

# **Joint NGO Written Information**

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### **Submitted by**

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### **in association with**

Buddhism Human Rights Committee, Civic Action for Social Justice, Consolidation for Medical Consumer, Cultural Action, Differently Abled Women United, Disability and Human Rights in Action, Establishment of the center for human rights in military, GONGGAM-Korean Public Interest Lawyers Group, Gyeonggi Women's Associations United, Intellectual Property Left (IPLeft), Jeju Association for Women's Rights, Jeju Women's Association, Joint Committee with Migrants in Korea, Korean Medical Action Groups for Health Rights (KFHR), Korea Health and Medical Workers' Union (KHMU), Korean Health Professionals for Action (KHPA), Korea Association of Women Theologians, Korea Buddhist Order Association Human Rights Committee, Korea Center for City and Environment Research, Korea Center for United Nations Human Rights Policy (KOCUN), Korea Sexual Violence Relief Center, Korea Women's Hotline, Korean Coalition for Housing Rights, Korean Women Workers Association, Korean Womenlink, Korean Public & Social Workers' Union (KPSU), Korea Solidarity for Conscientious Objection (KSCO), Migrants Trade Union, MINKAHYUP Human Rights Group, National Council of Crumbly Man, Pohang Women's Association, SARANGBANG Group for Human Rights, Taegu-Kyungbuk Women's Association United, The National Association of Parents for Charm-Education, Women Migrant Human Rights Center in Korea

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# **1. Normative and Institutional Framework and its Implementation Korean Legislation and its Application**

## **Part I. Normative and Institutional Framework and Its Implementation**

### **The 1-1. The Korean Constitution and International Law with Domestic Legal Effect of International Law.**

1. The Korean Constitution stipulates that the applicable constituents of its effect are "citizens" rather than everyone. It also differentiates the right to freedom of civil rights from social civil rights where the state has wide discretion in general and denies the innate inseparability of these two rights. While the Constitution Moreover, it states that international law shall have "the same effect as the domestic law", but in reality denies the binding power of international human rights law has been denied in reality.

### **National Human Rights Commission of Korea**

#### **1-2. National Human Rights Commission of Korea**

2. Although the National Human Rights Commission of Korea has made a number of recommendations on major policies, or laws and ordinances and contributed to human rights improvement brought about considerable human rights reforms by carrying out its stated policy, giving recommendations to certain ordinances and in detention facilities among others, etc., However, reforms, it has been passive in addressing major civil social rights violations in relation to economic, social and cultural rights. Moreover, the Korean government has minimized, distorted or disregarded the recommendations rendered by the Commission and thus hindering overall process improvement development in human rights reform.

3. In 2008, the Presidential Transition Committee of President-elect Lee Myung-bak decided to transfer the currently independent Commission, now an independent organization, to the executive branch (Office of the President) presidential office. The decision is based on the lack of understanding on the internationally recognized wrong perception of the status of national human rights institutions and the separation of powers among the three branches of government. As the UN High Commissioner for Human Rights has already expressed her serious concerns, this move will substantially erode and damage the independence of the Commission's independence, thus, it is expected that the human rights protection system, and its implementation and other human rights-related achievements in the Republic of Korea has achieved so far will be dealt with experience a severe setback.

#### **1-3. Human Rights-related Units or Department Bureaus Within the Government**

Although various human rights-related units or department bureaus have been installed within the government, they are lacking in human rights awareness and authority or will to improve human rights. As a result, a considerable part of their work has been shaping they have generally kept in line with a policies which minimizes the public's requests for human rights reform improvement and they have been playing the role to . As a result, this neutralizes alleged human rights violations brought against the departments' of the government where they belong. will and authority to deal with problems related to human rights

### **1-34. Human Rights (National Action Plan for the Promotion and Protection of Human Rights) NAP**

4. The Korean government's in its Human Rights National Action Plan for the Promotion and Protection of Human Rights (hereinafter referred to as the "NAP"), has not shown a clear stance on shows no position on the neglects pressing human rights issues such as like the nullification of the National Security Act, the abolishment of the death penalty, and the rights initiation of a conscientious objectors to military service program. The NAP also , and neglects the cause of human rights protection of the human rights of or vulnerable people the underprivileged such as sexual minorities,

Even worse, while the government has disregarded planned adoption of policies or legal reforms, research and investigation it promised in the NAP and legal reform in these matters, effectively rendering the Plan NAP

itself useless.

