Lee was approached by two government agents who paid her for information and helped her reconnect with her brother who was still in North Korea; reprehensibly, those state actors continuously raped her and forced her to get two abortions to terminate the pregnancies resulting from the multiple rapes. She suffered from severe distress due to the abuse and became suicidal. These government agents took advantage of the woman’s dual vulnerabilities as both a female and as a North Korean defector.¹⁰

(b) Intimate Partner Violence

17. In July 2019, a South Korean man in his 30s was arrested for physically abusing his Vietnamese wife in front of his son. There is video footage showing that the man slapped, kicked, and repeatedly punched her head and stomach. According to BBC News, “last year, a survey of 920 foreign wives in South Korea by the National Human Rights Commission found that 42% had suffered domestic violence, and 68% had experienced unwanted sexual advances.”¹¹ There is an unhealthy power dynamic between South Korean husbands and their foreign wives that hinders the women from reporting the domestic violence cases.
18. In July 2021, a woman named Hwang Ye-Jin was beaten to death by her boyfriend in Mapo-gu, Seoul. There is video evidence of severe assault and proof that he repeatedly beat her on the head until she lost consciousness.¹² After falling into a coma, the woman passed away due to a subarachnoid hemorrhage caused by blunt force trauma. Her boyfriend claimed her death was not intentional and was only sentenced to 10 years.¹³
19. In April 2021, an unnamed South Korean woman in her 50s was killed by her husband in their apartment; the perpetrator had reportedly been physically abusing his wife for the past 30 years of their marriage. A survey conducted by Hankyoreh revealed that “in 126 of 347 (36%) verdicts on the murder of a woman by an intimate partner, such as a boyfriend or husband, the killer had a history of abusing his victim”. Additionally, “among the victims, 23 (6.6%) of 347 had even asked the police for help [...] but their cries for help weren’t taken seriously”.¹⁴

Recommendation(s)

We urge the Republic of Korea to:

⁹ Hyonhee Shin, “[North Korean Defector Says Abuse by South Korean Spies Broke Her Trust and Her Dream](#),” *Reuters*, 20 September 2020.

¹⁰ *Ibid.*

¹¹ “[South Korea Shocked by Abuse of ‘Marriage Migrants](#),” *BBC*, 10 July 2019.

¹² Yonhap, “[32-yr-old Man Given 7-yr Prison Term in Deadly Dating Violence Case](#),” *Korea Herald*, 6 January 2022.

¹³ *Ibid.*

¹⁴ Um Ji-won, “[500 femicides: The epidemic of violence against women in Korea](#),” *Hankyoreh*, 20 December 2021.

20. Provide aid and resources for female North Korean defectors who are vulnerable to human trafficking in China and the Republic of Korea.
21. Create stricter measures against domestic violence and to hold abusers accountable through the justice system.

C. Violence against Children (VAC), Child Sexual Abuse (CSA), Child Neglect, & Other Rights Violations

22. The Republic of Korea's Constitution contains several provisions to protect children. Article 31 states, "All citizens who have children to support shall be responsible at least for their elementary education and other education as provided by law." Article 32 states, "special protection shall be accorded to working children." Article 34 states, "the State shall have the duty to implement policies for enhancing the welfare of senior citizens and the young."
23. The Republic of Korea's Criminal Code contains several provisions safeguarding children from sexual abuse:
 - a. Article 242 states, "a person who, for the purpose of profit, induces a minor female or such a female as has not been habitually immoral, to engage in sexual intercourse, shall be punished by imprisonment for not more than three years or by a fine not exceeding fifteen million won."
 - b. Article 302 states, "a person who, through fraudulent means or by the threat of force, has sexual intercourse or commits an indecent act on a minor or feeble-minded person, shall be punished by imprisonment for not more than five years."
 - c. Article 305 states, "a person who has sexual intercourse with a female under thirteen years of age or commits an indecent act on such a person shall be punished in accordance with Articles 297, 298, 301, and 301-2. Chapter XXXI of the Republic of Korea's Criminal Code lists crimes of kidnapping.
24. In January 2021, article 915 was fully repealed, thus banning all kinds of corporal punishment against children.¹⁵
25. In October 2020, 16-month-old girl Jeong-in died as a result of "severe abdominal injuries and internal bleeding" inflicted by her adoptive mother, likely with the cognizance of the father.¹⁶ Despite that three child abuse reports had been filed by Jeong-in's daycare teacher, pediatrician, and a family friend – specifically with regards to suspicious bruising on the baby's body and significant weight loss – police failed to investigate the reports and press charges.

¹⁵ ["Republic of Korea Prohibits All Corporal Punishment of Children,"](#) *End Corporal Punishment*, 25 March 2021.

¹⁶ Justin McCurry and Nemo Kim, ["South Korea Gripped by Trial of 16-month-old Jeong-in's Alleged Killer,"](#) *The Guardian*, 20 January 2021.

Recommendation(s)

We urge the Republic of Korea to:

26. Create resources for children who are victims of abuse to report such abuse safely and securely.
27. Exercise due diligence in investigating reports of reasonable suspicion of child abuse submitted by mandated reports such as daycare and school workers as well as medical professionals.

D. South Korean Treatment of North Korean Defectors

28. The Republic of Korea's Constitution and Criminal Code do not contain any provisions regarding the protection of North Korean defectors.
29. On January 2, 2022, a North Korean citizen who defected to South Korea redefected back to North Korea. This man was working as a janitor and was barely making enough money to make ends meet. Though he received government support for personal safety, housing, medical treatment, and employment from Seoul's Unification Ministry, he still had trouble adjusting to life in South Korea.¹⁷ Many defectors suffer from social stigma, mistreatment, and discrimination.¹⁸

Recommendation(s)

We urge the Republic of Korea to:

30. Improve the Ministry of Unification to provide better resources for North Korean defectors.

¹⁷ Hyonhee Shin, "[Returned N. Korea Defector Struggled to Resettle in South, Lived Meagre Life,](#)" *Reuters*, 2 January 2022.

¹⁸ Christoph Bluth, "[The North Korean Who Went Home: Many Defectors Struggle Against Discrimination in the South,](#)" 7 January 2022.