### Government's 1-45. The Government's Activities on Transitional Justice

5. Although the efforts of the Truth and Reconciliation Commission and other institutions for Committee for Transitional Justice and other related departments to bring light to some past crime of the state, truth and reconciliation is commendable, the wrongdoers' refusal to admit their past crimes and the lack of punitive measures against them has rendered the nature of justice ineffective.

### Achievements and Problems of Recent 1-56. The Legislations Current Legislative Trend in Human Rights: Revision of the Criminal Procedure Law Act, Enactment of the Habeas Corpus Act, and the Bill of Enactment for the Anti-Discrimination Prohibition Act Law.

6. Although rights-based approach has been strengthened in detention system it is true there has been some improvement in detention laws due to the revision of the Criminal Procedure law Act, and the enactment of the Habeas Corpus Act, the rights of the detainee have been emphasized. However, the revised Criminal Procedure laws Act reinforces the powers of the police and the prosecutorial office, the Habeas Corpus Act is not completely effective lacks in substantiality due to the fact that it explicitly excludes non-citizens in immigration detention facilities and that it fails to exhibit enough concrete means to ensure habeas corpus protections. Furthermore, the Bill of Enactment for the Discrimination Prohibition Act limits the restricted prohibited grounds for discrimination and states does not stipulate any effective remedies redress measures for by administrative institutions. does not cover unregistered immigrants and lacks in efficiency due to the fact that there is no actual system in ensuring that the relevant parties' rights would be protected.

### 1-67. The Ratification of the International UN Human Rights Treaties., Etc. niversal Declaration of Human Rights

7. The South Korean government still has not clarified its stance on withdrawing rescinding its reservations on a number of provisions of the core UN human rights treaties. reluctance to ratify the Universal Declaration of Human Rights in its entirety. Moreover, the government of South Korea it has been passive in ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW).. Finally Furthermore Besides, South Korea the government has neglected its obligation duty to implement observe and disseminate the final assessment concluding observations and recommendations of the UN Committee on Human Rights treaty monitoring bodies and made no sincere efforts to cooperate with the public interest civil society community.

## **Part II. Major Challenges and Constraints to the Protection of Human Rights**

### **2. The Key Central or Human Rights Issues of the Status of Korean Human Rights in Korea**

#### 2-1 The State of Human Rights Situation of Korea in General

Although there has been development in democracy and some improvement in normative and institutional framework and its implementation, due to the implementation of the democratic process into Korean society, there has been a serious regression in human rights situation of Korea in substance. Due to the adoption and reinforcement implementation of the "free market economy- first" policy, the majority of Korea's citizens many people have witnessed a considerable decrease in their quality of life because of with a diminution in their economic, social and cultural rights. Moreover, the government has infringed upon their civil and political rights as well as their rights as citizens by violently suppressing citizen those who protest against this regression. This situation has effectively prevented hindered resolving the issues of vulnerable people in various parts of the Korean society. the underrepresented segments of our society from receiving help.

**2-12 The Privatization of Public Services, the Exacerbation of Poverty, Increase in Instability in Unemployment, the Suppression of the Right to Assemble and Expression, and Protest and Discrimination Against the Underprivileged Class Vulnerable People**

8. An overall deterioration of economic, social and cultural rights and, an increase in poverty levels and an critical overall setback in dismantlement of social public services of health, education, water and broadcasting are prevalent because the Korean government has adopted economic restructuring schemes based on the IMF's "free market economy- first" policy approach of the International Monetary Fund (IMF) at the end of 1997, and has continued strengthened the trend ever since. After the 1997 IMF Crisis. The Korean government has been aggressively pursuing free trade agreements (hereinafter referred to as "FTAs") with the United States and other countries like the US. As a result which will severely impede job security and public welfare in the Republic of Korea, With the Korean labor market which already ranks 2nd place amongst the OECD for labor market flexibility, FTAs will result in deepened social polarization. However, this has resulted There have been in a marked increase in "non-irregular" workers without and a decrease in minimum employment stability and/or equal labor rights opportunity and an overall deepening of prevalence in economic disparity and poverty, especially amongst women. Furthermore, With regard to the people's expression of dissatisfaction with the trend mentioned above or efforts to have influence on the situation, Responding to the people's discontent with this overall situation, The Korean government is extensively regulating limiting controlling the citizens civil and political social rights which include the right to express their disapproval by suppressing the people's right to assemble and to demonstrate through the proliferation of oppressive laws and institutions or by strengthening and diversifying oppressive laws and institutions such as free speech through the National Security Act and other similar legislation. Finally Moreover, Vulnerable groups like underprivileged class of Korea which includes, handicapped citizens persons with disabilities, migrant workers, and sexual minorities and to people who are members of the LGBT (Lesbian, Gay, Bisexual, Transgender) community are still suffering from both institutional and social discrimination and other human rights violations which in turn is exacerbated by the aforementioned overall human rights situation in Korea. violation of human rights listed above.

**Part III. Key Human Rights Issues in the Republic of Korea**

**3. Evaluation and Recommendation**

**3-1. Right to Life, Liberty and Security of Person and Personal Freedom**

9. The Korean government has not presented any specific policy as to embryo cloning and euthanasia and continues to sustain the death penalty without stating whether they support or condemn capital punishment. Women's right to health and their right to choose have been violated because of illegal abortion practices with women's right to choose not fully protected. The government must should consolidate laws and institutions regulations concerning life ethics life ethics, implement legislation on the abolition of the death penalty, cloning and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2)(?). Moreover, The government must should also supplement the revised Criminal Procedure law Act to cover punitive measures against for human rights violators, compensatory relief for victims and special protective measures for the underprivileged vulnerable people while reinforcing the positive aspects on the revisions.

**3-2. Conscientious Objection and Other Military-Related Other Human Rights Issues within the Military**

10. Most conscientious objectors are still being sent to jail in Korea due to the fact that it is considered a felony. Moreover, the government's plan to institute a substitute public service system (which is an alternative option to mandatory military service) in 2007 is unlikely to come into fruition. Conscientious objectors to Army Reserve training are repeatedly punished and forced to pay inordinate fines. The Korean Military Tribunal System and military judges lack independence due to the Secretary Minister of Defense hiring personnel who are not a part of the judicial community as judges. Arbitrary detention is prevalent in the military because a considerable number of military personnel are sent have been detained to military prisons only by the order of their superiors without due process or judicial procedure, while unconvicted prisoners are incarcerated in "substitute cells" (detention cells in the military) special prisons for the unconvicted for significant periods of time.

Military laws and ordinances list defines a homosexual act as a crime and define homosexuality as a disease or a mental handicap and lists it as a felony. The Korean government must should institute a substitute public service program, and pardon conscientious objectors currently under criminal punishment or indictment. Furthermore, the Korean government must should institute legal reforms that guarantees the independence of the Military Tribunal and its jurist judges, abolish eradicate arbitrary detention confinement and improve detention facilities in the military. Finally, the Korean government must should introduce legal reforms that prohibits discrimination against homosexuals in the military.

### **3-3. Right to Assembly, Free Speech Expression and Issues of Privacy**

11. Although the Korean Constitution expressly forbids a license system for assembly, the government is operating a de facto license system through issuing prior disapprovals under the related legislation law which obligates the protestor people to report all protests assemblies and demonstrations beforehand. By surrounding areas designated for assemblies and demonstrations and protests with police squad buses, they police prevents prevent the average citizen people in general from approaching the areas and stifles stifle any sort of communication, effectively rendering nullifying the right to protest assembly and demonstration. Due to police intervention of transportation from a far distance to demonstration assembly locations, the right to assembly is further excessively limit restricted.

12. The National Security Act arbitrarily makes it a criminal act to simply possess contraband literature books or to express anti-government views and is in reality expanding in scope in reality because of new legislations which strengthen applications for surveillance and control of communication, etc... Furthermore, the internet World Wide Web, which waiss meant to the most important and widely used be an open forum for exchanging diverse views and shaping public opinion, has been regulated by law to prohibit the free expression of political views during the national elections. The private citizen individuals is are being regulated through the violation of the right to privacy and surveillance violations and control methods such as system such as mandatory citizen status izens registration system, personal resident registration number identification system, fingerprinting and excessive compilation of personal information. other forms of privacy invasion. There has been increased abuse and Pleaking of personal information has been leaked and abused by by Ppublic institutions are abusing their powers by releasing personal information, and daily CCTV surveillance in in by both public and private access are sectors without legal basis ground. s is becoming more and more common widespread. In addition, Aa biometric passport system is in the process of being implemented without the private citizen general public having any say in the matter.

The Korean government must should immediately refrain from maintaining its de facto licensing permission for assemblies and demonstrations, abolish the National Security Act, and ensure that diverse political views may be freely expressed both off and online. Moreover, the Korean government must should stop its excessive regulation of its private citizens individuals through the use of the mandatory status registration system, resident registration numbers, fingerprinting and excessive compilation of personal information mandatory citizen registration, personal identification system and fingerprinting system and must should prepare appropriate laws and institutions to address the situation which increases the danger of abuse and leaking of personal information such as spread of CCTV and refrain from abusing their privacy and personal information through such insidious tools like moves to adopt the biometric passport system.

### **3-4. Migrant Workers and Political Refugees**

13. The iIndustrial tTrainee sSystem, implemented via invitation by with invitations from Korean companies having investingment overseas, which disregards the rights of migrant workers as workers, still exists, and does not recognize trainees as lawful workers. Eand even workers under the foreigner eEmployment licensing Permit System cannot enjoy have their the rights guaranteed by law because they are bound to certain employers with limit restricted through limitations on workplace transfer change or workplace employment transfer. The arrest, incarceration detention, forced eviction deport rotation of unregistered documented migrants have been commenced carried out with excessive force out of accordance with the violently against the unConstitution ally and other related laws. and violently. Furthermore, indefinite finite detention is justified by law and the migrants are unable to voice their request for redress protest to advocate or declare practice their rights because of legally enforced detention which do not specify a set time period, and a mandatory reporting systems a mandatory reporting system offor civil servants.

14. Political aAsylum seekers are deprived of any legal means to maintain their living legally prevented from

seeking a means of a making a living, while the process for political asylum/refugee status determination fails to provide fairness and transparency due a fair assessment due to the lack of an independent screening body and adequate translators. and an independent screening organization. Even recognized rrefugees who have been granted political asylum still face obstacles in fully exercising their rights to be protected under the Convention and Protocol relating to the Status of Refugees Convention, except for the rights to stay and to be employed.

The whole iIndustrial Ttrainees Ssystem mustshould be abolished and migrant workers under the eEmployment Permitlicensing sSystem musshouldt be permitted to transferchange their workplaces at least for prearranged period of stay.employment during their stay. The Korean government mustshould improve revise laws and practices that facilitate the indiscriminate abuse of undocumented migrants' workerhuman rights throughduring arrest, incarcerationdetention and forced evictiondeportation. Political rRefugees mustshould be given the means to maintain a standard oftheir living through government subsidized support funds andor employment opportunities, and given a fair and transparent assessment by the establishment of an independent and impartial screening organizationbody to examinereview their petitionapplications for asylum. Recognized refugees should also They must also be continuouslyproperly protected and supported.

### **3-5. SRight to Social Security**

15. Although the there has been some improvement in the Korean welfare system, it cannot be characterized as being universal that is being inclusive ofding all the members of the Korean society. Rather, it is a selective system which provides coverage only for only thesome people in the of low-er income tax brackets citizens or those who are considered extremely poor. In spite of the fact that inequality gets worse with the rich getting richer and the poor getting poorer, there is almost no change in the number of applicableeligible recipients of the Basic Livelihood Security, while the eligibility criteria for basic livelihood security are apparently so rigid as to exclude many of the some of the citizens who require it cannot even receive the benefits because they do not meet the applicability requirements. poor. Moreover, the amount of financial assistance they receive usually does cannot cover the theactual minimum cost of living. Furthermore, Tthe government, through the retrogressive revision of the Medical Aid Program, an assistance program designed for low-income people, Korean Medicare System limits the access to health its coverage of the poor by requiring them to bear a financial burdenpay for for the services. On the other hand, although 1 out of/ 3, of the elderly person in Korea can be considered poor expanding a class of accelerating the “elderly poor”“ageing in poverty”, but many of a lot of them are not subject to the benefits of do not receive satisfactory coverage the National Pension Scheme and the level of the benefits is also too low to to provide coverage fof ensure those in their old age.because of ambiguous and murky applicability standards.

16. In addition, It is interesting to note that, the level expenditures by Tthe Korean government”s expenditures for public health care and sanitation is minimalvery low, one of the lowest among OECD countries , while, the level of private expenditure by its the citizenspeople”s financial burden is very high. The situation is deteriorating with the government pursuing, in the name of the industrialization of health, the “marketization of health services” through the such as diminution in the rate of public health security, approval of for-profit hospitals, strengthening of private health insurance, and reduction in health insurance expenditures. Taking into consideration that the Korean government”s assistance to the vulnerable people such as the elderly, persons with disabilities, and children, and that its social insurance and public aid system including the Basic Livelihood Security and the National Pension Scheme, welfare support of the elderly, disabled, and children ishas a very limited coverage insufficient in spite of the structural soundness of the system, public welfare-related expenditure mustshould be increased to 15% of the GDP within the next 5 years. The criteria for selecting eligible recipients of the Basic Livelihood Security and the Minimum Cost of Living which is the criteria for the amount of financial assistance should be readjusted to realistic levels. A new minimum subsistence level disbursement standard must be implemented. Furthermore, a universal basic pension system mustshould be established to cover those excluded from the present Nantional alleviated the ambiguous and murky provisions which prevent the elderly from receiPension Schemeving and to provide people with proper incomes in their old age. basis financial help required to subsist. Health insurance coverage mustshould be expanded by increaseing the funding from the National Treasury from the current 20% to 30%, while wasteful expenditure in the medicarel system mustshould be siphoned off by implementing a comprehensive rather than specific pricing scheme. Finally, in order to decreases the patients’ financial burden in health services and prevent economic destruction of families due to high medical costs, the government mustshould lower implement a policy which decrease the upper limit of individual medical spending over which expenditure the government subsidizes.patients financial burden in the patient/government medical care expenditure ratio.

### **3-6. Right to Habitationousing**

17. Forced eEvictions without prior warning are still prevalent, even during winter months or the middle of the the night during inappropriate times like the winter months. There is a lack of an effective housing policy covering unregistered dwellings and tenants while the existing housing policy is getting worse tends to retrogress almost no policy exists for the homeless. Furthermore, Less than 50% of Koreans actually own homes, while there is a dire lack of public rental housing for the poor and very often the poor cannot afford the housing costs (rents, utility fees maintenance costs, etc.). affordable community housing projects. Those that do exist are too expensive for many of the poor who need housing. Many of the 2,550,000 habitations including "vinyl houses", "single rooms in lodgings one-room houses" and "basement rooms" are below barely meet the "the housing minimum" minimum standard of habitation" as specified by the Korean laws and ordinances constitution. Furthermore, hundreds of farmers in Pyongtaek have lost their homestead because of the recent move by the Yongsan US Army Garrison to that area.

18. The provisions facilitating forced evictions without prior warning must be eliminated. Furthermore, For the protection of the right to housing, where there are either public projects or private construction projects, the Korean government should make it mandatory to build rental houses or temporary lodgings for those subject to forced evictions. the construction of cheap community housing for access to the poor must be made mandatory. With the increase of the supply of public rental housing for lower income groups, the government should adopt a rent subsidy system for those who cannot afford even these public rental housing. In order to address the issue of "vinyl houses" and "single rooms in sub-standard lodgings houses" below the minimum housing the housing minimum standard, affordable housing should be supplied, Cheap residences to replace temporary housing arrangements must be made available, while a realistic criteria for eligible residents for public rental housing should also be adopted. standard for renting cheap community housing must be implemented. Finally, the current policy promoting eviction must be changed to one of gradual improvement in residential environment.

### **3-7 Labor Rights**

Non-regular workers are facing steep challenges in a country lacking a social safety net and disparities amongst non-regular workers and regular workers regarding income and employment conditions abound. Non-regular workers make up nearly 50% of the Korean workforce contributing to social inequality. A new legislation prohibiting discrimination against non-regular workers and promoting the conversion of non-regular worker Finally, to prevent the excessive economic burden and the destruction of communal cohesiveness of the poor, the government should replace their former policy of policy direction should be shifted from 'eviction and displacement' with one of to 'gradual improvement of housing environment'.

### **3-7. Labor Rights**

19. "Irregular workers" are facing steep challenges in the Korean society; they lacking a social safety net and suffer from a disparities between amongst irregular workers and regular workers regarding income and labor conditions abound. Irregular workers make up nearly 50% of the Korean workers contributing to the deepening of social polarization. New legislations prohibiting discrimination against irregular workers and enforcing making compulsory the compulsory conversion of irregular workers to regular workers after 2 years of work has been was implemented, but corporations have taken advantages of legal loopholes by utilizing methods like massive layoffs, outsouring, and outsourcing, essentially etc. violating the labor rights of the workers. "Contingent Special employment workers" like cement-mixer drivers and insurance salespersons receive no legal protection as workers under labor laws and suffer under minimum level of labor conditions poor employment conditions.

20. The Korean Labor Law effectively limits the workers' rights of workers to collective action and strike protest and assemble, while striking workers strikers protesters are arrested and forced to pay excessive amounts in compensation for damage caused during protest strikes. The Korean government has failed to ratify all of the International Labour Organization (ILO) core conventions's 4 Fundamental Labor Standards central standards of labor while the collective labor rights 3 employments rights of civil servants and teachers are severely restricted. The Non-Regular Worker Act must be revised to truly alleviate discrimination and abuse. Through the revision of relevant laws, resulted in there was the elimination of the problematic compulsory arbitration system for so-called "essential public services" such as hospitals, railways, subways, airports, electricity, gas and so on. However, the system was replaced by an "essential activities to be maintained essential upkeeping activities" in those workplaces and increasing the likelihood possible input of substitute workers. Most of the work in those workplaces has been designated as "essential activities to be maintained upkeeping activities" effectively interfering with the workers' right to strike. Since the laws on irregular workers were meant to prohibit abuse or discrimination against irregular status, they should be revised to fill their

loopholes. The right to address discriminatory practice must be extended to third parties as well as labor unions, and the standard for determining whether there was discrimination or not must be expanded to include past subjects, extra-corporate subjects and hypothetical subjects. A policy which puts heavy scrutiny on the responsibility in labor relations of the employers making use of indirect employment such as worker dispatching, contracting, subcontracting, etc. clients of temporary work agencies in order to prevent the expansion of indiscriminate outsourcing practices. Finally, following international standards which guarantee collective labor rights disregarding their forms of employment and the Constitution which stipulates basic labor rights of workers, the government should recognize special employment workers as workers and provide measures to must revise its policy to ensure the various basic rights of these laborers to match international standard workers.

### 3-8. Women

21. Despite Although the abolishment of the Korean government can be commended for doing away with “the family registerhead system” the newly enacted Healthy Family Act still does not cover,, it is a matter of concern that women are common law marriage, family through cohabitation and 위탁가정. Women still experiencing political, economic, social and cultural discrimination and some of the government’s gender equality policies and institutions have been repealedabolished contributing to a lower awarenessthe evidently lower attention of towards women’s human rights in the Korea society. Women are still routinely exposed to political, economic, and social discrimination as well asWomen are exposed to human trafficking, prostitution and domestic violence. Furthermore, theand comprise nearly 70% of all of the non-irregular workers in Korea, deprived of social rights and are more exposed to poverty. ContingentSpecial employment workers and care workers who are not are not recognized under labor and employment laws as workers having no collective labor rights, and other types offemale irregular women workers, who constitute 67.8% of all of the women who workworkers, are suffering from underemployment and low income. To resolve the issue of income inequality based on gender, forms of employment and scales of corporations, the criteria to determinejudge equal pay for equal value of work (adoption of job evaluation models and guidelines from gender sensitive perspective) and a system to address discrimination should be adopted. Taking into consideration that 26.6% of all women workers are employed in workplaces in at workplaces that have a maximum of 5 workerswith the total number of employees lless than 5, the Labor Standard Act, which now applies fully only to workplaces with moreer than 5 employees, should be revised to extend its scope of application to all workplaces. Relevant laws to protect of women’s labor rights and prohibit discrimination should be enacted or revised, and the Healthy Family Act should be revised to encompass the various different types of families such as de facto marriages, foster families and families through cohabitation, while supporting a consistent and realistic living and employment policy which combats poverty amongst women.

22. Education of professional groups on women’s human rights should be made mandatory to prevent violence and discrimination in both the public and private sectors of society while Aa comprehensive educational program dealing with various forms of abuse against women (domestic, sexual, prostitution) should be incorporated into the educational system of Korea in general. ForeignMigrant women are exposed to the dangers of sexual abuse, “trafficking-like” marriages and forced marriage through human trafficking, domestic violence as well as discrimination based on different cultures. Moreover, their lives in Korea here are transitory at best because of their reliance on their their Korean spouses for the their residential status in this countrythis country and their limited eligibility for social security. Many foreignmigrant women who enter the country is country through an E-6 visas are exposed to forced into prostitution and “sweatshop”sweated labor or forced to into sex industry. Relevant laws to protect of women’s labor rights and prohibit discrimination should be enacted or revised, and Tthe Healthy Family Act mustshould be revised to encompass the various different types of families such as de facto marriages, foster families and families through cohabitation,that exist, while supporting a consistent and realistic living and employment policy which combats poverty amongst women. The Korean government should enact relevant laws and regulations institutions to ensure the human rights of immigrant women who immigrateforeign spousesd through marriages, etc., and . A widespread womens rights educational programs must be made mandatory to prevent violence and discrimination in both the public and private sectors of society while an educational program preventing various forms of abuse against women (domestic, sexual, prostitution) must be incorporated into the educational system of Korea in general. Foreign women who have experienced sexual abuse must be given overall access to the Korean judicial system, medical care, residential status extention through a revision of the current immigration law. Outreach programs and safe houses for foreign women who have been wrongfully divorced by their Korean spouses must be provided for. And all E-6 visa grants must be thoroughly examined for specialty, management, employment quality and possible connections to prostitution.enact a Trafficking Prevention Act which will address both inbound and outbound human trafficking.



### **3-9. Children**

23. Children suffer live under the rigid Korean educational system focused on college entrance examinations, which deprives them of their minimum right to dignity and choice both at home and in school, while a considerable number of children are still suffering from domestic and school violence. domestic abuse and are deprived of their right to dignity and choice. Although the number of children living below the poverty line who go hungry is disproportionately large in spite of Korea's economic status, no substantive efforts have been made to address this problem. Moreover, because of their part-time employee status, juveniles suffer from poor employment labor conditions where they are underpaid or withheld pay or underpaid with delay but work for long hours. However, they also lack legislative, institutional protection from this situation.

### **3-10. Persons with Disabilities**

24. Although a bill regarding "Anti-Discrimination against and Remedies for Persons with Disabilities Act Bill Prohibiting the Discrimination of Disabled Persons" has been enacted, employment and income discrimination regarding persons with disabilities employment and income still exists. The Law ensuring securing the right to move for persons with disabilities does not guarantee the right to access to roads and buildings, and requiring mandatory modifications to accommodate disabled people are still lacking and public transportation for this purpose is far from adequate sufficient. still do not provide adequate accommodations. Furthermore, disabled people persons with disabilities who have been institutionalized are commonly often done so without their consent, deprived of their personal relationships and hobbies cultural rights, and suffer from poor housing, and food conditions, forced labor and environment and violent abuse within the facilities. The "Anti-Discrimination against and Remedies for Persons with Disabilities Act Bill Prohibiting the Discrimination of Disabled Persons" should must include the prohibition of employment discrimination based on the forms of employment, and the government must should endeavor to continuously monitor private sector as well as public sector society to do away with discrimination against persons with disabilities in reality. for discriminatory practices to disabled people. An organization regulating and supervising the handicapped the welfare facilities institutions must should be created and policies encouraging the self-reliance of disabled persons persons with disabilities must should be encouraged promoted.

### **Right to 3-11. Education**

25. Corporal punishment Punitive measures as well as regulation of hair length for juveniles the youth is still prevalent within the schools systems within Korea and there is also as well as the stringent restriction on the exercise of the right to assembly or expression self-expression through extra-curricular group activities. Public elementary primary school education, which was meant to be completely free and compulsory financed by the government by law, is placing a significant financial burden on the average family families and expensive private education instruction is widespread in practice in practice and application. Furthermore, the continued emphasis on college entrance examination-centered policy is increasing the financial burden for private instruction of families the average family due to private instruction and is causing a disparity in the quality of education amongst Koreans belonging to different income tax brackets. It is still very difficult for persons with disabilities a handicapped person to receive a proper education. . The governments must should make it possible for the juvenile youth of this nation to exercise their freedom of speech right to expression, organization and political choice participation through the enactment of a bill protecting the human rights of students with applicable means of redress and remedies. For a truly free and compulsory In order for public elementary primary school education to be truly free and compulsory government financed, all supplementary educational expenditures must should be provided for by the government and special purpose high middle schools, which increases the demand for inciting private instruction must should be abolished. The government must should also prepare concrete measures to implement take into consideration the recommendations of the UN Committee of on Economic, Social and Cultural Rights in 2003 which states that mention the alleviation of the financial educational burden on the lower income tax bracket families can be alleviated by the normalization of public educational systems, drastic reforms for the excessive college entrance system examination competition, and the promotion of equal accessibility regarding higher education.

26. It is still very difficult for persons with disabilities to receive a proper education. In order to realistically promote education amongst disabled people persons with disabilities, the Bill for the Special Education of People persons with Disabilities, which advocates the establishment of schools and classes with specialized teachers catering to the disabled people persons with disabilities as well as the free compulsory pre-school primary education for infants with disabilities public financing of the primary and secondary education of disabled children, by should be supporting it with an adequate budget and personnel. Finally, C compulsory education

for women with disabilities must also be made mandatory expanded.

### **3-12. Cultural Rights**

27. The difference in spending regarding cultural activity expenditure amongst the various income brackets, which amounts to 10 times difference, is staggering; the upperclass spends 10 times more than the lower class in regards to cultural activity. In order to reinforced the Free Trade Agreement between Korean and the United States-American FTA, the Korean government reduced the screen quota system to half of its former state and it has suspended financing for public cultural facilities. It seems that although Korea voted in favor of the "Convention of the Protection and Promotion of the Diversity of Cultural Expressions (CCD) Cultural Diversity" at the 2005 October UNESCO General Conference meeting, however, the government has not yet ratified it to do anything towards its actual implementation